

ORIGINAL

IN THE STATE COURT OF CHATHAM COUNTY
STATE OF GEORGIA

RICHARD JONES and ELIZABETH)
JONES, as the Administrators of the Estate of)
SARAH ELIZABETH JONES, deceased,)
)
Plaintiffs,)

v.)

Civil Action No. STCV1400752

FILM ALLMAN, LLC; UNCLAIMED)
FREIGHT PRODUCTIONS, INC.;)
RANDALL M. MILLER; JODY SAVIN;)
GREGORY L. ALLMAN; CHARLES BAXTER;)
JAY SEDRISH; JAY SEDRISH, INC.;)
MICHAEL LEHMAN; DON MANDRIK;)
HILLARY SCHWARTZ; MIKE OZIER;)
WME BI HOLDINGS, LLC; OPEN ROAD)
FILMS, LLC; MEDDIN STUDIOS, LLC;)
JEFFREY N. GANT; RAYONIER)
PERFORMANCE FIBERS, LLC;)
CSX TRANSPORTATION, INC.; AND)
UNKNOWN CORPORATIONS A - Z;)

Defendants.)

Brian J. Stewart

2014 SEP 18 AM 10:18

STATE COURT OF CHATHAM COUNTY

NOTICE OF FILING ORIGINAL AFFIDAVIT OF CHRISTOPHER PALMER

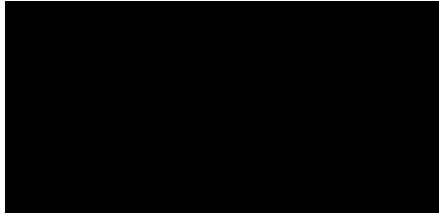
COME NOW Plaintiffs in the above-captioned matter, by and through their undersigned attorneys of record, and files the attached original affidavit of Christopher Palmer.

This 9th day of September, 2014.

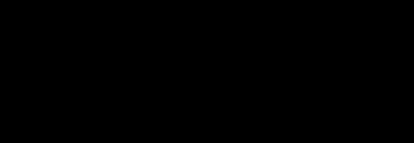
HARRIS PENN LOWRY LLP



JEFFREY R. HARRIS
Georgia Bar No. 330315
STEPHEN G. LOWRY
Georgia Bar No. 460289
YVONNE GODFREY
Georgia Bar No. 318567



S. JAHUE MOORE
Moore Taylor Law Firm, P.A.



*Admitted to State Bar of South Carolina
Admission Pro Hac Vice Pending*

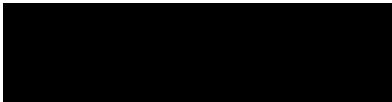
ATTORNEYS FOR PLAINTIFFS


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CERTIFICATE OF SERVICE

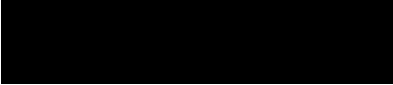
This is to certify that I have this day submitted this **NOTICE OF FILING**

ORIGINAL AFFIDAVIT OF CHRISTOPHER PALMER via regular mail, addressed to
the following:


Charles Baxter


Matthew G. McLaughlin
McLaughlin & Loring



Attorney for WME BI Holdings, LLC

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Thomas E. Branch, III
Callaway, Braun, Riddle & Hughes, P.C.



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Marvin S. Putnam, Esq.
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Attorney for Open Road Films, LLC

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Bill Hunter, Esq.
Oliver Maner LLP

Attorney for Defendants Jay Sedrish and Jay Sedrish, Inc.

Matthew P. Stone, Esq.
Freeman Mathis & Gary, LLP

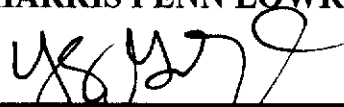
Attorney for Defendants Film Allman, LLC, Jody Savin, Randall M. Miller, Hillary Schwartz, Mike Ozier and Unclaimed Freight Productions, Inc.

