SECOND SUPPLEMENTAL
AFFIDAVIT OF JERRY GREENBERG

1. My name is Jerry Greenberg. The statements in this affidavit are based on my personal knowledge.

2. I reside at, and conduct my business from, 6840 S.W. 92nd Street, Miami, Florida.

3. Idaz Greenberg and I operate a small publishing business known as Seahawk Press. Our books and other materials on undersea life are all created for educational purposes, ranging from the interests of casual divers to those of serious scholars. Each book is checked for accuracy by ichthyologists and invertebrate experts. Our books were cataloged by the International Oceanographic Foundation, and are in the public library system. They have been used for course studies at many high schools and universities. They are used by SeaCamp, a marine environment to teach children about undersea life. Our materials are marketed and sold in many stores in the United States and in various parts of the world. Our products are not sold in a vacuum, but in competition with other products that have educational purposes including children's toys and games.

4. A significant source of supplemental income for our business is the licensing of images. In recent years, we have entered into license arrangements with more than three dozen entities, some of which renewed the licenses with our approval and continue to do business with us.

5. In February, 1968, the National Geographic Society published in its monthly magazine an article entitled Sharks: Wolves of the Sea. On assignment from the magazine, I took thousands of photographs for the article. One of the photographs, depicting an Oceanic Whitetip shark, was used on the cover of the February, 1968 issue of the magazine. A copy of the cover is incorporated into this affidavit as Attachment I.

6. In our book, "The Living Reef," are photographs of a Stoplight Parrotfish, a Redband Parrotfish, and a Green Moray. From 30 to 100 photographs were taken of each of the three fishes for purposes of the book project. Every one of those photographs was unique in a variety of ways, indicative of the many variables in the fish itself, the setting, the lighting, the camera, and other factors.

The selection of the three photographs of those fish that appear in the book reflect our artistic judgment as to the best expression of each individual fish.

7. In our book, "The Living Reef," are photographs of two scuba divers. I took more than 50 separate photographs of each diver for purposes of the book project. Every photograph captured on film was unique in a variety of ways, indicative of the many variables in the diver, the setting, the lighting, the camera, and other factors. The selection of the photographs of the divers that appear in the book reflect our artistic judgment as to the best expression of each individual diver.

8. In 1975,1994 and 1996, the National Geographic Society utilized one or more of my photographs, for which I owned the copyrights, in various Society publications without my prior consent.

AFFIANT SAYS NOTHING FURTHER.

Jerry Greenberg

Jerry Greenberg

STATE OF FLORIDA )
)ss
COUNTY OF MIAMI-DADE )

The foregoing instrument was acknowledged before me this 22 day of October, 1998, by Jerry Greenberg, who was sworn and who said that the information set forth above is true and correct. Mr. Greenberg is ~~personally known to me,~~ or produced FL DL Jerry Greenberg as personal identification.

Julie L Ruigomez

Notary Public

JULIE L. RUIGOMEZ
MY COMMISSION # CC 626588
EXPIRES: April 17, 2001
Bonded Thru Notary Public Underwriters