

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF GEORGIA, ATLANTA DIVISION

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:
SUNTRUST BANK, as Trustee :
of the Stephens Mitchell : CASE NO. 1:01 CV-701-CAP
trusts f/b/o Eugene Muse :
Mitchell and Joseph Reynolds :
Mitchell, :
:
Plaintiff, :
:
v. :
:
HOUGHTON MIFFLIN COMPANY, :
:
Defendant. :
:
-----X

**AFFIDAVIT OF ALAN
LELCHUK IN SUPPORT
OF PLAINTIFF'S MOTION
FOR A TEMPORARY
RESTRAINING ORDER AND
PRELIMINARY INJUNCTION**

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

ALAN LELCHUK, being duly sworn, deposes and says:

1. I submit this affidavit in support of the plaintiff's application for a preliminary injunction.

2. In preparation for this affidavit, I have read both "The Wind Done Gone" and "Gone With the Wind."

3. I am a novelist, teacher, and editor. Among my novels are AMERICAN MISCHIEF (1973) BROOKLYN BOY (1990) MIRIAM AT THIRTY FOUR (1974), MIRIAM IN HER FORTIES (1985), SHRINKING (1978) PLAYING THE GAME (1995). "Miriam in her Forties" is a "sequel" to "Miriam at Thirty Four". My work has been translated into six languages.

4. I have published much literary criticism as well as fiction in magazines. Since 1985 I have been a professor at

Dartmouth College, and before that, I taught for 15 years at Brandeis University. I have also taught at Amherst College, CCNY, Haifa University, Univ of Rome, and Eotvos Lorand Univ in Budapest.

5. I won a Guggenheim Award (1976-77), a Fulbright Award (1986-87), a Salgo Professorship (1999-2000), and I have been a guest Resident at Mishkenot Sha'ananim in Jerusalem. My manuscript collection is housed at the Mugar Memorial Library, 20th Century Archives, Boston University.

6. For more information, I refer you to my Curriculum Vitae, which is attached to this Affidavit.

7. I am also a publisher. I co-founded Steerforth Press, which publishes only the finest American and European writers.

8. This novel is not satire or parody. The author's claim is proved fallacious by the book itself. There is no consistency here, of style, tone or attitude, to substantiate either form of critical mockery.

9. "The Wind Done Gone" by Alice Randall is to me a subliterary parasitical work, dependent on its publication solely on its relation to "Gone With the Wind," and having little or no literary value. It has no literary voice, no substantial style or character to remember, and its storytelling is very weak indeed. There are no enduring literary qualities in this attempted failed novel. Were it not for the lifting of plot and characters from "Gone With the Wind," Ms. Randall would have written a work which

is unpublishable.

10. Ms. Randall's work is filled with gleanings and plagiarisms from "Gone With the Wind," yet this overwhelming accumulation does not serve the alleged main purpose of the book, namely, a rendering of "Gone With the Wind" from a black (or ideological) point of view. Actually the reverse is true; the book's mission is continually weakened by the lack of originality in language, in scene making, in character naming or character creation.

11. This parasitical work has little merit and seems to me to exist solely to exploit "Gone With the Wind."


ALAN LELCHUK

Sworn to before me this
___ day of April, 2001.


Notary Public

MARTIN GARBUS
NOTARY PUBLIC, State of New York
No. 31-6457537
Qualified in New York County
Commission Expires ~~March 22, 1998~~

MAY 20, 2001

CURRICULUM VITAE

Alan Leichuk

PERSONAL

Birthdate: September 15, 1938
Birthplace: Brooklyn, New York
Marital Status: Married, two children
Address: RFD 2, Canaan, NH 03741 MALS-Dartmouth
603-523-4241 Hanover, NH 03755
603-646-3592

EDUCATION

Brooklyn College, B.A. 1960, World Literature.
Stanford University, M.A. 1962; Ph.D. 1965, English ("The Life and Novels of George Gissing").
University College, University of London, 1963-64, Stanford Dissertation Fellowship.

