

IN THE CIRCUIT COURT OF THE FIRST
JUDICIAL DISTRICT OF HINDS COUNTY MISSISSIPPI

ABLENE COOPER

PLAINTIFF

Vs.

CIVIL ACTION NO.251-11-134 CIV

KATHRYN STOCKETT

DEFENDANT

**PLAINTIFF ABLENE COOPER'S RESPONSE IN OPPOSITION
TO KATHRYN STOCKETT'S MOTION AND MEMORANDUM
FOR SUMMARY JUDGMENT**

UK Cover of *The Help*

The Help

A big, warm girlfriend of a book about female
love that transcends race and class. *The Help*



KATHRYN STOCKETT

“When I was writing this book, I never thought anyone else would read it, so I didn’t get very creative with the names. I just used people I knew. Some of them aren’t talking to me right now, but I feel like they’ll come around.”

“I was terrified when I realized it was going to be published.”
Kathryn Stockett, 2009, *The Atlanta Journal-Constitution*

COMES NOW THE PLAINTIFF, Ablene Cooper, and submits this "Response In Opposition To Kathryn Stockett's Motion and Memorandum For Summary Judgment."

Ablene Cooper respectfully requests this Court to deny defendant's motion for summary judgment.

Background and Introduction

Kathryn Stockett is the author of a book entitled *The Help*. It was released on February 10, 2009. On February 9, 2011 Ablene Cooper filed this action against Kathryn Stockett for \$75,000 in damages alleging the main character in *The Help*, Aibileen, is an unauthorized appropriation of Ablene Cooper's name and likeness.¹ As a way of providing background information to the Court, Ablene Cooper is employed as a maid for Rob Stockett, and cares for he and his wife's two children. Rob Stockett is Kathryn Stockett's brother. Ablene Cooper and Kathryn Stockett know each other.

On April 14, 2011 Stockett simultaneously answered the complaint and filed a motion for summary judgment.

Stockett's Motion For Summary Judgment Should Be Denied

The comment to MRCP 56 states:

A motion for summary judgment lies only when there is no genuine issue of material fact; summary judgment is not a substitute for the trial of disputed issues of fact. [Summary judgment] cannot be used to deprive a litigant of a full trial of genuine fact issues.

¹ A copy of the complaint is attached as Exhibit A.

In Jones v. Fluor Daniels Services Corporation, 32 So.3d 417, 419 (Miss. 2010)

the Mississippi Supreme Court stated two paramount aspects regarding summary judgment:

1. Where summary judgment is at issue, “[t]he evidence must be viewed in light most favorably to the party against whom the motion has been made.”
2. All that is required of the non-movant is to establish a genuine issue of material fact.

As set forth in the arguments that follow, genuine issues of material fact exist in this dispute. Summary judgment is not appropriate and Stockett’s motion should be denied.

Statute of Limitations

- A genuine issue of material fact exists regarding when the statute of limitations began to run on some of plaintiff’s causes of action.

The complaint filed by Ablene Cooper asserts causes of action for: (1) appropriation of another’s identity for an unpermitted use, (2) holding another to the public eye in a false light, (3) intentional infliction of emotional distress, and (4) negligent infliction of emotional distress. The first three causes of action are governed by MCA § 15-1-35 which provides for a one year statute of limitations. Jones v. Fluor Daniels Services Corporation, 32 So.3d 417 (Miss. 2010).

Stockett argues these claims are time barred since the complaint was not filed within one year of publication of *The Help*. However, in Staheli v. Smith, 548 So.2d 1299 (Miss. 1989) the Mississippi Supreme Court adopted a **discovery rule** with respect to torts governed by MCA § 15-1-35. Therefore, the appropriate question is when Ablene Cooper knew or should have known that she had a cause of action against Stockett, not when *The Help* was published.

- **Stockett fraudulently induced Ablene Cooper to believe *The Help* was no big deal.**

After being rejected approximately sixty times, Kathryn Stockett was finally able to get *The Help* published. According to a 2009 interview with *The Atlanta Journal Constitution* Stockett was “terrified” to learn *The Help* would be published.² Why would an aspiring writer be “terrified” to learn that her first book would be published? Stockett’s own words give us a clue. In this same 2009 interview with *The Atlanta Journal Constitution*, Stockett said:

When I was writing this book I never thought anyone else would read it, *so I didn’t get real creative with the names. I just used people I knew.* Some of them aren’t talking to me right now, but I feel like they’ll come around.³ (Emphasis added.)

