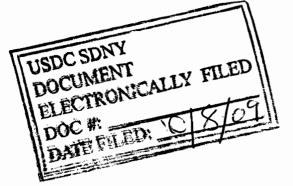
BONI & ZACK LLC

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VIA FACSIMILE

The Honorable Denny Chin United States District Judge U.S. Courthouse 500 Pearl Street New York, New York 10007

The Clark of the Court shall accept this letter for filing,
October 5, 2009 and the ASMP
Movants shall
respond by 19/4/09. SO ORDERED.

Re: The Authors Guild, Inc., et al. v. Google Inc., 95 Civ. 8136-DC

Dear Judge Chin:

Plaintiffs hereby respond to the September 24, 2009 Motion for Reconsideration (Doc. No. 736, "Mot. Reconsider,") filed by the American Society of Media Photographers ("ASMP"), et al. (collectively "ASMP movants"), which purport to hold copyrights in photographs and other forms of visual art that are not included in the settlement. The reconsideration motion fails both as a matter of substance and procedure.

The Author's Guild et al v. Google Inc.

First, the ASMP movants are not members of the class and have always known that they are not. As the ASMP's General Counsel put it in April 2009, "I knew...before it was filed" that the class action complaint would "be limited to textual materials." See p. 2, infra. Thus, any suggestion that movants are confused as to whether they "are members of the class or have been excluded" (Mot. Reconsider. 2) lacks credibility.

Second, that the class potentially could have included the proposed intervenors is legally irrelevant. The Author Sub-Class and the Publisher Sub-Class were under no obligation to settle and extinguish the claims of every person conceivably affected by the alleged conduct of Google. See In re Holocaust Victim Asset Litig., 225 F.3d 191, 201 (2d Cir. 2000) (even a broadly drafted "complaint in a class action lawsuit does not vest in putative class members a right to be part of the class ultimately certified by the District Court").

Third, the ASMP movants will not be prejudiced if they are denied intervention. No claims they may have against Google will be released by the settlement, and they remain free to pursue those claims. See id. at 199 ("Because appellants remain free to file a separate action, they have not established that they will be prejudiced if their motion to intervene is denied."). By contrast, it is clear that intervention at this stage would be highly prejudicial to the parties.

Doc. 754

Hon. Denny Chin October 5, 2009 Page 2 of 6

Finally, movents do not even mention, let alone satisfy, the standards for reconsideration. In fact, they would be unable to satisfy such standards, as there has been no change in the law or facts since their motion was denied, and the Court did not fundamentally err in its ruling.

The ASMP Movants Always Knew They Were Not In The Class.

The ASMP movants are not members of the class, and the ASMP has known this for years.

Victor Perlman, General Counsel and Managing Director of the ASMP, who filed a declaration in support of objections to the settlement (Doc. No. 218), has publicly admitted knowing – since even before the filing of the original class action complaint – that photographers and other graphic artists were not included in this litigation. At a Columbia Law School symposium on the settlement on April 1, 2009, Professor Jane Ginsberg introduced Mr. Perlman by asking him the following question: "Remember the photographers are not included in this settlement and therefore are not part of the book rights registry. I guess the first question is why not?" See Excerpted Transcript of Panel Discussion, attached as Ex. A hereto. Mr. Perlman responded:

A little bit of history is that this room and the copyright world at large is a very small incestuous community. We all know each other. We all know what is going on. I knew that the class action suit was going to be filed by the Authors Guild hefore it was filed. And I approached [Authors Guild Executive Director] Paul Aiken, whom I've known for probably 15 years or more and said, "hey, what about us?" And he very politely and diplomatically said that he wanted to keep it limited to textual materials, presumably to keep this already complicated situation as relatively uncomplicated as possible.

Id. (cmphasis added). Mr. Perlman stated – without qualification – that "photographers are not in this thing," ² and that "[w]hether we will be included in the future is something we can explore

Streaming video of the symposium, including the panel discussion in which Mr. Perlman participated, can be viewed online at:

http://www.kernochancenter.org/Googlebookssettlementrecording.htm. Mr. Perlman's statements discussed above occur in Part 3 of the video. A CD of the panel discussion can be delivered to chambers, should the Court so request.

Indeed, the Class Notice contains a section entitled "Pictorial Works." It clearly states that, "Photographs, illustrations, maps, paintings and other pictorial works in Books...are not covered by the Settlement, UNLESS a U.S. copyright interest in these works is held by a Rightsholder of the Book containing these pictorial works." (emphasis in original). Mr. Perlman's Columbia Law School symposium comments demonstrate that he fully

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later in this afternoon's program." *Id.* Because he knew the ASMP movants were excluded, he described his "immediate reaction" to the settlement as "okay how do I get a piece of that." *Id.*

These were not isolated comments. In the ASMP's 2008 year end bulletin, published in December 2008, just a couple of months after the settlement was announced, Mr. Perlman is quoted as saying "[w]e had some informal conversations with the Authors Guild when the suit was first filed, possibly to include photographers as well. But in the interest of clarity, the Guild wanted to keep it simple." See ASMP 2008 Year End Bulletin at 8, attached hereto as Exhibit B. Mr. Perlman went on to express the hope that "[w]ithin the context of the current settlement, there may be an opportunity for more participation by other copyright holders, including our ASMP members." Id.

Thus, as revealed by Mr. Perlman's own admissions, the Executive Director of the Authors Guild told him years ago that the movants would not be part of the class. These facts completely undercut movants' baseless assertion that plaintiffs and their counsel somehow acted to include and then exclude the movants from the class in order to gain leverage with Google. These facts also expose the motion to reconsider and Mr. Perlman's declaration (Doc. No. 218-2) as a post hoc argument crafted without regard to the facts. (See Mot. Reconsider 4.)

