

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	
DAN BROWN and RANDOM HOUSE, INC.,	:
	:
Plaintiffs,	:
	:
against	:
	:
LEWIS PERDUE,	:
	:
Defendant.	:
-----X	:
LEWIS PERDUE,	:
	:
Counterclaim-Plaintiff,	:
	:
against	:
	:
DAN BROWN, RANDOM HOUSE, INC.,	:
COLUMBIA PICTURES INDUSTRIES, INC.,	:
SONY PICTURES ENTERTAINMENT INC.,	:
SONY PICTURES RELEASING CORPORATION,	:
and IMAGINE FILMS ENTERTAINMENT, LLC,	:
	:
Counterclaim-	:
Defendants.	:
-----X	:

Civil Action No.
Index No. 04 CV. 7417 (GBD)

ECF CASE

**DEFENDANT AND
COUNTERCLAIM-PLAINTIFF
LEWIS PERDUE’S RESPONSE TO
THE RULE 56.1 STATEMENT OF
MATERIAL FACTS OF
PLAINTIFFS AND
COUNTERCLAIM DEFENDANTS
AND COUNTER-STATEMENT OF
UNDISPUTED FACTS**

Defendant and Counterclaim-Plaintiff Lewis Perdue (“Perdue”), by and through his counsel, respectfully submits this statement pursuant to Local Rule 56.1 of the United States District Court for the Southern District of New York, in opposition to Plaintiffs’ motion for judgment on the pleadings or, in the alternative, summary judgment on Plaintiffs’ declaratory judgment claim and Plaintiffs’/Counterclaim Defendants’ motion to dismiss or, in the alternative, for summary judgment on the counterclaims (the “Motion”).

**DEFENDANT AND COUNTERCLAIM-PLAINTIFF
LEWIS PERDUE'S RESPONSE TO THE RULE 56.1 STATEMENT
OF MATERIAL FACTS OF PLAINTIFFS AND COUNTERCLAIM DEFENDANTS**

1. Denied. Unverified pleadings are not a sufficient basis upon which to base statements of material facts under Local Rule 56.1 ("Rule 56.1").
2. Denied. No evidentiary basis for the statements are set forth. Defendant denies that Brown is the author of four acclaimed novels. Defendant lacks knowledge or information sufficient to form a belief on whether *Da Vinci Code* is based on some of the same research as *Angels & Demons*.
3. Denied. No evidentiary basis for the statements are set forth. Defendant denies that *Da Vinci Code* is based on "extensive interviews and research that Brown had conducted on subjects ranging from Da Vinci's art, to cryptography and symbols."
4. Denied. Unverified pleadings are not a sufficient basis upon which to base statements of material facts under Rule 56.1.
5. Denied. No evidentiary basis for the statements is set forth. Unverified pleadings are not a sufficient basis upon which to base statements of material facts under Rule 56.1.
6. Admit paragraph "6," but alleges that Perdue is the author of 19 published books, 12 novels and 7 works of non-fiction.
7. Denies paragraph "7" but admits that a letter was sent and refers the Court to the letter, which is a writing, speaks for itself and is the best evidence of its contents. Further denies paragraph "7" because unverified pleadings are not a sufficient basis upon which to base statements of material facts under Rule 56.1.

8. Denies paragraph "8" but admits Perdue has accused Plaintiff Dan Brown ("Brown") of plagiarism. Further denies paragraph "8" because unverified pleadings are not a sufficient basis upon which to base statements of material facts under Rule 56.1.

9. Denies paragraph "9." Perdue's novels were commercially successful. In fact, prior to publication of *Da Vinci Code*, Brown was a relatively unknown author and the sales of Perdue's books dwarfed those of Brown. Further denies paragraph "9" because unverified pleadings are not a sufficient basis upon which to base statements of material facts under Rule 56.1.

10. Denies paragraph "10" but admits that a letter was sent and refers the Court to the letter, which is a writing, speaks for itself and is the best evidence of its contents. Further denies paragraph "10" because unverified pleadings are not a sufficient basis upon which to base statements of material facts under Rule 56.1.

11. Admits that the Complaint was filed on or about September 17, 2004, but denies knowledge or information sufficient to form a belief as to the reasons why Random House and Brown filed the Complaint.

12. Admits that Perdue's Amended Answer asserts claims for copyright infringement against Plaintiffs and the Counterclaim-Defendants, that the Amended Answer also pleaded claims for unjust enrichment, for an accounting and for a permanent injunction. Also admits that damages totaling \$150 million are being sought. Denies that Perdue's counterclaims are "mirror images" of Plaintiffs' declaratory judgment claim.

13. Admits paragraph "13." Perdue asserts that this motion is premature and that it should not be decided until all discovery is complete in this action.

14. Admits paragraph "14," but denies that Silas, who was the murderer, was a monk. Opus Dei is not a religious order of the Catholic Church and has no monks.

15. Denies that Robert Langdon was summoned to the Louvre to help solve a mystery. Instead, he was summoned because he was suspected of having committed the murder. Also denies that Bezu Fache hoped that Sophie Neveu would appear at the Louvre. To the contrary, he was surprised when she showed up.

16. Admits paragraph "17."

17. Admits paragraph "16" but denies there is a character in *Da Vinci Code* named "Saunikre."

18. Denies paragraph "18." Denies that the Priory of Sion was a "real organization." Denies that the Prior of Sion was founded in 1099. Denies that Da Vinci and Sir Isaac Newton were members of the Prior of Sion. Denies that the clues revealed that Sauniere was the Grand Master of the Priory of Sion.

19. Admits paragraph "19" but denies that the Holy Grail involved only the secret of Mary Magdalene's identity. Further alleges that Brown intended to equate Mary Magdalene with Sophia, the Greek Goddess of wisdom and the Great Goddess.

20. Admits paragraph "20," but denies there is a character in *Da Vinci Code* named "Saunikre."

21. Admits paragraph "21," but denies there is a character in *Da Vinci Code* named "Saunikre." Further denies that the carved wooden box contained only one cryptex. In fact, it contained a cryptex within a cryptex. Further denies that Langdon and Neveu were convinced that the cryptex would lead them to documents exposing Mary Magdalene's true identity.

22. Admits paragraph "22," but denies there is a character in *Da Vinci Code* named "Saunikre."

23. Admits paragraph "23," but denies that Teabing was Langdon's friend. Further denies that Teabing's tutorial on the legend of the Grail was "necessary." Further denies that Mary Magdalene had a role in Da Vinci's artwork.

24. Admits paragraph "24," but denies that Silas was a monk.

25. Admits paragraph "25."

26. Admits paragraph "26."

27. Admits paragraph "27" but alleges that Langdon and Neveu cracked the codes of the two cryptexes. Further allege that Langdon and Neveu cracked the codes of the two cryptexes before Fache arrested Teabing.

28. Admits paragraph "28."

29. Admits paragraph "29."

30. Admits that Neveu and Langdon expressed a romantic interest in each other, but denies that such expression was how *Da Vinci Code* ended.

31. Admits paragraph "31."

32. Admits paragraph "32."

33. Admits paragraph "33" but denies that the Church sent a scribe to record Sophia's miracles. Instead, Constantine brought her and other members of her village to Rome where she they were questions. Further denies that Sophia and the members of her entire village were massacred by the Church.

34. Admits paragraph "34," but denies that "Church leaders bought into this Faustian bargain in order to uphold Christian teachings and the Church's authority." Also denies that all of the evidence of the second Messiah was hidden in salt mines in Austria.

35. Admits paragraph "35."

36. Admits paragraph "36," but alleges that the "unnamed American" was George Stratton. Further alleges that Neils Braun wanted to obtain the shroud and related documents in order to blackmail the Pope into making him the new Pope.

37. Admits paragraph "37," but denies that Seth was "completely in the dark about the second Messiah. In fact, Seth had learned about the second Messiah in Zurich after reading documents provided by Willie Max.

38. Admits paragraph "38."

39. Admits paragraph "39."

40. Admits paragraph "40."

41. Admits paragraph "41" but denies that Seth rushed through Amsterdam and Zurich to find his wife. In fact, he was seeking to meet with Jacob Yost, who might be able to explain the significance of the Stahl painting.

42. Admits paragraph "42."

43. Admits paragraph "43."

44. Admits paragraph "44," but denies that Morgen was a zealous Church reformer who was determined to reveal the truth concerning Sophia.

45. Admits paragraph "45."

46. Admits paragraph "46."

47. Admits paragraph "47," but objects to the statement that Neils Braun cared only about the Shroud.

48. Admits paragraph "48."

49. Admits paragraph "49," but objects both to the reference to Curtis Davis as being a "maverick" or an "amateur Da Vinci scholar."

