

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DAN BROWN and RANDOM HOUSE, INC., :

Plaintiffs, :

against :

LEWIS PERDUE, :

Defendant. :

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

-----X
LEWIS PERDUE, :

**DECLARATION OF GARY
GOSHGARIAN**

Counterclaim-Plaintiff, :

against :

DAN BROWN, RANDOM HOUSE, INC., CO-
LUMBIA PICTURES INDUSTRIES, INC., SONY
PICTURES ENTERTAINMENT INC., SONY PIC-
TURES RELEASING CORPORATION, and
IMAGINE FILMS ENTERTAINMENT, LLC,

Counterclaim-
Defendants. :

-----X

I, Gary Goshgarian, hereby declare under penalty of perjury that the following statements are true:

1. I have been a professor of English at Northeastern University since 1985. Prior to that, I was an assistant professor at Northeastern University from 1972. I hold a Ph.D from the University of Wisconsin. The areas in which I teach are fiction writing, science fiction, horror fiction, modern bestsellers, detective fiction, modern British and American fiction, the modern short story and Edgar Allan Poe. I am the author of five novels, all of which have been published. I am a member of the Thriller Writers of America, the Mystery Writers of America and

Sisters in Crime. Annexed as Exhibit "A" is my curriculum vitae. Annexed as Exhibit "B" is my biography.

2. I have reviewed the papers submitted by the Plaintiffs/Counterclaim-Defendants (collectively "Plaintiffs") on this motion. Unsupported by any evidence, Plaintiffs repeatedly contend that certain items found in both *Da Vinci Code* and *Daughter of God* are "stock" items commonly found in novels of the "thriller" genre.

3. For purposes of my discussion, I prefer to use the word "generic" to refer to those incidents, character archetypes, settings, quest patterns, scenes a faire or other elements that are common to thrillers. In this Declaration I will also use the phrase "non-generic" to refer to those elements that are *not* common to the thriller genre.

4. While it is impossible to write any novel that does not contain mostly generic items, the treatment by the author of such generic elements is where originality resides. The selection and sequencing of those generic items, interspersed with unique and original elements is what makes for an author's signature. Thus, when several generic elements in different novels fall into similar patterns, the whole effect transcends the generic and appears to be purposeful, non-accidental and suspicious.

5. What follows are similarities between the two novels in question that create the suspicion that Brown, in the *Da Vinci Code* copied from Perdue's *Daughter of God*:

A. **Role of Religion:** Both novels involve a secret sacred female who was wronged by patriarchal religious/political powers centuries ago and whose true place in the hierarchy and history of the church could bring down the Christendom. In the novels, this secret sacred female is the real and symbolic Sophia/Magdalene sacred female. I know of only one other novel of religious intrigue involving a sacred female whose exis-

tence could destroy the church, namely, *The Last Day* by Glenn Kleier (Warner Books, 1997) in which there is a second coming at the turn of the millennium, and Jesus is a woman whose wisdom threatens to bring down, and can topple, a secret the Vatican has sat on for centuries—that God is within, and not sitting on the rock of Peter, thus, that there is no need for churches or organized religion.

B. **The opening murders:** While thrillers often begin with murders, the similarities between the two novels are not stock and are non-generic. For example, both novels involve an older art-expert male with a BIG secret. In both novels, that older art-expert gives art-treasure clues to a younger female who is led to paintings that physically contain keys to the BIG secret that initiates the book-long quest to discover the truth which has been guarded for centuries by clandestine religious groups and which if revealed could topple the Catholic Church and all of Christendom.

C. **The gold key:** Both novels involve a gold key hidden in a key painting—one in frame (*Da Vinci Code*) and the other in wood beneath paint. Imprinted on one (*Daughter of God*) is a swastika. Imprinted on the other (*Da Vinci Code*) are Priory of Sion symbols.

D. **Painting names:** Paintings in novels all have names. However the similarities of the subjects of the names of these two paintings -- “Madonna of the Rocks.” “Home of Our Lady of the Redeemer”— are suspiciously similar.