Moreover, even if a class action complaint contains expansive language, absent class members have no right to be included in the class ultimately certified by the Court, as explained in *In re Holocaust Victim Asset Litig.*, 225 F.3d 191, 201 (2d Cir. 2000). There, after a settlement class had been preliminarily certified, but prior to final settlement approval, a group of Ethnic Poles sought to intervene, "object[ing] to the certification of a narrower settlement class than the one described in the original complaints." *In re Holocaust*, 225 F.3d at 193. The district court denied intervention, and the Second Circuit affirmed, rejecting "the notion that the broad language of the original complaint in a class action lawsuit vests in putative class members – that is, those who *seem* to be included in the class described in the complaint – a right to be included in the class ultimately certified by the District Court." *Id.* at 200 (cmphasis in original). The Court went on to explain:

[T]he broad language of the complaints did not create an exception to the general rule that a non-settling party may not object to the terms of a settlement which does not affect its own rights. The non-party's only recourse is to file a motion to intervene, and the evaluation of such a motion does not require a court to take into account the language of the original complaint.

Id. at 201 (internal citations, quotes and alterations omitted) (emphasis added).

understood how the class was defined. See comments of Mr. Perlman in Ex. A ("There is actually one exception – a limited class of photographs and photographers who are covered who are within the settlement class and that is where the copyright owner to the visual material is the same as the copyright owner to the book.").

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The ASMP Movants Have Suffered No Prejudice And Their Motion Is Patently Untimely.

Each of the intersecting factors as to timeliness of the motion to intervene cuts against the ASMP movants: (1) "prejudice to the applicant if the motion is denied"; (2) "prejudice to existing parties resulting from the applicant's delay"; (3) "the length of time the applicant knew or should have known of his interest before making the motion"; and (4) "the presence of unusual circumstances militating for or against a finding of timeliness." Farmland Dairies v. Commissioner of New York State Dept. of Agriculture and Markets, 847 F.2d 1038, 1044 (2d Cir. 1988).

First, the settlement does not affect the rights of the proposed intervenors, and they remain free to pursue any claims they may have against Google or anyone else. Although they allege that they will be prejudiced because they will lack "bargaining power" or "resources" to protect their rights (Mot. Reconsider. 6), the Second Circuit rejected a virtually identical argument in *In re Holocaust*. There, the proposed intervenors argued that they would be prejudiced if intervention was denied because "they would face tremendous obstacles in bringing their own lawsuit." *In re Holocaust*, 225 F.3d at 199. The Second Circuit held "that appellants in this case will face many significant obstacles" did not constitute undue prejudice, and that judicial economy and uniformity of decisions did not militate in favor of intervention. *Id.*³

Second, the parties to the litigation will suffer enormous prejudice if intervention is granted. The settlement is the product of a lengthy and complex arm's length negotiation process between sophisticated parties and their counsel, in which both sides incurred appreciable expenses. The parties made a conscious decision to exclude photographers and other graphic artists from the settlement, except to the limited extent set forth in the settlement agreement, as described in the Class Notice. Intervention at this time would seriously threaten to disrupt the settlement and approval process, and prolong the litigation, resulting in severe prejudice to the parties and the class members. See In re Holocaust, 225 F.3d at 199 ("intervention at this late stage would prejudice the existing parties by destroying their Settlement and sending them back

The cases cited by the ASMP movants in support of their claim that they will suffer prejudice are inapposite and, to the extent they conflict with *In re Holocaust*, are not law in this Circuit. In *In re Discovery Zone Sec. Litig.*, 181 F.R.D. 582, 595 (N.D. Ill. 1998), unlike here, the intervenor was repeatedly assured by class counsel that it was included in the proposed class when it was not. It relied on those representations to its detriment. *Id.* In the present case, to the contrary, the ASMP approached counsel for the Author Sub-Class after the settlement was announced for the purpose of seeking representation in order to become included, knowing at that time that they were not so included. *McBean v. New York*, 2007 WL 473711, at *3 (S.D.N.Y. Feb. 13, 2007), was a prisoner rights case, and the court found that requiring the intervenors to file their own actions would be prejudicial because they were "individuals with limited resources." *South v. Rowe*, 759 F.2d 610, 612-13 (7th Cir. 1985), also was a prisoner rights case, and the prisoner-intervenor would have faced significant prejudice if intervention were not granted: he was a third-party beneficiary to the action in which he sought to intervene, and there were no other parties capable of representing his interest.

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to the drawing board"; motion to intervene found untimely); United States v. Pitney Bowes. Inc., 25 F.3d 66, 72 (2d Cir. 1994) ("jeopardizing a settlement agreement causes prejudice to the existing parties to a lawsuit"; motion to intervene found untimely).

Third, this action commenced over four years ago and was highly publicized from the outset. From that time through the announcement of the settlement and the notice process, the ASMP movants actually knew to what extent their purported interests might be affected by this litigation. See Farmland Dairies, 847 F.2d at 1044 (question is how long proposed intervenor "knew or should have known of [its] interest before making the motion" to intervene); see generally United States v. Yonkers Bd. of Ed., 801 F.2d 593, 595 (2d Cir. 1986) (applicants had notice where litigation was "page one news in the Yonkers local newspaper"). Mr. Perlman's admitted discussions with the Authors Guild prior to the institution of this action demonstrates that the ASMP knew of the imminence of the action and the fact that it would not include his constituency. The ASMP as early as that time could have sought to intervene or file its own lawsuit against Google.

Similar (or much shorter) delays have consistently been held untimely. See e.g., In re Holocaust, 225 F.3d at 198-99 (8 months); Catanzano v. Wing, 103 F.3d 223, 233 (2d Cir. 1996) (18 months); Pitney Bowes, 25 F.3d at 71 (8 months minimum); United States v. State of New York, 820 F.2d 554, 557 (2d Cir. 1987) (15 months).