Is it any wonder Stockett was “terrified” to learn *The Help* would be published? She knew what she did to Ablene in *The Help*, and now it was about to be published. Stockett was, apparently, truthful with *The Atlanta Journal Constitution*. She did not get very creative with the names. She only slightly changed the spelling of Ablene’s name.

- **Stockett hatched a plan to keep Ablene in the dark about the offensive portrayal of the character Aibileen and the language used by her in *The Help*.**

In January 2009 as the release date for *The Help* approached and Stockett was, admittedly, “terrified”, she contacted Ablene under the pretense of reaching out to her. Stockett told her she had written a book called *The Help*. Stockett informed Ablene that one of the characters in the book, in fact Stockett’s favorite character, has a name similar to Ablene, but the spelling is different. Stockett failed to tell Ablene any specifics about

² See Exhibit B.

³ See Exhibit B

Aibileen other than she was born in 1911. Stockett did not tell Ablene that Aibileen compares her skin color to that of a cockroach. Stockett did not provide Ablene any specific information about the plot of *The Help*.⁴

The thrust of Stockett's comments was that there was nothing in *The Help* to be concerned about. Stockett's intention was not to reach out to Ablene. Instead Stockett did everything possible to convince Ablene *The Help* was nothing more than a harmless looking 450 page book with an innocuous cover depicting three birds on a tree limb. The book cover Ablene saw was a far cry from the cover of the U.K. version of *The Help* shown on page one of this memorandum.



U.S. cover of *The Help*

During Stockett's 2009 attempted reach out to Ablene, Stockett failed to mention any of the similarities between Ablene and Aibileen such as:

→ *The Help* takes place in Jackson, MS
Ablene lives and works in Jackson, MS

→ Aibileen has a gold tooth
Ablene has a gold tooth

→ Aibileen's son dies only months before she goes to work for a white family with two children, a boy and a girl, who call her Aibee

Ablene's son died shortly before she started working for Rob Stockett who has two children, a boy and a girl, who refer to Ablene as Abie or Abi⁵

⁴ See, Exhibit C, Affidavit of Ablene Cooper

⁵ Aibee, Abie, and Abi are all pronounced: Ā-bēē.

Ablene trusted Stockett and relied on her false representations that Aibileen was not based on her (Ablene) in any way.

• **Ablene learned the truth about *The Help* in 2010.**

It was not until the summer months of 2010 when filming began here in Mississippi for the movie version of *The Help* did Ablene Cooper begin to learn that what Kathryn Stockett represented to her in 2009 was not accurate. Plaintiff filed suit within one of year of **discovering** what Stockett did to her.

Plaintiff's causes of action for : (1) appropriation of another's identity for an unpermitted use, (2) holding another to the public eye in a false light, and (3) intentional infliction of emotional distress have a one year statute of limitations, subject to the discovery rule. A genuine issue of material fact exists when Ablene Cooper knew, or in the exercise of reasonable care should have known, that she had a cause of action against Stockett. Stockett claims the date is February 9, 2009, Ablene claims the date is the summer months of 2010. This is an issue that must be decided by the jury.

• **Negligent infliction of emotional distress has a three year statute of limitations; plaintiff's claim was timely filed.**

Ablene Cooper's complaint sets forth a cause of action for negligent infliction of emotional distress, a cause of action separate and apart from the tort of intentional infliction of emotional distress. As its name implies, this tort is grounded in negligence and has a three-year statute of limitations. In Jones v. Fluor the Mississippi Supreme Court ruled there is a one-year statute of limitations for the tort of *intentional* infliction of emotional distress; that is the extent of the holding. Stockett urges this Court to expand

the holding of Jones v. Fluor and apply a one-year statute of limitations to negligent infliction of emotional distress claims.

Plaintiff's negligent infliction of emotional distress claim is controlled by a three year statute of limitations. Plaintiff respectfully submits this Court should not expand the scope of Jones v. Fluor to include a one-year statute of limitations for negligent infliction of emotional distress claims. Taking Stockett's position that the statute of limitations in this case started to run on the date of publication, (February 10, 2009), plaintiff's claim for negligent infliction of emotional distress was timely filed.

