

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

SUNTRUST BANK as Trustee of )  
the Stephens Mitchell Trusts f/b/o Eugene )  
Muse Mitchell and Joseph Reynolds Mitchell, )  
Plaintiff, )  
v. )  
HOUGHTON MIFFLIN COMPANY, )  
Defendant. )

Civil Action File  
No. 1:01 CV-701-CAP

DECLARATION OF JANE CHELIUS

1. My name is Jane Chelius, and I am President of the Jane Chelius Literary Agency, Inc. I have thirty-four (34) years of experience in the book publishing industry. In my present capacity, I represent writers to book publishers, negotiating their contracts and generally providing career guidance. Before that, I was an acquiring editor at various major publishing houses, including, most recently Pocket Books/Simon & Schuster, where I was a senior editor for nearly eight years. While there, I acquired and edited roughly twenty-five hardcover and paperback books each year, and participated in marketing and editorial decisions affecting my titles. I opened my own agency six years ago, and I now represent more than thirty clients.

2. I have extensive experience in book marketing. As a literary agent and editor, I have been frequently and centrally involved in analyzing the market appeal of various books. During my career as an editor, one of the first questions I would ask myself

whenever I reviewed a book for possible acquisition would be "who is the reader for this book?" I have many years of experience in answering that question for many different kinds of books with very different market niches. My experience includes marketing books that appeal to audiences of different races and demographic backgrounds.

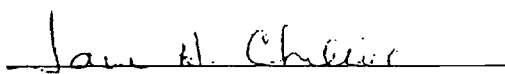
3. I have extensive experience in publishing and marketing book sequels. For most of my career an important, though not exclusive, area of interest and expertise for me has been crime fiction, which is a genre where sequels are not only common but desirable. In this branch of commercial fiction, experience shows us that when a reader is captivated by the characters and world created by an author, she or he will want to read other books about that character, to find out what happens next in that character's life and to spend more time in that world. In other words, the motivation to buy and read sequels is to enjoy more of the same thing that has given pleasure in the past. Readers who are interested in sequels are generally readers who loved the original work and want to love its sequel in the same way. This desire among sequel readers for more of the same is not satisfied by parodies or other works that are sharply critical of the original.

4. I read GONE WITH THE WIND at the age of twelve, and have seen the movie numerous times. I have also read THE WIND DONE GONE. THE WIND DONE GONE is not on any level "more of the same" of GONE WITH THE WIND. In my opinion, if it is allowed to be published, it will not appeal to any desire among readers for a sequel to GONE WITH THE WIND. Readers will easily perceive that THE WIND DONE GONE is a parody of GONE WITH THE WIND, not a sequel. THE WIND DONE GONE's critical bearing on GONE WITH THE WIND will be obvious to readers. A reader looking for a sequel to GONE WITH THE WIND would be looking for a continuation of the story of the

principal characters, and would be looking for a further portrayal of the romantic world of that novel. *THE WIND DONE GONE* offers a protagonist unknown in *GONE WITH THE WIND*, and the world she inhabits is a harsher, more realistic one. The purpose of the *WIND DONE GONE* is not to perpetuate the fictional legacy of *GWTW*, to invite readers back into that created world; in fact it is quite the opposite. It is easier to imagine a buyer of *THE WIND DONE GONE* wanting to read *GONE WITH THE WIND* to find a reference point, than it is to imagine a reader who loved *GONE WITH THE WIND* wanting to read a book such as *THE WIND DONE GONE* that parodies and puts it in a critical light. Therefore I cannot see that publication of *THE WIND DONE GONE* would have any adverse effect on the sales of licensed sequels to *GONE WITH THE WIND*.

5. The target audiences for the two books are also very different. I would generally classify *THE WIND DONE GONE* as "literary fiction," and *GONE WITH THE WIND* as "commercial fiction." Literary fiction appeals to a narrower, more highly educated audience than commercial fiction. I would also expect *THE WIND DONE GONE* to have a far stronger appeal to African-American readers than *GONE WITH THE WIND* has due to its offensive depictions of African-American characters. While *GONE WITH THE WIND* appeals to readers of romance novels, I do not believe such readers would be particularly attracted to *THE WIND DONE GONE*.

6. All of the statements contained herein are true and correct to the best of my knowledge. I make this declaration under penalty of perjury, this 16<sup>th</sup> day of April, 2001.

  
Jane Chelius