

COPY

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

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

**AFFIDAVIT OF PAUL H. ANDERSON, ESQ. IN SUPPORT
OF PLAINTIFF'S MOTION FOR TEMPORARY RESTRAINING
ORDER AND PRELIMINARY INJUNCTION**

PAUL H. ANDERSON, ESQ., duly sworn deposes, and says:

1. I am an attorney admitted to practice before this Court and one of two surviving members of the committee (hereinafter the "Committee") established by the trust instruments to direct the plaintiff SunTrust Bank, as Trustee of the four Stephens Mitchell trusts f/b/o Eugene Muse Mitchell and Joseph Reynolds Mitchell (the "Mitchell Trusts") with respect to all decisions relating to the exploitation of the Mitchell Trusts' interest in the renewal copyright of "Gone With The Wind." I have personal knowledge of those facts described herein which are not the subject of common knowledge or matters of public records and submit this affidavit in support of the Mitchell Trusts' motion for a temporary restraining order and preliminary injunction

preventing defendant Houghton Mifflin Company ("Houghton Mifflin") from the publication and distribution of a book entitled "The Wind Done Gone" by Alice Randall.

2. The Mitchell Trusts are the copyright owners of the bestselling novel "Gone With the Wind" by Margaret Mitchell and, as such, have the exclusive right to authorize derivative works based upon it. Margaret Mitchell (and therefore her successors in interest) is the widely recognized and much beloved source of the trademarks in the title, characters and fictional settings of the novel.

3. "Gone With the Wind" was written by Margaret Mitchell and published in 1936. Upon Ms. Mitchell's death in 1949, all of her rights in "Gone With the Wind" were bequeathed to her husband, John Marsh. Upon Mr. Marsh's death in 1952, all of those rights were conveyed to Ms. Mitchell's brother Stephens Mitchell. Mr. Mitchell in turn conveyed a portion of those rights to inter vivos trusts established for the benefit of his sons, Eugene Muse Mitchell and Joseph Reynolds Mitchell. Upon Mr. Mitchell's death in 1983, the remaining portion of his rights were conveyed through his will to two other trusts for the benefit of his sons. The four trusts are referred to hereinafter as the Mitchell Trusts.

4. As reflected in U.S. Copyright Registration Nos. R:318689 and R:318690, true and correct copies of which are

attached hereto as Exhibit A, the Mitchell Trusts are the sole owners of the copyright to "Gone With the Wind" and, as such, have the exclusive right to authorize derivative works.

5. In or about 1936, Margaret Mitchell authorized a derivative work to be made of "Gone With the Wind", a motion picture also called "Gone With the Wind" starring Clark Gable and Vivien Leigh (the "Film"). The Film was critically acclaimed, winning ten Academy Awards, and is a commercial success.

6. In or about 1988, the Mitchell Trusts, at the direction of the Committee, authorized the making of another derivative work, a sequel to "Gone With the Wind" using the characters, character traits, settings, plot lines, title and other elements of the original novel. That novel, called "Scarlett: The Sequel to Margaret Mitchell's Gone With the Wind" (hereinafter the "Sequel"), was written by Alexandra Ripley and published by Warner Books in 1991. Pursuant to the publishing agreement between Warner Books and the Mitchell Trusts, the Mitchell Trusts received an advance of several million dollars and additional royalties and are continuing to receive royalties payable on the sale of each copy of the Sequel.

7. The Mitchell Trusts are the sole owners in the copyright to the Sequel, as reflected in U.S. Copyright Registration Nos. TX-3-145-421 and TX-3-226-508, true and correct copies of which are attached hereto as Exhibit B.

8. In or about 1995, the Mitchell Trusts, at the direction of the Committee, authorized, subject to certain conditions, another derivative work to be made, a second sequel to "Gone With the Wind" again using the characters, character traits, settings, plot lines and other elements of the original novel (the "Second Sequel"). The Second Sequel, upon approval by the Mitchell Trusts and the publisher, will be published by St. Martin's Press. The contract for the Second Sequel specifically provides that neither Scarlett O'Hara nor Rhett Butler may die. The Mitchell Trusts, upon publication, will be the sole copyright owner of the Second Sequel and will be entitled to an advance of several million dollars, against royalties payable on the sale of each copy of the Second Sequel.