There is no requirement under Mississippi law that a negligent infliction of emotional distress claim must involve commercial advertising. It is sufficient the damage occurred as a result of a commercial purpose, which *The Help* obviously is.

**A Genuine Issue Of Material Fact Exists Regarding
Whether Aibileen In *The Help* Is "Of And Concerning" Ablene**

Stockett would have this Court find as a matter of law that no reasonable juror could conclude that the character Aibileen from *The Help* is "of and concerning" Ablene, the plaintiff herein. Plaintiff submits that a reasonable juror could, in fact, conclude that the portrayal of Aibileen is "of and concerning" Ablene. How could this be the case? One need look no further than what Kathryn Stockett herself has said on this issue. Stockett **admitted** she "didn't get real creative with the names" and that she "just used people [she] knew."⁶ Since Kathryn Stockett and Ablene Cooper know each other, a reasonable juror could conclude that Ablene is one of people Stockett was referring to in her 2009 interview.

⁶ See, Exhibit B.

How else might a reasonable juror conclude that Aibileen is in fact “of and concerning” Ablene? Here are just a few of the things a reasonable juror might consider:

- Ablene works for Kathryn Stockett’s brother and cares for his two children.
- The names Ablene and Aibileen are spelled almost identically.
- The names Ablene and Aibileen are pronounced the same.
- Ablene and Aibileen are both African-American women.
- Ablene and Aibileen are both in the same profession.
- The Help* takes place in Jackson, MS.
Ablene lives and works in Jackson, MS.
- Aibileen has a gold tooth.
Ablene has a gold tooth.
- Ablene’s son dies only months before she goes to work for a white family with two children, a boy and a girl, who refer to her as Aibee.

Ablene’s son died shortly before she started working for Rob Stockett who has two children, a boy and a girl, who Ablene cares for. These children refer to Ablene as Abie or Abi.⁷

The fact that *The Help* contains a disclaimer and is labeled as fiction does not preclude a finding that it is “of and concerning” Ablene Cooper. As long as a reasonable reader could assume that the Aibileen character refers to the plaintiff, Ablene, then summary judgment is not warranted. Geisler v. Petrovelli, 616 F.2d 636 (2d Cir. 1980). Plaintiff respectfully submits there is more than enough evidence for a reasonable juror to make such a conclusion.

⁷ Aibee, Abie, and Abi are all pronounced: Ā-bēē.

**The Free Speech Clause Of The First Amendment
Does Not Shield Stockett From Tort Liability**

Ablene Cooper could not agree more with Stockett that race relations are indeed a matter of public concern. However, the problem for Stockett is *The Help* has absolutely nothing to do with race relations. According to the dust jacket on versions of *The Help* sold in the United Kingdom, the book is about “female love.” Specifically, the entire accolade reads as follows:

A big, warm girlfriend of a book about female love
That transcends race and class.

Saying that *The Help* is about race relations in America would be akin to describing *The Da Vinci Code* as a book about Christianity.

The free speech clause of the First Amendment of the Constitution reflects “a profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide open.” New York Times v. Sullivan, 376 U.S. 254, 270 (1964). By filing this motion for summary judgment and attempting to stifle the voice of Ablene Cooper, it appears that Stockett certainly does not have much interest in an “uninhibited, robust, and wide open” debate taking place in the Circuit Court of Hinds County concerning this lawsuit.

Speech entitled to protection under the First Amendment is speech that deals with “a subject of a legitimate news interest...” San Diego v. Roe, 543 U. S. 77 (2004). In Snyder v. Phelps, 131 S.Ct. 1207, 1216 (2011) the United States Supreme Court granted First Amendment free speech protection to members of a Baptist church who protested at the funeral of a soldier killed in Iraq. The Court found the protest was protected free

speech since the war in Iraq is a matter of national public debate and interest. *The Help* is a commercial, money making enterprise, not a vehicle to seriously address racial issues.

There is nothing about Kathryn Stockett's tortious conduct toward Ablene Cooper that even remotely entitles Stockett to the protections afforded by the First Amendment, as *The Help* is not of general interest and value to the public. Therefore, plaintiff respectfully submits that Stockett's First Amendment defenses are not well taken and Stockett is subject to tort liability under the laws of the State of Mississippi.