Fourth, there are "unusual circumstances," but here they weigh strongly against intervention. When a proposed intervenor admits to having been fully aware of the issues in the litigation over four years ago, *before* the lawsuit was filed, but sits on the sidelines while it is litigated, thereafter publicly acknowledging that it is not a member of the settlement class, only to seek to insert itself into the settlement nearly a year after it was announced, fundamental fairness requires that the request for intervention be denied.

The ASMP Movants do Not Even Address, Let Alone Satisfy, the Elements Necessary to Warrant Reconsideration.

Finally, the ASMP movants do not even try to demonstrate that they meet the requirements for reconsideration of a motion (they do not), which alone warrants denial of their motion. See Iglesias-Mendoza v. La Belle Farm. Inc., 241 F.R.D. 182, 183 (S.D.N.Y. 2007) ("To prevail on a motion for reconsideration, the movant must demonstrate 'an intervening change of controlling law, the availability of new evidence, or the need to correct a clear error or prevent manifest injustice."") (quoting Doe v. New York City Dep't of Soc. Servs., 709 F.2d 782, 789 (2d Cir. 1983)).

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For all of the foregoing reasons, plaintiffs respectfully request that the Court deny the ASMP movants' motion for reconsideration. Should the Court request more complete briefing in response to the more than fifty pages submitted by the ASMP movants in connection with their objections and motion to reconsider, we are ready to provide it on any schedule.

Respectfully yours,

Michael J. Boni

cc: Elaine Metlin, Esq.
Shirley Saad, Esq.
Victor S. Perlman, Esq.
Bruce P. Keller, Esq.
Jeffrey P. Cunard, Esq.
Daralyn J. Durie, Esq.

Exhibit A

Symposium, Part 3: Authors and Incentives

Jane Ginsburg:

Our last panelist on this go round is Vic Perlman of the American Society of Magazine Photographers. Remember that the photographers are not included in this settlement and therefore are not part of the book rights registry. So, I guess the first question would be why not?

Victor Perlman:

Thank you Jane. Since I am a lawyer let me start with some disclaimers. First, I am kind of the flip side of the Jule Siegal. I'm speaking solely on behalf of ASMP and its members. I'm not giving you any personal context here. I'm within the class and I'm not even going to tell you whether I'm opting in or out or what I'm doing. The other thing is that anybody who knows me knows I tend to view the world in the context of popular culture, movies, songs and to me the Google settlement is a Jerry Maguire moment. Because I keep seeing Cuba Gooding going show me the money. And I'm kind of a little like Cinderella before the transformation here, because, you know, the photographers aren't in this thing. We have illustrated books but we don't have illustrations. There is actually one exception - there is a limited class of photographs and photographers who are covered who are within the settlement class and that is where the copyright owner to the visual material is the same as the copyright owner to the book. A little bit of history is that this room and the copyright world at large is a very small incestuous community. We all know each other. We know what's going on. I knew that the class action suit was going to be filed by the Authors Guild before it was filed. And I approached Paul Aiken whom I've known for probably 15 years or more and said, "hey what about us?" And he very politely and diplomatically said that he wanted to keep it limited to textual materials presumably to keep this already complicated situation as relatively uncomplicated as possible. There may have been other reasons at play but if I'm sitting in Paul Aiken's chair I am trying to represent my constituents and I can understand why you would want to exclude everybody else from at least the discussion stage of it. There is nothing inherent about visual materials that suggests that they should not have been included and in fact in some limited groups I have mentioned they are. As far as I'm concerned if this is an infringement, if copyrighted material is infringed it is infringed no matter what whether visual or textual. Whether we will be included in the future is something we can explore later on in this afternoon's program.

Round Two

Jane Ginsburg:

For Vic Perlman, do you see the Google book settlement as a possible template for future opportunities for photographers and illustrators?

Victor Perlman:

Sure. Tracy mentioned IFRO. Actually, I was at the annual meeting of IFRO on October 28th I guess it was when Paul Aiken and Pat Schroeder announced the settlement. And my immediate reaction was okay how do I get a piece of that. And this reminds me of when I became a partner in my law firm and I was told verbally that I was being offered partnership and then I got the partnership agreement. You know 350 pages later I am looking at this and going whoa. I think that we are certainly currently actively evaluating the settlement, its effects, possible ways of participating in this solution, in similar solutions, in parallel solutions. I think that no matter how you feel about the situation and the settlement it's inevitable that some system of dealing with the problems that the settlement faces, and gave birth to it, is inevitable and is potentially a win win win situation. The question is as always the devil is in the details. And one of the big issues I look at in trying to become involved in something like this is how to deliver a sufficient body of rights to make the thing viable.

Round Three

Jane Ginsburg:

Vic, you have the last word on this round. What other concerns do you see going forward for your authors?

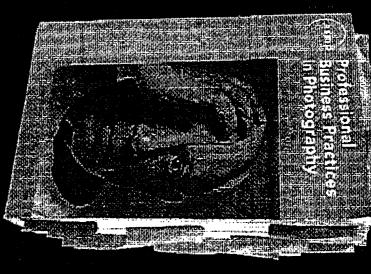
Victor Perlman:

These are concerns. They are not necessarily objections. I signed my partnership agreement. The first is the effect on value. This thing is setting up a valuation for past copying setting up a system and formulas establishing and dividing revenues for future uses. It is doing that for books with illustrations without taking those illustrations into account and I'm concerned about the precedence of that system and how it might negatively impact the valuation of illustrated materials. For past copying we are talking about \$60 a book, \$15 for an insert in my view an illustrated book isn't worth an awful lot without the illustrations. I am concerned that the settlement model doesn't really recognize that. I also have to puzzle about whether all books are truly equal. I keep coming back to my show me the money question. I keep wondering where and whose share does money for photographers come from. Are we going to have to fight with the text authors? With publishers? With Google? With all three? Are we going to create new revenue streams and if so how are those revenue streams going to be affected by everything that has gone on. I am concerned about granting a virtual monopoly. And that pun is completely intentional. Consolidation in the publishing field has consistently led to decreasing competition, smaller numbers of markets and outlets, and these have

resulted in decreasing compensation for photographers and I have to wonder would this settlement be the ultimate example of that trend. I am concerned about security issues of access to and use of visual materials. Once someone has a digital file in most cases that genie is out of the bottle. I am also concerned that my little red light just went on so I am going to shut up.

