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May 26, 2009

Lester L. Barclay
BARCLAY, DIXON & SMITH, P.C.
39 S. LaSalle Street
Suite 900
Chicago, Illinois 60603

Re: Friends of the Weeping Ivy

Dear Mr. Barclay:

We are in receipt of your May 14, 2009 correspondence on behalf of Alpha Kappa Alpha Sorority, Inc. wherein you request certain information regarding The Friends of the Weeping Ivy. Specifically, you demand that we provide within seven days of your letter "a list of each member of The Friends of the Weeping Ivy." We are not aware of any obligation to provide you with this information and will not.

You also refer to your client's Constitution and Bylaws, Manual of Standard Procedure and other policies. You suggest that if any members of The Friends of the Weeping Ivy are members of your client's organization, such members will be "penalized." However, we observe that the same AKA Constitution and Bylaws that you quote, explicitly encourage "open communication among the members." We think your attempts to use the AKA disciplinary process to stifle such "open communication" are ill advised and inconsistent with appropriate governance standards

Please note that the information contained on The Friends of the Weeping Ivy website is not being "circulated" on "behalf of" or "in the name of" Alpha Kappa Alpha Sorority, Inc. And, contrary to your assertions regarding "impermissible use of Alpha Kappa Alpha Sorority, Inc.'s intellectual property," the website does not contain any trademarks, logos or other intellectual property belonging to your client or suggest any affiliation with or sponsorship by your client. As for your inferred allegation of defamation, we do not agree that any of the statements contained on the website are defamatory—true statements cannot be defamatory. *See, e.g. Woodfield v. Providence Hosp.*, 779 A.2d 933, 938 (D.C. 2001), and *Hnilica v. Rizza Chevrolet, Inc.*, 384 Ill. App. 3d 94, 97 (Ill. App. Ct. 1st Div. 2008).

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To summarize, the points raised in your letter are wholly without merit. You are correct, however, that we represent clients who are preparing to sue Alpha Kappa Alpha Sorority, Inc. to compel its compliance with the laws of all jurisdictions within which the corporation conducts business. It is well-settled law that officers and directors of non-profit organizations must comply with the organization's official governance documents. We do not think your client is presently meeting this obligation.

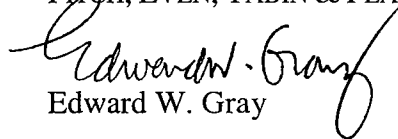
Accordingly, we respectfully request that your client immediately agree to the following:

- (1) stop the misuse of the disciplinary process to stifle open communication among the members; and
- (2) recover or defer all non-emergency expenditures not properly approved by a Boule; and
- (3) convene a Boule to authorize or rescind all expenditures that have not been properly approved by a prior Boule.

If such agreement is possible, we would be happy to meet to discuss these objectives and their basis.

Sincerely,

FITCH, EVEN, TABIN & FLANNERY


Edward W. Gray

EWG:rjs