Conclusion

The irony of this lawsuit is inescapable. In *The Help*, the young white character, Skeeter Phelan, solicits the assistance of thirteen African-American maids to collaborate with her to write a book called *Help*. When the book is accepted for publication Skeeter receives an \$800 advance. Skeeter then proceeds to give **all the money** to the maids, "the help", who made her book possible.

Unlike Skeeter Phelan, Kathryn Stockett refuses to recognize Ablene Cooper, much less compensate her, for her role in *The Help*. Kathryn Stockett has reaped millions of dollars from this book, yet she denies Ablene Cooper is entitled to one dime in damages. With apologies to Oscar Wilde, life certainly does not imitate art, at least when it comes to *The Help*.

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully requests this Court deny defendant's motion for summary judgment for all the reasons previously set forth.

Respectfully Submitted
Ablene Cooper

By: 
Edward Sanders, MBN 8880
Cynthia Stewart, MBN 7894

OF COUNSEL:

Sanders Law Office
2506 Lakeland Drive, Suite 501
Jackson, MS 39232
601-622-5477 (t)
601-898-7304 (f)
edwardlloydsanders@gmail.com

Cynthia A. Stewart, P.A.
118 Homestead Drive; Suite C
Madison, MS 39110
601-856-1515 (t)
601-856-0514 (f)
cstewart@ms-lawyer.net

Certificate of Service

The undersigned attorney of record for plaintiff hereby certifies that I have this day mailed, postage prepaid, a true and correct copy of the foregoing to the following at the address indicated.

Fred L. Banks
Luther Munford
R. Gregg Mayer
PHELPS DUNBAR
4270 I-55 North
Jackson, MS 39211

This the 27 day of April, 2011.


Edward Sanders, MBN 8880

FILED

FEB - 9 2011

IN THE CIRCUIT COURT OF THE FIRST
JUDICIAL DISTRICT OF HINDS COUNTY MISSISSIPPI

BARBARA DUNN, CIRCUIT CLERK
BY _____ D.C.

Ablene Cooper

Plaintiff

Vs.

Civil Action No. 251-11-134C.V

Kathryn Stockett

Defendant

COMPLAINT

I. PARTIES

1. Plaintiff, Ablene Cooper, is an adult resident citizen of Hinds County, Mississippi. She resides at 409 Queen Marie Lane, Jackson, MS 39209.¹

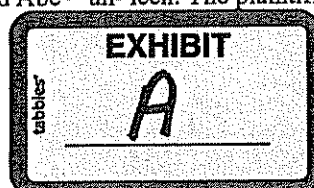
2. Defendant, Kathryn Stockett, is an adult resident citizen of Atlanta, Georgia. She resides at 80 Huntington Road, NE, Atlanta, GA 30309.

II. JURISDICTION

3. The Circuit Court of Hinds County, Mississippi has personal jurisdiction over non resident defendant Kathryn Stockett per the Mississippi Long-Arm Statute, Mississippi Code Annotated § 13-3-57. The Mississippi Long-Arm Statue provides in relevant part:

Any nonresident person, firm, general or limited partnership, or any foreign or other corporation not qualified under the Constitution and laws of this state as to doing business herein, who shall make a contract with a resident of this state to be performed in whole or in part by any party in this state, or who shall commit a tort in whole or in part in this state against a resident or nonresident of this state, or who shall do any business or perform any character of work or service in this state, shall by such act or acts be deemed to be doing business in Mississippi and shall thereby be subjected to the jurisdiction of the courts of this state.

¹ The plaintiff's name is pronounced Äbe – üh- lēēn. The plaintiff may be referred to at times as Ablene.



4. Kathryn Stockett, a nonresident of the State of Mississippi, committed a tort against Ablene Cooper, a Mississippi resident.
5. The damage sustained by Ablene Cooper occurred in the State of Mississippi.
6. Nonresident Kathryn Stockett has sufficient minimum contacts with Mississippi such that maintenance of this suit in the Circuit Court of the First Judicial District of Hinds County, Mississippi does not offend traditional notions of fair play and substantial justice.
7. Ablene Cooper's causes of action in this complaint arise solely under the laws of the State of Mississippi. Ablene Cooper specifically disavows any cause of action arising under any federal regulation, law, statute, or the United States Constitution that would invoke federal jurisdiction.
8. Ablene Cooper demands a jury trial in Hinds County, Mississippi.