TEACHING

Dartmouth College, Master of Arts in Liberal Studies, 1985-present.
C.C.N.Y., Visiting Writer, fall 1991.
Haifa University, 1986-87, Fulbright Writer-in-Residence.
Amherst College, 1982-84, Visiting Writer, Full Professor.
Brandeis University, 1966-81, Writer-in-Residence.
Eötvös Lőránd University (ELTE), Budapest, Hungary 1999-2000
Courses Taught: Creative Writing Workshops, Contemporary Fiction, Great Short Novels, Modern American Literature

PUBLICATIONS

Novels:

American Mischief, Farrar, Straus and Giroux, 1973 and Jonathan Cape, London, 1973; Signet pb., 1974. (BOMC full selection, March 73.)

Miriam at Thirty-Four, Farrar, Straus and Giroux, 1974, and Jonathan Cape, London, 1975; Signet pb., 1975; McGraw Hill pb., 1989. (BOMC featured alternate, 1975.)

Shrinking, Atlantic Monthly Press, 1978; Signet pb., 1979. ("Best Novels of the Year," NY Times Book Review, 1978.)

Miriam in Her Forties, Houghton-Mifflin, 1985; McGraw Hill pb, 1989.

Brooklyn Boy, McGraw Hill, 1990 (Basset Books PB, 1996)

(Translations of the above into Danish, Dutch, French, German, Hebrew, Japanese, and Spanish.)

Playing the Game, Baskerville Publishers, 1995.

Young Adult Book

On Home Ground, Harcourt, Brace, Jovanovich, 1987. (ACSS Notable Children's Trade Book in the Field of Social Sciences. IRA-CBC Young Adult Choice.)

Short Fiction

"Sundays," Transatlantic Review #21 (Summer, 1966).

"Of Our Time," New American Review #4 (Fall, 1968).

"Winter Image," Transatlantic Review #32 (Summer, 1969).

"Cambridge Talk," Modern Occasions (Fall, 1970).

"Hallie of the Sixties," Works in Progress #6 (1972).

"The Doctor's Holiday," The Atlantic (March, 1981).

"Age of Heroes," Boston Globe Magazine (December 8, 1985).

"New Man in the House," Boston Globe Magazine (March 29, 1987).

"Adventures of a Fiction Boy," Partisan Review (Fall, 1989).

LITERARY ANTHOLOGY

8 Great Hebrew Short Novels, co-edited with Gerson Shaked, Introduction by Alan Lechuk, NAL Meridian Books, 1983.

FILM SCRIPTS

"Tippy" written with Director Jiri Weiss, 1978, and based on Shrinking.

"What Ashley Wants" written with Director Isaac Yeshurun, 1987, an original story.

"Miriam at Thirty-four" written with Jane Fried, 1992, based on the novel.

"Reunion" written with Bill Phillips, 1993, original story.

CRITICISM- Long Reviews and Essays

"Hemingway: The Man in the Way of the Writer," Peace News, London, May 1964. (BR)

"The Letters of George Gissing to Gabrielle Fleury," Victorian Studies, December, 1965. (BR)

"Steiner's Language and Silence," Partisan Review, Fall, 1968.

"The Dissenting Academy," ed. T. Roszak, Dissent, May-June, 1968. (BR)