E. **Zurich safe deposit Box:** Zurich banks are stock venues in thrillers. However, the sequence of events in both novels are not familiar to me and are suspiciously similar. In both novels the sequence is as follows: a gold key found in a painting leads to a Zurich bank branch where a safe deposit box contains physical evidence re-

garding the remains of the sacred female. All this is followed by dangerous escape from the bank.

F. **Escape from bank:** Sequence and details—close call escapes are generic. However, coming in the sequence of the above elements in both novels makes this scene seem suspiciously similar.

G. **The cover-up:** Both novels involve a cover-up of the importance of the sacred the knowledge which, if revealed, would be a revelation that could topple the Catholic Church and possibly all of Christendom.

H. **The Relics:** The Sophia relics, in *Daughter of God*, are similar to the Magdalene relics, in the *Da Vinci Code*, in establishing the truth that the Church seeks to suppress. However, in both novels the relics are either lost, or not to be recovered, to maintain faith and the stability of the Church.

I. **Message at end:** Both novels seek to convey the same, that faith in things unseen is more important than evidence of things seen—i.e., the “belief that actual possession of the physical evidence is not as important as the belief in what the physical evidence represents.”

J. Both novels describe murders that have been motivated by religious faith and conservative church values by representatives of the secret religious organizations and under the offices of high ranking religious figures.

6. In conclusion, both *The Da Vinci Code* and *Daughter of God* contain some similar elements that are non-generic to the "thriller" genre as well as generic and non-generic elements in a particular sequencing that combined are suspicious.

Dated: Boston, Massachusetts
April 4, 2005



GARY GOSGARIAN

Exhibit A

1

GARY GOSHGARIAN

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HOME ADDRESS: 12 Hutchinson Road
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OFFICE ADDRESS: English Department
406 Holmes Hall
Northeastern University
Boston, MA 02115
(617) 373-3965, Fax: 617-373-2509

EDUCATION:

University of Wisconsin (Madison), Ph.D., 1972
Dissertation: "From Fable to Flesh: A Study of the Female Characters in the
Novels of Iris Murdoch."
University of Connecticut, Storrs, Connecticut, M.A, English, 1966.
Worcester Polytechnic Institute, Worcester, Massachusetts, B.S., Physics, 1964.

TEACHING EXPERIENCE:

Professor of English: Northeastern University -- 1985 - present
Associate Professor: Northeastern University -- 1975 - 1985
Assistant Professor: Northeastern University -- 1972 - 1975

AREAS OF TEACHING:

Fiction Writing	Detective Fiction
Science Fiction	Modern British and American Fiction
Horror Fiction	The Modern Short Story
Modern Bestseller	Edgar Allan Poe

PUBLICATIONS

NOVELS:

Gray Matter [Gary Braver, pen name]. New York: Forge Books (St. Martin's Press), 2002
Elixir [Gary Braver, pen name]. New York: Forge Books (St. Martin's Press), 2000.
The Stone Circle. New York: Donald I. Fine/Penguin USA, 1997.
Rough Beast. New York: Donald I. Fine, Inc./Penguin USA, 1995.
Atlantis Fire. New York: The Dial Press (Dell), 1980.

NOVELS: MASS MARKET AND FOREIGN EDITIONS:

Atlantis Fire. New York: Avon Books, 1981. (Paperback edition.)

Doden Gar Pa Djupet. Malmo, Sweden: Winthers Forlag, 1987. (*Atlantis Fire*, Swedish edition)
Der Rufser Steine. Munich, Germany: Verlag Goldmann, 2000. (German edition of *The Stone Circle*).
Rough Beast. New York: Leisure Books (Dorchester Publishing), 1997. (Paperback edition.)
Elixir. New York: Tor/Forge Books, 2001. (U.S. paperback edition)
Elixir. Malmo, Sweden: Egmont Richters, July 2001. (Swedish edition)
Das Elixier. Munich: Blanvalet, 2001. (German hardback edition)
Das Elixier. Munich: Blanvalet, 2002 (German paperback edition)
Eliksir. Oslo, Norway: Egmont Boker Fredhoi, 2001. (Norwegian edition)
Flashback. New York: Tor/Forge Books, 2004. (U.S. paperback edition)

TEXTBOOKS:

The Contemporary Reader, 8th edition. New York: Addison Wesley Longman Publishers, 2005.
Exploring Language, 10th edition. New York: Addison Wesley Longman Publishers, 2004.
Dialogues: An Argument Rhetoric and Reader, 4th edition, with Kathleen Krueger. New York: Longman Publishers, 2003.
Crossfire: An Argument Rhetoric and Reader 2nd edition, with Kathleen Krueger. New York: Addison Wesley Longman Publishers, 1997.
Horrorscape: Dubuque, Iowa: Kendall/Hunt Publishers, 1993. (An anthology of contemporary horror fiction.)