50. Admits paragraph "50."

51. Admits paragraph "51."

52. Admits paragraph "52."

53. Admits paragraph "53."

54. Admits paragraph "54."

55. Admits paragraph "55."

56. Admits paragraph "56."

57. Admits paragraph "57."

58. Admits paragraph "58."

59. Admits paragraph "59."

60. Admits paragraph "60."

61. Admits paragraph "61."

62. Admits paragraph "62."

63. Admits paragraph "63."

64. Denies paragraph "64." See Counterstatement below.

65. Denies paragraph "65." See Counterstatement below.

66. Denies paragraph "66." See Counterstatement below.

67. Denies paragraph "67." See Counterstatement below.

68. Denies paragraph "68." See Counterstatement below.
69. Denies paragraph "69." See Counterstatement below.
70. Denies paragraph "70." See Counterstatement below
71. Admits paragraph "71."
72. Denies paragraph "72." See Counterstatement below.
73. Denies paragraph "73." See Counterstatement below.
74. Denies paragraph "74." See Counterstatement below.
75. Admits paragraph "75."
76. Admits paragraph "76" but denies that "any similarities in the murders end there."
77. Admits paragraph "77" but refers the Court to the Counterstatement below.
78. Admits paragraph "78" but refers the Court to the Counterstatement below.
79. Denies paragraph "79." See Counterstatement below.
80. Denies paragraph "80." See Counterstatement below.
81. Admits paragraph "81" to the extent of admitting that the allegation is an important one. See Counterstatement below.
82. Denies paragraph "82." See Counterstatement below.
83. Denies paragraph "83" to the extent of referring to the Counterstatement below.
84. Denies paragraph "84" to the extent of referring to the Counterstatement below.
85. Denies paragraph "85" to the extent of referring to the Counterstatement below.
86. Denies paragraph "86" to the extent of referring to the Counterstatement below.
87. Admits paragraph "87."

88. Admits that the Sophia Passion did not contain bones and refers to the Counterstatement below. Further alleges that in *Da Vinci Legacy*, the Elect Brothers of St. Peter protected the bones of St. Peter.

89. Denies paragraph "89" to the extent of referring to the Counterstatement below.

90. Denies paragraph "90" to the extent of referring to the Counterstatement below. Further denies that Opus Dei is a Catholic sect and alleges that it is a prelature of the Catholic Church.

91. Denies paragraph "91" and refers to the Counterstatement below.

92. Admits paragraph "92" but refers to the Counterstatement below.

93. Denies paragraph "93" to the extent of referring to the Counterstatement below.

94. Denies paragraph "94" but admits that the Gnostic Gospels that were unearthed in Nag Hammadi, Egypt do contain references to the sacred feminine.

95. Denies paragraph "95" to the extent of alleging that Perdue did disclose some of the factual underpinnings of *Daughter of God*. However, Perdue also alleges that many facts were invented or made up by him.

96. Admits paragraph "96."

97. Denies paragraph "97" and alleges that prior to the Council of Nicea, the Gnostics could not have been "dissidents."

98. Admits paragraph "98."

99. Denies paragraph "99" and refers to the Counterstatement below. Further denies that the password for the larger cryptex was "Sophia," which contains six letters while the Cryptex contained only five digits.

100. Admits paragraph "100."

101. Denies paragraph "101" and refers to the Counterstatement below.
102. Denies paragraph "102" and refers to the Counterstatement below.
103. Admits paragraph "103" to the extent of alleging that while Perdue made the quoted statement, it is but one of the themes of *Daughter of God*. See the Counterstatement below.
104. Admits the allegations of paragraph "104" but refers to the Counterstatement below.
105. Denies paragraph "105" and refers to the Counterstatement below.
106. Denies paragraph "106" and further alleges that Langdon and Curtis of *Da Vinci Legacy* are virtually identical heroes.
107. Denies paragraph "107" and further alleges that Langdon and Curtis of *Da Vinci Legacy* are virtually identical heroes.
108. Denies paragraph "108" and further alleges that Langdon and Curtis of *Da Vinci Legacy* are virtually identical heroes.
109. Denies paragraph "109" and further alleges that Neveu and Suzzane Storm of *Da Vinci Legacy* are virtually identical heroines.
110. Admit the allegations of paragraph "110" but refers to the Counterstatement below.
111. Admit the allegations of paragraph "111" but refers to the Counterstatement below.
112. Admit the allegations of paragraph "112" but refers to the Counterstatement below.
113. Denies paragraph "113" and refers to the Counterstatement below.

114. Denies paragraph "114" and refers to the Counterstatement below.

115. Denies paragraph "115" and refers to the Counterstatement below.

116. Denies paragraph "116" and refers to the Counterstatement below.

117. Denies paragraph "117" and refers to the Counterstatement below.

118. Denies paragraph "118" and refers to the Counterstatement below.

119. Denies paragraph "119" and refers to the Counterstatement below.

120. Denies paragraph "120" and refers to the Counterstatement below. Also denies that Silas was a monk.

121. Admits paragraph "121."

122. Admits paragraph "122," and refers to the Counterstatement below.

123. Admits paragraph "123" and refers to the Counterstatement below.

124. Denies paragraph "124" and refers to the Counterstatement below.

125. Denies paragraph "125" and refers to the Counterstatement below.

126. Denies paragraph "126" and refers to the Counterstatement below.

127. Denies paragraph "127" and refers to the Counterstatement below.

128. Denies paragraph "128" and refers to the Counterstatement below.

129. Denies paragraph "129."

130. Denies paragraph "130" and refers to the Counterstatement below.

131. Admits paragraph "131" and refers to the Counterstatement below.

132. Admits paragraph "132" and refers to the Counterstatement below.

133. Admits paragraph "133" and refers to the Counterstatement below.

134. Denies paragraph "134" and refers to the Counterstatement below.

135. Denies paragraph "135" and refers to the Counterstatement below.

136. Denies paragraph "136" and refers to the Counterstatement below.

137. Denies paragraph "137" and refers to the Counterstatement below. Furthermore, no evidentiary basis for what are the stock elements of thrillers and mysteries is set forth, in violation of Rule 56.1

138. Denies paragraph "138" and refers to the Counterstatement below.

139. Denies paragraph "139" and refers to the Counterstatement below.

140. Denies paragraph "140" and refers to the Counterstatement below.

141. Denies paragraph "141" and refers to the Counterstatement below.

142. Denies paragraph "142" and refers to the Counterstatement below.

143. Denies paragraph "143" and refers to the Counterstatement below.

144. Denies paragraph "144" and refers to the Counterstatement below.

145. Denies paragraph "145" and refers to the Counterstatement below.

146. Denies paragraph "146" and refers to the Counterstatement below.

147. Denies paragraph "147" and refers to the Counterstatement below.

148. Denies paragraph "148" and refers to the Counterstatement below.

149. Denies paragraph "149" and refers to the Counterstatement below.

150. Denies paragraph "150" and refers to the Counterstatement below. In addition, no evidentiary basis is presented for claiming that "[b]oth books are fast-paced thrillers, but beyond the conventions of this genre they vary in setting, time sequence, tone and style."

151. Denies paragraph "151" and refers to the Counterstatement below. Furthermore, no evidentiary basis is presented as to what are the elements of "a standard, violent action-packed thriller."

**PERDUE'S COUNTERSTATEMENT OF UNDISPUTED MATERIAL FACTS
PURSUANT TO LOCAL RULE 56.1: *DA VINCI CODE* AND *DAUGHTER OF GOD***

152. In describing what they claim are the dissimilarities between *Da Vinci Code* ("Code") and *Daughter of God* ("Daughter"), Plaintiffs have purposely ignored the substantial similarities that actually exist. So substantial are those similarities that the Court can and should deny Plaintiffs' motion.

