

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 GABRIEL**
: **MOTOLA 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 NEW YORK)

GABRIEL MOTOLA, being duly sworn, deposes and says:

1. I am a Professor Emeritus of English at the City University of New York. I taught for a total of 35 years at the City University of New York and for the last five years at the New School University. I have taught satire and parody extensively over the past 30 years. I am also a literary critic, having published extensively in many of the major literary and scholarly periodicals.

2. My curriculum vitae, which is annexed hereto, includes the professional honor of being a Mellon Fellow. My essay on Primo Levi, published originally in the Sewanee Review, has been chosen for inclusion in Twentieth Century Literary Criticism, Vol. 109,

which purports to select the best critical and analytical essays of the 20th Century.

3. I have read both "Gone With the Wind" and "The Wind Done Gone."

4. Parody, as defined in J.A. Cuddon's A Dictionary of Literary Terms and Literary Theory (Third Edition), is "[t]he imitative use of words, style, attitude, tone and ideas of an author in such a way as to make them ridiculous. This is usually achieved by exaggerating certain traits, using more or less the same technique as the cartoon caricaturist. In fact, a kind of satirical mimicry . . . Parody is difficult to accomplish well. There has to be a subtle balance between close resemblance to the 'original,' and a deliberate distortion of its principal characteristics. It is, therefore, a minor form of literary art which is likely to be successful only in the hands of writers who are original and creative themselves" (682).

5. In the same work, plagiarism is defined "'as wrongful appropriation and publication as one's own.' . . . Much plagiarism has been the lifting, filching or pirating of other people's works. . . . These days (and for long periods past) such thieving is rare and authors are now fairly well protected by copyright" (711).

6. Having taught many college classes the literary tradition of satire and parody - particularly in the works of Jonathan Swift, John Dryden, and Alexander Pope, I am familiar with both the intent

and method of the successful satirist who, whether in the Horatian mode (the gentle mocking of a fad or person or situation as in Alexander Pope's "The Rape of the Lock") or in the Juvenalian mode (the biting and harsh attack, for instance, on contemporary public practice such as in Jonathan Swift's "A Modest Proposal"), has as his or her major aim the correction of the perceived faults of the individual or society. Parody may also poke fun of public figures, such as politicians, celebrities, or - in much rarer cases - other literary figures or their work. But while parody may allude to another work or figure, it does so briefly while securing its own imaginative plot and language so that the parodied work is ultimately put aside in the reader's imagination, replaced by the work being read. In the case of "The Wind Done Gone," the reader's imagination is always anchored to "Gone With the Wind" precisely because of the constant misappropriation of Margaret Mitchell's characters, language, and plot.

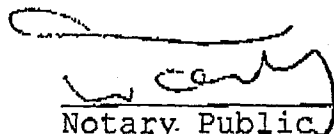
7. Based on my reading of "Gone With the Wind" and "The Wind Done Gone," I conclude the line between parody and plagiarism has been breached, the effect of which unequivocally transposes major portions - i.e., "the lifting, filching [and] pirating" - of "Gone With The Wind" into "The Wind Done Gone." The reader therefore sees the latter work as a sequel to the original, precisely because of its indebtedness to the literary devices just mentioned.

8. It seems very clear indeed, therefore, that "The Wind Done

Gone" has plagiarized its literary ancestor so as to capitalize on and thus benefit from the resulting notoriety that will accrue to it as the reading public makes the inevitable comparison to "Gone With the Wind" which has become and remains a popular classic since its publication.


GABRIEL MOTOLA

Sworn to before me this
6 day of April, 2001.


Notary Public

MARTIN GARDINE
Notary Public, State of New York
No. 314287637
in New York County
Commission Expires March 22, 2005

May 20, 2001

Gabriel Motola
711 Amsterdam Avenue
Apt. 21K
New York, N.Y. 10025
(212) 662-2603

Curriculum Vitae

EDUCATION:

B.A. 1959	The City College of New York
M.A. 1961	New York University Graduate School of Arts and Science
Ph. D. 1969	New York University Graduate School of Arts and Science

Dissertation: Mark Twain and the Detective

PROFESSIONAL CAREER:

1997--Present: Core Faculty, BA Program,
New School University

1996--Present: Adjunct Faculty Member
New School University

1992--1996: Adjunct Professor of English
Bronx Community College, CUNY.

1992--Emeritus Professor of English, CUNY

1972--1992: Professor of English
Bronx Community College, CUNY.

