

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, | : | |
| | : | AFFIDAVIT OF KEVIN J. |
| | : | ANDERSON IN SUPPORT |
| Plaintiff, | : | OF PLAINTIFF'S MOTION |
| | : | FOR A TEMPORARY |
| v. | : | RESTRAINING ORDER AND |
| | : | <u>FREELIMINARY INJUNCTION</u> |
| HOUGHTON MIFFLIN COMPANY, | : | |
| | : | |
| Defendant. | : | |
| | : | |
| -----X | | |

KEVIN J. ANDERSON, being duly sworn, deposes and says:

1. I am the author of over 70 novels published since 1988, 27 of which have appeared on national and international best seller lists. I have over 15 million books in print worldwide. My works have been translated into German, Dutch, Japanese, Spanish, French, Romanian, Greek, Russian, Turkish, Portugese, Finnish, Norwegian, Swedish, Italian, Hungarian, Chinese, Indonesian, Hebrew, Czech, Croatian, Korean, Bulgarian, Slovenian, Estonian and Polish. During a promotional tour in 1998, I established the official Guinness World Record for "Largest Single-Author Book Signing." Thus, it is fair to say that I am one of the most successful science fiction writers working in the field today.

2. In addition to my original novels, I have written more than two dozen sequel or spinoff novels based on popular films or books; I have done this work only at the request or by authorization of the legitimate copyright owners. Lucasfilm asked me to write original sequels and prequels to "Star Wars", more than any other author. Chris Carter selected me to write novels based on his "X-Files" television show; one became a #1 bestseller, two of them won awards polls among the science fiction readership. I have also written novels for STAR TREK, 20th Century Fox's "Titan A.E." and "Fantastic Voyage". I am thoroughly familiar with the value of sequels and spinoff novels to the owners of an original property, as well as the expectations and difficulties in writing them.

3. I have also been authorized to write original prequel novels (that is, novels which take place before the events in the original novel) to Frank Herbert's "Dune", one of the best-selling science fiction novels of all time, and the source of five sequels written by the author. In 1996, ten years after the original author's death, I entered into an agreement with the Herbert estate to use these materials to create and write original DUNE prequel novels with Frank Herbert's son Brian; these prequels were sold to Bantam Books for the highest advance ever paid for a science fiction contract. The first two novels

in this trilogy have become international bestsellers and have been nominated for and have won several major awards.

4. In "The Wind Done Gone", Alice Randall attempts to retell the major events in "Gone With The Wind" from the perspective of a slave. She also presents the Mitchell characters in events after the close of "Gone With The Wind" (the very definition of a sequel), creates story lines of her own using the Mitchell characters, and even kills the character of "Scarlett O'Hara", undoubtedly one of the most famous assets of Ms. Mitchell's "Gone With The Wind" universe.

5. Ms. Randall has obviously written her novel with the intent of changing the underlying work. She has commandeered Margaret Mitchell's original characters, situations, and storylines without regard to the wishes or intent of the legitimate copyright holders.


6. In my opinion, this misappropriation of the Mitchell characters and character relationships would seriously taint the original property for further legitimate development by the rightful copyright holders.

7. While Lucasfilm has licensed and authorized hundreds of stories, comics and novels set in the "Star Wars" universe, the owners of "Gone With The Wind" copyright have been much more

selective, allowing only a single, authorized sequel to be published to date ("Scarlett", by Alexandra Ripley). Since the original work has not been "diluted", any unauthorized sequel or spinoff novel (such as "The Wind Done Gone") has the potential to do - relatively speaking - far greater harm to the copyright holders' ability to license that work than would, for example, the unauthorized publication of a novel that tells the "Star Wars" story from Darth Vader's point of view. Even so, Lucasfilm would not for a moment allow such a violation of their valuable copyright and properties to go unchallenged.

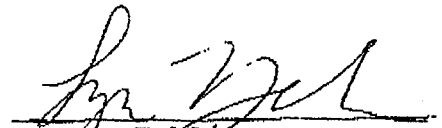
8. Simply because a work is popular and recognized as a literary classic, copyright law does not allow any aspiring author to rewrite the original novel or tell it from a different point of view. One cannot with impunity rewrite Mario Puzo's "The Godfather" from a different perspective to correct some perceived slight against Italian immigrants; one cannot rewrite James Clavell's "Sho-Gun" to correct any inaccuracies about the Japanese; one cannot rewrite Louis L'Amour's classic westerns to correct the unjust portrayal, real or imagined, of Native Americans. Similarly, Alice Randall must not be allowed to rewrite Margaret Mitchell's "Gone With The Wind," even if she

wishes (as is her stated intention) to portray the slaves and their role in Southern life at that time in a "truer" light.

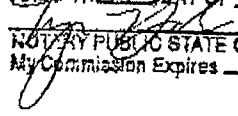


KEVIN J. ANDERSON

Sworn to before me
/2nd day of April, 2001



Notary Public


SUBSCRIBED AND AFFIRMED OR SWORN TO BEFORE
ME IN THE COUNTY OF EFOS STATE OF COLO-
RADO THE 12 DAY OF April 2001


NOTARY PUBLIC STATE OF COLORADO
My Commission Expires 08/20/04

CERTIFICATE OF SERVICE

This is to certify that I have this 12th day of April, 2001, caused a true and correct copy of the PLAINTIFF'S SUBMISSION OF ADDITIONAL EVIDENTIARY MATERIAL IN SUPPORT OF PLAINTIFF'S MOTION FOR A PRELIMINARY INJUNCTION to be hand delivered by 5:00 p.m., addressed to counsel for Defendant as follows:

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



An Attorney for Plaintiff