

FILED IN CLERK'S OFFICE
U.S.D.C. - Atlanta

JUL 30 2010

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA

JAMES N. HATTEN, Clerk
By: *[Signature]*
Deputy Clerk

MAUREEN TOFFOLONI,
as Administrator and Personal
Representative of the ESTATE
OF NANCY E. BENOIT,

CASE NO. 1:08-cv-00421-TWT

Plaintiff,

vs.

LFP PUBLISHING GROUP, LLC,
d/b/a Hustler Magazine, et al.,

Defendant.

ORIGINAL AFFIDAVIT OF CHRISTOPHER LEE HELTON

Attached hereto is the original Affidavit of Christopher Lee Helton manually
filed by Defendant LFP Publishing Group, LLC.

Respectfully submitted this 30th day of July 2010.

/s/ S. Derek Bauer
James C. Rawls
Georgia Bar No. 596050
Barry J. Armstrong
Georgia Bar No. 022055
S. Derek Bauer
Georgia Bar No. 042537
Darrell J. Solomon
Georgia Bar No. 305922

McKENNA LONG & ALDRIDGE LLP
303 Peachtree Street, NE, Suite 5300
Atlanta, Georgia 30308
(404) 527-4000
(404) 527-4198 (facsimile)

Pro hac vice:

Paul J. Cambria, Jr.
Jeffrey Reina
William M. Feigenbaum

LIPSITZ GREEN SCIME CAMBRIA
LLP
42 Delaware Avenue, Suite 120
Buffalo, New York 14202-3924
(716) 849-1333
(716) 849-1315 (facsimile)

Attorneys for LFP Publishing Group,
LLC

ATLANTA:5243072.1

FILED IN CLERK'S OFFICE
U.S.D.C. - Atlanta

JUL 30 2010

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA**

By: *JAMES W. HATTEN*, Clerk
Deputy Clerk

MAUREEN TOFFOLONI,
as Administratrix and Personal
Representative of the ESTATE
OF NANCY E. BENOIT,

Plaintiff,

vs.

LFP PUBLISHING GROUP, LLC
d/b/a Hustler Magazine, et al.,

Defendant.

CASE NO. 1:08-CV-00421-TWT

AFFIDAVIT OF CHRISTOPHER LEE HELTON

STATE OF INDIANA,

COUNTY OF HENDRICKS.

Personally appeared before the undersigned officer duly authorized by law to administer oaths, CHRISTOPHER LEE HELTON, who being first duly sworn, deposed and said as follows:

1.

My name is Christopher Lee Helton. I am over twenty-one (21) years of age and I am competent to make and give this Affidavit, and do so from personal knowledge.

2.

I am a professional photographer who specializes in taking pictures of musical performers and other celebrities.

3.

During the 1980's, I was a resident of Orlando, Florida.

4.

I was present at a modeling session and photo shoot involving Nancy Benoit, then known as Nancy Daus, that took place in the early to mid-1980's at the townhouse of Mark Samansky. Also present at the photo shoot were Mark Samansky, Ms. Benoit's then-husband, Jim Daus, and another photographer, Bill Otten.

5.

At the photo shoot, I used my camera to take photographs of Ms. Benoit while she posed nude, partially nude, and in various outfits. Ms. Benoit's participation in the photo shoot was voluntary and consensual. The modeling

session was also recorded photographically by Bill Otten with his camera, and recorded by Mark Samansky on videotape.

6.

I recognize the images of Nancy Benoit published in the March 2008 issue of *Hustler Magazine* as images taken from the same modeling session with Ms. Benoit at the home of Mark Samansky that I participated in.

7.

To the best of my recollection, a short time after the modeling and photo session I met Ms. Benoit and Jim Daus to show them the pictures I had taken and to give them a set of copies of those pictures.

8.

With Ms. Benoit's full knowledge and consent I retained a set of copies of the pictures I took of her during the modeling session, as well as the negatives.

9.

Neither Ms. Benoit, Jim Daus, Mark Samansky or anyone else ever asked me, at any time, to destroy the photographs I took of Ms. Benoit or the negatives of those photographs.

10.

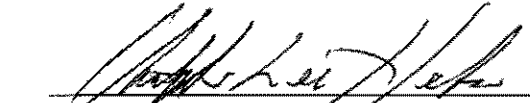
To the best of my recollection, I have not destroyed the photographs I took of Ms. Benoit or the negatives for the photographs.

11.

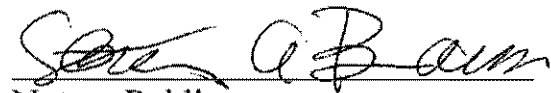
I have never authorized the publication of the nude photographs I took of Ms. Benoit, and to the best of my knowledge, none of those photographs have ever been published.

[Signatures on following page]

Further affiant sayeth not.


Christopher Lee Helton

Sworn to and subscribed before me
this 29 day of July 2010.


Notary Public Steven A. Baum

561689

COMMISSION exp.
2-22-2015