

Tab 6

Deposition of George Galt

1
2 IN THE UNITED STATES DISTRICT COURT
3 FOR THE WESTERN DISTRICT OF PENNSYLVANIA
4 Civil Action No. 05-145J

5 ----- x
6 VALENCIA M. McCLATCHEY,

7 Plaintiff,

8 vs.

9 THE ASSOCIATED PRESS,

10 Defendant.
11 ----- x

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13
14 DEPOSITION OF: GEORGE GALT

15 January 19, 2006, 3:15 p.m.
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1 Q. Right.

2 Have you ever seen an article regarding
3 the photograph created by The Associated Press?

4 A. I don't believe so.

5 MR. HALL: Let me mark this and
6 hand it to you as Plaintiff's Exhibit 19.

7 (E-mail RE: McClatchley - 9/11
8 photo from George Galt marked Plaintiff's
9 Exhibit 19 for identification as of this
10 date.)

11 Q. It's MC 00292. And on the top is an
12 E-mail from George Galt to David Oberdick on Friday,
13 December 12, 2003, subject is regarding McClatchey
14 9/11 photo.

15 A. Hmm-hmm.

16 Q. Do you recall writing this E-mail?

17 A. I recall writing an E-mail. This
18 appears to be it. I mean, I don't recall writing
19 these specific words.

20 Q. Did you review any documents in
21 preparation for your testimony today?

22 A. No, I did not.

23 Q. Did you gather any E-mail from yourself
24 in response to the production of documents in this

10-25-04; 4:05PM:Karlowitz and Croner

RE: McClatchey - 9/11 photo

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David G. Oberdick

From: Galt, George REDACTED
Sent: Friday, December 12, 2003 5:00 PM
To: David G. Oberdick
Subject: RE: McClatchey - 9/11 photo

Dave:

According to our staffers, Ms. McClatchey actually gave the photograph to Gene Puskar (our photographer). Charles Sheehan wrote the story and did not receive the photo. Both are AP staffers and received no additional compensation for their work (beyond their normal salary). Gene Puskar does not recall Ms. McClatchey restricting the use of the photograph or providing any additional documentation (notices or copyright statements) with the photo. However, our database did have the photo marked with the caption that Ms. McClatchey was the photographer, though as I pointed out in our conversation, there was no explicit instruction to AP members to include the name of the photographer with the photo (often this is done by newspapers and web sites as a courtesy, but is not required under our agreements).

I'm attaching our standard "stringer" agreement and our standard "walk-in" agreement. However, both anticipate a full transfer of rights to AP and are probably inappropriate for your client if she wants to license AP for future use of the photograph. If she is interested, I'm happy to put together a licensing agreement with whatever limitations your client wants.

George

<<Stringer Contract.doc>> <<Walk-in Agreement.DOC>>

---Original Message---

From: David G. Oberdick REDACTED
Sent: Tuesday, December 09, 2003 4:11 PM
To: Galt, George
Subject: McClatchey - 9/11 photo

George -

I've spoken further with my client on the above matter and can share the following additional information:

1. Ms. McClatchey recalls providing the photograph to Charles Sheehan, a local reporter for the AP, for personal uses only. Mr. Sheehan (sp?) contacted Ms. McClatchey to interview her on a story concerning the photo. Mr. Sheehan made no reference to using the photo for other purposes and Ms. McClatchey did not authorize any such use.

2. According to Ms. McClatchey, the photo she provided to Mr. Sheehan had both a copyright notice and a statement of authorship.

Could you please let me know if the AP received the photo from Mr. Sheehan or someone else associated with the AP and whether such individual Sheehan received any compensation for the photo. Also, for purposes of evaluating a possible resolution where AP could keep use of the photo, could you send me a form of the contract that you typically use with other individuals that provided photos to the AP.

Thank you,

Dave Oberdick

David G. Oberdick

CONFIDENTIAL

2/27/2004



MC 00292