

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Miami Division
CASE NO. 97-3924-CIV-SIMONTON

JERRY GREENBERG, individually,
and IDAZ GREENBERG, individually,

Plaintiffs,

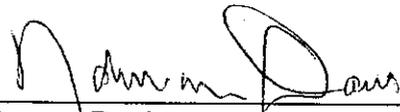
vs.

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

Defendants.

**PLAINTIFFS' NOTICE OF SERVING SECOND SET OF INTERROGATORIES
TO DEFENDANT NATIONAL GEOGRAPHIC ENTERPRISES, INC.**

Plaintiffs, JERRY GREENBERG and IDAZ GREENBERG (together "Greenberg"),
hereby give notice of serving the Second Set of Interrogatories to Defendant, National
Geographic Enterprises, Inc., consisting of eleven (11) interrogatories, to be answered separately
and fully in writing under oath within 30 days of the date of service hereof.



Norman Davis
Florida Bar No. 475335
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Attorney for Plaintiffs
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(305)577-2988
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by overnight mail via federal express to Robert Sugarman, Esq., Weil, Gotshal & Manges LLP, 767 Fifth Avenue, New York, NY 10153, this 3RD day of October, 2002.


Norman Davis

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Plaintiffs,

vs.

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

Defendants.

**PLAINTIFFS' SECOND SET OF INTERROGATORIES DIRECTED TO
DEFENDANT NATIONAL GEOGRAPHIC ENTERPRISES, INC.**

Plaintiffs, JERRY GREENBERG and IDAZ GREENBERG (together "Greenberg"),
propound the following interrogatories upon Defendant, NATIONAL GEOGRAPHIC
ENTERPRISES, INC., 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 acronym "NGE" means defendant National Geographic Enterprises, Inc. 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. Provide the date(s) when the CNG 108 product in CD-ROM format was shown, demonstrated, exhibited or otherwise displayed, by or on behalf of one or more of the defendants or their affiliates, at an Electronic Entertainment Expo in Atlanta.

2. Apart from the answer to Interrogatory No. 1, provide the date(s) and location(s) where, in 1997, a completed version of CNG 108 was shown, demonstrated, exhibited or otherwise displayed to third parties, by or on behalf of one or more of the defendants or their affiliates, prior to the beginning of general sales of the product, and describe briefly what the activity was.

3. Provide the date(s), in 1997, when a completed version of CNG 108 was first shown, displayed, or otherwise made available for screening or review, to officers, directors, employees or consultants of NGE prior to the beginning of general sales of the product.

4. With respect to CNG 108, provide the approximate date(s) when NGE, or any agent or contractor acting on its behalf, first began any promotion, advertising or publicity related to the product, and describe the nature and purpose of that activity.

5. With reference to section 5.8 of Mindscape's agreement with National Geographic Interactive effective September 13, 1996, provide the approximate date when Mindscape received the "final gold master" for CNG 108, and the approximate date when Mindscape began to make copies for the marketplace from the gold master, and explain the purpose of a final gold master.

6. With reference to Schedule F of Mindscape's agreement with National Geographic Interactive effective September 13, 1996, provide the actual dates and amounts of payments to National Geographic Interactive, or any successor or affiliate, for the CNG 108 product pursuant to the payment events contemplated in the Schedule.

7. Identify by name, and position held, every fact witness the defendant will use, or intends to use, at trial, and provide a brief summary of each witness' testimony.

8. State the number of photographic images that were removed from any Later Version of the CNG 108 product and the product(s) from which removed.

9. If you contend that the presumptive privilege in Section 201(c) of the Copyright Act should apply to defendants National Geographic Enterprises, Inc. and/or Mindscape, Inc., explain the legal basis for such a contention.

10. Explain the legal and factual basis for the defendants' defense against a contention that the infringement of copyrights in the Greenberg photographs was willful.

11. Since the 1976 Copyright Act came into existence Congress has amended the Act twice to enlarge the range of statutory damages, including damages for willful infringement, that may be awarded. Identify the base range, and the range for willful infringement, that you contend must apply in this litigation, and explain the legal basis for your contention.

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 _____, 2002.

Notary Public, State of _____

Typed or Printed Name of Notary

Commission Number _____

Commission Expires _____

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