

WALTER MAKSYM

ATTORNEY AT LAW

2056 NORTH LINCOLN AVENUE
CHICAGO, ILLINOIS 60614-4525

TELEPHONE: 312.218.4475

E-MAIL: WMAKSYM@GMAIL.COM

ADMITTED: ILLINOIS,
CALIFORNIA, FLORIDA,
AND FEDERAL COURTS

Via Federal Express

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July 12, 2011

Lifetime Entertainment Services, LLC
d/b/a Lifetime Television, Lifetime Movie Network,
Lifetime Cable Television Network, Lifetime Real Women
Attention: Nancy Dubuc, President & General Manager
111 8th Avenue
New York, NY 10011

Lifetime Television, Distributor
Attention: Nancy Dubuc, President
2049 Century Park East, Suite 840
Los Angeles, CA 90067

A&E Television Networks, LLC
A Joint Venture of the Disney/ABC Television Group, Inc.
Hearst Corporation and NBC Universal, Inc.
Attention: Abbe Raven President & C.E.O.
235 E. 45th Street
New York, NY 10017

Disney/ABC Television Group, Inc.
Attention: Anne Sweeney, President & Board Member
Lifetime Entertainment Services, LLC
77 W. 66th Street
New York, NY 10023

Hearst Corporation
Attention: Frank A. Bennack, Jr., C.E.O.
& George R. Hearst, Jr., Chairman of the Board
300 W. 57th Street
New York, NY 10023

NBC Universal, Inc.
Attention: Stephen B. Burke, C.E.O.
3000 W. Alameda Avenue
Burbank, CA 91523

Peace Out Productions, Inc.
Attention: Judith Verno, President
& Executive Producer
1299 Ocean Avenue, Suite 333
Santa Monica, CA 90401

Silver Screen Pictures, Inc.
Attention: Kyle A. Clark & Lina Wong, Producers
7919 W. Sunset Boulevard, 2nd Floor
Los Angeles, CA 90046

Zoran Popovic, Producer
c/o Innovative Artists
Attention: Heather Griffith
1505 10th Street
Santa Monica, CA 90401

Mikael Salomon, Director
c/o Creative Artists Agency
Attention: Joe Cohen
2000 Avenue of the Stars
Los Angeles, CA 90067

Leslie Dilley, Cinematographer
c/o The Gersh Agency
Attention: David Girsh
9465 Wilshire Boulevard, 6th Floor
Beverly Hills, CA 90212

Phoenix Books, Inc.
Attention: Julie Chrystyn, President
9465 Wilshire Boulevard, Suite 840
Beverly Hills, CA 90212

Rob Lowe
c/o William Morris Endeavor Entertainment, LLC
Attention: Esther Chang
9601 Wilshire Boulevard, 3rd Floor
Beverly Hills, CA 90210

Rob Lowe
c/o Brillstein Entertainment Partners, LLC
Attention: Jon Liebman, President
9150 Wilshire Boulevard, Suite 350
Beverly Hills, CA 90212

Kaley Cuoco
c/o SDB Partners
Attention: Ro Diamond
1801 Avenue of the Stars, Suite 902
Los Angeles, CA 90067

Kaley Cuoco
c/o Brillstein Entertainment Partners, LLC
Attention: Jon Liebman, President
9150 Wilshire Boulevard, Suite 350
Beverly Hills, CA 90212

Teena Booth
c/o Sam Gores, President & C.E.O.
Paradigm Talent & Literary Agency
360 N. Crescent Drive, North Bldg.
Beverly Hills, CA 90210

Joseph G. Hosey
405 Cowles Avenue
Joliet, IL 60435

Re: My Client: Drew W. Peterson

Greetings:

Please be advised that I represent Drew W. Peterson with respect to the subject matter of this communication.

It has come to our attention, by way of wide-spread media publicity and reports, and we therefore have reason to believe, that each of you have become or are now involved or associated in the production of a commercial motion picture product planned to be distributed, broadcast, shown and exhibited for profit in 2012 on the Lifetime Movie Network tentatively titled, "*Ladykiller: The Drew Peterson Story*" (the "movie") written by screenwriter Teena Booth, based on a so-called "true story" "non-fiction" book, "*Fatal Vows: The Tragic Wives of Sergeant Drew Peterson*" (the "book"), authored by Joseph G. Hosey, a former reporter with the Chicago area's Herald News.

