

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
IN AND FOR POLK COUNTY, FLORIDA

JAMIE ANN NAUGHRIGHT,

Plaintiff,

vs.

Case No. 53-2002-CA-00-2228-0000-00

PEYTON MANNING, ARCHIE
MANNING, JOHN WARREN
UNDERWOOD, PEYDIRT, INC. and
HARPERCOLLINS PUBLISHERS,
INC.

Defendants.

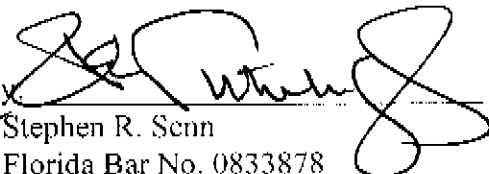
**NOTICE OF FILING AFFIDAVIT IN OPPOSITION
TO DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT**

Plaintiff, Jamie Ann Naughtright, by and through her undersigned attorney, files the attached original Affidavit of MALCOLM SAXON in opposition to any motion or motions for summary judgment filed or which are filed in the future by any of the defendants in this cause.

PETERSON & MYERS, P.A.

By 

Robert E. Puterbaugh
Florida Bar No. 120371

By 
for Stephen R. Scnn
Florida Bar No. 0833878
Post Office Box 24628
Lakeland, Florida 33802
(863) 683-6511
Attorneys for Plaintiff,
Jamie Ann Naughtright

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing has been furnished via regular U.S. Mail on this 3rd day of October, 2003 to: Slade R. Metcalf and Katherine M. Bolger, of the firm Hogan & Hartson, L.L.P., 875 Third Avenue, New York, New York, 10022; Luca R. Bronzi and Carol A. Licko, of the firm Hogan & Hartson, L.L.P., 1111 Brickell Avenue, Barclays Financial Center, Suite 1900, Miami, Florida 33131 and Neil Roddenbery, Esquire, P. O. Box 3, Lakeland, Florida 33802-0003.


ROBERT E. PUTERBAUGH

MVS

AFFIDAVIT

On the evening of the 29th of February, 1996, I was in the Tim Kerin Training Room at the University of Tennessee. Also present in the Training Room were Peyton Manning and Jamie Whited. The following statements pertain to that evening:

1. Peyton Manning was aware that Jamie Whited was in the Training Room because she was directly behind him working on his foot.
2. I observed Peyton Manning dropping his pants below his knees over Jamie Whited for a period of 5-10 seconds.
3. In my opinion, Peyton Manning did not direct this conduct at me, but rather the conduct was directed at Jamie Whited. At no time did I make a "off color" remark to Peyton Manning which would have caused him to expose his buttocks to me.
4. I was positioned on a table in front of Peyton Manning. If Peyton Manning was in fact going to "moon" me, he would have had to do so when he was facing Jamie Whited. On the contrary, when Peyton pulled his pants down he was facing me with his back to Jamie.
5. Jamie Whited pushed Peyton Manning up and out of her face while she began to stand up from her original position when she was working on Manning's foot.
6. Jamie Whited was clearly upset by Peyton's actions and called him an "ass."
7. Jamie Whited looked at me after Peyton had exposed himself to her and her face seemed to register surprise and outrage.
8. I too was shocked at Peyton Manning's behavior.
9. I related the above to Mike Rollo and Phillip Fulmer. Coach Fulmer asked me to not tell

anyone about the incident.

10. I have never described Peyton Manning's actions as a "mooning" nor do I believe that his actions were a "mooning."

11. I discussed the above with representatives of the University of Tennessee, but the final statement they prepared was never provided to me and now that I read it I see that it was not complete and the above should clarify what actually took place.

Malcolm Saxon

Malcolm Saxon
November 1, 2002

STATE OF TENNESSEE
COUNTY OF ~~BRADLEY~~

HAMILTON

The foregoing instrument was acknowledged before me this 1st day of November, 2002, by Malcolm Saxon who is personally known to me or has produced Malcolm as identification and who did (~~did not~~) take an oath.

Beth Louisa Jacey
Notary Public

(SEAL)

Expiration January 10, 2004