- "F.R. Leavis, "Anna Karenina and Other Essays," The Nation, September 9, 1968. (BR)
- "Demos: The Ordeal of the Two Gissings," Victorian Studies, March, 1969.
- "Gissing's Demos: A Controversy," A debate between Professors J. Goode and A. Lechuk, Victorian Studies, June, 1969.
- "An Analysis of Technique in Chekhov's 'Anyuta,'" Studies in Short Fiction, Fall, 1969.
- "Self, Family and Society in Great Expectations," Sewanee Review, Summer, 1970.
- "I.B. Singer's Shosha," N.Y. Times Book Review (front page), August, 1978.
- "Philip Rahv: The Last Years," in Images and Ideas in American Literature, ed. A. Edelstein, Brandeis University Press, 1979; reprinted, The New Republic, July 21, 1979.
- "The Shield: A Creative Anthology of Jewish Life in Eastern Life," ed. J. Neugroschel, NYTBR, December 2, 1979.
- "Malamud's Dark Fable", God's Grace NYTBR (front page), August 28, 1982.
- "Against the Grain: Reznikoff's Manner Music," in Charles Reznikoff, ed. M. Hindus, University of Maine, 1984.
- "The End of the Jewish Writer?" in Writers Speak, America and the Ethnic Experience, Institute for the Study of the Humanities, University of Massachusetts, Amherst, 1984, reprinted in abridged form. NYTBR, November 25, 1984.
- "Past Continuous," by Yaakov Shabtai, NYTBR, April 21, 1985.
- "Recent Adventures of Saul Bellow: Reflections on What Kind of Day Did You Have?" in Saul Bellow, ed. Leila Goldman, BYU Press, 1991.
- "II Kings: On the Nature of Jewish Realism," in Congregation: Contemporary Writers Read the Jewish Bible, Harcourt, Brace, Jovanovich, 1987, pp.135-144.
- "Stumbling to Canaan," review of Shulamit Hareven, The Miracle Hater, NYTBR, 1988.
- "In Childhood Begin Responsibilities..." in Testimony: Contemporary Writers Make the Holocaust Personal, ed. D. Rosenberg, Random House, 1989.
- Superstars and Screwballs: One Hundred Years of Brooklyn Baseball, NYTBR, April 7, 1991.
- "A Literary Life," in Contemporary Authors: Autobiography Series, Vol 20, Gale Research, Inc. 1994.

MISCELLANEOUS PIECES

"An Interview with Erskine Caldwell," Per Se, An International Quarterly, Spring, 1967.

Two Interviews with Philip Roth: "On Our Gang," Atlantic Monthly, December, 1971 and New York Review of Books, Nov., Dec. 1971.

"A Weekend in the Jungle," a short narrative, Folio, Spring, 1973.

"An Interview with Alan Lelchuk," by C. Glickman, The New Writer, October, 1973.

"A Conversation with Alan Lelchuk," by L. Kuehl, Book-of-the-Month-Club News, March 1973.

"El Tiante," Boston Magazine, August, 1982.

"Softball Season," Country Journal, August, 1982.

"Prized Fighting," Boston Globe Magazine, January 15, 1984.

"Acts of Faith," Marranos, Catholics and Jews in Cordoba, Spain, Boston Globe Magazine, October 27, 1985.

"Canaanite," an interview with Alan Lelchuk, Jerusalem Post, Dec., 1986.

"Interview with Alan Lelchuk" in American Contradictions, Interviews with Nine American Writers. W. Binder and H. Breinig, eds. Wesleyan U.P., 1995.

READINGS, LECTURES

Harvard University, South House, Spring, 1973.

Yale Drama School, Spring, 1973.

MLA, Writers and Poets Section, Spring 1973, "Three Contemporary Novels."
(Mr. Sammler's Planet, Rabbit Redux, American Mischief.)

University of Wyoming, "A Novelist's Notes," April, 1974.

Brandeis University, "On Writing for Cinema," with Jiri Weiss, Czech director. April, 1975.

Boston Public Library, "Why I Write," September, 1976.

National Psychological Association for Psychoanalysis, New York, "The Novel of the Self," November, 1978.

Dartmouth College, "T. Borowski and Literature of the Holocaust," November, 1979; January, 1986

Amherst College, November, 1981; May, 1984.
University of Massachusetts Institute for Advanced Study in Humanities,
"The End of the Jewish Writer?", March, 1984, reprinted NYTBR (front
page), 1985.

University of New Hampshire, February, 1985.