The Genre

153. While Plaintiffs claim that both *Da Vinci Code* and *Daughter of God* are "thrillers" or "mysteries" or "mystery thrillers" or "murder mysteries," the inclusion of certain themes in both novels is anything but typical of such genre. See Declaration of Lewis Perdue in opposition to Plaintiffs' motion to dismiss or, in the alternative, for summary judgment ("Perdue Decl.") dated April 6, 2005 at ¶22; Declaration of John Gabriel Olsson ("Olsson Decl.") dated April 1, 2005, Ex. B. Simply stated, notions of a divine feminine, the unity of the male and female in pagan worship, the importance of Sophia, the "Great Goddess" of the Gnostic Gospels, the fact that history is relative and is controlled by victors, not losers, the importance of the Roman Emperor Constantine in requiring a transition from a female to a male dominated religion, as well as to create a unified religion having a common dogma, the quest not only for physical objects, but for spiritual fulfillment as well, are not the type of things that are common to the mystery/thriller genre. *Id.* Lewis Perdue first incorporated those elements in a novel when *Linz Testament* ("Linz") was published in 1985. *Id.* Perdue later re-worked *Linz Testament* into *Daughter of God*, which was published in 2000. *Id.* Dan Brown was the second to incorporate those elements in 2003 when Random House published *Da Vinci Code*. *Id.* That is a chronological fact that cannot be disputed by the Plaintiffs in this action. *Id.*

154. The quests in both novels are launched by the murders of art experts who are curators of fabulous collections. *Id.* at 69; *See Declaration of Gary Goshgarian* ("Goshgarian Decl.") dated April 4, 2005 at ¶ 5; *See also*, Olsson Decl., Ex. B. Immediately before their deaths, the art experts, through various clues, gave the hero and heroine cryptic and puzzling to find the things they were looking for. *Id.* The message is an awesome religious puzzle that provides the heroine a clue leading to a painting that was painted on wood. *Id.* The painting provides the heroine with a gold key. *Id.* Gold keys are rare in the real world because of their impracticality due to gold's softness. The golden key provides access to a safe deposit box in a Zurich Bank. *Id.* The contents of the container from the safe deposit box are another puzzle that sends them on a quest for a container of religious relics and documents. *Id.*

155. The Quest is further complicated by a secretive brotherhood with a contentious relationship with the Vatican headed by a man of the cloth who believes the Catholic Church has strayed and that his Brotherhood's way is the true faith. *See Olsson Decl.*, Ex. B at 9. The hero and heroine are stalked by people who are intent on killing them and who are seeking the religious relics and documents themselves. The hero and heroine need help for the journey and turn to a shapeshifter who joins the Quest. *See Olsson Decl.*, Ex. B at 12. The shapeshifter manipulates the hero and heroine. *Id.* The shapeshifter has no compunction about killing those close to him. The shapeshifter has an intense emotional relationship with the Catholic Church and is motivated by that. The shapeshifter almost wins but ultimately loses the prize. In the end, the hero and heroine realize that faith in the ideas behind the physical objects of their quest is more important than the physical objects themselves. *See Perdue Decl.* at ¶ 68.

The Gnostic Gospels

156. Perdue did not simply regurgitate the results of his research into *Daughter*. Much of his research involved the Gnostic Gospels, discovered at Nag Hammadi, Egypt in 1945, but

not translated until the 1970's, and works commenting upon those Gospels. However, contrary to the false impressions created by the Plaintiffs, the Gnostic Gospels do not represent a set of uniform religious beliefs which would present a consistent and uniform source that could easily be consulted by Perdue or Brown. *See* Perdue Decl. at ¶ 24.

157. To the contrary, some of the Gnostic Gospels differ markedly from other Gnostic Gospels, particularly regarding an issue that is central to both *Daughter* and *Code*, namely, the importance, or lack thereof, of the female in God's redemptive scheme. In writing *Daughter*, not only did Perdue pick and choose among the differing religious beliefs expressed in different Gnostic Gospels, but he also employed an artistic license to blend those differing religious beliefs and, in certain instances, to embellish upon them to create a holistic interpretation that is not present in the original documents. The simple fact is that the version of history that Perdue created by sampling various of the Gnostic Gospels cannot be found in any single Gnostic Gospel. *See* Perdue Decl. at ¶ 26.

158. The matters regarding the Gnostic Gospels that Brown used in his novel constituted Perdue's unique view of those Gospels. They are a synthesis created by Perdue of matters from the Gnostic Gospels. Perdue's synthesis cannot be found in any single Gnostic Gospel. Furthermore, Perdue embellished on matters found in the Gnostic Gospels. To the extent that Brown's expressions are identical to Perdue's, the conclusion is compelling that Brown could only have copied from Perdue. *See* Perdue Decl. at ¶ 28.

The Diversity of the Gnostic Gospels

159. Gnostic beliefs are so diverse and encompass such a remarkably broad spectrum of beliefs, traditions, philosophies and theologies as to render the term "Gnosticism" useless. Because of this multiplicity of interpretations, there are almost as many "theologies" of Gnosticism as there are people pondering the subject. *See* Perdue Decl. at ¶ 29.

160. Plaintiffs have submitted no evidence that author Dan Brown ever conducted his frequently touted “extensive research” nor any proof he ever read *The Gnostic Gospels*. See Perdue Decl. at ¶ 31.

161. Perdue’s interpretation of Gnostic beliefs expressed in *Daughter* and *Linz* is a unique personal creation which differs substantially from that in *The Gnostic Gospels* by Elaine Pagels and every other Gnostic “school,” and yet is expressed identically in *Code*. In other words, Perdue “imagined” a Gnostic philosophy that was unorthodox and unexpressed in any non-fiction historical or theological work and yet that same unorthodox image is found in *Code*. See Perdue Decl. at ¶ 32.

162. Perdue’s theological creation differs because he picked and chose among the wide variety of Gnostic beliefs in order to best fit the motivations of my characters, the movement of the sequence of events, the underlying symbolism and, in the end, the lessons Perdue wanted his characters and his readers to take away from his books. See Perdue Decl. at ¶ 33.

Variation of Belief

163. The only common definition of Gnosticism which finds acceptance in orthodox Catholic circles as well as by non-theologically oriented scholars is “those religious doctrines and myths of late antiquity that maintain or presuppose that the cosmos is a result of the activity of an evil or ignorant creator and that salvation is a process in the course of which a human being receives the knowledge of his/her divine origin and returns to the realm of light after having been freed from the limitations of the world and the body.” See Perdue Decl. at ¶ 36; See also, Perdue Decl. Ex. “C”.

164. Ironically, Perdue rejected this fundamental premise when he created the interpretation of Gnosticism that appears both in *Daughter* and Brown’s *Code*. Thus, Plaintiffs

grossly misinterpret the theological foundations and symbolic expression that appears in both novels. Hence, Exhibit “D” of the McNamara affidavit is neither appropriate nor significantly relevant to the current case because the views expressed by Pagels are different from the views expressed by Perdue and Brown. *See* Perdue at Decl. ¶ 37.

165. Pagels’ landmark work, *The Gnostic Gospels*,¹ interprets Gnosticism within the framework of orthodox Christian thought, examining the reasons why Gnostic scriptures were not included among the canon of what would become the Catholic Church. None of her writing places great emphasis on the role of Constantine in this process, nor on the Council at Nicea, which is expressed very forcefully in *Daughter* and *Code*, counter to most mainstream historical sources. *See* Perdue Decl. at ¶ 38.

166. *The Gnostic Gospels* focuses almost entirely on one major school of Gnostic thought, that of Valentinus. According to Exhibit C annexed to the Perdue Declaration, “Valentinian Christianity is the clearest example of a Gnostic school which stresses Christian elements. The group received its title from a Christian named Valentinus, a native of Egypt, who was a teacher in congregations in Rome in the second half of the second century.” *See* Perdue Decl. at ¶ 39.

167. Contrary to the Valentinian backbone of *The Gnostic Gospels*, Perdue created a philosophy that was closer to -- but not entirely of -- The Sethian school which Pagels mentions only in passing. *See* Perdue Decl. at ¶ 40.

168. Perdue named the hero of *Daughter*, Seth, to symbolically recognize his debt to this school of Gnosticism. But Perdue did not adopt the Sethian philosophy whole cloth. Perdue selected two of its major tenets:

¹ Exhibit “D” to the McNamara affidavit.

A. The reverence for Sophia and her divine position as female deity, creator, savior and incarnation of the Great Goddess. Perdue established Sophia as the female aspect of the one Creator of the Universe, and

B. Some (but not all) Sethian interpretations of Genesis 2-6, most significantly for this case, the creation of Eve and the eating of the tree of knowledge. (Exhibit "D": Sethian Gnosticism: A Literary History, John D. Turner, Professor of Religious Studies at The University of Nebraska). See Perdue Decl. at ¶ 41.

169. Significantly, Perdue named the heroine of *Daughter*, Zoe (another name for Eve) to symbolize her role as the progeny of Sophia, making her a "Daughter of God." *Code* uses this precise and identical symbolism. The heroine of *Code* is named Sophie (the diminutive of Sophia) Neveu ("new Eve"). Sophie is represented as the progeny of Mary Magdalene who -- in the Gnostic interpretations of *Daughter* and *Code* -- is seen as The Great Goddess, Sophia. See Perdue Decl. at ¶ 42.

170. Also significantly, Perdue rejected the fundamental Sethian concept of Seth, the third son of Adam and Eve, as savior, and instead extended the concept of Sophia into the notion of her as, in the words of Prof. Turner, "Mother of the Logos and as the Mother figure in a divine triad of God the Father, Sophia the Mother, and Logos the Son." See Perdue Decl. at ¶ 45; See also Perdue Decl., Ex. "D".

