

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

VALENCIA M. MCCLATCHEY,	)	
	)	
Plaintiff,	)	
	)	Civil Action No. 05-145J
v.	)	
	)	
THE ASSOCIATED PRESS,	)	<b>JURY TRIAL DEMANDED</b>
	)	
Defendant.	)	
_____	)	

**DECLARATION OF DOUGLAS M. HALL IN SUPPORT OF PLAINTIFF'S  
OPPOSITION TO SUMMARY JUDGMENT**

1. I am an attorney at the firm of Niro, Scavone, Haller & Niro in Chicago, counsel for Plaintiff Valencia McClatchey in this action. I have personal knowledge of the facts in this declaration.

2. Attached as Exhibit 1 is a true and correct copy of the Complaint filed in this case February 24, 2005 in this matter, including Exhibits A through D as filed.

3. Attached as Exhibit 2 is a true and correct copy of excerpts from Valencia McClatchey's deposition testimony.

4. Attached as Exhibit 3 is a true and correct copy of Defendant's Responses and Objections to the First Set of Requests for Admission by Plaintiff Valencia McClatchey.

5. Attached as Exhibit 4 is a true and correct copy of excerpts from Gene Puskar's deposition testimony.

6. Attached as Exhibit 6 is a true and correct copy of document produced by Defendant in this action. The production numbers have been cut off on this copy, which was used as Plaintiff's Exhibit 4 in the deposition of James Gerberich.

7. Attached as Exhibit 7 is a true and correct copy of the End of Serenity photograph bearing production number MC 00434, which Plaintiff produced in this action.

8. Attached as Exhibit 8 is a true and correct copy of excerpts from J. David Ake's deposition testimony.

9. Attached as Exhibit 9 is a true and correct copy of excerpts from James Gerberich's deposition testimony.

10. Attached as Exhibit 10 is a true and correct copy of a letter sent from Robert Penchina to Kara Szpondowski on March 10, 2006.

11. Attached as Exhibit 11 is a true and correct copy of a document bearing production number AP 00184, which Defendant produced in this action.

12. Attached as Exhibit 12 is a true and correct copy of documents bearing production numbers AP 0002-A, AP 00002-B, AP 00002-C, AP 00002-D, AP 00001, AP 00002, which Defendant produced in this action.

13. Attached as Exhibit 13 is a true and correct copy of a document bearing production number AP 00185, which Defendant produced in this action.

14. Attached as Exhibit 14 is a true and correct copy of a document bearing production number MC 00198, which Plaintiff produced in this action.

15. Attached as Exhibit 15 is a true and correct copy of a document bearing production number MC 00199, which Plaintiff produced in this action.

16. Attached as Exhibit 16 is a true and correct copy of excerpts from George Galt's deposition testimony.

17. Attached as Exhibit 17 is a true and correct copy of documents bearing production numbers MC 00392 and MC 00380, which Plaintiff produced in this action.

18. Attached as Exhibit 18 is a true and correct copy of documents bearing production numbers AP 00226 and AP 00227, which Defendant produced in this action.

19. Attached as Exhibit 19 is a true and correct copy of documents bearing production numbers AP 00180 through AP 00183, which Defendant produced in this action.

20. Attached as Exhibit 20 is a true and correct copy of excerpts from Charles Sheehan's deposition testimony.

21. Attached as Exhibit 21 are true and correct copies of cases cited in Plaintiff's memorandum that are available on only Lexis and/or Westlaw, including Baraban v. Time Warner, Inc., Batesville Services, Inc. v. Funeral Depot, Inc., Greenberg v. National Geographic

Society, Livnat v. Lavi, Psihoyos v. Fuente, Schiffer Publishing Ltd. v. Chronicle Books, LLC,  
and United States Media Corp. v. Edde Entertainment Corp.

22. Attached as Exhibit 22 is a true and correct copy of a demonstrative used in Plaintiff's Opposition Brief to depict Defendant's cropping of the End of Serenity photograph.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 19<sup>th</sup> day of June, 2006, in Chicago, Illinois.

Respectfully submitted,

s/Douglas M. Hall

Douglas M. Hall

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true copy of the foregoing **DECLARATION OF DOUGLAS M. HALL IN SUPPORT OF PLAINTIFF'S OPPOSITION TO SUMMARY JUDGMENT** was served upon the below listed parties on this 19th day of June, 2006:

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s/Douglas M. Hall\_\_\_\_\_