III. VENUE

9. Venue is proper in the Circuit Court of the First Judicial District of Hinds County Mississippi pursuant to Mississippi Code Annotated § 11-11-3.

IV. BACKGROUND INFORMATION

10. Kathryn Stockett is a member of a well-known, prominent, white family in Jackson, Mississippi.
11. Kathryn Stockett is a writer. She was reared in Jackson, Mississippi and regularly visits family members living in Mississippi.
12. Kathryn Stockett is the author of a novel entitled, "The Help."²
13. "The Help" is a commercial enterprise.
14. Ablene is an African-American woman who works as a maid for the Stockett family.
15. Kathryn Stockett knows Ablene.
16. Ablene has, on occasion, served as a babysitter for Kathryn Stockett, keeping Stockett's daughter.

² Due to the length of "The Help", a copy is not attached to the complaint. This is sufficient justification for its omission pursuant to MRCP 10(d).

V. ABLENE AND AIBILEEN

17. In 2001, Kathryn Stockett began writing “The Help.” “The Help” is a novel about African-American women in Jackson, Mississippi who work as maids for white families.

18. One of the characters in “The Help” is an African-American woman named Aibileen.

19. Aibileen and Ablene are both pronounced: Ābe – ūh- lēēn.

20. Aibileen is described as black, middle aged, has a gold tooth, works for a white family in Jackson, Mississippi, and has a son who is deceased.

21. Ablene is black, middle aged, has a gold tooth, works for a white family in Jackson, Mississippi, and has a son who is deceased.

22. The two white children, a boy and a girl, that Aibileen cares for call her Aibee (Ā-bēē).

23. Here is an excerpt from “The Help” where these white children, Baby Girl and Li'l Man, refer to Aibileen as Aibee:

Baby Girl grab the shirt a my uniform and don't let go. I touch my hand to her forehead and she burning with fever.
“Baby, you need to get back in the bed.”
“Noooo,” she bawls. “Don't gooo, Aibee.”
Miss Leefolt come out a the bedroom, frowning, holding Li'l Man.
“Aibee!” he call out, grinning.

24. The Stockett children, a boy and a girl, that Ablene cares for refer to her as Abie or Abi.

25. Aibee, Abie, and Abi are all three pronounced: Ā-bēē.

VI. INVASION OF PRIVACY

A. Appropriation Of Another's Identity For An Unpermitted Use

26. Prior to the publication of “The Help”, Kathryn Stockett was asked not to use the name and likeness of Ablene in “The Help”, as such would be highly upsetting and offensive to Ablene.

27. Kathryn Stockett refused.

28. Despite the fact that Kathryn Stockett had actual knowledge that using the name and likeness of Ablene in "The Help" would be emotionally upsetting and highly offensive to Ablene, Kathryn Stockett negligently and/or intentionally and in reckless disregard for the rights and dignity of Ablene proceeded with her plans.

29. Kathryn Stockett negligently and/or intentionally, maliciously, and in reckless disregard for the rights of Ablene appropriated Ablene's name and likeness in "The Help" without Ablene's consent.

30. Kathryn Stockett's appropriation of Ablene's name and likeness was done for Kathryn Stockett's commercial advantage; namely to sell more copies of "The Help."

31. Kathryn Stockett knew or should have known that her negligent and/or intentional appropriation of Ablene's name and likeness in "The Help", and her subsequent public denials of having done so, would be highly offensive to Ablene and would cause Ablene to experience outrage, revulsion, and severe emotional distress.

B. Holding Another To The Public Eye In A False Light

32. Aibileen speaks in a manner that Ablene does not

33. The following excerpts from "The Help" are attributable to Aibileen:

And how I told him don't drink coffee or he gone turn colored.
He say he still ain't drunk a cup of coffee and he twenty-one years old.
It's always nice to see the kids grown up fine.

That night after supper, me and that cockroach stare each other down across the kitchen floor. He big, inch, inch an a half. He black. Blacker than me.

34. It has been emotionally upsetting and is highly offensive to Ablene to be falsely portrayed in "The Help" as an African-American maid in Jackson, Mississippi who uses this kind of language and compares her skin color to a cockroach.