Exhibit B

Photography Resource

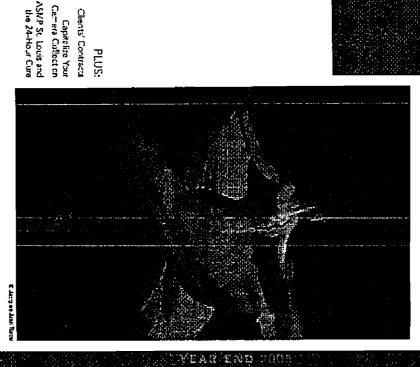


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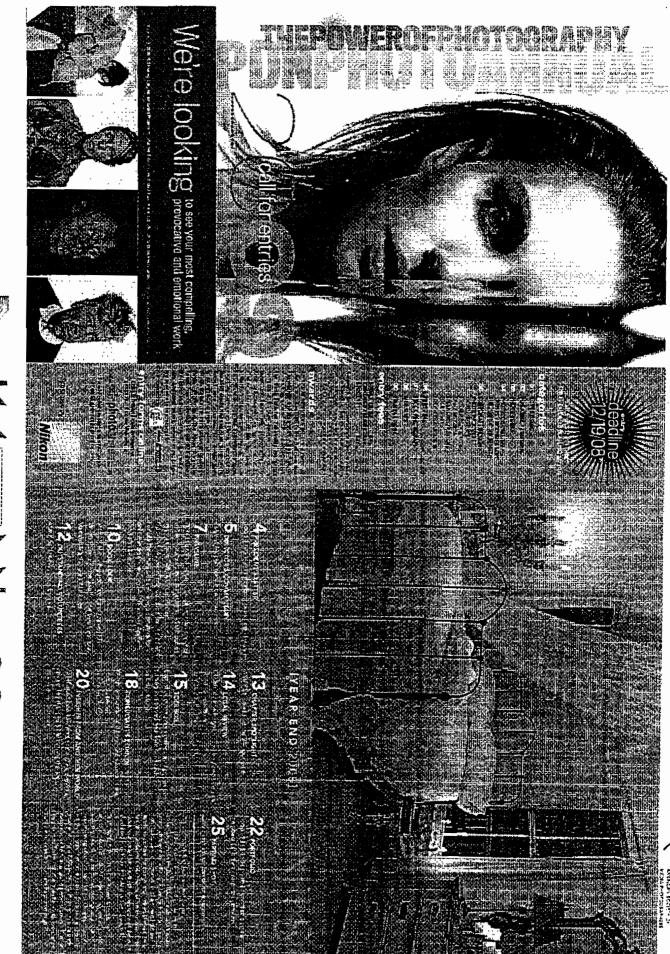
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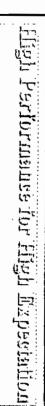


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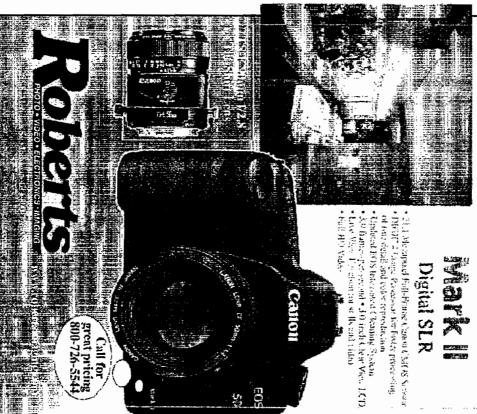
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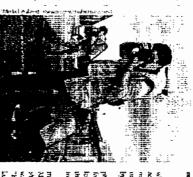
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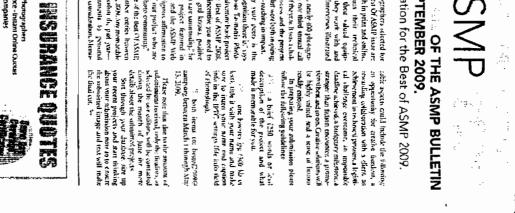
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Volume 17, Number 1/Year Fed 2004

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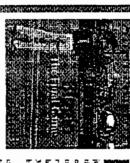
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reprioried large earth-inerce, side mean the lid plantomary. The instrument of the ect ed a targe neek sandanding a barren encused of orange surface missing spallage One staking dealther page spread reveals

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combined with insightful quotes from initiate their election and thoughtfally nes 1 with landscape in which we were car. angsion Hughes, and Orlan Tronus are philosophers and peets nich as Plato enguised by the paraching earth. This MARKINGS BEEN TOWNS WAS TREETED