1970-1972: Associate Professor of English
Bronx Community College, CUNY.

1965-1970: Assistant Professor of English

Bronx Community College, CUNY.

1961-1965: Instructor of English,
Bronx Community College, CUNY.

Summer, 1965: Adjunct Instructor of English,
Queens College, CUNY.

Summer, 1967: Adjunct Assistant Professor of English,
Northridge State University, Cal.

AWARDS AND PROFESSIONAL HONORS:

New York State College Regents Teaching Fellowship, 1959.

SUNY Faculty Research Fellowship, 1970.

SUNY Faculty Research Fellowship, 1971.

Bibliographical Editor, Literature and Psychology, 1970-1972.

Discussion Facilitator, "The Open Classroom: In Composition," Seventh Annual Northeast Regional Conference, NCTE/CCCC. April 20-22, 1972.

Respondent, "The Open College," Twenty-Fifth Annual Meeting of The Conference on College Composition and Communication, April 4-6, 1974, Anaheim, California.

Consultant, "Conference on Dialects in the Classroom," Preconvention Activities of the Sixty-Fourth Annual Meeting of the National Council of Teachers of English, November 25-27, New Orleans, Louisiana.

Discussant, "Helping Administrators and Teachers Understand the Facts and Dialects," Twenty-Sixth Annual Meeting of the Conference on College Composition and Communication, March 13-15, St. Louis, 1975.

Member, Board of Directors of The American Writers Theater Foundation, 1976-1977.

Associate Chair, "Linguistics in the Classroom," NCTE November 24-26, 1977.

Mellon Fellow, "American Civilization Seminar," Conducted by Arthur M. Schlesinger, Jr. Fall, 1982.

Recipient, Faculty Development Grant--"Computing in The Humanities," 1984-1985.

Recipient, Award of Merit, Bronx Community College Student Government, 1988.

Mellon Fellow, "Poststructuralism: Strategies For Reading Verbal and Visual Signs," Conducted by Mary Wiseman, Spring, 1988.

GUEST LECTURER

"Primo Levi: The Language of the Scientist," Primo Levi: A Symposium, New York University, November 21-22, 1988.

"Primo Levi: His Life and Death," Fine Arts Museum of Long Island, September 24, 1989.

"Surviving after Auschwitz: A Tribute to Primo Levi," Victims of Nazi Camps, The Kosciusko Foundation, October 17, 1989.

"Primo Levi's Auschwitz Experience," April 11, 1995, Western Michigan University, Kalamazoo, Michigan.

"Primo Levi's Auschwitz Experience," April 12, 1995, Grand Valley State University, Grand Rapids, Michigan.

"Primo Levi's Auschwitz Experience," April 13, 1995, Wayne State University, Detroit, Michigan.

PUBLICATIONS:

Essay: "Hemingway's Code: Literature and Life," Modern Fiction Studies, Winter, 1964-5.

Essay: "The Waste Land: Symbolism and Structure," Literature and Psychology, Winter, 1968.

Essay: "The Mountains of The Waste Land," Essays in Criticism, January, 1969.

- Article: "1984," Pegasus XVII, 1979.
- Article: "So You Want to be a Writer," Pegasus XX, 1981.
- Short Story: "The Keeper of the Covenant," Studia Mystica, Spring, 1983.
- Book Review: "An American Procession by Alfred Kazin," Art Times, September, 1984.
- Short Story: "The Red Cover," Art Times, October, 1984.
- Article: "Interview with Primo Levi," MD Magazine, February, 1986.
- Article: "Primo Levi," Attenzione, May, 1986.
- Book Review: "Sea Changes by Robert Kotlowitz," The New York Times Book Review, December 14, 1986.
- Short Story: "The Tall Man," Central Park, Number 10, Fall, 1986.
- Book Review: "The Play of the Eyes by Elias Canetti," The Bloomsbury Review, March-April, 1987.
- Essay: "Primo Levi: The Auschwitz Experience," Southwest Review, Spring, 1987, Volume 72, Number 2.
- Book Review: "The Story of the Shipwrecked Sailor by Gabriel Garcia Marquez," Review: Latin American Literature and Arts, January-June, 1987.
- Book Review: "The Stone and the Flute by Hans Bemann," Newsday, July 29, 1987.
- Book Review: "The Spell by Hermann Broch," San Francisco Review of Books, August, 1987.
- Book Review: "Jacob's Ladder by John A. Williams," The Bloomsbury Review, January-February, 1988.
- Book Review: "The Impostors by Pablo Vierci," Review: Latin American Literature and Arts, 10th Anniversary Issue, January-June, 1988.