35. Aibileen must use a segregated toilet in the garage of her white employer's home.

36. It has been emotionally upsetting and is highly offensive to Ablene to be falsely portrayed in "The Help" as an African-American maid in Jackson, Mississippi who is forced to use a segregated toilet in the garage of her white employer's home.

37. Kathryn Stockett knows that Ablene is justified in the eyes of the community in Jackson, Mississippi in feeling seriously offended, aggrieved, and outraged by the conduct of Kathryn Stockett.

38. Kathryn Stockett's portrayal of Ablene in such a false light is highly offensive to a reasonable person.

VII. INTENTIONAL AND/OR NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

39. The publication of "The Help" and Kathryn Stockett's continuing refusal to publicly admit she obtained the name and likeness for Aibileen from Ablene has caused Ablene to experience severe emotional distress, embarrassment, humiliation, and outrage.

40. Kathryn Stockett's conduct evinces negligent and/or malicious, intentional, willful, wanton, grossly careless, indifferent and reckless conduct toward Ablene.

41. Kathryn Stockett's continuing and repeated conduct in publicly refusing to admit that she obtained the name and likeness for Aibileen from Ablene is emotionally upsetting to Ablene and evinces negligent and/or malicious, intentional, willful, wanton, grossly careless, indifferent and reckless conduct toward Ablene.

42. Just as the white characters in "The Help" treated Aibileen in a reckless, careless, and indifferent manner, Kathryn Stockett's past conduct and her continuing and repeated conduct towards Ablene is outrageous, reckless, malicious, and grossly careless.

43. Kathryn Stockett's negligent and/or intentional conduct in hi-jacking Ablene's name and likeness in order to sell a book, combined with her continuing and repeated conduct of publicly refusing to admit what she has obviously done is so outrageous in character, and so extreme as to go beyond all bounds of human decency, and is utterly intolerable in a civilized community.

44. Kathryn Stockett's conduct is not a mere insult, indignity, annoyance, or trivial matter to Ablene. Kathryn Stockett's conduct has made Ablene feel violated, outraged, and revulsed.

45. Kathryn Stockett's outrageous conduct continues to inflict injury upon Ablene. Kathryn Stockett continually gives interviews wherein she refuses to acknowledge she obtained the name and likeness for Aibileen from Ablene.

46. It was reasonably foreseeable to Kathryn Stockett that her conduct, even if done unintentionally, would cause Ablene to experience outrage, revulsion, and severe emotional distress.

47. These facts when told to an average member of the community would cause that person to characterize the actions of Kathryn Stockett as being outrageous.

VIII. DAMAGES

48. As a result of Kathryn Stockett's conduct as described herein, Ablene Cooper is entitled to an award of compensatory damages for the negligent and/or intentional infliction of emotional distress, the appropriation of her identity for an unpermitted use, and holding her to the public eye in a false light.

49. As a result of the malicious, grossly negligent, willful, wanton, and reckless conduct of Kathryn Stockett, Ablene Cooper is entitled to an award of punitive damages pursuant to Mississippi Code Annotated §11-1-65.

50. Ablene Cooper specifically limits and stipulates the *combined total* of her compensatory AND punitive damages is \$75,000.00 (seventy-five thousand dollars) exclusive of interest and costs. See Exhibit A.

51. Ablene Cooper specifically limits and disavows any claim to any amount of damages or other award that would invoke federal jurisdiction.

52. Ablene Cooper is not seeking an award of attorney fees.

Respectfully Submitted
Ablene Cooper

This the 9th day of February 2011

By: Edward Sanders
Edward Sanders, MBN 8880
Cynthia Stewart, MBN 7894

OF COUNSEL:

Sanders Law Office
2506 Lakeland Drive, Suite 501
Jackson, MS 39232
601-622-5477 (t)
601-898-7304 (f)
edwardlloydsanders@gmail.com

Cynthia A. Stewart, P.A.
118 Homestead Drive; Suite C
Madison, MS 39110
601-856-1515 (t)
601-856-0514 (f)
cstewart@ms-lawyer.net

IN THE CIRCUIT COURT OF THE FIRST
JUDICIAL DISTRICT OF HINDS COUNTY MISSISSIPPI

Ablene Cooper

Plaintiff

Vs.

