

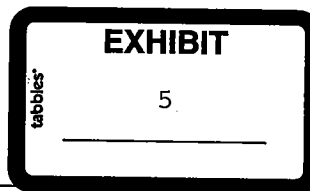
**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

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

DECLARATION OF VALENCIA MCCLATCHEY

I, Valencia McClatchey declare the following under penalty of perjury:

1. When Gene Puskar was taking the photograph outside my house, I thought he was taking a photograph of me holding my End of Serenity photograph. Mr. Puskar took several photographs that day, and I was not aware he was focusing in on my End of Serenity photograph.
2. The only copy of my End of Serenity photograph I had outside my house was a copy from my binder that contained my copyright notice in the bottom right hand corner and the "End of Serenity, September 11, 2001" on the top left.
3. I did not give my consent to Mr. Puskar to take a photograph of my End of Serenity photograph.
4. I offered Mr. Puskar the hard copy I was holding, with my copyright notice on it, as a courtesy for his personal use, which is my common practice to do with all visitors.
5. Mr. Puskar never asked me whether the AP had my permission to use the photograph of my End of Serenity photograph, or whether he had my permission to distribute it to all of the AP's members and subscribers.



6. I did not give my consent to Mr. Puskar to submit my photograph to the Associated Press for use and transmission to all of its members and subscribers.
7. Had Mr. Puskar asked for permission for the AP to distribute the End of Serenity photograph to all of its members and subscribers, I would have declined.
8. The binder of articles that I showed Charles Sheehan on September 11, 2002, also contained the copyright notice for the End of Serenity photograph.
9. Although I did allow some news organizations to use the End of Serenity for free, that was not my general practice with respect to news organizations.

Date: June 18, 2006



Valencia McClatchey