BOOKS FORTHCOMING:

Flashpoints: Reading and Writing on Popular Culture. New York: Longman Publishers, 2005
Dialogues: An Argument Rhetoric and Reader. New York: Longman Publishers, 2005
Flashback, a novel. [Gary Braver, pen name]. New York: Forge Books (St. Martin's Press), 2005.

ANTHOLOGY APPEARANCES:

"Zeroing In On Science Fiction," in *The Bedford Reader*, eds., X.J. Kennedy & Dorothy M. Kennedy, Little, Brown & Co., 1982.
"Teaching Science Fiction," in *Teaching Science Fiction: An Education for Tomorrow*, ed. Jack Williamson, Owlswick Press, 1980.
"The Future Isn't What it Used to Be," in *Order and Diversity*, ed., Robert B. Parker, John Wiley Co., 1973.

ARTICLES:

"Days of the Dolphins," *Northeastern University Magazine*, November 2002.
"True Brew," *The Quarterly Review of Wine*, Summer 1989.
"The Return of the Giant Clam," *Earthwatch Magazine*, March 1989.
"The Aqua-Lung Wetsuit," *Ultrasport Magazine*, September 1987.

- "Sunken Treasure," *Ultrasport Magazine*, July 1987.
 "Taking an Expedition Vacation: Papua New Guinea," *The New York Times*, April 20, 1986.
 "Diving into Science Just for the Fun of It," *The Boston Globe*, December 28, 1984.
 "Adventure Down Under," *The Northeastern Edition*, April, 21, 1983.
 "Science Fiction: An Evolution," *The Boston Globe*, December 12, 1982.
 "The New Racquet in Town," *Sportscape*, September, 1982.
 "Up From Down Under," *Earthwatch News*, March, 1981.
 "Earthwatch Expeditions are 'the Real Thing,'" *Today's Education*, April 1977.
 "A Course Through Time and Space," *Spectrum*, Spring 1975.
 "Transformation by Fantasy: Feminism in the Novels of Iris Murdoch," *Revue des Langues Vivantes* (Brussels), 1975.

REVIEWS

- "Automata & All That," (review of Brian Aldiss's *Billion Year Spree*), *Novel*, Winter 1975.
 Review of Iris Murdoch's *The Black Prince*, *The Christian Science Monitor*, June 27, 1973.

GRANTS, AWARDS, HONORS

- Robert E. Goddard Award, "Outstanding Alumnus" (2004) Worcester Polytechnic Institute.
 CAS Bronze Medal Award for "Best Article of the Year" in a college/university publication ("Days of the Dolphins," *Northeastern University Magazine*, November 2002.
 RSDF Grant to write *Gray Matter*, 2001
Elixir named "Top Suspense Novels of the Year" (2000), the editors of Barnes & Noble.
 The Literary Guild, The Mystery Book Club, and The Doubleday Book Club selection of *The Stone Circle*, 1998.
 NEH Grant, to design a "Utopian-Dystopian Literature" course, Summer 1982.
 Northeastern University Commencement Speaker, 1980.
 Excellence in Teaching Award, 1980.
 Honorary Faculty Member, The Academy of the College of Liberal Arts, 1973.

WRITING WORKSHOPS

- Mystery writing workshop, Kate's Mystery Books, March 4, 2003.
 Conducted Mystery-writing workshop, Cape Cod Writers Conference, August 19 -24, 2002.
 Conducted Mystery-writing workshop, Brown University, April 19, 2001. .
 Cape Cod Writers Conference, Craigville, MA, August 21-25, 2000.
 Brown University, Mystery Writing Workshop, April 20, 2000.
 Brown University, Mystery Writing Workshop, November 11, 1999.