9. Since at least as early as 1939, Ms. Mitchell and/or the Mitchell Trusts have authorized the use of the characters, settings and other elements of the novel "Gone With the Wind" in a wide variety of commercial contexts, beginning with the Film and continuing with the Sequel, a television miniseries based upon the Sequel, the Second Sequel and numerous licensed consumer products, including dolls, figurines, posters, Christmas ornaments and various other items, sold in the United States and abroad. These uses have produced many millions of dollars for the copyright holders.

10. The Mitchell Trusts have never authorized Houghton

Mifflin or Alice Randall, the author of "The Wind Done Gone," to create a derivative work based upon "Gone with the Wind" or the Sequel and have never assigned, licensed or otherwise transferred the copyright to "Gone With the Wind" or the Sequel to the Defendant.


11. The Mitchell Trusts will be irreparably harmed if Houghton Mifflin is permitted to proceed with its stated plan for the imminent widespread sale and distribution of "The Wind Done Gone." Once the infringing work is distributed, it will be nearly impossible to retrieve the copies. The Mitchell Trust will have been deprived of its most basic right to create and authorize derivative works and to control the way its copyrighted characters are portrayed. Moreover, if defendant is permitted to publish this unauthorized derivative work, anyone could, without Plaintiff's consent, retell the story of "Gone With the Wind" from another point of view or create sequels or prequels populated by the Mitchell characters. The potential market for Gone With the Wind derivative works would be destroyed, and the associated impact and loss of revenue would be incalculable.



PAUL H. ANDERSON

STATE OF GEORGIA)
 : ss.:
COUNTY OF FULTON)

Sworn to before me this
23 day of March, 2001.



NOTARY PUBLIC (SEAL)
my commission expires:

Notary Public, Fulton County, Georgia
My Commission Expires Jan. 13, 2002

5. If registration fee is to be charged to a deposit account established in the Copyright Office, give name of account:

6. Name and address of person or organization to whom correspondence or refund, if any, should be sent:

Name Edward E. Colton Address 745 Fifth Avenue, New York City

7. Send certificate to:

(Type or print name and address)

Name Colton & Fernbach

Address 745 Fifth Avenue
(Number and street)

New York City (City) (Zone) (State)

8. Certification: (NOTE: Application not acceptable unless signed)

I CERTIFY that the statements made by me in this application are correct to the best of my knowledge.

Stephen Mitchell
(Signature)

Application Forms

Copies of the following forms will be supplied by the Copyright Office without charge upon request.

- Class A Form A—Published book manufactured in the United States of America.
- Class A or B Form A-B Foreign—Book or periodical manufactured outside the United States of America (except works subject to the ad interim provisions of the copyright law).
- Class A or B Form A-B Ad Interim—Book or periodical in the English language manufactured and first published outside the United States of America.
- Class B Form B—Periodical manufactured in the United States of America.
- Class B Form BB—Contribution to a periodical manufactured in the United States of America.
- Class C Form C—Lecture or similar production prepared for oral delivery.
- Class D Form D—Dramatic or dramatico-musical composition.
- Class E Form E—Musical composition the author of which is a citizen or domiciliary of the United States of America or which was first published in the United States of America.
- Class E Form E Foreign—Musical composition the author of which is not a citizen or domiciliary of the United States of America and which was not first published in the United States of America.
- Class F Form F—Map.
- Class G Form G—Work of art or a model or design for a work of art.
- Class H Form H—Reproduction of a work of art.
- Class I Form I—Drawing or plastic work of a scientific or technical character.
- Class J Form J—Photograph.
- Class K Form K—Print or pictorial illustration.
- Class K Form KK—Print or label used for an article of merchandise.
- Class L or M Form L-M—Motion Picture.
- Form R—Renewal copyright.
- Form U—Notice of use of copyrighted music on mechanical instruments.