Thomas J. Mazziotti, Esq.
Greenberg Traurig, LLP

Attorney for Defendants Gregory L. Allman and Michael Lehman

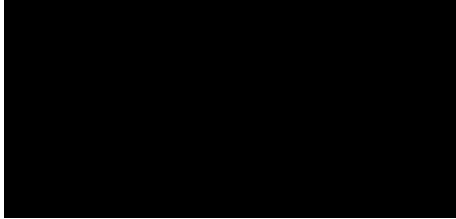
This the 9th day of September, 2014.

HARRIS PENN LOWRY LLP

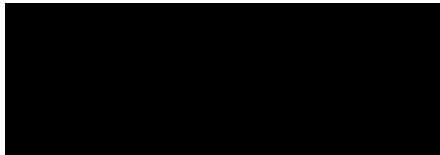


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AFFIDAVIT OF CHRISTOPHER PALMER

Personally appearing before the undersigned officer duly authorized to administer oaths in this State, Christopher Palmer, who after first being duly sworn, states as follows:

1. I am over eighteen years of age. I make the following statements based on my personal knowledge. If called upon to do so, I could and would testify competently to the facts set forth below.
2. Since 1986, I have worked in the area of risk control. Since 1994, I have worked as a risk control and risk management professional in the areas of television and film production, and I am highly experienced in the areas of loss control, insurance brokerage, and risk management consulting.

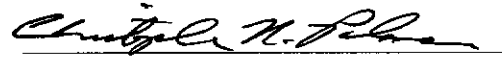
3. As a risk management professional in the entertainment industry, I have prepared risk assessments, analyzed direct and indirect causes of loss, performed onsite safety consultations, conducted accident investigations, and prepared safety programs.
4. I have worked with and advised clients in the entertainment industry on these topics with the goal of securing insurance coverage for television and film productions, including *X-Men*, *Sahara*, *O Brother Where Art Thou*, *Flyboys*, *The Legend of Bagger Vance*, *The Thin Red Line*, *Six Feet Under*, and *Deadwood*.
5. My work experience has involved working on film productions with film distributors.
6. I have reviewed the Distribution Rights Acquisition Agreement ("Distribution Agreement") attached as Exhibit "A" to Defendant Open Road Films, LLC's Motion to Dismiss.
7. The Distribution Agreement specifies that Open Road has casting approval of the roles of Duane Allman and Gregg Allman in *Midnight Rider*.
8. The Distribution Agreement provides that Open Road has mutual approval with the Producer over the final cut of *Midnight Rider*.
9. The Distribution Agreement also specifies that Defendant Randall Miller's role as director of *Midnight Rider* is an essential element of the agreement. This means that Open Road would be under no obligation to distribute the completed film if Miller did not serve as director.
10. The Distribution Agreement does not indicate whether Open Road exercised any operational control over the production of *Midnight Rider*.
11. Likewise, the Distribution Agreement does not specify whether, upon reviewing and approving the script for *Midnight Rider*, Open Road inquired into and/or reviewed the safety protocols.

12. Distributors can have varying levels of involvement with the production of the films that they distribute.

13. While in some distributor arrangements, a distributor does not exercise operational control over the production of a film, in others, a distributor maybe more directly involved in the production of the film, by, *inter alia*, placing personnel on site to monitor production and ensure that production is remaining on schedule and on budget, evaluating the insurance coverage for the production, and confirming that risk assessments, contingency plans, and safety protocols are in place.

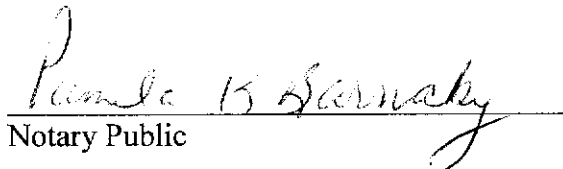
FURTHER AFFIANT SAYETH NAUGHT.

Sworn to, this 8th day of September, 2014.


CHRISTOPHER PALMER
Risk Management Professional
Entertainment Risk Consulting, LLC

Sworn to and subscribed before me

this 8 day of Sept, 2014.


Notary Public

