Faxed Sunday 4 PM

Confidential to Norman Davis Sept. 6 1998

1. My name is Robert E. Gilka. I reside at 4664 N. 25 Street, Arlington, VA 22207. The statements in this affidavit are based on my personal knowledge.
2. At the time of my retirement in 1985, I was Director of Photography for the National Geographic Magazine, published by the National Geographic Society ("the Society"). I had been employed by the Society, and worked in various roles at the magazine, for 27 plus years.
3. From 1958 to 1964, I was an Assistant Illustrations Editor. I was promoted to Director of Photography in 1964.
4. In the 27 plus years of my affiliation with the magazine, I reviewed most photographs that were published in the magazine, prior to publication. The National Geographic Society obtained copyright protection for all photographs appearing in the magazine, and where necessary took vigorous action to defend against infringements of its copyrights.
5. During my tenure with the magazine, we published many hundreds of photographs of fishes and other undersea creatures. The Society regarded every photograph it used as creative, original and worthy of protection.
6. I have read the Affidavit of Jerry Greenberg, dated _____ , and I can state on the basis of my experience that his statements regarding the originality of photographs of fishes are correct. In more than two decades of reviewing and assessing photographs for the National Geographic Society, I never saw any underwater photograph of a fish that was identical to any other photograph of a fish. The variables involved-- in the fish, in the equipment used, and in the shifting underwater environment itself-- are so numerous that each photograph is original.
7. Jerry Greenberg worked on many photographic projects for the Society. He was given those assignments for the very reason that his work was of very high quality and was consistently original.

AFFIANT SAYS NOTHING FURTHER.

Norman- these corrections are as given to me by Gilka. He is leaving town to travel on the morning of Sept. 10, so he must have this to sign and have notarized by Sept. 9. If that's not possible, one person who might know his whereabouts is:

Brian Lanker, 1993 Kimberly Drive, Eugene, OR 97405-ph.541-485-0070