Haifa University, January, 1987; "Recent Adventures of Saul Bellow,"
May, 1987 (published in Saul Bellow, BYU Press, 1991.)

American Cultural Center, Jerusalem, Tel Aviv, 1986, 1987.

University of New Hampshire, March 1990.

University of Oklahoma, March 1991.

City College of New York, March 1991.

University of Erlangen, Institute for American Studies, and Nuremberg,
Germany, June 1992 (Readings and panel participant on "Multiculturalism in
Literature" with Grace Paley, John Williams, Gerald Vizenor, Ed Vega,
Raymondo Hernandez, Andrew Halloran.)

University of Rome (Italy), Spring 1996. (Lectures on Contemporary American
Literature and the Creative Process.)

RELATED PROFESSIONAL ACTIVITIES

Project Evaluator, Literature, National Endowment for the Humanities, 1977-82.
Project Evaluator, "Good Company with Books," NH libraries, NHCH, 1984-85.
Acting Chair, Master of Arts in Liberal Studies Program, Dartmouth College, 1988-89.
Judge, Moment Magazine, Jewish Cultural Awards (Literature Category), Spring 1991.

EDITING

Associate Editor, Modern Occasions, 1970-72, a literary quarterly (ed. Philip Rahv).

Co-editor, Great Hebrew Short Novels, 1983.

Co-founder (editor), Steerforth Press, 1993 - present.

HONORS, AWARDS, CITATIONS

Yaddo Foundation Fellow, 1968, 1969, 1971, 1973

MacDowell Colony Fellow, 1969, 1974

Contemporary Authors, Contemporary Novelists

Contemporary Literary Criticism

Dictionary of American Scholars

International Authors and Writers Who's Who

Who's Who in America

Who's Who in U.S. Writers, Editors & Poets

World Authors

Guggenheim Fellowship for Fiction, 1976-77

Mishkenot Sha'Ananim Resident Fellow, Jerusalem, 1976-77.

Salgo Professorship, Budapest, Hungary, 1999-2000

"Alan Lelchuk Manuscript Collection," in Twentieth Century Archives,
Mugar Memorial Library, Boston University
Fulbright Award, Writer-in-Residence, Haifa University, Israel, 1986-87
Visiting Artist in Residence, University of Rome, Spring '96.

SELECTED CRITICISM ON ALAN LELCHUK

American Mischief:

Philip Roth (Esquire, October '72)
Wilfred Sheed (BOMC News: "Lelchuk's Inferno: A Report" March '73)
Mordechai Richler (Chicago Tribune Book World, Feb. 25, 1973)
Alfred Kazin (NYTBR March 4, 1972)

Miriam at Thirty-four

Benjamin DeMott (The Atlantic, "The Significant Self" Oct, 1974)
Laury MacMurtry (Washington Post Book World, Oct. '74)

Shrinking: The Beginning of My Own Ending

Frances Barasch ("Faculty in Fiction" on Herzog, Professor of Desire,
Shrinking, and Good as Gold, Clarion Magazine, June '82)
Robert Towers (NY Times, May '78)

Miriam in Her Forties

Samuel Shem (NYTBR, Nov '85)
Lee Grove (Boston Magazine, "Growing Up" Nov. '85)

Brooklyn Boy

Mark Shechner ("Best of a Brooklyn Bad Boy," The Buffalo News,
Dec. 3, '89)
William Pritchard ("An Old Sweet Song & Brooklyn on His
Mind," Boston Globe, Nov. 26, '89)
Sven Birkerts ("Aaron's Rod," The New Republic, Feb. 5 '90)

Playing the Game

Sam Toporoff ("Group Dreams," Newsday, April 2, 1995)
William Pritchard ("Fiction Chronicle," Hudson Review, Spring 1996)
Neil D. Isaacs (Alan Lelchuk's Playing The Game and the
New National Pastime, Aethlon: Journal of
Sport Literature, Fall, '98)