

FAX TRANSMISSION

COOTER, MANGOLD, DECKELBAUM & KARAS, LLP

5301 Wisconsin Avenue, N.W., Suite 500

Washington, D. C. 20015

202-537-0700

Fax: 202-364-3664

To: Edward R. Gray, Esq.
(202)419-7007

Date: October 15, 2009

To: Karl R. Fink, Esq.
(312)577-7007

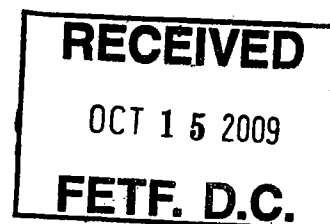
Pages: ④ including this cover sheet.

From: Dale Cooter

Subject: Alpha Kappa Alpha Sorority, Inc.

ATTACHMENT:

October 14, 2009 Letter



If you experience any problem receiving this document, please call the office at (202) 537-0700.

The documents accompanying this telecopy transmission contain information from Cooter, Mangold, Deckelbaum & Karas, L.L.P. which is confidential and/or legally privileged. The information (including all attached pages) is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or taking of any action in reliance on the contents of this telecopy information is strictly prohibited and that the documents should be returned to this firm immediately. In this regard, if you have received this telecopy in error, please notify us immediately so that we can arrange for the return of the original documents to us at no cost to you.

LAW OFFICES
COOTER, MANGOLD, DECKELBAUM & KARAS, L.L.P.
5301 WISCONSIN AVENUE, N.W.
SUITE 500
WASHINGTON, D.C. 20015
TEL: (202) 537-0700
FAX: (202) 364-3664

DALE A. COOTER
WRITER'S DIRECT DIAL
(202) 537-6930
dcooter@cootermangold.com

October 15, 2009

By Facsimile and First Class Mail

Edward R. Gray, Esquire
Fitch Even Tabin & Flannery
Suite 750S
1120 20th Street NW
Washington, DC 20036
Fax: (202) 419-7007

Karl R. Fink, Esquire
Managing Partner
Fitch Even Tabin & Flannery
Suite 1600
120 South LaSalle Street
Chicago, Illinois 60603
Fax: (312) 577-7007

Re: Alpha Kappa Alpha Sorority, Inc.

Gentlemen:

As counsel for Alpha Kappa Alpha Sorority ("AKA"), we are writing to demand that you take down the "*friendsoftheweepingivy*" website. It is our understanding that your law firm is maintaining this website, and it is clear that it is being used for the dual purpose of raising money for the Daley v. AKA litigation, and to inflame the members of the sorority. It is clearly defamatory as to Ms. McKinzie and the defendants in the litigation, as well as the sorority itself. We have learned that the website is registered to your firm, and that Mr. Gray is both the "administrative" and "technical" contact for the site. Clearly, the website violates AKA's Constitution, ByLaws and Manual of Standard Procedure.¹ It also contains numerous false and

¹ See, e.g., Constitution and ByLaws, Article III - Duties and Powers of Chapters, Sections 16 and 17; and Manual of Standard Procedure, Soror Code of Ethics, Rules of Conduct 2, 3, 5(a), 5(d), 5(f), and 9.

Edward R. Gray, Esquire
Karl R. Fink, Esquire
October 15, 2009
Page 2

derogatory statements, including the repetition of allegations that you know are untrue, or which you should know are untrue, and which you have recklessly allowed to be repeated. Most obviously, these include the allegations regarding the wax sculpture. In addition, you have posted documents on the site that were improperly obtained from the sorority, presumably through one of the members of the Directorate, in further violation of the Constitution, Bylaws, and Manual of Procedure.

The website is replete with inaccuracies and reckless statements meant to inflame this already contentious and ill-founded dispute. One of the most outrageous "statements" on the website is the legal defense "ticker" at the bottom of the first page. As lawyers, you know that this ticker is an utter fiction masquerading as an "estimate," and can only be intended to further defame and damage Ms. McKinzie and AKA in the eyes of the sorority members who have no idea that the ticker is a figment of someone's ill-informed imagination. To the extent it is a figment of the imagination of some person employed or under the direction of your law firm, it is absolutely reprehensible. You, on behalf of the named plaintiffs, sued the sorority itself, and of course, AKA must defend itself. Despite that reality, the website states that the fees are being "paid by AKA members" to lawyers hired by Ms. McKinzie "to defend her financial malfeasance." It is unbelievable that a firm with your long-standing history and reputation would approve and be involved with these kinds of tactics to encourage "fund-raising" for legal fees.

This letter is not intended to be a point-by-point refutation of all of the misstatements, exaggerations, and misleading innuendos on the site, including the false portrayal of Ms. McKinzie's financial stewardship of the sorority, and the circumstances of the stipend and its approval by the Directorate. By way of example only, in the list linking to certain documents and media reports, the website states: "New allegations of misuse of government funds against BAM in Chicago Sun Times" and "Tawdry details of how BAM uses AKA money to buy personal items in The Washington Post." Of course, if someone actually looks at these links, they are both focused on *your* allegations, as opposed to any independent finding or "details" of actual wrongdoing. Your "summary" presentation listing the links is completely – and presumably intentionally – misleading.

It is clear that you have no concern about the impact of the website on Ms. McKinzie or her future endeavors. Yet, if your firm represents sorority members who are genuinely the "friends of the Ivy," it would seem that you would try to avoid the damage to the sorority itself resulting from the barrage of vitriolic misinformation contained on the site. Although we have not yet determined what formal action AKA or Ms. McKinzie will take in response to the

Edward R. Gray, Esquire
Karl R. Fink, Esquire
October 15, 2009
Page 3

website and your firm's involvement, you can expect a claim for substantial damages against all persons and entities involved. In addition, we are prepared to seek an accounting on behalf of those members who have been misled to contribute to the site. I believe that the law firm's involvement in this misleading and inaccurate website constitutes a serious ethical violation under both the District of Columbia and Illinois Rules of Professional Responsibility. The website should be taken down immediately.

Sincerely,



Dale A. Cooter