PHOTOGRAPHS BY MAXWELL MACKENZIE

Minograph by Marcel Manders, Bergard by Marcel Marc

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CHAPTERSPOTLIGHT

ASMP ST. LOUIS AND THE 24-HOUR CURE

ASIAP ST. LOUIS IS A CHAPTER ON THE MOVE with a stonic for board and analysis and an authorized or stonic field by the stone for the field of the fi gamming and measing the mambachip then of the perfect days it has runned things accuse to remignate protoo long is the scoop will on noting ground but, thanks to the dedicasays. 'A lot of younger members started coming its. Dog war both heps a user group active and gradually pet mane group's involved, he the elder anorthers downly from your reasons recently exent as provided in the e fram realistic disfançasi iz displot fave baratizate tomeni

nity is ser to theyer (moth 'Part of our success this year has been great was finded hourd member and educator fill Autorit. Noticity arting out programs on a systemly havis," he notes, Current chapter precident branch Deutest, General sense of commo-"He new have a very active chapter where people are interacting in

ras the presents that the ASMA has in duing peopsitional the time."

ergen to know with those open to being a community

as by the chapter has been an educate trick of September Seconds perceived bases amble es (engrare dans se executed panel and a talking State beautiful protar ont ta do the tran is very wider public er juga an ied fakts of the phongraphy commu-Amount Mercound is 2500 & Pinch a Lusines Form programming organized or speaked

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erd part social come which the draper expansed in April 2018. In their hasinesses and thos experience hist, on exem targeting phonegraphy observing occurrend axis insta lans with six professional pieces graphers who spoke also such is week Perspies of the elicide the ASMP St. Land Explainment in the Shore

(3) Was Marine State - The (312) 977-0713 (3) Was Marine State - The (312) 977-0713

MARK H. BARINHOLIZ, P.C.

Cornect two Raister Matters

SPECIO ST

photographers and photography washing minute which connected ASM2 recembers with photographers from the Devices conseined of the sheet and enthopyrhid a 14-member comimage uplead sie a wasseed by PhotoGother and exhibits: pretag as edileren and deserving up spenerally Current appearing deser-National Pers Photographers Association (NPFA), other exceptations 24-Moor Cure, a kenefic het ehe American Olabetes Association louis jeined ferror in a 24-bear, derwide pherography shoot called the Man recently on Mozenther 3-th sevent; phetegraphes seems & With the short in a strategy committee is now in the process of place of

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ALAN KORN AUTORNEY AT LAW THE SAME A PART

BY ALEX CYTHORN PAIN

ency hard such reconstant up." Beweek serv "It was neath inspirational "be adds "Prople really the the fact that

we're doing something to really make a difference! Of

PENEBULLETIN 12

TO AND TO VOLUNTEERS

JAMIN LEGPOLD, ST. LOUIS CHAFTER

ASSOCIATE MEMBER STATUS has the proceded limits largely to most densing than of the time as an ASM? relatives and nothing top-look top-position in the Schools chapter the controls reviews as thapter vice provident, and his energy and support in this capacity have

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Copoli ke oppoint and step literand a size impressed by his well on a "Digot things done you have to have someone who is on the follow through and lumin is really pand at their fram on him. photographic work, but what wer he's tasked with, he gives it his off "Since we have a foll-time assistant, it's come pur-regulate shall from ASMP remiber and St. Louis abentacy stoper Jon; Medit has hind "Wisea he's westing for us he aichs to his juit." Meoli explains

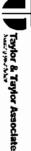
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year hard work and for wring a sering tich pena church So thanks Jerria for your all

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ASEPBI LIFTIN 13



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PARTICULAR POLICE ROCKE

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BY VICTOR S. PERLMAN

GET IT IN WRITING

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BY CHAD MAREK

OPTIONS FOR TURNING OUTMODED GEAR INTO HARD CASH

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TRADE IT IN

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SELL IT YOURSELF ON EBAY

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base) allow will provide the enact money in return for some disks. ing the arges to be an exert saller (as eggenera to building a client into the final easing price. For those with time suchalicate so learntering earliens and unsurgations bioten. All of there things play suppling requirements, listings screen, includes the size and section is and challenger payment methods, eBer policies, international phy. (Bay is not "point and shoot". Else, has many idicapterases find stiling grade, which means that, like professional photogratiel elber still depends on buyers bidding on items to drive the

AERPOULLETIN 15



















POLITICA NUMBER

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THE TOOLBOX

THE TOOLBOX

selling on sBay yourself: Some things to consider when . Hem descriptions: Equipment buyers

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SELL IT ON CRAIGSLIST

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2. Listing mid-one: Cheese options to

Trading escivaçõe (TA), piso karara es USE A TRADING ASSISTANT

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should also tachade manage a thing Tooir responsibilities this litted above without you leaving to tant, they should perfect all char which times pur So thetseives black impos-. Develop the listing strategy to

2. Keep an eye out for friend: Scaring fruid. The "A creek to expute that they are more increasily the largest of comers are high-riches inches on eller tion, prixing and meatin options. return: This includes time, day, ducamaximize the selling price and your

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Pandle al of the buyer communicalare you from hower-questions, include ing qualitations about the form the item's hizory ree I'A should instiere listern for either graziere about

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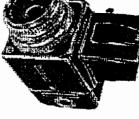


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6. Perform all packaging and shipping functions: In addition to

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Real Process Service.

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2. Does the TA self externationally? This can have up the impaction 1. What do you have to sail? By you want somebody who will enjury the other year and the assirant gat. But Nie almost encrything, it is not dust simple. Tellow we wone things to consider when releasing a Tello

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SELECTING A TRADING ASSISTANT





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ASTERBULLETIN 14

















[CONSULTANT'S CORNER]

IS IT HURRICANE SEASON IN THE PHOTO BUSINESS?

WINDS OF CHANGE

Comparing a photographer's career to andi-povered without is a new over worse, money each but it's still a pool analogy when bioking above plotting the ecouse of your place graphy business.

