

Athene Law Group

581 7th Street
Brooklyn, New York 11215
p.: 203/464.9698
f.: 718/233. 2638
athenelawgroup@gmail.com

Katherine E. Lewis
Attorney at Law

May 26, 2011

Ms. Cheryl Hajjar
118 Thoreay Way #606
Lawrence, Massachusetts 01843
CERTIFIED MAIL, RETURN RECEIPT REQUESTED

**RE: CO-AUTHOR DEMAND FOR ACCOUNTING &
COPYRIGHT INFRINGEMENT CLAIM
THE BINKY FAIRY, aka PACI PIXIE**

Dear Ms. Hajjar:

My name is Katherine E. Lewis. I am a managing partner of Athene Law Group and I represent Ms. Denise R. Fix and Ms. Katie L. Boltas.

I am writing to inform you that on May 26, 2011 I submitted for recordation a copy of the written agreement between you, Denise and Katie with the U.S. Copyright Office in connection with the 2009 PACI PIXIE registration. This will put the public, including any potential merchandising and publishing agents, on constructive notice that Denise and Katie hold an ownership interest in the PACI PIXIE aka THE BINKY FAIRY. A copy of what was filed with the US Copyright Office is attached hereto as EXHIBIT A.

As you are well aware, the material you published in December 2009 purporting co-authorship with Amy Perreault and claiming Steven Perreault as illustrator, which is entitled THE PACI PIXIE, is identical to the work you co-authored with my client, Denise R. Fix in 2007, entitled THE BINKY FAIRY.

You may also recall that you registered a copyright with the U.S. Copyright Office on July 2, 2007, Registration #PAu003133954 where you listed Denise as co-author to the BINKY FAIRY song and lyrics. In addition, you represented this relationship to the world on myspace.com, where you also acknowledge Denise as co-founder of BINKY MAGIC ENTERPRISES.

Although you altered the title of THE BINKY FAIRY to THE PACI PIXIE, the

EXHIBIT K-1

copyrightable material you co-authored with Denise remains the same and is currently at issue.

As a co-author, you have a legally enforceable duty and obligation to account to Denise for all profits made in relation to THE BINKY FAIRY, including any all profits made to date under the work known as THE PACI PIXIE. Changing the name of a work does not alleviate you of this obligation.

In addition, by virtue of the contract you entered into with Denise and Katie, you are obligated to account for all profits made in connection with THE PACI PIXIE aka THE BINKY FAIRY and any *derivative works* in the amounts agreed to therein: Forty-Percent (40%) to Denise and Twenty-Percent (20%) to Katie. This includes, but is not limited to, not only the PACI PIXIE work, but also the upcoming release of THE POTTY PIXIE work(s) and any other derivatives that follow.

Your failure to Account to Denise and Katie to date, is a violation of state and federal laws, a breach of contract and a violation of Section 93A of the General Laws of Massachusetts. Your misattribution of Steven Perreault as illustrator of THE PACI PIXIE, aka THE BINKY FAIRY, is a violation of Denise's right of attribution under Title 17 U.S. Code, Section 106(a).

Furthermore, your knowing and willful misrepresentation to the public regarding the crediting of Amy Perreault as co-author and Steven Perreault as illustrator is a violation of Section 43(a) of the Lanham Act and is a false designation of origin and is false advertising under both state and federal statutes.

You are hereby to immediately:

1. Present my office with a complete and accurate Accounting of any and all profits made in connection to the BINKY FAIRY, aka PACI PIXIE, and any and all derivative works from September 2007 to the present.
2. CEASE AND DESIST the false crediting of Amy Perreault as co-author of the PACI PIXIE, aka THE BINKY FAIRY.
3. CEASE AND DESIST the false crediting of Steven Perreault as illustrator of the PACI PIXIE, aka THE BINKY FAIRY.
4. Make a public statement, to be published in two (2) newspapers of my client's choosing: one local and one national, for a period of eight (8) weeks, announcing Denise R. Fix as the co-author of PACI PIXIE, aka THE BINKY FAIRY, and apologizing for the previous misrepresentation of Amy Perreault as co-author and Steven Perreault as illustrator.
5. Correct all advertising relating to the PACI PIXIE, including information posted on your website, www.indigomagic.com, www.twitter.com, www.facebook.com, Amazon.com, and any other advertising source to reflect Denise's contribution to the PACI PIXIE, aka THE BINKY FAIRY, as co-author.

6. Send written statements, which shall be copied to us, to any parties, individuals, organizations or the like, whom you have published or received media coverage from and inform them of Denise's contribution to the PACI PIXIE, aka THE BINKY FAIRY, including but not limited to A Touch of Sun (Methuen, MA and Salem, NH locations); Street Team Moms Organization; ParentasMagazine; ABC Network: The Nanny; The Eagle Tribune; and Shaw's Super Market in Methuen, MA.
7. Provide us with prompt, written assurances that you have complied with this request within fourteen (14) days of this letter.

If you do not comply, I am authorized by my client to prosecute you to the furthest extent of the law. The consequences of your lack of cooperation in this matter may result in civil fines, including but not limited to attorney fees, penalties and prosecution by the U.S. Attorney's office for willful violation of Copyright and Trademark Laws. Under 17 U.S.C. 504, the consequences of copyright infringement include statutory damages of between \$750 and \$30,000 per work, at the discretion of the court, and damages of up to \$150,000 per work for willful infringement. If you continue to engage in copyright infringement after receiving this letter, your actions will be evidence of "willful infringement."

We will wait to hear from you for no longer than fourteen (14) days from the date of receipt of this letter. This is written without prejudice to our rights, all of which are hereby expressly reserved.

Yours truly,

Katherine E. Lewis, Esq.