

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

JERRY GREENBERG, individually,  
and IDAZ GREENBERG, individually,

Plaintiffs,

CASE NO. 97-3924  
CIV-LENARD  
Magistrate Judge Turnoff

vs.

NATIONAL GEOGRAPHIC  
SOCIETY, a District of Columbia  
corporation, NATIONAL GEOGRAPHIC  
ENTERPRISES, INC., a corporation,  
and MINDSCAPE, INC., a  
California corporation,

Defendants.

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**PLAINTIFFS' FIRST SET OF  
INTERROGATORIES TO  
DEFENDANT NATIONAL  
GEOGRAPHIC SOCIETY**

Plaintiffs, Jerry Greenberg and Idaz Greenberg, propound the following interrogatories upon Defendant, National Geographic Society, and request that they be answered separately, fully and under oath within thirty (30) days of service pursuant to Fed. R. Civ. P. 33 and S.D. Fla.

L.R. 26.1G.

## DEFINITIONS

(a) The word "Society" means defendant National Geographic Society and any affiliates, subsidiaries, directors, officers, employees, agents, representatives or other persons acting, or purporting to act, on the behalf of that defendant.

(b) The singular shall include the plural and vice versa; the terms "and" and "or" shall be both conjunctive and disjunctive; and the term "including" means "including without limitation."

(c) The word "document" shall mean any writing, recording or photograph in your actual or constructive possession, custody, care or control, which pertain directly or indirectly, in whole or in part, either to any of the subjects listed below or to any other matter relevant to the issues in this action, or which are themselves listed below as specific documents, including, but not limited to: correspondence, memoranda, notes, messages, diaries, minutes, books, reports, charts, ledgers, invoices, computer printouts, microfilms, video tapes or tape recordings.

(d) "Person" shall mean any individual, corporation, proprietorship, partnership, trust, association or any other entity.

(e) The word "identify", when used in reference to a document, means and includes the name and address of the custodian of the document, the location of the document, and a general description of the document, including (1) the type of document (i.e., correspondence, memorandum, facsimile, etc.), (2) the general subject matter of the document; (3) the date of the document; (4) the author of the document; (5) the addressee of the document; and (6) the relationship of the author and addressee to each other.

## INSTRUCTIONS

If you object to fully identifying a document or oral communication because of a privilege, you must nevertheless provide the following information pursuant to S.D. Fla. L.R.

26.1.G.6.(b), unless divulging the information would disclose the privileged information:

- (1) the nature of the privilege claimed (including work product);
- (2) if the privilege is being asserted in connection with a claim or defense governed by state law, the state privilege rule being invoked;
- (3) the date of the document or oral communication;
- (4) if a document: its type (correspondence, memorandum, facsimile etc.), custodian, location, and such other information sufficient to identify the document for a subpoena duces tecum or a document request, including where appropriate the author, the addressee, and, if not apparent, the relationship between the author and addressee;
- (5) if any oral communication: the place where it was made, the names of the persons present while it was made, and, if not apparent, the relationship of the persons present to the declarant; and
- (6) the general subject matter of the document or oral communication.

You are under a continuous obligation to supplement your answers to these interrogatories under the circumstances specified in Fed. R. Civ. P. 26(e).

## INTERROGATORIES

1. With reference to Count I of the Amended Complaint, provide the name and address of the artist(s) or other graphics specialist(s) who participated in the preparation or production of the product addressed in that count. For each individual listed, state whether the person was an employee or an independent contractor during the times relevant to Count I, and for each individual state the role performed.

2. Identify the individual(s) with the most knowledge of the Society's library, archives, collections, or other storage systems for photographs and other graphic works.

3. With reference to the allegations in Count I of the Amended Complaint, identify the individual(s) with the most knowledge of the relationship between the Society and Educational Insights that is addressed in that count, and for each individual listed state the nature of the knowledge possessed.

4. Identify any photography or artwork of Jerry Greenberg or Idaz Greenberg that was provided to, or was available to, the persons who prepared or produced the product addressed in Count I of the Amended Complaint, from sources including but not limited to books, magazines, film transparencies, archival printouts, digitally stored materials, and any other printed matter.

5. Identify any and all documents or articles bearing copyright notice by Jerry Greenberg, Idaz Greenberg and/or Michael Greenberg that were in the possession or control of the Society during the times relevant to Count I of the Amended Complaint.



BY: \_\_\_\_\_

PRINT NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

STATE OF                    )  
                                  ) ss  
COUNTY OF                )

BEFORE ME, the undersigned authority, personally appeared \_\_\_\_\_,  
who is personally known to me or who provided \_\_\_\_\_ as  
identification, who did take an oath, and who deposed and said that the facts set forth in the  
answers to the foregoing interrogatories are true and correct.

WITNESS my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 1998.

\_\_\_\_\_

Notary Public, State of \_\_\_\_\_

\_\_\_\_\_  
Typed or Printed Name of Notary

Commission Number \_\_\_\_\_

Commission Expires \_\_\_\_\_