NAVIGATIONAL FOCUS

reget reutwiffback on mach it and whee, you are blown off neutwi goal or combined you'd benerious at recorde may wond the skills region with the format of the state of the second of the s and don't text where you're games than it doesn't much muste in working with professional advertising photographers the always Secure on we with the puriodian goal or securate is been said, if lest exelection in mind, and three who wen headed out for a actual that there are two hyper of poyde who set out those with a These who said distragis the recessions of the late 1970s and

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CHANGING TACK

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eide der Com occarmy's marketing anages era chip reci said gy put 10 enega pixel serveravio the bands of ecos, there for less than \$500 And some of these consumers are respect Eye that the wind suddenly shifted again: faster and better rece-

on the horizon of though marketing. divid of UCC rase (encuted execut) rists in omineus shadow When a class of the Need burner parker it sepandor and thosp to Controlling on we shoult with anyone who cares to book this, should est innovation secretaply unabland to digical imaging skills—The ester and cheapter broadband access and SASS carriers phones? Liaddition, have does one navigate whith fixed with a network g-

with the winds blowing streng from both of those directions.

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> eur with a 1936 peden eutern? If you can't now te mai, it's like roundi. While and so what can have a feet for an ame trying to sail toward your destination without knowing which was the wind it becomes

THE PREVAILING WINDS DETERMINE YOUR POSITION AGAINST

the will be able to got a constrom the pack of presurees whose high-value services are belog offered to personal chient. When a value of perfessional photography the world over Hickore is led image pointing in continuing to made the personed and care elearly preiendant the withings to a perspective direct. Ye or photographic decreas what he or the offers is unique and valuable and take a birge, hard have to distart what we have new orders and for Analyse worr devination choke. Take the nacestry hime to sup-

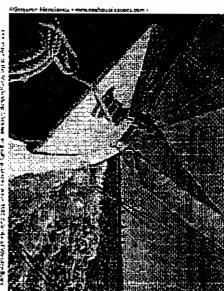
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the sailor safely to the shore, nor is it the equipment that makes a photographer; REMEMBER...it's not the ship that gets

and the willingness to change course, which get both to safe harbor. it's the eyes, the intuition,



at cabing all kinds of problems. Look at it as yet whire businesses her has they are menabers of an x mad mere libery ment poor request. eand the world of your target, or you do some or wy constring that mady these that paut then hing that agentes the taget's strantion, they will

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OSA WITH CAROLYN POTTS

Potrs was a fostwed speaker at the ASMP members' meet-ing held in New York during PON PhotoFlus Expo. For those ASMP Web site at currentempleigigalpotter. festured here. To read the complete QBA please visit the who were unable to attend, we've prepared a DEA with more of Poth's marketing insights, highlights of which are

Remember: the only different between winners and back is that wheneved during the first

or vallengue who sits needs to get a tedipper protect done, etc, etc. portice ountabling group, week to go or even making above with a filter d too group at intere asselute, cood, ip-are, extendiant, ordine seedeno impair in ludedi). Yet ohore are se muny wars to get help a sice

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ASSET: Wist mothers do now stagged that photographers use to idenoff a unique yissen and disringuish their work from the pask?

not enough time to the day We'compileressages mass say more than "I'm Replayed Clike to respect to everyone who calls for there simply is a phidugespher who would like to show you my work. Years call or viso tion mater that address their problems—not your problems of meeting with CP: Consident, respectful contact with your target sharket in maliple ASMP: Was indices of follow-though to you find to be executive. give you a close to finding a way to provide a copies vision or valuestrategy, It's a central key to your uniqueness and part of what will set through you rould about it a much feward poor distripuishable marketing CP: Yir ding the subject you really loss to shoot rather than all the ny Vieb are. I Hear thei message I don't think it would be exceptibily the for developmphics to gain learn assumes for their sector what surron or abokes do you immediately worl breasing? This will ud you. Tex example, when you go to a bookstore without an apenda eeur valon unigher ise tite things in your life that have always heatings. you apart from wareone class Ferences we way to Mentify what makes der, service that Beinguishes you from your comprehens

Ir tomer marketing stranget, Carolyn Porto Soves to Pelp Attr 23-years as a second distant repart sever at an

wea, works with mose clears remotely but loves traveling to see dientsthree years much traine a impact of eight bedroic gy and the intermet on the commercial philosography business. She currently feet in the Chicagoan orden in San Prancisco, discontract has "error goals" and sport the head design fill—a and magazints on the U.S. and overseas. In 1999, and opened the bottom line. She has ackd assignmant phetrography to 125 and agence es professional photographers death — and said to — 21st mentally methoding plane. Sin has helped photographen dads, antigeros comós, no taltos trait carne a and nomeso "think and earlies a good rep" so they can get district, dose

For additional necessing another tips, and recurrent measures dist Carety is der nachter Fott Natabig 3.46the trade the pass agree for a long or a recommendate state or get the carrie end of the control of the second section sect

especially in the winter of they released in were climated

speak to your facul chatter. Cli 21 21 36/4-300 Control and when the standard depth for the season of the section of the section

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enough for the security out the time, 3 at if year do

BY CAROLYN POTTS

asmp















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BY AMANDA BALTAZAR

ASMP Members Talk About How Their Previous Careers Led Them to a Life Behind the Lens

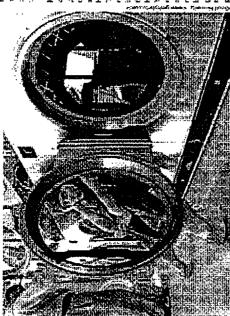
this tray for others though its nut a matter of the The ASSESTATION TO KEED IN SUGARSALL PHOTOE SEPTEMBER ACTU ratural desirabilità i sa communità de la desirabilità de l'actionne de sharing any and the safety for the home way we would never the have they fast day outside photography as a constructed from they be missing his in what asset to produce the detect and have their farters without he will excel the spoint of view