171. There was, by no means, a consensus among Gnostics that Sophia was divine nor that women were to enjoy equal status with men. Indeed, some Gnostic writing required that women had to become men before they could enter heaven. See Perdue Decl. at ¶ 46.

172. There was also no consensus that love, sex or erotic thought was associated with Sophia or the Goddess. Indeed, some Gnostic schools felt that the physical realm was so evil that adherents ought to be celibate. See Perdue Decl. at ¶ 46.

The Role of the Female

173. *Da Vinci Code* and *Daughter of God* tell essentially identical stories. The conceptual starting point of both novels involves the notion that in the so-called pagan religions, as well as in early Christianity, the female played a much more important role than today. See Perdue Decl. at ¶ 55. Significantly, *Da Vinci Code* is not so much about the marriage of Jesus and Mary Magdalene as it is about the larger issue of the suppression of the divine feminine in Christianity. *Id.* at ¶ 60. The marriage of Jesus and Mary Magdalene is merely symbolic of that suppression. *Id.* The issue of symbolism is vital in understanding the substantial similarity between the novels. *Id.* Brown has plagiarized Perdue's symbolism time after time. *Id.* And both authors have clearly stated their use of symbolism in the characters, the names chosen, etc. *Id.* at ¶57-61.

174. In antiquity, the female was believed to have been the ultimate Creator or to have shared in the divinity of God. This Goddess was considered as being a part of the deity by ancient peoples. See Perdue Decl. at ¶ 22. In addition, the sexual union between man and woman had religious overtones and was anything but prurient. *Id.* at ¶ 46. That changed and both novels explore the identical ways in which that change came about. See Olsson Decl., Ex. B at 7. References to "DOG" mean *Daughter of God*. References to "DVC" mean *Da Vinci Code*. The items in the tables are taken *verbatim* from the novels. The foregoing represent themes that are common both to *Daughter of God* and to *Da Vinci Code*.

1. Discussion of the Sexual Union of Man and Women in the Novels

Most sex laws control the behavior of women and not men. Men transgress with a wink and a nod; women get pilloried, shunned or burned at the stake. Over the ages, the male-centric religious spin doctors couldn't handle the incomprehensibly sensual nature of the Great Goddess Creator, so they gradually marginalized her into a local fertility deity and turned sex from a pleasurable, spiritual experience into a dirty little act. It was about the only way their big heads could exercise any control over their little heads. DOG, p. 110	Women, once celebrated as an essential half of spiritual enlightenment, had been banished from the temples of the world. There were no female Orthodox rabbis, Catholic priests, nor Islamic clerics. The once hallowed act of Hieros Gamos—the natural sexual union between man and woman through which each became spiritually whole—had been recast as a shameful act. Holy men who had once required sexual union with their female counterparts to commune with God now feared their natural sexual urges as the work of the devil, collaborating with his favorite accomplice . . . <i>woman</i> . DVC, p. 125
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The Great Goddess is Re-cast as Being Evil

175. Both novels discuss how the early church re-cast the Great Goddess into something that was evil.

The serpent and leaf of the sycamore fig - that's what that is -- "Thalia pointed to the stone "Are two of the most potent symbols of the Great Goddess. That's why the authors of Genesis represented Satan as a snake - they were saying the Great Goddess was evil. They had to make her look as bad as possible so that they could close her temples and forbid her worship. DOG, p. 204	As part of the Vatican's campaign to eradicate pagan religions and convert the masses to Christianity, the Church launched a smear campaign against the pagan gods and goddesses, recasting their divine symbols as evil. DVC, p. 37
Thalia nodded. "I think the conference at Nicea was really as much about Sophia as it was Christ. The orthodox Christians had changed Wisdom to the male word, Logos. The real fight, the real heretics were those who argued that the church should return to its roots -- to Sophia and not Logos -- and acknowledge that she was an original and inseparable part of the Creator. They argued that it was wrong to try and restrict God to one sex or one form or as the God	The Priory believes that Constantine and his male successors successfully converted the world from matriarchal paganism to patriarchal Christianity by waging a campaign of propaganda that demonized the sacred feminine, obliterating the goddess from modern religion forever. DVC, p. 124

of just one people. They said this set a human limit on the limitless and that was blasphemy.” “‘They obviously lost.’” DOG, p. 205	
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The Role of the Emperor Constantine

176. The Emperor Constantine is central to both novels. See Perdue Decl. at ¶ 50.

While many historians dispute the contention, both novels state that the Roman Emperor Constantine, known as the first Christian Emperor, was not baptized a Christian until he was on his death bed. *Id.* Before his baptism and death, Constantine convoked the Council of Nicea. *Id.* At the time of the Council, unrest existed between the Romans, who worshiped many pagan gods, and the early Christians. *Id.* In addition, there were disagreements among early Christians regarding certain pivotal religious issues. *Id.* By importing some of the elements of the pagan religion into Christianity, Constantine made Christianity acceptable to the pagans and caused many to convert to Christianity. *Id.* In addition, the Council of Nicea determined the acceptable boundaries of Christian dogma for the first time. *Id.* Through his military might, Constantine enforced the dogma that had been promulgated by the Council. *Id.*

177. In a nutshell, as a result of Constantine and the Council of Nicea, the following changes occurred:

- Christianity officially became a male dominated religion in which the female played little or no role.² Religious texts arguing to the contrary were suppressed.
- The celebratory nature of the sexual union between man and woman in religious ritual was eliminated.

² Christianity had grown increasingly male dominated as it moved away from its roots, something that was little known, but which Brown and Perdue wrote about.

- The divinity of Christ as a member of the Holy Trinity consubstantial to the Father and the Holy Spirit was declared to be a matter of dogma. Both Brown and Perdue assert this dogma and Christ's divinity was by a vote to be enforced by Constantine's military might. Many historians vociferously dispute this.

See Perdue Decl. at ¶¶ 22, 46, 50.

178. The stories in both novels are frontal assaults on Constantine and the determinations made by the Council of Nicea. See Perdue Decl. at ¶ 51. That is hardly typical of the mystery/thriller genre. *Id.* In addition, neither author sticks to the “party line” of historical consensus, but instead express identical interpretations of history in order to further the plots. *Id.*

1. Discussion of Constantine In the Novels

<p>No, but I think he was the first true master at shaping religion to help consolidate governmental power. He saw that this new religion wasn't going away, and that over the previous three centuries it had been a destabilizing influence on the rule of the empire. He saw it as clearly a growing force so, instead of fighting it, he co-opted it. He controlled the Church for his own purposes and shaped theology for the sake of political expediency. DOG, p. 16</p>	<p>Historians still marvel at the brilliance with which Constantine converted the sun-worshipping pagans to Christianity. By fusing pagan symbols, dates, and rituals into the growing Christian tradition, he created a kind of hybrid religion that was acceptable to both parties. DVC, p. 232</p>
<p>So many things that people today think are divinely inspired were actually Constantine's political edicts enforced by the power of the sword.”</p> <p>“Such as?”</p> <p>Seth thought for a moment. He sipped at his wine and turned toward the window to gaze at the setting sun. Finally, he turned back toward Zoe and said: “How about something that is about as fundamental to the Christian Church as you can get: The Trinity.”</p>	<p>Constantine needed to strengthen the new Christian tradition, and held a famous ecumenical gathering known as the Council of Nicaea.”</p> <p>Sophie had heard of it only insofar as its being the birthplace of the Nicene Creed.</p> <p>"At this gathering," Teabing said, "many aspects of Christianity were debated and voted upon—the date of Easter, the role of the bishops, the administration of sacraments, and, of course, the <i>divinity</i> of Jesus."</p>