- Essay: "Primo Levi: His Life and Death," European Judaism, 1988
Holocaust Conference Issue.
- Book Review: "Metaphor & Memory by Cynthia Ozick," Newsday, April 14,
1989.
- Book Review: "Utz by Bruce Chatwin and Bernard Foy's Third Castling by Lars
Gustafsson," Present Tense, July-August, 1989.
- Review/Essay: "Love and the Holocaust," In-depth review of See Under: Love by
David Grossman as well as other Holocaust related works,
Midstream, October, 1989.
- Review/Essay: "The Diary of Anne Frank: The Critical Edition,"
Midstream, December, 1989.
- Review/Essay: "Other People's Trades by Primo Levi,"
The American Scholar, Winter, 1990.
- Essay: "The Varnish-Maker's Dreams" The Sewanee Review,
Summer, 1990. In-depth analysis of Primo Levi's life and
work through a review of his collected poetry, a collection of his
short prose, and two books of interviews.
- Book Review: "The Healer by Aharon Appelfeld and Anton The Dove Fancier
and Other Tales of the Holocaust by Bernard Gotfryd,"
The Nation, December 31, 1990.
- Essay: "Primo Levi: The Language of the Scientist," [talk delivered at
Primo Levi Symposium at New York University,
November 21-22, 1988] The Literary Review, Winter, 1991.
- Book Review: "The Tree Still Stands by Mae Briskin"
Forward: National Edition, March 22, 1991.
- Essay: "Thomas Bernhard's Austria," Pequod, 33, 1992.
- Book Review: "Jewish Profiles: Great Jewish Personalities and Institutions of
the Twentieth Century ed. Murray Polner,"
Forward: National Edition, August 14, 1992.

- Book Review: "October, Eight O'Clock, by Norman Manea, Smoke Over Birkenau by Liana Millu, and The Journey by Ida Fink," The Nation, October 12, 1992.
- Book Review: "Fighting Back: A Memoir of Jewish Resistance in World War II by Harold Werner," Forward: National Edition, November 13, 1992.
- Book Review: "RESCUERS: Portraits of Moral Courage in the Holocaust by Gay Block and Malka Drucker," Exponent, February 5, 1993.
- Book Review: "Holocaust Testimonies: The Ruins of Memory by Lawrence L. Langer, Congress Monthly, March/April 1993.
- Book Review: "PERPETRATORS VICTIMS BYSTANDERS: The Jewish Catastrophe 1933-1945 by Raul Hilberg," Exponent, March 26, 1993.
- Review/Essay: "Compulsory Happiness by Norman Manea," Midstream, December, 1993.
- Essay: "Danilo Kiš: Death and the Mirror," The Antioch Review, Fall, 1993.
- Review/Essay: "The Book of Intimate Grammar by David Grossman," Midstream, November, 1994.
- Interview: "Primo Levi," The Paris Review, Spring, 1995.
- Essay: "The Entangled Self: Style and the Unconscious in the Work of Thomas Bernhard," The Psychoanalytic Review Volume 82, Number 2, April, 1995.
- Essay: "'Miserable Human Merchandise': Women of the Holocaust," Midstream, May, 1995.
- Review: "The Black Envelope by Norman Manea" Midstream, June-July, 1995.
- Review: "Battlefields and Playgrounds by Janos Kyiri" Midstream, April, 1996.

- Review: "A Lifetime Burning in Every Moment: From the Journals of Alfred Kazin by Alfred Kazin" Congress Monthly, October, 1996.
- Review: "The Shovel and the Loom by Carl Friedman" San Francisco Chronicle Book Review, November 3-9, 1996
- Fiction: First two chapters of novel, Incisions, Triquarterly, Spring/Summer, 1998.
- Review: "Primo Levi: Tragedy of an Optimist by Myriam Anissimov" The Nation, March 22, 1999.
- Essay: "Children of the Holocaust: Memory and Morality," Triquarterly, Spring/Summer, 1999.
- Essay: "The Varnish-Maker's Dreams" The Sewanee Review, Summer, 1990. In-depth analysis of Primo Levi's life and work through a review of his collected poetry, a collection of his short prose, and two books of interviews. Chosen for inclusion in Twentieth Century Literary Criticism, vol. 109. ed Jennifer Baise. To be published 2001.