FOR COPYRIGHT OFFICE USE ONLY

Application received	
JUL -1 1963	
Fee received	
714 JUL-1'63	

Application for Registration of a Claim to Renewal Copyright

Instructions: Make sure that all applicable spaces have been completed before you submit the form. The application must be signed at line 8. For further information, see page 4. Pages 1 and 2 should be typewritten or printed with pen and ink. Pages 3 and 4 should contain exactly the same

information as pages 1 and 2, but may be carbon copies. Mail all pages of the application to the Register of Copyrights, Library of Congress, Washington 25, D. C., together with the registration fee of \$2. Make your remittance payable to the Register of Copyrights.

1. **Renewal Claimant(s), Address(es), and Statement of Claim:** Give the full name(s) and mailing address(es) of the claimant(s) of the renewal copyright. State the statutory category of each renewal claimant. It must be one of the categories described on page 4.

(a) Name Stephens Mitchell and Trust Company of Georgia

Address 1610 Atlanta Federal Savings Bldg, Atlanta GA

Claiming as the executors of the author
(Use the appropriate statement appearing on page 4)

(b) Name

Address

Claiming as

(c) Name

Address

Claiming as

2. (a) **Title:** Give the full title of the work. In the case of music give specific instrumentation.

GONE WITH THE WIND

(b) **Renewable Matter:** If the work was a new version of a previous work, renewal may be claimed only in the new matter. If this work was a new version, state in general the new matter (e. g., arrangement, editing, illustrations, translation, etc.) upon which copyright was claimed.

(c) **Contribution to Periodical or Other Composite Work:** If the work was a contribution, give the title of the periodical or composite work in which it was published.

If a periodical, give: Vol.; No.; Date

3. **Authors of Renewable Matter:** Give the names of all authors who contributed copyrightable matter to this version, but not the names of authors of previous versions. Margaret Mitchell [(Marsh)]

4. **Facts of Original Registration:** The facts given here must agree with the Copyright Office records of the original registration.

Original registration number: Class A; No. 96258

If registered as published, give date of publication June 30, 1936
(Month, day, and year)

If registered as unpublished, give date of registration

Original copyright claimant The Macmillan Company
(Name of claimant in original registration) *Complete all applicable spaces on next page.*

8. If registration fee is to be charged to a deposit account established in the Copyright Office, give name of account:

6. Name and address of person or organization to whom correspondence or refund, if any, should be sent:

Name Edward E. Colton Address 745 Fifth Avenue, New York City 22

7. Send certificate to:

(Type or print name and address)

Colton & Fernbach
745 Fifth Avenue
New York 22, New York

8. Certification: (NOTE: Application not acceptable unless signed)

I CERTIFY that the statements made by me in this application are correct to the best of my knowledge.

Stephens Mitchell
Stephens Mitchell
TRUST COMPANY OF GEORGIA
By: [Signature] Vice President

Application Form
As Executors of the Will of Margaret Marsh, Deceased

- Copies of the following forms will be supplied by the Copyright Office without charge upon request.
Class A Form A—Published book manufactured in the United States of America.
Class A or B Form A-B Foreign—Book or periodical manufactured outside the United States of America (except works subject to the ad interim provisions of the copyright law).
Form A-B Ad Interim—Book or periodical in the English language manufactured and first published outside the United States of America.
Class B Form B—Periodical manufactured in the United States of America.
Form BB—Contribution to a periodical manufactured in the United States of America.
Class C Form C—Lecture or similar production prepared for oral delivery.
Class D Form D—Dramatic or dramatico-musical composition.
Class E Form E—Musical composition the author of which is a citizen or domiciliary of the United States of America or which was first published in the United States of America.
Form E Foreign—Musical composition the author of which is not a citizen or domiciliary of the United States of America and which was not first published in the United States of America.
Class F Form F—Map.
Class G Form G—Work of art or a model or design for a work of art.
Class H Form H—Reproduction of a work of art.
Class I Form I—Drawing or plastic work of a scientific or technical character.
Class J Form J—Photograph.
Class K Form K—Print or pictorial illustration.
Form KK—Print or label used for an article of merchandise.
Class L or M Form L-M—Motion Picture.
Form R—Renewal copyright.
Form U—Notice of use of copyrighted music on mechanical instruments.