Civil Action No. _____

Kathryn Stockett

Defendant

AFFIDAVIT OF ABLENE COOPER LIMITING DAMAGES

1. My name is Ablene Cooper, and I am the plaintiff in this case.
2. I have read the complaint.
3. I am specifically limiting and/or "capping" the combined total of all damages I am seeking from Kathryn Stockett at \$75,000.00 (seventy-five thousand dollars), exclusive of interest and costs.
4. I will not accept a combined total (compensatory + punitive) award of damages from the jury in this case in excess of \$75,000.00 (seventy-five thousand dollars), exclusive of interest and costs.
5. The total amount in controversy in this case does not exceed \$75,000.00 (seventy-five thousand dollars), exclusive of interest and costs.
6. I am not seeking an award of attorney fees.
7. I specifically disavow any claim to any amount of damages or other award in this case that would invoke federal jurisdiction.
8. The matters set forth in this affidavit are true.

FURTHER AFFIANT SAITH NOT, THIS THE 8 DAY OF FEBRUARY, 2011.


Ablene Cooper

EXHIBIT A

STATE OF MISSISSIPPI
COUNTY OF MADISON

PERSONALLY came and appeared before me, the undersigned Notary, the within name ABLENE COOPER, who is a resident of Hinds County, Mississippi, and makes this her statement upon oath that the matters, facts and things set forth in the AFFIDAVIT OF ABLENE COOPER LIMITING DAMAGES are true and correct.

SWORN to and subscribed before me, this the 8th day of FEBRUARY
2011.

Virginia H. Greel
NOTARY PUBLIC

MISSISSIPPI STATEWIDE NOTARY PUBLIC
MY COMMISSION EXPIRES JUNE 7, 2011
BONDED THRU STELLA NOTARY SERVICE

DebbieSchlassel.com

News Archives 1985-Current

Obit Archives 2001-Current

Historic Archives 1868 - 1942

News Archives

Options:

[Results list](#) | [Start a New Search](#) | [Printer Friendly Version](#)

Peach Buzz

BYLINE: Jennifer Brett

Staff

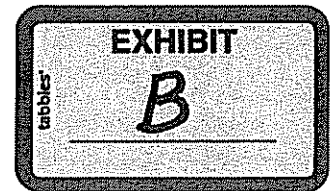
DATE: February 21, 2011

PUBLICATION: Atlanta Journal-Constitution, The (GA)

EDITION: Main; The Atlanta Journal-Constitution

SECTION: Living

PAGE: D2



Author of 'The Help' sued by ex-employee

Atlanta resident **Kathryn Stockett**, author of "The Help," has been sued by a woman who said the book humiliated her, The Wall Street Journal reported on Friday. Ablene Cooper, a former babysitter for Stockett's family, filed suit in Jackson, Miss., seeking damages of \$75,000, the Journal reported. The suit claims Cooper was the basis for a character in the book, a maid named Aibileen. Stockett did not respond to a request for comment, but in past interviews with the AJC, she has said she wrote "The Help" as part of a writing club, never dreaming it would be published (much less stay on The New York Times bestseller list for more than a year). "When I was writing this book, I never thought anyone else would read it, so I didn't get real creative with the names," Stockett told us in 2009. "I just used people I knew." She has repeatedly called the book, which has been adapted into a film, a work of fiction. "I wrote it purely for me and finally had the guts to show it to my mother and my writing group," Stockett told us in the 2009 interview. "I was terrified when I realized it was going to be published." Stockett has said she drew the most inspiration from her family's maid, a loving woman named Demetrie, and the novel concludes with a tribute to Demetrie. Cooper's lawsuit said she was the basis for the character, and that it reflected negatively on her, the Journal reported. "It has been emotionally upsetting and is highly offensive to [Cooper] to be falsely portrayed in" the book, the lawsuit says.