A PASSION FOR PATURES

Foodpring Individuals a schauded computer h. I darped out of planage give sixel, he was kind why he of Triance commentation and his recommendation asserts to the company and adversions. He then avoid a congene, Andrew Assacras wasked in a number of different contributions sent one do be unliked it us result for here. Without he picked up his commond. 2000, dreades affer Administrational The pushed following since again. Here, what I want do do and must be ready compast Ta ad his law cirest off the project, Anderson learned to like gie er namme phemygniphie markets that were not being serve Universal and the disclading region of the could sie bin eff and on the lamedon very tion

i didat one the confliction in take the jobs for above the time." he ear ains. He gat started in 2020 by ussisking otter photographers who are energy a must in giving a bild and downing him the represe to their a ach is it control to searthat propie were biring me. I was obsecting giving even a linitial pordies and they were kappe. This assured list which a for the Charge The contain from public natural advance (the egespher was they for Geoffay Examina athroph helf abuse made pinetics of his horized have take and he was being asked to do shoots. The positivitand would do exceny confidence market to press? Recording Referenciance or permeasurables who refered that field Princed gale (Managland she was sledkeping time to someone data guala Will de layers du contra photographic et male a d'Ancara dosentries the majorites and progression the Ambridge growed transfer ing Autonomore, Colodon have also of photography experience, to share man se editors has all Provident Riving massin at Sona Manas Coloquista lefaceoush for the rashworld skills of askning, store she was jus, before the shill the the new millernam in 1906, it was nive yan Істейдруктаса Сембай бай базмен

our of his delicious serves following corers as a that in Europe and a Cross on Condoi! Stanteto Turdis jet solidi reme as snoothly to



the deposit of the configuration of the supplementary of the supplementa editorial sections of personal transfer control for centers.

progress, it was anitating influence ion that publically but regresser the Fruit him back for the services Teadli became intrinse and four especiations medicinally amending a world ong. D-CS handwise workshop web felt blend "This was the single mass critical techniques were seen pione of a september of the september of Jan 1912, gerhand "No september of the september o teaching arms of the station collect traced America. After yours away price -up, lase dia piggara di urine MK 2005 in Madaya pendida per basa di A spery distribution of the combine of managements for the perfectional

prefer with kids sign to ten year promptriban me out of school. To n-graphy for moved comed a center with conservable commuting friends sign. Transcily Louranted with a few phatografive who cold me Moduling Novement of property sales and marketing wes enough for Jako Gardam, and nativong he was unfillfield for quit in the mid-1900s in newel which executed his eject to his passe as of newel wild ho--bi-o allustands: xxx/cssquard photo was branched to host cale of the mand as only to be experienced. Which was cough as lower comthe one day a week and I stated perion accordence independent and mywork, and some informal memoring?"

Engineering a Switch Parkii Durkti carat exist was padape the new decreasis, from her Sonoer release a corresion ergineer with righty efforts in the past. This time I gave mpailf the opportunity to Cherrya, "Lhad let an enginering carett viffe my part-time physiole terligibles on my photography desired to one what could really verse with "Boths jury with ight in and grandmast a Leaf Apies 22 digital tatk

for he Mamip in 2006. The Leaf put nee up a mich and allowed me to submir high-quely images for publication. It also be establing you fidence and moved me up on the principal scale," the says. Integral Oct of the Park When saked Exaggrections tines, the Luth of the marke latha suffer education or a carret in accelerates brings dells to the table that rat hery in ranning a phenymaphy bushness. Francesco eion far excising fand that a passion far sharting fa During Orkis yang in corporate America, abe Instruct to think crampicals. She put this to the recently, when hoping to sound the Lucie Sounds daning a visit to Mer hards, the offered to reduce on the event. Not only dist the manage to kineer the red carpet for the show, but she than ottenies he event and analescene important oneii luw te lassle and town to work hard to gar meetings and pat notherd. This helped me in playing the game of orenting people. Some proviously learned technics prateeneers or background on other fields, coung photogragien wil distrib the adequate of this work. But often foundlike a perfect exception first besing terracities pay na. Joes Gardece usa his former purph skills. Historia gustinii Borie applica to her photography badiwa au s

their enderstanding of the hoportains in building elent ole, box and other that how and obserts are been during that make good business so nea, such as knowing when to budge on the prining for a dirent and when not to. Six itsofearned the importance of outwalters destricts. "I am attage again to now ideas and contrast." the says. "wid I te sider it alitim kypodistralny rokegy my rejstrokal, a franc nich tecesors in his former currenthis was regnined to order to keep her caragmined dills careed

the contraction property clean. A central is a contact and at that houses arraph to that this them, but as most of my tentacts eaw has my puston for physiography grew into a business, they Now that his reconstruct, Contrar sends and mentally times: blass about his means projecte. "His helpoet the gateernde releands and also in trent of people" to adds Ankress oxidest transport any contact franstarming Past Contacts to Charles Along with auxional some propagations are the to transform contacts from their previanity had in sectional to contact the for work." Cardren explicits them his presence either so to mercecking by giving free, in Sometive placegaing to take to last an groupe. At the end of the fround home is given that soft act about his services for playthey show it There because were very excessial, he says and werd-af-mouth beged his repression to optend.

