

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

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:
SUNTRUST BANK, as Trustee :
of the Stephens Mitchell :
trusts f/b/o Eugene Muse : CASE NO. 1:01 CV-701-CAP
Mitchell and Joseph Reynolds :
Mitchell, :
:
Plaintiff, :
:
v. :
:
HOUGHTON MIFFLIN COMPANY, :
:
Defendant. :
:
-----X

AFFIDAVIT OF JOEL
CONARROE IN SUPPORT
OF PLAINTIFF'S MOTION
FOR A TEMPORARY
RESTRAINING ORDER AND
PRELIMINARY INJUNCTION

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

JOEL CONARROE, being duly sworn, deposes and says:

1. I am the President of the John Simon Guggenheim Memorial Foundation, which for seventy-five years has awarded Guggenheim Fellowships to outstanding writers (including Eudora Welty, Zora Neale Hurston, Robert Penn Warren, James Baldwin, and James Dickey) and other creative artists, and to scholars and scientists, more than fifty of whom, including James Watson and Linus Pauling, have gone on to win Nobel prizes. I was myself a Guggenheim Fellow in 1979. After service in the military, I joined the faculty at the University of Pennsylvania, where I served as chairman of the English Department, University Ombudsman, and Dean of the Faculty of Arts and Sciences, and where I held the Thomas S. Gates

Professorship in English Literature. For five years, on leave from Penn, I was the Executive Director of the Modern Language Association, a professional organization for teachers of literature, and editor of PMLA, the association's scholarly journal.

2. I am the author and editor of books and articles about American fiction and poetry, including "Six American Poets," a main selection of the Book of the Month Club, and of scores of book reviews in leading publications. I have chaired the fiction juries for the Pulitzer Prize, the National Book Awards, the Commonwealth Prize, The Irish Times International Fiction Prize, and the Rea Short Story Award. I have also served as chairman of the National Book Foundation, which administers the National Book Awards, and am currently a trustee of American PEN.

3. I have degrees from Davidson College (B.S., Phi Beta Kappa), Cornell University (M.A.), and New York University (Ph.D.). I have received honorary doctorates from several institutions, including Tulane University, Rhodes College in Memphis, Davidson College, and the University of Maryland, and I have recently been inducted into the American Academy of Arts and Sciences. My full curriculum vitae is annexed hereto.

4. I submit this affidavit in support of the plaintiff's application for a preliminary injunction.

5. In preparation for this affidavit, I read "The Wind Done

Gone" twice and reread "Gone With The Wind." "The Wind Done Gone" is not parody or satire. It is, rather, an aggregation of characters, themes and language lifted virtually intact from "Gone With the Wind."

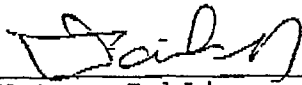
6. As several serious writers of fiction and non-fiction have shown (for example, Toni Morrison, William Styron and C. Vann Woodward), one can write about the lives of slaves in the United States without reference to Margaret Mitchell's novel, and certainly without appropriating characters, themes, settings, and even the language of that classic work of fiction.


7. This stylistically chaotic work, in fact, gains such interest as it has from the prestige it borrows from its famous source. Parody is a term that implies wit and humor, neither of which is in evidence here. Rather, the manuscript makes sense only by taking Margaret Mitchell's characters and plot and interweaving them through Ms. Randall's book for dramatic purposes, not for purposes of parody or commentary.



JOEL CONARROE

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



Notary Public


FGKS: 142486.3 4/10/01

MARTIN GARBUS
NOTARY PUBLIC, State of New York
No. 31-6457537
Qualified in New York County
Commission Expires ~~March 30, 1978~~
May 20, 2001

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001295.000300

JOEL CONARROE

John Simon Guggenheim Memorial Foundation
90 Park Avenue
New York, New York 10016
Telephone: 212/687-4470

DATE OF BIRTH: October 23, 1934
West Orange, New Jersey

EDUCATION: Davidson College, B.S., Honors in English, 1956
Cornell University, M.A. (English) 1957
New York University, Ph.D. (English), 1966

EMPLOYMENT: President
John Simon Guggenheim Memorial Foundation, 1985-

Dean of the School of Arts and Sciences
Thomas S. Gates Professor
University of Pennsylvania, 1983-1985

Executive Director, Modern Language Association
of America and Editor, PMLA, 1978-1983

At the University of Pennsylvania
Professor of English, 1977-1985
Chairman, Department of English, 1973-1977
Master, Van Pelt College House, 1974-1976
University Ombudsman, 1971-1973
Associate Professor, 1971-1977
Undergraduate Chairman, English, 1969-1971
Director of Freshman English, 1966-1968
Assistant Professor, 1966-1971
Lecturer, 1963-1964

At Nassau County Community College
Lecturer, 1962-1963

At Davidson College
Lecturer, 1957-1958

United States Army, 1958-1959

ACADEMIC

DISTINCTIONS: Honorary Doctor of Letters: Rhodes College;
Davidson College; University of Maryland;
Tulane University
Distinguished Achievement Award, American
Council of Editors of Learned Journals
Guggenheim Foundation Fellowship
Lindback Award for Distinguished Teaching,
University of Pennsylvania
Founder's Day Award, New York University
Fellow of Yaddo

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Danforth Foundation Fellowship
Woodrow Wilson Fellowship
Phi Beta Kappa

NATIONAL
COMMITTEES:

Board of Directors; Academy of American Poets;
Corporation of Yaddo; PEN; Chairman, National
Book Foundation, 1991-1993
Board of Overseers: University of Rochester,
1984-1988; New York University, 1988-1993;
Tufts University, 1988-1990
Visiting Committee, Oberlin College Library,
1988-1993
Trustee, Modern Language Association, 1985-1988
Pulitzer Prize Jury for Poetry, 1984; for
Fiction, 1989 (Chair), 1995 (Chair), 1998
Board of Directors, National Book Critics
Circle, 1980-1987
Chairman, Fiction Jury, National Book Awards,
1988
Chairman of Jury, Commonwealth Award for Dis-
tinguished Service in Literature, 1980-1983
Chairman of Jury, Irish Times International
Fiction Prize, 1994; member of Jury, 1995
Chairman, American Council of Learned
Societies Conference of Secretaries, 1981-
1983
Commissioner for Languages and Literature,
ACLS-Soviet Academy of Sciences Commission
on the Humanities and Social Sciences,
1981-1986
Chairman, Delegation to Whitman Symposium,
Gorky Institute for World Literature,
Moscow, 1982
Board of Directors, The Joseph H. Lauder
Institute of Management and International
Studies, 1983-1985

PUBLICATIONS: Eight American Poets (editor). Random House,
1994.

Six American Poets (editor). Random House, 1991.
Book-of-the-Month Club main selection.

John Berryman: An Introduction to the Poetry.
New York: Columbia University Press, 1977.

William Carlos Williams' Paterson: Language and
Landscape. Philadelphia: University of
Pennsylvania Press, 1970.

Numerous essays and reviews on American literature
in scholarly journals and various newspaper book
review sections.