

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JUNE EMILY SOMMA,

Plaintiff,

v.

GREAT ORMOND STREET
HOSPITAL,

Defendant.

Civil Case No. 02-5889 EMC

AFFIDAVIT

Charles R. Van Nostrand, being duly sworn, deposes and says:

1. I submit this Affidavit in support of the motion of the defendant in the above entitled action, the Great Ormond Street Hospital, to dismiss the Complaint in this case. I have personal knowledge of the matters herein set forth

2. I am the President of Samuel French Inc. (French), a corporation organized under the laws of the State of New Jersey, with its principal place of business in the City of New York. French was founded in 1830, and incorporated in 1899. French has a branch office in Los Angeles, California, and a subsidiary in London, England. French is an independent licensor of stage rights in plays and musicals.

3. French acquires from authors and rights holders of dramatic and dramatic-musical works the right to license stock, amateur and other stage rights in such works and to publish print editions.

4. French currently represents approximately 5,000 authors and copyright proprietors of dramatic and dramatic-musical works; its clientele includes American and foreign playwrights and rights holders. French licenses thousands of performances of dramatic and dramatic-musical works in the United States in a typical year.

5. The Great Ormond Street Hospital (the Hospital) has granted French the right to license productions of the Peter Pan Play since 1955.

6. Under its presently operative agreement with the Hospital dated June 15, 2001, a copy of the relevant provision of which is annexed as Exhibit A, (the Agreement) French licenses *inter alia* stock and amateur productions of the Play in the United States, Canada and Latin America. Negotiations of the June 15, 2001 agreement between French and the Hospital were conducted by the New York City home office of French and by the Hospital in London, via mail, telephone, fax and similar avenues. French had occasionally sent representatives to London to meet with representatives of the Hospital. To the best of my knowledge, and belief, no one from the Hospital has ever come to the United States in connection with such negotiations. French publishes acting editions of the Play, and licenses first class live productions of the Play and of the "Mary Martin" musical version of the Play.

7. All activity by French pursuant to the Agreement is conducted by French's home office in New York City, except that the Los Angeles branch office [also] licenses stock and amateur productions of the Play (not the musical) in California and other western states and circulates print copies of the Play. The Los Angeles branch office does not deal with the Hospital, but reports to the French home office.

8. French is entitled to commissions of 10% of revenues derived from professional and stock professional performances and 20% of revenues derived from amateur performances. The balance of the revenues we collect from these licenses is remitted to the Hospital in London; (their shares of the Musical are remitted to the Musical's co-owners in the United States.)

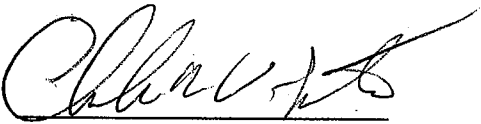
9. French does not routinely notify the Hospital of licenses of the Play or the Musical; if requested, it supplies the Hospital with copies of executed agreements. French is not required to obtain approval of such agreements from the Hospital.

10. French's Agreement with the Hospital provides that it "shall be governed by and construed in accordance with the laws of England and Wales, the courts of which shall have exclusive jurisdiction" (¶10).

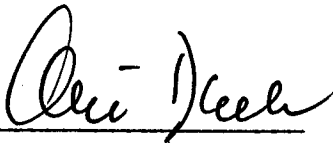
11. Insofar as French's activities with respect to Peter Pan properties relate in any way to California: the New York office licenses professional, stock and amateur productions of the Peter Pan Play and the Mary Martin musical version; French publishes print versions of the Play; licenses of the Play for stock or amateur performance, in California, are granted both by the home office and the Los

Angeles branch office which also sells print copies.

(Notary Seal)


Charles R. Van Nostrand

SWORN TO BEFORE ME
THIS 1st DAY OF APRIL, 2004



ALVIN DEUTSCH
Notary Public, State of New York
No. 31-6003750
Qualified in N.Y. County
Commission Expires March 30, 2016