Gala to benefit Gigi's

Dr. Jeannie Visootsak, medical director of the Down Syndrome Clinic at Emory's medical school, will be honored at a Saturday gala benefiting Gigi's Playhouse, a Down Syndrome therapeutic center opening in Midtown this summer. The event, themed "I Have a Voice," is 7 p.m. Saturday at the downtown Ritz-Carlton. Local radio personality Trevor Paschal will emcee the event, which will feature an appearance by former Atlanta Falcons player Jamal Anderson. Gigi's Playhouse will offer free tutoring, support groups, therapies and other programs. "Down Syndrome affects one in every 800 births in the United States today," said gala chair Adrienne Mulligan, president of The Skate Foundation, a benefactor for Gigi's Playhouse. "By raising awareness of the importance of early intervention programs and the great contributions those with Down Syndrome can make to our society, we are giving them the voice they deserve." Event tickets are \$150 each. See www.events.org/ihaveavoicatlanta.

Celebrity birthdays

Actor Gary Lockwood is 74. Actor Peter McEnery is 71. Record company executive David Geffen is 68. Actress Tyne Daly is 65. Actor Anthony Daniels (C3PO in "Star Wars" films) is 65. Actor Alan Rickman is 65. Keyboardist Jerry Harrison of Talking Heads is 62. Actor William Petersen is 58. Actor Kelsey Grammer is 56. Singer Mary Chapin Carpenter is 53. Actor Jack Coleman is 53. Actor Christopher Atkins is 50. Singer Ranking Roger of General Public and of English Beat is 50. Actor William Baldwin is 48. Country singer Eric Heatherly is 41. Bassist Eric Wilson (Sublime) is

41. Bassist Tad Kinchla of Blues Traveler is 38. Actress Jennifer Love Hewitt is 32. Opera-pop singer Charlotte Church is 25. Actress Ellen Page is 24. Actor Corbin Bleu ("High School Musical," "Jump In!") is 22.

Contributing: news services

Follow us on Twitter: @ajcBuzz

Friend us on Facebook: AJCPeachBuzz

Photo

Atlanta resident **Kathryn Stockett**, author of "The Help," said in the past she wrote the book as part of a writing group, never dreaming it would be published. Kem Lee

"The Help" stayed on The New York Times best-seller list for more than a year.

Actress Jennifer Love Hewitt turns 32 today.

DebbieSchlussel.com

IN THE CIRCUIT COURT OF THE FIRST
JUDICIAL DISTRICT OF HINDS COUNTY MISSISSIPPI

ABLENE COOPER

PLAINTIFF

Vs.

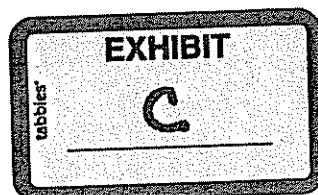
CIVIL ACTION NO.251-11-134 CIV

KATHRYN STOCKETT

DEFENDANT

AFFIDAVIT OF ABLENE COOPER

1. My name is Ablene Cooper.
2. I am the plaintiff in this case.
3. I work for Rob Stockett, the brother of Kathryn Stockett, as a maid and caregiver. I help look-after and care for Rob's children, Kathryn's own niece and nephew. I have worked for Rob's family for over ten years.
4. Kathryn contacted me in January 2009 and told me she wrote a book called *The Help*. Kathryn led me to believe there was nothing in the book for me to be concerned about. All she told me was that her favorite character in the book was an African-American child-carer named Aibileen who was born in 1911. Kathryn also told me how much Rob's family loves me.
5. Since Kathryn is Rob's sister, and I knew Kathryn and had on occasion kept her child, I trusted her word. I had no reason to think that she would not be truthful with me about what was in her book so I did not read it at that time.
6. In the summer months of 2010 when filming for the movie version of *The Help* began here in Jackson I read the book. At that time I discovered that Kathryn had not been truthful to me in January of 2009.
7. I would have read *The Help* as soon as it came out to see for myself if the Aibileen character was based on me. The reason I did not read the book when it first came out was because I trusted Kathryn's word.



FURTHER AFFIANT SAITH NOT, THIS THE 27th DAY OF April,
2011

Ablene Cooper
Ablene Cooper, Affiant
STATE OF MISSISSIPPI
COUNTY OF _____

PERSONALLY came and appeared before me, the undersigned Notary, the within
name ABLENE COOPER, who is a resident of Hinds County, Mississippi, and
makes this her statement upon oath that the matters, facts and things set forth in the
AFFIDAVIT OF ABLENE COOPER.

SWORN to and subscribed before me, this the 27th day of April,
2011.

NOTARY PUBLIC