hacken historian work. This type of perworking can be were useful to immasteralic the place of Normal coloration. Out flow store the polymass he's been educated is in the test would. Extending for several phobagraphen her one day a week, training presented. Larly in 21s cared florewise perworked and publish up some editioation or two courses the Landmark Forum, a conferred expires designed to help propie realize estid. The monthly exertings about lead to now ideas were as itselphotographers in conscion sa text and and and can ever some their petermini, and 10-65% worklang rouns: an decoting KANA. He also egraphers. And secondarifys not his secol ASMP chapter to be were form firsts the ASMPs with they present careful, and be take officer you Bolding a New Buiness Metwork: Juneanschuch asher pho lege sphire quaria is whenever he com

and the result eximplications to parameters has been also mention such to repair tow." Burker haves having to shock things that she describ ografis the kessite the self. Touris see lessing how to price have ob and sample the force and the lange of leans of the importants. free within. Horswitz finds his bigsest challenge to be calaming work hangapters we interceded described some of the handes that have Gurdner "The fuller into the dussic grabblen of gatting a bunch of peork onjor to make money. She has keemed, komervene, approach these jebs as dealings, broading that at the real of the day, she ran take the piresayed of a radianged as a new fally program independent of the there for all the edition of such to exception and business, and the bost in jumporting their careas. It's easy to find correctional, says most cusming sports of his other change. Frideins ten silo come and thosh and promitting himself from working all the time. The Hordler to Independence: Normaling above

Looking Alicadi Artic cal of the day, giving up the sendance of a for these givingsophers and they all have indy goals for the fature. to be inspired. Lette Othersor only bardigh logue on her own work. importing paythick and benefits package has been a positive experience Gardner heper hends stories that are row to the people, culture and places I showners, and to have then reach a wide and limite, and charge he construction about what is valuable to a society? And Burke jazz region fathers properties. If went them see beauty I wast them but also fer the expirences of others. We decide inswind a lot of my Gans and concepts who began spling a sother book at their own lists when to shoot the west distributed her own eyes. "It is it in the jump what we all want?" she asks. Andergre agrees with then the wattesto than and drasma, the signs. Take in about and therefy no governose. I usaly beïsse if yousan ecocope it, pou can achieva i.."

unnes for Northwest Assertes Morthly, the Jaronto Star, PChiech A fiselina jamula bisno fi Washington State. Amenda Bahazu omong other magarines. She can be reached as: sjektura-Brasticom Latina ones departine descendente resteried descendente fresteries descendentes descendentes de la constanta d

ATREBULLETIN 20



ASSIDELLETIN 21











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[PORTFOLIO]

FOCUS PHILADELPHIA PORTFOLIO SHORTLIST

CHAPTER MEMBERS FULFILL THEIR DREAM ASSIGNMENTS

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To terms thepat nations admitted most than 400 images to be about the round by a jung of the most professions. But Outh this year of the Michael Micha حماق ينصابص يمينات بالج والملائض المبانا ومراء ميمان يبعيدن بسيريانا be the new teachure of Politicida side phrogenying agost consulted and Sa liend her, chapter memore aspended with your

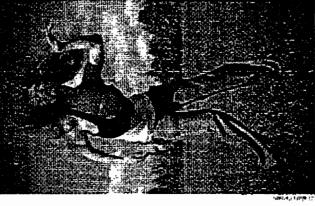
Extr. journalism prodems at Beeple Theoremy's School of Bloodgraph While that devicion healt extret been must be personan action on who stars often are pro-studying. The winning enclosus educarmined by assavell, Evrentereils verkein dann er bergeber och eine an ere obe 45MP ved sin al sementereproplikasjagen. P the judges will be theretayed in an exhibition this winter at the University of the Arts Sel Medelick Gallery and procible additional ven-





















ASYPBULLS (IN 22













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*** And supposite the supposite to the supposite to the supposite time of the supposite time will be to me your of called. that's supporting dentative and positive energy were when you have the mysterica belond New Mexico. Crypto-John Cary Here had a rare knack for needing challenging projects and grown breaking assignments. A per president of the ASMV a New Merice charges, gratify admined by her photography proces.

Explace book, Nor Mario Copies has improved 1954, his Limit, AM 1991. Persons was recoved in the ASAP Estimated hand

Too Keyli Amerika Simmeria Tupio cassos interfaciones appropriatores. Esconare Lipida gardi lo appros educiona pionizial egorgana red sim-ali, guarrelly refinde e significante e participa de la facilità de la constante de riverse, alterne maniferio le con sim-

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tarribe for ed. Se dien is fosie margo et els Lavarde gicen i tal, l'a nomentable e eschaol hagiened evis de et is hagier.

Asserted and Dougles to this land on he made core Award was also countly exactlished by the New Maxico Heats physography that will become part of ordice Uses of the New Mexico Paloce of Governors Photo-Authors and the first Callys Women's Hosory Arthins, The Cary Sim Phospanna or Scholarhip of Sandy Schuzer, New Meetico Fress Women, F.Q. Box

Attenderung 25













































[PORTFOLIO]

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IS IT HURRICANE SEASON IN THE PHOTO BUSINESS? MINDS OF CHANGE CHAPTER MEMBERS FULFILL THEIR DREAM ASSIGNMENTS FOCUS PHILADELPHIA PORTFOLIO

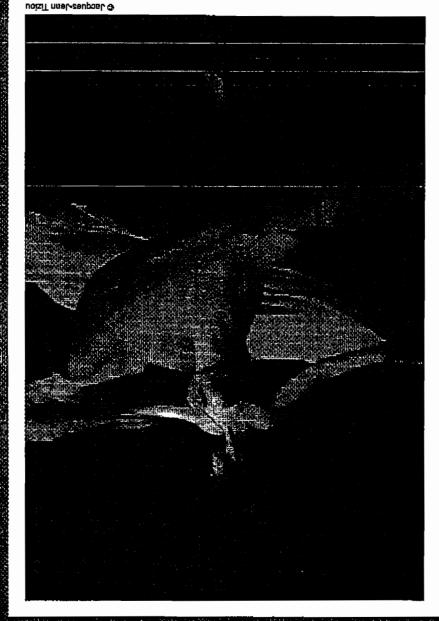
YZMP MEMBERS DISCUSS SUCCESS IN INSIGHTS FROM ANOTHER WORLD

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