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Application received
JUL -1 1963
Fee received
714 JUL-1'63

Page 1

Application for Registration of a Claim to Renewal Copyright

FORM R

REGISTRATION NO.

R 318690

DO NOT WRITE HERE

Instructions: Make sure that all applicable spaces have been completed before you submit the form. The application must be signed at line 8. For further information, see page 4. Pages 1 and 2 should be typewritten or printed with pen and ink. Pages 3 and 4 should contain exactly the same

information as pages 1 and 2, but may be carbon copies. Mail all pages of the application to the Register of Copyrights, Library of Congress, Washington 25, D. C. together with the registration fee of \$2. Make your remittance payable to the Register of Copyrights.

1. Renewal Claimant(s), Address(es), and Statement of Claim: Give the full name(s) and mailing address(es) of the claimant(s) of the renewal copyright. State the statutory category of each renewal claimant. It must be one of the categories described on page 4.

(a) Name Stephens Mitchell
Address 1610 Atlanta Federal Savings Bdg., Atlanta, Georgia
Claiming as the next of kin of the deceased author
(Use the appropriate statement appearing on page 4)

(b) Name
Address
Claiming as

(c) Name
Address
Claiming as

2. (a) Title: Give the full title of the work. In the case of music give specific instrumentation.

ONE WITH THE WIND

(b) Renewable Matter: If the work was a new version of a previous work, renewal may be claimed only in the new matter. If this work was a new version, state in general the new matter (e. g., arrangement, editing, illustrations, translation, etc.) upon which copyright was claimed.

(c) Contribution to Periodical or Other Composite Work: If the work was a contribution, give the title of the periodical or composite work in which it was published.

If a periodical, give: Vol.; No.; Date

3. Authors of Renewable Matter: Give the names of all authors who contributed copyrightable matter to this version, but not the names of authors of previous versions. Margaret Mitchell (Marsh)

4. Facts of Original Registration: The facts given here must agree with the Copyright Office records of the original registration.

Original registration number: Class A; No. 96258

If registered as published, give date of publication June 30, 1936
(Month, day, and year)

If registered as unpublished, give date of registration
(Month, day, and year)

Original copyright claimant The Macmillan Company
(Name of claimant in original registration)

Complete all applicable spaces on next page.

b If registration fee is to be charged to a deposit account established in the Copyright Office, give name of account:

6. Name and address of person or organization to whom correspondence or refund, if any, should be sent:

Name Edward E. Colton Address 745 Fifth Avenue, New York City

7. Send certificate to:

(Type or print name and address)

Name Colton & Fernbach

Address 745 Fifth Avenue
(Number and street)

New York City (City) (Zone) (State)

8. Certification: (NOTE: Application not acceptable unless signed)

I CERTIFY that the statements made by me in this application are correct to the best of my knowledge.


(Signature)

Application Forms

Copies of the following forms will be supplied by the Copyright Office without charge upon request.

- Class A Form A—Published book manufactured in the United States of America.
- Class A or B Form A-B Foreign—Book or periodical manufactured outside the United States of America (except works subject to the ad interim provisions of the copyright law).
- Class B Form A-B Ad Interim—Book or periodical in the English language manufactured and first published outside the United States of America.
- Class B Form B—Periodical manufactured in the United States of America.
- Class B Form BB—Contribution to a periodical manufactured in the United States of America.
- Class C Form C—Lecture or similar production prepared for oral delivery.
- Class D Form D—Dramatic or dramatico-musical composition.
- Class E Form E—Musical composition the author of which is a citizen or domiciliary of the United States of America or which was first published in the United States of America.
- Class E Form E Foreign—Musical composition the author of which is not a citizen or domiciliary of the United States of America and which was not first published in the United States of America.
- Class F Form F—Map.
- Class G Form G—Work of art or a model or design for a work of art.
- Class H Form H—Reproduction of a work of art.
- Class I Form I—Drawing or plastic work of a scientific or technical character.
- Class J Form J—Photograph.
- Class K Form K—Print or pictorial illustration.
- Class K Form KK—Print or label used for an article of merchandise.
- Class L or M Form L-M—Motion Picture.
- Form R—Renewal copyright.
- Form U—Notice of use of copyrighted music on mechanical instruments.

