

APPENDIX B

The Washington Post

1150 15th STREET, N.W.
WASHINGTON, D.C. 20071
(202) 334-6000

ERIC N. LIEBERMAN
ASSOCIATE COUNSEL

December 15, 2005

BY FIRST CLASS MAIL

Douglas M. Hall, Esq.
Niro, Scavone, Haller & Niro
181 W. Madison/Suite 4600
Chicago, Illinois 60602

Re: *McClatchey v. The Associated Press*, No. 05-145J
(U.S. District Court for the District of Columbia)

Dear Mr. Hall:

Enclosed please find the responsive records we located after a diligent search pursuant to the subpoena we received in the above-referenced matter.

The records show that Valencia McClatchey's "End of Serenity" photo was published on the cover of The Washington Post Magazine on May 12, 2002. On March 11, 2002, Ms. McClatchey signed a freelance agreement that permitted the use and provided other rights as well, and for which she was paid \$300. The freelance agreement provides in pertinent part that we have the "non-exclusive right to reproduce, distribute, adapt or display the Work, for any purpose and in any manner or medium worldwide during the copyright term of the Work, without additional compensation."

We have not discovered any other publication of the photograph in The Washington Post. The photograph in question was downloaded from the AP wire into our internal photo archive on September 13, 2002. While we have no evidence that the photo was subsequently published in the newspaper, we purchased the right to do so in accordance with the terms of the March 11, 2002 freelance agreement.

Douglas M. Hall, Esq.
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Please feel free to call me if you have any questions regarding any of the above.

Very truly yours,

Eric Lieberman

Eric Lieberman

Encls.