<p>Zoe frowned.</p> <p>“There was absolutely no agreement in the Christian Church that Jesus was to be worshipped on an equal basis as God. Indeed, you could find a lot of solid evidence that Jesus himself would not be happy with this. DOG, p. 16</p>	<p>"I don't follow. His divinity?"</p> <p>"My dear," Teabing declared, "until <i>that</i> moment in history, Jesus was viewed by His followers as a mortal prophet. . . a great and powerful man, but a <i>man</i> nonetheless. A mortal."</p> <p>"Not the Son of God?"</p> <p>"Right," Teabing said. "Jesus' establishment as 'the Son of God' was officially proposed and voted on by the Council of Nicaea." DVC, p. 233</p>
<p>And so it is that the Trinity – the undisputed centerpiece the Christian religion – was legislated at the point of a sword by a fellow who wasn't even a Christian at the time and it was not for the faith <u>but to restore civil order</u>. DOG, p. 17</p>	<p>Hold on. You're saying Jesus' divinity was the result of a <i>vote</i>?</p> <p>"A relatively close vote at that," Teabing added. DVC, p. 233</p> <p>Nonetheless, <u>establishing Christ's divinity was critical to the further unification of the Roman empire</u> and to the new Vatican power base. By officially endorsing Jesus as the Son of God, Constantine turned Jesus into a deity who existed beyond the scope of the human world, an entity whose power was unchallengeable. This not only precluded further pagan challenges to Christianity, but now the followers of Christ were able to redeem themselves <i>only</i> via the established sacred channel—the Roman Catholic Church. DVC, p. 233</p>
<p>"But Constantine is known as the first Christian emperor," Zoe said.</p> <p>"Only on his deathbed," Seth said. "Sol Invictus, the Sun God was his main deity until the last hours of his life. For the most of his life, Christianity was a political power tactic for Constantine, a method of governing rather than a religion." DOG, p. 15-16</p>	<p>"I though Constantine was a Christian," Sophie said.</p> <p>"Hardly," Teabing scoffed. "He was a lifelong pagan who was baptized on his deathbed, too weak to protest. In Constantine's day, Rome's official religion was sun worship – the cult of <i>sol Invictus</i>, or the Invincible Sun – and Constantine was its head priest." DVC, p. 232'</p>
<p>But back in 324 or so A.D. the issue came</p>	<p>Unfortunately for him, a growing religious</p>

³ Note that the context is exactly the same in both segments.

<p>to a head with a bishop named Arius, the presbyter of Alexandria, who was preaching that Jesus "The Son" had been created, begotten by God "The Father" and, therefore, was not quite as divine. Others disagreed and there were riots in the streets all over the Empire caused by this and maybe another half-dozen major theological issues. This doctrine spread like wildfire and with it more riots and bloodshed.</p> <p>Riots in the streets are not something an Emperor likes to see. The whole thing truly baffled him. He called the issue 'truly insignificant' and was astounded when all the feuding parties ignored his directive to stop arguing. That's when he called the Nicean conference. Church theologians today put a spin on the conference as a divinely inspired gathering of holy men guided to a common decision by the Holy Spirit. In reality, it was Constantine's way of calling them all to a meeting behind the woodshed. DOG, p. 16-17</p>	<p>turmoil was gripping Rome. Three centuries after the crucifixion of Jesus Christ, Christ's followers had multiplied exponentially. Christians and pagans began warring, and the conflict grew to such proportions that it threatened to rend Rome in two. Constantine decided something had to be done. In 325 A.D., he decided to unify Rome under a single religion. Christianity. DVC, p. 232</p> <p>"It was all about power," Teabing continued. "Christ as Messiah was critical to the functioning of Church and state. Many scholars claim that the early Church literally <i>stole</i> Jesus from His original followers, hijacking His human message, shrouding it in an impenetrable cloak of divinity, and using it to expand their own power. I've written several books on the topic." DVC, p. 233</p>
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Integration of Pagan Practices: Worship God on Sunday

179. Both novels contain discussion on how Christianity adopted pagan practices into the Christian religion.

<p>For the church to prevail, it also needed to reach an accommodation with the pagan Romans. This is why the day set aside for worshipping Sol, the Sun god became our Sunday. And why the birth dates of the Roman god Mithra – December 25 – became the birth date of our Savior. There are scores and scores of such incorporation of pagan practices. DOG, p. 80</p>	<p>Nothing in Christianity is original. The pre-Christian God Mithras—called <i>the Son of God</i> and <i>the Light of the World</i>—was born on December 25, died, was buried in a rock tomb, and then resurrected in three days. By the way, December 25 is also the birthday of Osiris, Adonis, and Dionysus. The newborn Krishna was presented with gold, frankincense, and myrrh. Even Christianity's weekly holy day was stolen from the pagans. DVC, p. 232</p>
<p>"Just one of many things that Christianity and Judaism borrowed from the past. Incorporate enough of the old, forbidden</p>	<p>"Originally," Langdon said, "Christianity honored the Jewish Sabbath of Saturday, but Constantine shifted it to coincide with</p>

<p>religion to satisfy people's cravings for it...co-opt and conquer, only the Great Goddess has had the last laugh."</p> <p>"How's that?"</p> <p>"She was transmuted by the Greeks into Cybele and Artemis. But even after Constantine decreed an end to Goddess worship throughout his empire, the faithful simply converted those Goddess shrines into places to worship the Virgin Mary. This is one of the things that scares the ecclesiastical shit out of the old <i>schnorrers</i> in the Vatican. They <i>know</i> without a doubt that veneration of Mary is just thinly disguised Goddess worship." DOG, p. 204-05</p>	<p>the pagan's veneration day of the sun." He paused, grinning. "To this day, most churchgoers attend services on Sunday morning with no idea that they are there on account of the pagan sun god's weekly tribute—Sunday." DVC, p. 232-33</p>
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The Divine Feminine in *Da Vinci Code* and *Daughter of God*

180. Both novels involve the existence of a divine feminine that stand in stark contrast to Constantine and the Council of Nicea. See Perdue Decl. at ¶ 38. While the divine feminines have different names in each novel, they are essentially the same person. Furthermore, their existence plays an identical role in each novel. In *Da Vinci Code* the name of the divine feminine was Mary Magdalene. See Olsson Decl., Ex. B at 7. As discussed below, Mary Magdalene was really the Great Goddess of the Gnostic Gospels. *Id.* According to *Da Vinci Code*, Magdalene was the wife of Jesus, with whom a child was born. According to *Da Vinci Code*, Mary Magdalene was to be the intended successor to Christ, a notion that was incompatible with dogmas proclaimed by the Council of Nicea.

181. The divine feminine in *Daughter of God* was Sophia. See Olsson Decl., Ex. B at 7. Sophia performed miracles and possessed many of the same attributes of Jesus Christ. It is a central thesis of *Daughter of God* that Sophia was a second messiah, albeit a female one. In the Gnostic Gospels, Sophia was the Great Goddess. See Perdue Decl. at ¶ 42. Furthermore, Zoe

was Sophia's daughter. Hence, Zoe Ridgeway, the heroine of *Daughter of God*, is to be viewed as the daughter of the Great Goddess. See Olsson Decl., Ex. B at 7. Like in *Da Vinci Code*, the notion of Sophia being a female messiah was incompatible with the dogmas proclaimed by the Council of Nicea.

The Heroines and Constantine

182. Prior to the events of the two novels, neither heroine, each of whom are the symbolic offspring of the Great Goddess right down to their names, knew anything of their connection to the Goddess or had any knowledge of Constantine or his role in suppressing the role of the Great Goddess in religion. Learning of these things was an epiphany and represented a spiritual awakening for both heroines. In *Da Vinci Code*, Sophie first learns this from Teabing. In *Daughter of God*, Zoe first learns this from her husband, Seth, and later from Thalia. The scenes in which these epiphanies occur is almost identical in both novels because they were both didactic presentations. The foregoing is not typical of novels of this genre nor is it a scene a faire in such genre. See Goshgarian Decl. at ¶ 2-4.

The Physical Evidence of the Divine Feminine

183. Physical evidence of the divine feminine is critical in both novels. See Olsson Decl., Ex. B at 7, 9. In *Da Vinci Code*, the physical evidence consisted of the bones of Mary Magdalene and well as certain documents establishing the bloodline of Mary Magdalene and Jesus Christ. From *Da Vinci Code*:

"Holy Grail is the literal meaning of Sangreal. The phrase derives from the French *Sangraal*, which evolved to Sangreal, and was eventually split into two words, *San Greal*." DVC, p. 162

184. According to *Da Vinci Code*, its heroine, Sophie Neveu, is a product of the royal bloodline of Jesus and Mary Magdalene. Hence, the heroines in both novels are portrayed as being of divine ancestry.

185. In *Daughter of God*, the physical evidence consisted of the burial shroud of Sophia bearing her image as well as Roman documents that establish the divinity of Sophia as a second Messiah.

The Keepers of the Physical Evidence

186. Both novels have keepers of the physical evidence. In *Da Vinci Code*, the keeper of the physical evidence was the Priory of Sion. The last mentioned grand master of the Prior of Sion was Jacques Sauniere, who was the grandfather of the heroine, Sophie Neveu.⁴ While Sauniere did not have actual possession of the physical evidence, the unspoken fact in *Da Vinci Code* is that he knew where the physical evidence was located and could tell someone how to find it.

187. In *Daughter of God*, the original keeper of the physical evidence was the Catholic Church, which hid the evidence known as the Sophia Passion in the ground underneath St. Peter's Basilica in Rome. Eventually, after the evidence was removed, it was discovered by Hitler and the Nazis. While some of the Sophia Passion was in a salt mine in Austria, a part was in the possession of Willie Max, a former Nazi. In addition, Willie Max, like Jacques Sauniere in *Da Vinci Code*, was in possession of the means to locate the rest of the physical evidence.