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Application received	
JUL -1 1963	
Fee received	
714 JUL-1'63	

FORM TX UNITED STATES COPYRIGHT OFFICE

REGISTRATION NUMBER

TX 3 226 508

EFFECTIVE DATE OF REGISTRATION TX TXU 1 2 92 Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

1

TITLE OF THIS WORK

SCARLETT: THE SEQUEL TO MARGARET MITCHELL'S GONE WITH THE WIND

PREVIOUS OR ALTERNATIVE TITLES

PUBLICATION AS A CONTRIBUTION If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work

If published in a periodical or serial give: Volume Number Issue Date On Pages

2

NAME OF AUTHOR

Simon & Schuster Inc.

DATES OF BIRTH AND DEATH Year Born Year Died

Was this contribution to the work a "work made for hire"? Yes No

AUTHOR'S NATIONALITY OR DOMICILE Name of Country

Citizen of OR Domiciled in USA

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK Anonymous? Pseudonymous?

NOTE

NATURE OF AUTHORSHIP Briefly describe nature of the material created by this author in which copyright is claimed. text adaptation

045913709 607016540

NAME OF AUTHOR

DATES OF BIRTH AND DEATH Year Born Year Died

Was this contribution to the work a "work made for hire"? Yes No

AUTHOR'S NATIONALITY OR DOMICILE Name of Country

Citizen of OR Domiciled in

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK Anonymous? Pseudonymous?

NATURE OF AUTHORSHIP Briefly describe nature of the material created by this author in which copyright is claimed.

NAME OF AUTHOR

DATES OF BIRTH AND DEATH Year Born Year Died

Was this contribution to the work a "work made for hire"? Yes No

AUTHOR'S NATIONALITY OR DOMICILE Name of Country

Citizen of OR Domiciled in

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK Anonymous? Pseudonymous?

NATURE OF AUTHORSHIP Briefly describe nature of the material created by this author in which copyright is claimed.

3

YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED 1991

DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK Month December Day 05 year 1991 USA

4

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. Stephens Mitchell Trusts

c/o The William Morris Agency, Inc. 1350 Avenue of the Americas New York, New York, 10019

TRANSFER If the claimant(s) named here in space 4 are different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. by contractual agreement

APPLICATION RECEIVED JAN 02 1992 ONE DEPOSIT RECEIVED TWO DEPOSITS RECEIVED JAN 02 1992 REMITTANCE NUMBER AND DATE

MORE ON BACK Complete all applicable spaces (numbers 5-11) on the reverse side of this page. See detailed instructions. Sign the form at line 10.

DO NOT WRITE HERE Page 2

TX 3 226 508

EXAMINED BY

fm

FORM TX

CHECKED BY

CORRESPONDENCE
Yes

DEPOSIT ACCOUNT
FUNDS USED

FOR
COPYRIGHT
OFFICE
USE
ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

Yes No If your answer is "Yes," why is another registration being sought? (Check appropriate box) ▼

This is the first published edition of a work previously registered in unpublished form.

This is the first application submitted by this author as copyright claimant.