Cape Cod Writers Conference, Craigville, MA, August 20-26, 1999.
Mystery Writers Conference, Beverly, MA, May 15, 1999.
Cape Cod Writers' Mystery Workshop, October 22-23, 1998.
Directed Fiction Writing Workshop, The McCallie School, 1995, 1994, 1993,
1992, 1991.
Guest Fiction Editor, "Writer's Retreat Workshop," Bristol, CT, May 21 & 22,
1990.
Directed Fiction Writing Workshop, Redbank Regional High School Fiction
Writing
Workshop, Redbank, NJ, March 5 & 6, 1990.
"Writing Horror Fiction," Emerson College Fiction Writing Workshop, January
25, 1990.

Directed Fiction Writing Workshop, Redbank Regional High School Fiction
Writing
Redbank, NJ, December 5 & 6, 1989. Also, March 4 & 5, 1989.
Guest speaker at Seventeenth Annual Florida Suncoast Writer's Conference,
January 26 - 28, 1989. (Workshop "On writing Horror Fiction.")
Guest speaker at The Emerson College "Writing for Pay" Conference,
October 30, 1988. (Writing of Horror Fiction and Science Fiction.)
Directed Fiction Writing Workshop Director, Redbank Regional High School
Fiction Writing Workshop, June 13 - 14, 1988.
Directed Fiction Writing Workshop, Redbank Regional High School
Fiction Writing Workshop, December 8 - 9, 1986.
Founder & Director of London Writers' Workshop, London, England (1984,
1985).

READINGS, PRESENTATIONS, AND PAPERS

Since the publication of *Rough Beast* in 1995, I have been invited to give readings and presentations about fiction writing at a number of libraries, bookstores, schools, and book festivals. Below is a partial list since 2000.

Guest author, Waltham Public Library, August 18, 2004.
Guest author, Canton Public Library, June 30, 2004
Guest author, Winthrop Public Library, April 22, 2004.
Guest author, Boston Public Library, March 1, 2004.
Guest author, Lucius Beebe Library, Wakefield, July 31, 2003.
Guest speaker, Book and Author Luncheon, American Association of University
Women, April 6, 2003.
Guest author, 2003 Maine Libraries Conference, May 5, 2003.
Guest author, UMass Dartmouth Library. April 28, 2003.
Guest author, Wilmington Memorial Library, March 4, 2003.
Guest author, Bedford Free Public Library, February 16, 2003.
Guest author, Our Lady of Nazareth Academy, January 28, 2003.
Guest author, Belmont Memorial Library, Belmont, MA, January 16, 2003
Guest author, Monson Public Library, December 12, 2002, Monson, MA

Guest author, Mystery Writers of America Conference, Northern Essex
Community College, November 9, 2002
Guest author, Abbot Public Library, Marblehead, MA, October 23, 2002
Guest author, Falmouth Public Library, October 23, 2002
Guest author, New England Library Association, Sturbridge, MA, October 20,
2002
Guest author, Snow Library, Orleans, MA, October 16, 2002
Guest author, Merrimack Public Library (Merrimack, MA), April 13, 2002.
Guest author, Mohonk Mystery Weekend, Mohonk Mountain House, Mohonk,
NY, March 15-17, 2002.
Guest author, Franklin Tri-County Regional Vocational Tech--12 presentations,
November 29, 2001 & December 6, 2001.
Guest author, Wilburham Public Library, October 25, 2001..
Guest author, Abbot Public Library, Marblehead, October 24.
Guest author, Snow Public Library (Falmouth, MA), October 17, 2001.
Guest author, Townsend Public Library, October 11, 2001.
Guest author, Longfellow Books, Portland, ME July 22, 2001.
Guest author, Stone Coast Writers Conference, July 21, 2001.
Guest author, Westwood Public Library, June 11, 2001.
Guest author, Salem Author's Series presentation, May 24, 2001.
Guest author, Revere Public Library, April 26, 2001..
Guest author, Maine Library Conference, August, Maine, May 8, 2000.
Guest author, Norton Public Library, May 10, 2000.
Guest author, Wilmington Public Library, September 13, 2000.
Guest panelist, "Mystery Night," Buttonwood Books, Cohasset, MA, October 4,
2000.

