

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF GEORGIA, ATLANTA DIVISION

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SUNTRUST BANK, as Trustee :   
of the Stephens Mitchell : CASE NO. 1:01 CV-701-CAP  
trusts f/b/o Eugene Muse :   
Mitchell and Joseph Reynolds :   
Mitchell, :   
: AFFIDAVIT OF ALEX  
: HOLTZ IN SUPPORT  
Plaintiff, : OF PLAINTIFF'S MOTION  
: FOR A TEMPORARY  
v. : RESTRAINING ORDER AND  
: PRELIMINARY INJUNCTION  
HOUGHTON MIFFLIN COMPANY, :   
:   
Defendant. :   
:   
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STATE OF NEW YORK )  
: ss.:  
COUNTY OF SUFFOLK )

ALEX HOLTZ, being duly sworn, deposes and says:

1. I am President of Holtz Associates which I established a few years ago to engage in literary agenting and consulting to publishers. Prior to that I have worked in the book industry since 1960.

2. In 1975, I was employed by New American Library, a major mass market publisher as a VP of Sales, becoming Senior VP and General Sales Manager. As a result of Penguin's acquisition and integration of the company, a newly formed Penguin USA was launched and, from 1990 to 1997, I held the position of Senior

VP and Administrative Sales Director responsible for all sales to the traditional book markets in the US for one of the world's largest international publishers of general interest books.

3. I have had extensive experience in the realm of launching sales campaigns for books by authors in a series format as well as sequels to bestsellers and new books from authors who have developed a major following. I have observed the critical importance of consistency in the works of successful writers in order to keep a large audience loyal to each successive new book.

4. With computerized sales tracking, stock levels and placement of books by distributors and retailers are dictated by the most recent title's sales performance which directly influences expectations for the next title in a series, or for newer books by the same author. A weaker offering or one that fails to perform up to the sales standard previously set usually results in reduced expectations from booksellers and therefore reduced distribution and representation for subsequent titles.

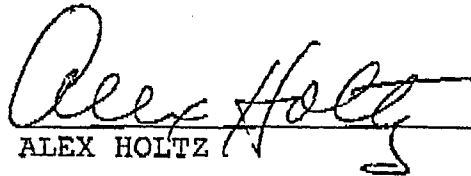
5. It is a downward spiral that is hard to break and presents an obstacle to regaining lost sales ground that is difficult to overcome. It is a sales certainty that operates in all basic categories of traditional book publishing whether the

subject title be in the mystery, romance, historical or thriller genres.

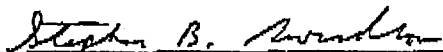
6. I can well understand the need of the representatives of Margaret Mitchell's "Gone With The Wind" to protect the reputation and credibility of any works which appear to be sequels to the ongoing saga, given the extremely high sales performance of the published works authorized to date. I can appreciate their need to protect and maintain the consistency of the character relationships to support possible future authorized sequels.

7. I have read the affidavit of Ms. Wendy Strothman, which has been submitted in connection with this matter. As for the damage to a publisher's reputation which she alleges could occur if Houghton Mifflin is forced to postpone, reschedule or cancel Ms. Randall's book, I have witnessed this type of event all too frequently over the years not only at the publishers that I was associated with but at competitive houses as well. It is an established fact of life recognized by the bookselling community that for various and good reasons, schedules of releases slip and change and while there may be disappointments due to titles falling out of the catalog, or the season, or the year, these events are very common and taken in stride and are not considered as an indelible black mark on an otherwise

credible and respected publisher. Gears are shifted, marketing and sales plans are revised and everyone moves on.

  
ALEX HOLTZ

Sworn to before me this  
11 day of April, 2001

  
Notary Public

STEPHEN B. SWERDLOW  
Notary Public State of New York  
# 5071935  
Qualified in Suffolk County  
Commission Expires January 21, 2003