This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give: Previous Registration Number ▼

Year of Registration ▼

5

DERIVATIVE WORK OR COMPILATION Complete both space 6a & 6b for a derivative work; complete only 6b for a compilation.

a. Preexisting Material Identify any preexisting work or works that this work is based on or incorporates. ▼

Book of the same title

6

b. Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. ▼

Audio adaptation

See instructions
before completing
this space

—space deleted—

7

REPRODUCTION FOR USE OF BLIND OR PHYSICALLY HANDICAPPED INDIVIDUALS

A signature on this form at space 10, and a check in one of the boxes here in space 8, constitutes a non-exclusive grant of permission to the Library of Congress to reproduce and distribute solely for the blind and physically handicapped and under the conditions and limitations prescribed by the regulations of the Copyright Office: (1) copies of the work identified in space 1 of this application in Braille (or similar tactile symbols); or (2) phonorecords embodying a fixation of a reading of that work; or (3) both.

a Copies and Phonorecords

b Copies Only

c Phonorecords Only

See instructions

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.

Name ▼

Account Number ▼

Simon & Schuster Inc.

DA066001

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt/City/State/Zip ▼

Joanne Demarest

(see below)

Area Code & Telephone Number ▼

212-698-7330

Be sure to
give your
daytime phone
number

CERTIFICATION I, the undersigned, hereby certify that I am the

Check one ▶

- author
- other copyright claimant
- owner of exclusive right(s)

Authorized agent of Simon & Schuster Inc.

Name of author or other copyright claimant, or owner of exclusive right(s) ▶

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Typed or printed name and date ▼ If this is a published work, this date must be the same as or later than the date of publication given in space 3.

Joanne Demarest

date ▶

12/13/91

Handwritten signature (X) ▼

Joanne Demarest

10

MAIL
CERTIFI-
CATE TO

Name ▼	audio
Joanne Demarest, Simon & Schuster Inc.	
Number/Street/Apartment Number ▼	
1230 Avenue of the Americas, 10th floor	
City/State/ZIP ▼	
New York, NY 10020	

Have you:

- Completed all necessary spaces?
- Signed your application in space 10?
- Enclosed check or money order for \$10 payable to Register of Copyrights?
- Enclosed your deposit material with the application and fee?

MAIL TO: Register of Copyrights
Library of Congress, Washington,
D.C. 20559

11

Certificate
will be
mailed in
window
envelope

* 17 U.S.C. § 508(e) Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 409, or in any written statement filed in connection with the application, shall be fined not more than \$2,500.

TX 3 145 421

EFFECTIVE DATE OF REGISTRATION

Sep. 30 1991
Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

TITLE OF THIS WORK

SCARLETT: The Sequel to Margaret Mitchell's GONE WITH THE WIND

PREVIOUS OR ALTERNATIVE TITLES

PUBLICATION AS A CONTRIBUTION If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work

If published in a periodical or serial give: Volume Number Issue Date On Pages

NAME OF AUTHOR

Alexandra Ripley

DATES OF BIRTH AND DEATH
Year Born Year Died

Was this contribution to the work a "work made for hire"?
Yes No

AUTHOR'S NATIONALITY OR DOMICILE
Name of Country USA
Citizen of USA
Domiciled in USA

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK
Anonymous? Pseudonymous?

NATURE OF AUTHORSHIP Briefly describe nature of the material created by this author in which copyright is claimed.
author of entire text

NAME OF AUTHOR

DATES OF BIRTH AND DEATH
Year Born Year Died

Was this contribution to the work a "work made for hire"?
Yes No

AUTHOR'S NATIONALITY OR DOMICILE
Name of Country
Citizen of
Domiciled in

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK
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NATURE OF AUTHORSHIP Briefly describe nature of the material created by this author in which copyright is claimed.

NAME OF AUTHOR

DATES OF BIRTH AND DEATH
Year Born Year Died

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AUTHOR'S NATIONALITY OR DOMICILE
Name of Country
Citizen of
Domiciled in

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK
Anonymous? Pseudonymous?

NATURE OF AUTHORSHIP Briefly describe nature of the material created by this author in which copyright is claimed.

YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED
1991

DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK
Month September Day 25 Year 1991
USA

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2.
Stephens Mitchell Trusts c/o William Morris Agency
1350 Avenue of the Americas, New York, NY 10019

TRANSFER If the claimant(s) named here in space 4 are different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright.
assignment

MORE ON BACK

- Complete all applicable spaces (numbers 5-11) on the reverse side of this page.
See detailed instructions.
Sign the form at line 10.