MEMBERSHIP IN PROFESSIONAL ORGANIZATIONS

Thriller Writers of America
Mystery Writers of America.
Sisters in Crime.

GARY GOSHGARIAN aka GARY BRAVER**HOME :**

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Gary Goshgarian is an award-winning Professor of English at Northeastern University where he teaches a variety of popular undergraduate courses in Science Fiction, Horror Fiction, Detective Fiction, Modern Bestsellers, as well as a graduate Fiction Writing workshop. He is a recipient of Northeastern's Excellence in Teaching Award.

He is also an internationally known workshop facilitator and motivational teacher, having taught fiction-writing workshops through out the United States and Europe for nearly twenty years. A few years ago he was honored to be the Commencement Speaker at Northeastern University.

Goshgarian is also an award-winning author of six novels and over twenty books on writing.

AWARDS AND HONORS:

- Excellence in Teaching Award, Northeastern University
- CASE Award for Best Article of the year in college/university publications, 2003.
- Robert H. Goddard Award for Outstanding Alumnus Achievement from Worcester Polytechnic Institute. 2004.
- Commencement Speaker, Northeastern University 1985
- The Literary Guild, The Mystery Book Club Selections of *The Stone Circle*

EDUCATION:

University of Wisconsin (Madison), Ph.D, English.

University of Connecticut, Storrs, Connecticut, M.A, English.

Worcester Polytechnic Institute, Worcester, Massachusetts, B.S. Physics.

AREAS OF TEACHING:

Fiction Writing	Horror Fiction
Non-fiction Writing	Modern Bestsellers
Detective Fiction	Edgar Allan Poe
Science Fiction	Mod. British & American Fiction

NOVELS: Gary Goshgarian is the author of five critically acclaimed suspense novels--three under his own name:

Atlantis Fire (1981) – “This is a fine thriller seasoned with wit and sensibility.” --Stephen King.

Rough Beast (1995) – “a solid and suspenseful cautionary tale.”
--*Publishers Weekly*

The Stone Circle (1997) -- (Selection of the Literary Guild, the Mystery Book Club, and the Doubleday Book club).

Writing under his pen name, Gary Braver:

Elixir (2000) -- One of the "Best Suspense Novels of the Year,"
Editors of Barnes & Noble. Optioned for a feature film
by director Ridley Scott.

Gray Matter (2002) – “[T] top medical thriller of the year”
www.bookreviews.com, Amazon.com #1 Reviewer.

Flashback (Fall, 2005. Pre-publication praise for *Flashback*:
“A knockout. Gary Braver has written a brilliant
cautionary tale. At once chilling and heartening. . . thriller
fiction at its best.”

COLLEGE TEXTBOOKS:

The Contemporary Reader, 8th edition, Longman Publishers, 2005.

Exploring Language, 10th edition. Longman Publishers, 2004.

Dialogues: An Argument Rhetoric and Reader, 4th edition, Longman
Publishers, 2003.

Horrorscape: Dubuque, Iowa: Kendall/Hunt Publishers, 1993. (An
anthology of contemporary horror fiction.)

ARTICLES: Goshgarian has written several travel articles and book reviews which have appeared in various newspapers and magazines including *The New York Times*, *The Boston Globe*, *The Christian Scientist Monitor*, and *Today's Education*. .

WRITING WORKSHOPS: Gary Goshgarian has been teaching fiction-writing and mystery-writing writing workshops for over 20 years at

Northeastern University as well as Brown University, Emerson College, The McCallie School (Chattanooga, TN), Salem State University, the Cape Cod Writers Conference, and "Almost Famous" workshop in Lucen, Switzerland. He is the Founder of the London Writers Workshop. He has also given presentations at hundreds of libraries throughout New England.

Other Presentations:

Smithsonian Institute (Washington, D.C.)
Mystery Writers of America Conference
New England Library Association, Conf.
"Writer's Retreat Workshop," Bristol, CT.
Florida Suncoast Writer's Conference

UMass Writers Conf. 2004
Emerson College
Maine Libraries Conference
Mohonk Mystery Weekend
Redbank Reg. High School