188. It was for the express purpose of learning the location of the physical evidence in both novels that Sauniere in *Da Vinci Code* and Willie Max in *Daughter of God* were murdered. See Olsson Decl., Ex. B at 12.

The Role of the Catholic Church

189. The Catholic Church was aware of the existence of both the Mary Magdalene physical evidence (Holy Grail) as well as the Sophia Passion. See Olsson Decl., Ex. B at 7, 9.

⁴ Which is literally translated as "new Sophia." As *Da Vinci Code* itself points out, Sophia was the Greek Goddess of Wisdom. In addition, the Gnostic Gospels, which figure very heavily in both novels, identify Sophia as being the Great Goddess.

Either set of physical evidence could rock the foundations of the Catholic Church because they could undermine the actions of the Council of Nicea. *Id.* Hence, the goal of the Catholic Church in both novels was to prevent the disclosure of the physical evidence. *Id.*, Ex. B at 12.

1. **Discussion of How the Disclosure of the Physical Evidence Would Undermine the Catholic Church**

A woman's secret containing, "Something, Mr. Ridgeway, that would undermine one of the Church's strongest foundations." DOG, p. 56	A woman who carried with her a secret so powerful that, if revealed, it threatened to devastate the very foundation of Christianity! DVC, p. 239
We must find the Sophia Passion and make sure the world never learns the secret of Sophia – or the possibility that she and our Lord Jesus Christ may be two of many Messiahs that God has sent to teach and to test us. Revealing this secret would tear our institutions apart and in the end open the door for the enemies of the Faith. For, once people begin to question even one part, they will question every part. If they believe they have been deceived before, the trust can never be recovered. It would create only misery and death. DOG, p. 81	<p>Teabing resisted the urge to reveal how he had brilliantly implicated Opus Dei in the plot that would soon bring about the demise of the entire Church. That would have to wait. Right now there was work to do. DVC, p. 412</p> <p>"What happens to <i>those</i> people, Robert, if persuasive scientific evidence comes out that the Church's version of the Christ story is inaccurate, and that the greatest story ever told is, in fact, the greatest story ever <i>sold</i>."</p> <p>Langdon did not respond.</p> <p>"I'll tell you what happens if the documents get out," Teabing said. "The Vatican faces a crisis of faith unprecedented in its two-millennium history." DVC, p. 266-67</p>

The Competition to Obtain Possession of the Physical Evidence

190. In both novels, there were two organizations or people who would stop at nothing, including murder, to obtain the physical evidence. *See* Olsson Decl., Ex. B at 12. Each of the two organizations or people in each novel had different reasons for wanting to obtain the physical evidence.

191. In *Da Vinci Code* the competitors were Opus Dei and Sir Leigh Teabing. Opus Dei was headed by a Bishop Aringarosa, founder of Opus Dei. Years earlier, Opus Dei had been made a prelature of the Catholic Church. However, the Catholic Church became disenchanted with some of the methods employed by Opus Dei. As a result, the Pope threatened to end the status of Opus Dei as a prelature. Bishop Aringarosa sought to obtain the Mary Magdalene physical evidence to blackmail or coerce the Catholic Church into allowing Opus Dei to remain a prelature of the Church. The antagonist of Opus Dei in *Da Vinci Code* was Sir Leigh Teabing. Teabing was an historian who hated the Catholic Church and wanted the Mary Magdalene physical evidence to destroy the Church.

192. One of the antagonists in *Daughter of God* was The Congregation for the Doctrine of the Faith ("CDF"), an actual part of the Catholic Church. Significantly, the CDF is the current name for the Holy Inquisition. The historical acts of the Inquisition play a prominent role in both *Daughter of God* and *Da Vinci Code*, serving as a symbolic antagonist in latter novel. The head of CDF was an archbishop named Neils Braun. Braun was an ultraconservative Cardinal who believed that the Church's liberalization had gone too far and that the only way to cure that and return the institution to its "true" roots was for him to become Pope. Thus, Braun needed the Sophia physical evidence in order to blackmail the Pope into resigning and having the College of Cardinals name him the new Pope.

193. Hence, in both novels, the head of a religious organization of the Catholic Church sought to obtain the physical evidence to blackmail/coerce the Pope. In *Da Vinci Code* it was to allow Opus Dei to remain a prelature; in *Daughter of God* it was to allow Neils Braun to become the new Pope. Braun's antagonist was the Russian KGB/Mafia, which wanted the Sophia physical evidence to blackmail the Church, as has been done by Hitler in World War II.

Similarities Between Opus Dei and the Congregation for the Doctrine of Faith

194. Both organizations felt that the Catholic Church had strayed from the “true path” as a result of the 20th Century Vatican Councils and wanted the Church to revert to its earlier conservative ways.

The Hero and Heroine as Unwilling Participants in a Contest that Is Not of Their Making

195. In both novels, the hero and heroine became unwilling participants in the struggle between the competitors to obtain the physical evidence. In *Da Vinci Code*, Robert Langdon is falsely accused of murdering Jacques Sauniere, grand master of the Priory of Sion and keeper of the Magdalene physical evidence. It was as much to clear his name and to avoid being arrested that Langdon unwillingly became enmeshed in the conflict between the competitors for the physical evidence. Likewise, Sophie Neveu became involved because Jacques Sauniere was her grandfather, because she knew that Robert Langdon was innocent and because she knew that her murdered grandfather wanted her to solve certain mysteries in order to preserve the secrets he guarded.

196. In *Daughter of God*, Seth and Zoe Ridgeway became involved in the struggle between the competitors for the physical evidence when Willie Max summoned them to Zurich to assess his art collection that had been stolen by Nazis⁵ and to return the art to their rightful owners. Zoe is kidnapped by the Russian KGB/Mafia. Seth searches for her and, in the process, becomes a murder suspect like Robert Langdon became a murder suspect.

⁵ Plaintiffs' dismissal of Nazis as being irrelevant is incorrect and misleading. Indeed, the Nazis had a fervent belief that they were descendents of “The Teutonic Knights,” which were the rightful heirs to the Templars on which *Code* is based. Indeed, Perdue used this connection as my historical linkage for putting the Sophia Passion in Hitler's hands. See Perdue Decl. at ¶61.

197. As a result of their unwilling participation in the competition by third parties for the physical evidence of the divine feminine, the lives of the hero and heroine are repeatedly threatened. Ultimately, their lives are changed forever.

The Hero in Each Novel Could Accomplish Little Without the Heroine, and Vice Versa

198. The underlying theme of both novels is that the female had as much claim to divinity as the male and that, through their union, they become much more than the sum of their parts. *See Olsson Decl., Ex. B at 12.* That theme is expressed in the story line of both novels. That is a far cry from the usual mystery/thriller, where usually the male saves the female from a disaster. While sometimes the roles are reversed and it is the female who saves the male from a disaster, it is not common that neither the male nor the female can save even themselves from a disaster without the help of the other. Such mutual dependence is a throw back to ideas more prevalent in ancient times and symbolic of the divine feminine roles at the heart of both novels.

199. In *Da Vinci Code*, neither Neveu nor Langdon, acting alone, had the ability to unravel the clues left by Sauniere. Furthermore, Langdon probably would have been captured early in the novel, or possibly even been killed, were it not for the assistance of Neveu. Similarly in *Daughter of God*, by themselves neither Zoe nor Seth could have located the Sophia Passion were it not for the skills of the other. Likewise, as in *Da Vinci Code*, both Zoe and Seth would have been murdered were it not for the help of the other.

200. In short, the ancient view of the importance of the male/female union is lived out in the stories of the hero and heroine in each novel.

The Wolf in Sheep's Clothing

201. An important role is played in each novel by a character who, while first appearing to be a friend and an ally of the hero and heroine, later turns out to be a deadly enemy. *See Olsson Decl., Ex. B at 12.* In *Da Vinci Code*, that character is Sir Leigh Teabing. In

Daughter of God, that character is George Stratton. In Defendant's Answer in this action, that person is described as being a "shapeshifter." While shapeshifter is a standard archetype, but they are expressed in very similar ways in both novels.

202. The hero and heroine in both novels join forces with the shapeshifter, not because they want to, but because they perceive no other alternative. In *Da Vinci Code*, Neveu and Langdon were on the run from the police and needed a place to hide. Because the home of Teabing was in the area, because he was known to Langdon and because he may have possessed knowledge regarding the mysteries created by Sauniere, Neveu and Langdon visit him at his home. At first, Teabing appears to be a friend. He helps Neveu and Langdon to flee to England on a private jet. He helps them to solve the clues left by Sauniere. However, as it later turns out, Teabing is actually one of the contestants for the physical evidence and was the mastermind behind the killings that occurred in the novel, including the killing of Sauniere. At one point, Teabing takes possession of the cryptex and even comes close to killing Neveu and Langdon.