APPLICATION RECEIVED SEP. 30. 1991
ONE DEPOSIT RECEIVED
TWO DEPOSITS RECEIVED SEP. 30. 1991
REMITTANCE NUMBER AND DATE

DO NOT WRITE HERE OFFICE USE ONLY

DO NOT WRITE HERE
Page 1 of 1 Pages

TX 3 145 421

EXAMINED BY

CHECKED BY

FORM TX

CORRESPONDENCE Yes

FOR COPYRIGHT OFFICE USE ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

- Yes No If your answer is "Yes," why is another registration being sought? (Check appropriate box) ▼
- This is the first published edition of a work previously registered in unpublished form.
- This is the first application submitted by this author as copyright claimant.
- This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give: Previous Registration Number ▼ Year of Registration ▼

DERIVATIVE WORK OR COMPILATION Complete both space 6a & 6b for a derivative work; complete only 6b for a compilation.

a. Preexisting Material Identify any preexisting work or works that this work is based on or incorporates. ▼

b. Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. ▼

—space deleted—

REPRODUCTION FOR USE OF BLIND OR PHYSICALLY HANDICAPPED INDIVIDUALS

A signature on this form at space 10, and a check in one of the boxes here in space 8, constitutes a non-exclusive grant of permission to the Library of Congress to reproduce and distribute solely for the blind and physically handicapped and under the conditions and limitations prescribed by the regulations of the Copyright Office: (1) copies of the work identified in space 1 of this application in Braille (or similar tactile symbols); or (2) phonorecords embodying a fixation of a reading of that work; or (3) both.

- a Copies and Phonorecords
- b Copies Only
- c Phonorecords Only

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account Name ▼ Account Number ▼

Warner Books, Inc.

DA051101

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt./City/State/Zip ▼

see below

Area Code & Telephone Number ▼

212 484 3175

CERTIFICATION* I, the undersigned, hereby certify that I am the

Check one ▶

- author
- other copyright claimant
- owner of exclusive right(s)
- authorized agent of

Stephens Mitchell Trusts

Name of author or other copyright claimant or owner of exclusive right(s) ▼

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge

Typed or printed name and date ▼ If this application gives a date of publication in space 3, do not sign and submit it before that date.

Christopher Crane

date ▶ 9/25/91

Handwritten signature (X) ▼

MAIL CERTIFICATE TO

Certificate will be mailed in window envelope

Name ▼	Warner Books, Inc.
Number/Street/Apartment Number ▼	666 Fifth Avenue
City/State/Zip ▼	New York, NY 10103 Attn: Chris Crane

YOU MUST.

- Complete all necessary spaces
- Sign your Application in space 10

SEND ALL 3 ELEMENTS IN THE SAME PACKAGE:

1. Application form
2. Non-refundable \$10 filing fee in check or money order payable to Register of Copyrights
3. Deposit material

MAIL TO:

Register of Copyrights
Library of Congress
Washington, D.C. 20559

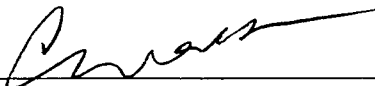
* 17 U.S.C. § 506(b). Any person who knowingly makes a false representation or a material fact in the application for copyright registration provided for by section 408, or in any written statement filed in connection with the application, shall be fined not more than \$2,500.

CERTIFICATE OF SERVICE

This is to certify that I have this day caused a true and correct copy of the within and foregoing **AFFIDAVIT OF PAUL H. ANDERSON, ESQ. IN SUPPORT OF PLAINTIFF'S MOTION FOR A TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION** to be delivered by hand to counsel for the Defendant as follows:

Miles J. Alexander
Jerre B. Swann
Joseph M. Beck
KILPATRICK STOCKTON LLP
1100 Peachtree Street, N.E.
Suite 2800
Atlanta, Georgia 30309-4530

This 23rd day of March, 2001.



An Attorney for Plaintiff