203. In *Daughter of God*, the shapeshifter is George Stratton, an employee of the United States National Security Agency. After Stratton had saved Seth Ridgeway's life at least once, and after he had helped Zoe Ridgeway escape from the Russian KGB/Mafia, Seth realizes that he needs Stratton's protection from those who were trying to kill him and Zoe. Accordingly, Stratton joined Seth and Zoe in the search for the physical evidence.

204. Unbeknownst to Seth and Zoe, Stratton was really working for Neils Braun, who, as mentioned above, wanted the physical evidence to blackmail the Pope. In the end, Stratton turns on Seth and Zoe, takes possession of the physical evidence, and attempts to kill Seth and Zoe.

205. The shapeshifters in both novels are used in the story in similar ways and in the same order, namely:

- They help the hero and heroine to escape those pursuing them.
- They help to save the lives of the hero and heroine.
- They appear to be the allies of the hero and heroine, but actually have their own agendas that are diametrically opposed to the hero and heroine.
- They attempt to kill the hero and heroine.
- They fail in their attempt to kill the hero and heroine.
- They either fail to obtain the physical evidence or the physical evidence is destroyed, thereby making it impossible for the evidence to be used to blackmail the Pope.

The Hero and Heroine Redefine the Meaning of Success

206. Both novels are similar, unusual and diverge greatly from the thriller genre in that the hero and heroine neither succeed nor fail in their quest, but rather come to a similar understanding that redefines the nature of success. *See* Perdue Decl. at ¶ 68; *See also*, Goshgarian Decl. at ¶ 5. In both novels, the hero and heroine are left understanding that it is not so much the actual possession of the physical evidence that is important as it is the understanding of what the physical evidence represents. *See* Perdue Decl. at ¶ 68. Indeed, in the epilogue to *Da Vinci Code*, the author leads the reader to believe that Langdon has figured out the true location of the physical evidence. That fact becomes almost anticlimactic when Langdon makes no attempt to take actual possession of the physical evidence. *Id.* at ¶ 67.

1. Discussion in the Novels of the Unimportance of the Physical Evidence

Faith in the unseen is stronger than faith in things we can touch or see. The truest test of our faith in a supreme being is the willingness to believe without seeing. And in the long run, the Christian churches – all religions of all faiths, for that matter -- are better off without such visible signs. Because there will always be those who will see and never believe. But God will especially bless those who believe without seeing. DOG, p. 415	"It is the mystery and wonderment that serve our souls, not the Grail itself. The beauty of the Grail lies in her ethereal nature." Marie Chauvel gazed up at Rosslyn now. "For some, the Grail is a chalice that will bring them everlasting life. For others, it is the quest for lost documents and secret history. And for most, I suspect the Holy Grail is simply a grand idea. . . a glorious unattainable treasure that somehow, even in today's world of chaos, inspires us." DVC, p. 444
"Maybe the mystery is the point." He shrugged. "Maybe the mystery has to remain because we're looking at the infinite through finite eyes. Maybe what God really wants is not blind acceptance of dogma, but a lifetime of searching...discarding what is obviously false, testing the rest." DOG, p. 18	

The Quest Finds the Protagonists – Not the Other Way Around, Which Would Have Been Common

207. In both novels, the reader is lead to the unmistakable conclusion that the hero and heroine were fated to become involved in the quest for the physical evidence. See *Perdue Decl.* at ¶ 66. The following quotes are breathtaking in their similarity to each other.

Zoe had loved art all her life with a passion that had driven her to make it her profession. But despite the satisfaction of spending her life surrounded by the world's most beautiful objects and historical antiquities, she had always dreamed of discovering buried treasure: unearthing a hitherto-unknown trove of priceless art that would be nearly impossible to value. Instead, <u>it had discovered her</u> . DOG, p. 3 (emphasis added)	You do not find the Grail, <u>the Grail finds you</u> And tonight, incredibly, the key to finding the Holy Grail had walked right through his front door." DVC, p. 273-74 (emphasis added) "Gentlemen," Sophie <i>said</i> , her voice firm. "To quote your words, "You do not find the Grail, <u>the Grail finds you</u> . I am going to trust that the Grail has found me for a reason, and when the time comes, I will know what to do." DVC, p. 295 (emphasis added)
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	<p><u>The Grail found us</u> all, and now she is begging to be revealed. We must work together. DVC, p. 410 (emphasis added)</p> <p>He smiled. "Our paths together could not be more clear. <u>The Grail has found us.</u>" DVC, p. 412 (emphasis added)</p>
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Sophia, the Great Goddess

208. The heroine in *Daughter of God* is Zoe Ridgeway. Zoe means "life" in Greek. The corresponding Hebrew name (also meaning "life") is Eve. Indeed, Zoe and Eve are common matching names for identical twins. In the Gnostic Gospels (also known as the Nag Hammadi manuscripts) Zoe is the daughter of Sophia and was known as Eve when sent by her mother to give life to Adam. See Affidavit Elizabeth McNamara in support of Plaintiffs' motion to dismiss or, in the alternative, for summary judgment ("McNamara Aff.") dated February 25, 2005, Ex. D. "After the day of rest Sophia sent her daughter, Zoe being called Eve, as an instructor in order that she might make Adam, who had no soul, arise so that those whom he should engender might become containers of life." McNamara Aff., Ex. D (Nag Hammadi text, On the Origin of the World, (115:31-35)). Zoe can thus be interpreted as either the daughter of wisdom or the daughter of God. Hence the title of Perdue's novel. See Perdue Decl. at ¶42.

209. While *Da Vinci Code* is, on its face, about Mary Magdalene, and *Daughter of God* is about Sophia, Mary Magdalene is really Sophia, the Great Goddess. See Olsson Decl., Ex. B at 7.

210. Furthermore, Brown writes in *Da Vinci Code*: "The Priory of Sion, to this day, still worships Mary Magdalene as the Goddess, the Holy Grail, the Rose, and the Divine Mother." (DVC: p. 255). The evidence is indisputable that Brown and Perdue were talking about the same person.

1. Discussion of Sophia from the Two Novels

That's also the reason the Romans and my people had to kill the man Jesus. He believed in women as equals; the Jewish and Christian Gnostics saw God as both male and female; the Essenes who wrote the Dead Sea Scrolls also believed that God was both man and woman. They couldn't even censor all the old religious scriptures to their liking. The Book of Proverbs and the Wisdom of Solomon are pretty clear when they refer to Wisdom as female. Sophia is the Greek word for wisdom." (DOG, p. 205)	Langdon was nodding enthusiastically. "Yes, <i>Sophia</i> literally means <i>wisdom</i> in Greek. The root of your name, Sophie, is literally a 'word of wisdom.'" DVC, p. 320
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History in the Two Novels

211. It is ironic that while the two novels besmirch history, Plaintiffs contend that many of the similarities between the two novels are unprotected historical facts.⁶ Indeed, the authors of both novels express a dim view regarding the accuracy of so-called historical facts. More importantly, both authors interpret history in identically different variations from "accepted" historical and theological dogma and express those interpretations in astoundingly similar ways.

But like Constantine, we know very well that our holy Scriptures and the history of our faith and religion have been re-written, edited and altered to fit the exigencies of many different times (DOG, p. 28)	[H]istory is always written by the winners. When two cultures clash, the loser is obliterated, and the winner writes the history books—books which glorify their own cause and disparage the conquered foe. As Napoleon once said, 'What is history, but a fable agreed upon?' "He smiled. "By its very nature, history is always a one-sided account. DVC, p. 256
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⁶ It is important to keep in mind that while historical facts are not protected, the way in which those facts are presented, the context of presentation by the same characters in the same way, the order in which the facts are presented and the manner in which the characters interpret their validity and significance are all protected expression and are virtually identical in both novels.

212. In reality, the material plagiarized in *Code* consists of an extensive and detailed synthesis of history and multiple schools of theology that Perdue created for *Daughter* and based on equally unique work expressed in *Linz* and *Legacy*. See Perdue Decl. at ¶ 54.

213. That unique system of theology and history is a mixture of the following elements:

- A. The evolution of Goddess worship and the causally linked cultural transitions of women in society,
- B. The reasons human visions of God changed from female to male and the fact that by the time of the birth of Jesus, Goddess worship had been nearly stamped out and women were little better than slaves,
- C. Life became “out of balance” when women and the Goddess were dominated by men, and
- D. The books then begin a reformist theme that calls for a return of Christianity to its true roots with a curious combination of history and Gnostic opinion that posit the following:
 - E. Jesus believed men and women were equal,
 - i. Mary Magdalene was supposed to lead the church, not Peter,
 - ii. Power struggles resulted in the ouster of Mary and other women but diverse factions of Christianity retained her and fought with each other,
 - iii. Constantine, a pagan, grew tired of Christian squabbling, ended it at the Nicean conference, but in the process created an awesome secret the Church has spent 1,800 years killing to keep secret, and

iv. Church scriptures are cynically twisted works misconstrued to support the personal power trips of those at the top.

See Perdue Dec. at ¶ 55.

214. There is no source for this complete and systematic structure other than Perdue's works. The only credible explanation for this complete system's presence in *Code* is that of plagiarism. See Perdue Decl. at ¶ 56.

The Gold Keys

215. Although gold, because of its softness, is unsuitable for making keys, both novels feature gold keys. See Perdue Decl. at ¶ 69; See Goshgarian Decl. at ¶ 5, See Olsson Decl., Ex. B at 9-12. In both novels, the gold keys are hidden in or behind a painting. *Id.* In both novels, the gold keys will be used to unlock a box in a Zurich bank. *Id.* In both novels, the contents of the boxes in the Zurich banks will enable the hero and heroine to find the physical evidence. *Id.* In both novels, the hero and heroine do find materials that tell them how to find the physical evidence. *Id.*

216. In *Da Vinci Code* and *Daughter of God*, the following sequence of events takes place precisely as presented in BOTH books and are identical in events, pacing, tone and sequence in both books:

- A. A slain curator of art leaves a gold key,
- B. Concealed in a work of art,
- C. Painted on wood.
- D. That work of art is named for the divine feminine at the center of the book.
- E. The gold key is not a traditional key that opens a tumbler. Indeed, owing to gold's softness and malleability, a key made of it is patently impractical and, for that reason, not employed by banks, Swiss or otherwise.

- F. This unique gold key is left (with no instruction) for the book's heroine
- G. Who is, herself, a symbol of and related to the divine feminine.
- H. The gold key allows access (but does not turn a lock) to a safe deposit box in a Zurich bank.
- I. At the Zurich bank, the Protagonists are met by an elderly old world Banker and taken to a viewing room that is identical in appearance and appointments in both banks..
- J. While at the bank, the Protagonists make an error in behavior that could tip-off the bank officials they are not legitimate. But the moment passes.
- K. Finally, in a unique scene, seen in no other thriller, the Protagonists must break OUT of a bank
- L. The contents of the container holds additional clues to finding the object of their search that send the hero and heroine to a foreign country.
- M. The object of their search is a set of physical evidence and documents relating to the divine feminine at the heart of the book.

See Olsson Decl., Ex. B at 9-12.

Women, The Goddess, Creation and How God Became a Male

217. In both novels, the subjects of women, the Goddess, Creation and How God became a male are critical.

<p>The Goddess was about creation - the world, life. Procreation is sexual and from the earliest days it has been a woman's function, something men felt they had no control over. This was a problem. They needed to exert control and since they couldn't really control their own urges, they decided to control the object of the</p>	<p>"I should add," Teabing chimed, "that this concept of woman as life-bringer was the foundation of ancient religion. Childbirth was mystical and powerful. Sadly, Christian philosophy decided to embezzle the female's creative power by ignoring biological truth and making <i>man</i> the Creator. Genesis tells us that Eve was</p>
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urge. DOG, p. 110	created from Adam's rib. Woman became an offshoot of man. And a sinful one at that. Genesis was the beginning of the end for the goddess." DVC, p. 238
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Mother Earth

218. Both novels discuss Mother Earth with similar expressions and interpretation.

<p>"What's more, women's bodies were in tune with nature, the moon and showed all the same sorts of mysterious cycles as the world around them."</p> <p>"Which, I assume, is why we still have mother earth, mother nature."</p> <p>"Absolutely. You can try to cover up the Great Goddess but you can't get rid of her. Also remember, these cultures were matrilineal – inheritance and the family name passed along the mother's side of the family since they had no idea that guys had anything to do with it." DOG, p. 161</p>	<p>Early religion was based on the divine order of Nature. The goddess Venus and the planet Venus were one and the same. The goddess had a place in the nighttime sky and was known by many names—Venus, the Eastern Star, Ishtar, Astarte—all of them powerful female concepts with ties to Nature and Mother Earth.. DVC, p. 36</p> <p>Mother Earth had become a <i>man's</i> world, and the gods of destruction and war were taking their toll. The male ego had spent two millennia running unchecked by its female counterpart. The Priory of Sion believed that it was this obliteration of the sacred feminine in modern life that had caused what the Hopi Native Americans called <i>koyanisquatsi</i>—life out of balance—an unstable situation marked by testosterone-fueled wars, a plethora of misogynistic societies, and a growing disrespect for Mother Earth. DVC, p. 125-26</p>
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How People Created God

219. A theme of both novels is that people create their own gods.

<p>"So you're saying people create the god they need," Zoe said uneasily as the sounds of the previous night, her first prayer in years, echoed clearly in her mind.</p> <p>"According to that theory, God is a human creation devised for the expediency of explaining the unknown and they change</p>	<p>"Constantine's Bible has been their truth for ages. Nobody is more indoctrinated than the indoctrinator."</p> <p>"What he means," Langdon said, "is that we worship the gods of our fathers."</p> <p>"What I mean," Teabing countered, "is that almost everything our fathers taught us</p>
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him – her – to suit their needs.” DOG, p. 202	about Christ is <i>false</i> . As are the stories about the Holy Grail.” DVC, p. 235
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Origins of Communion - God eating

220. Both novels contain discussions about communion.

Worship and communion involved eating the fruit of the sycamore fig – fruit that was more like clusters of grapes than the figs we usually think of. When the devout consumed the fruit, they were partaking of the body of the Goddess. DOG, p. 204	And virtually all the elements of the Catholic ritual—the miter, the altar, the doxology, and communion, the act of "God-eating"----were taken directly from earlier pagan mystery religions. DVC, p. 232
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**PERDUE’S COUNTERSTATEMENT OF UNDISPUTED MATERIAL FACTS
PURSUANT TO LOCAL RULE 56.1: DA VINCI CODE AND DA VINCI LEGACY**

221. While the resemblance between *Da Vinci Code* and *Da Vinci Legacy* is not nearly as great as the resemblance between *Da Vinci Code* and *Daughter of God*, there are significant similarities that are worth noting.

222. In *Da Vinci Code* the quest is launched by the murder of an art expert. In *Da Vinci Legacy* the quest is launched by the murder of an expert in Leonardo Da Vinci. *See* Olsson Decl., Ex. B at 2.

223. In both novels, the expert is the fourth member of his group to be murdered. *Id.*

224. In both novels, the murdered expert writes a clue with his own blood on his own body. *Id.* This appears on page 35 of both books. *Id.*, Ex. B at 2-3

225. In both novels, the message sets the hero and heroine off on their quest. *Id.*

226. In both novels, the Quest is further complicated by a secretive brotherhood with a contentious relationship with the Vatican headed by a man of the cloth who believes the Catholic Church has strayed and that his Brotherhood's way is the true faith. *Id.*, Ex. B at 9.

227. In both novels, Leonardo's Codex Leicester is used to make an important plot point and the same mistake of fact is duplicated in *Code* (300, 18). *Id.*, Ex. B at 8. The mistake is that the Codex was written on parchment rather than linen. *Id.* See also Perdue Decl. ¶ 70.

228. Both novels involve the interpretation of hidden messages inside Da Vinci's famous works.

229. Both novels have several concurrent story lines that follow different characters. Eventually all the story lines are brought together and resolved at the end of the book.

230. In both novels, there are mysteries. The unraveling of the mystery requires the solution to a series of brain-teasers, including mysterious messages and word puzzles and/or mathematical puzzles.

231. In *Da Vinci Code*, the solution to the mystery is found to be intimately connected with the possible location of the Holy Grail and to a mysterious society called the Priory of Sion, as well as to the Knights Templar. In *Da Vinci Legacy*, the solution to the mystery is found to be intimately connected with the possible location of a Holy Grail-like prize and to a mysterious society called the Elect Brothers of St. Peter which is modeled after the Priory of Sion and the Knights Templar.

232. In *Da Vinci Code*, Opus Dei, views itself as the rightful inheritors of the Papacy, the last bulwark against the abandonment of conservative church values. It seeks the Grail cache for the power it gives them over the Vatican. In *Da Vinci Legacy*, The Elect Brothers of St. Peter, views itself as the rightful inheritor of the Papacy, the last bulwark against the abandonment of conservative church values. It seeks the Da Vinci Codex, for the power it gives them over the Vatican.