It has also come to our attention that publicity photos of actor Rob Lowe promoting the movie and his role in it have appeared in popular media, the press and on the Internet. It is reported that they were taken after a reported nine hours of make-up, repeat with, *inter alia*, mustache and wig in a style and color identical to my client's and costumed in a Bolingbrook Police Department uniform in order to use my clients identity and persona for commercial purposes without seeking or obtaining his written consent. See e.g. "*Rob Lowe Transforms to Play Drew Peterson*", People Magazine, June 8, 2011 posted on the Internet at: www.people.com/people/article/0,,20508774,00.html, Hollywood Reporter Article, June 14, 2011 posted on the Internet at: www.hollywoodreporter.com/live-feed/rob-lowe-kaley-cuoco-star-201366, and an Internet Movie Database posting: <http://pro.imdb.com/title/tt1966594/>.

It is well known and established that the right of publicity is the inherent right of every human being to control the commercial use of his or her identity. See J. Thomas McCarthy, *The Rights of Publicity and Privacy* § 1:3 at 3 (2 ed. 2006). Accordingly, virtually every state has adopted and maintains in force and effect some type of statute that strongly defends an individual's right to publicity by prohibiting the unauthorized commercial use of, *inter alia*, another's name, identity, persona or likeness and providing for the recovery of statutory, compensatory and punitive damages, broad injunctive relief and attorneys fees against any violator. *Id.*

In particular and relevant here, California and Illinois have adopted and maintain in force exceptionally protective Right of Publicity Acts. California's Civil Code (Cal Civ Code § 3344) provides in pertinent part:

(a) Any person who knowingly uses another's name ... or likeness, in any manner, on or in products, merchandise, or goods, or for purposes of advertising or selling, or soliciting purchases of, products, merchandise, goods or services, *without such person's prior consent* ... shall be liable for any damages sustained by the person or persons injured as a result thereof. In addition, in any action brought under this section, the person who violated the section shall be liable to the injured party or parties in an amount equal to the greater of seven hundred fifty dollars (\$750) or the actual damages suffered by him or her as a result of the unauthorized use, *and any profits from the unauthorized use* that are attributable to the use and are not taken into account in computing the actual damages. In establishing such profits, the injured party or parties are required to present proof only of the *gross revenue attributable to such use*, and the person who violated this section is required to prove his or her deductible expenses. *Punitive damages may also be awarded to the injured party or parties. The prevailing party in any action under this section shall also be entitled to attorney's fees and costs.*

* * *

(g) The remedies provided for in this section are cumulative and shall be in addition to any others provided for by law. (Emphasis supplied)

* * *

Similarly, the Illinois Right of Publicity Act (765 ILCS 1075/) provides in pertinent part:

* * *

Sec. 10. Recognition of right of publicity. The right to control and to choose whether and how to use an individual's identity for commercial purposes is recognized as each individual's right of publicity.

* * *

Sec. 30. Limitations regarding use of an individual's identity.

(a) A person may not use an individual's identity for commercial purposes during the individual's lifetime *without having obtained*

previous written consent from the appropriate person or persons specified in Section 20 of this Act or their authorized representative.

Sec. 40. Violations; monetary relief.

(a) A person who violates Section 30 of this Act may be liable for either of the following, whichever is greater:

(1) actual damages, profits derived from the unauthorized use, or both; or

(2) \$1,000.

(b) Punitive damages may be awarded against a person found to have willfully violated Section 30 of this Act.

* * *

Sec. 45. Establishment of profits. In establishing profits under paragraph (1) of subsection (a) of Section 40 of this Act:

(a) the plaintiff is required to prove the damages or gross revenue attributable to the unauthorized use; and

(b) the defendant is required to prove properly deductible expenses.

* * *

Sec. 50. Injunctive relief. Upon a showing of cause as required by Article XI of the Code of Civil Procedure for the issuance of injunctive relief, the court may issue such temporary restraining orders, preliminary injunctions, and permanent injunctions as may be appropriate under this Act.

* * *

Sec. 55. Attorney's fees; costs. The court may award to the prevailing party reasonable attorney's fees, costs, and expenses relating to an action under this Act.

* * *

Sec. 60. Rights and remedies. The rights and remedies provided for in this Act are meant to supplant those available under the common law as of the effective date of this Act, but do not affect an individual's common law rights as they existed before the effective date of this Act. Except for the common law right of publicity, the rights and remedies provided under this Act are supplemental to any other rights and remedies provided by law including, but not limited to, the common law right of privacy. (Emphasis supplied)

* * *

As you should especially be aware, there is no doubt the movie is clearly governed by these and other such statutes because it is being produced as a for-profit, nation-wide and international broadcast on a network containing commercial advertisements and/or that people pay for such television service, including via subscriptions to cable channels such as the Lifetime Movie Network. See *Best v. Malec*, U.S. District Court Case No. 1:09-cv-07749 - Doc. 38, 2010 WL 2364412, at *3 (N.D. Ill. E.D., June 11, 2010 - Matthew F. Kennelly, District Judge), wherein A&E Television Networks, LLC was a losing defendant on the same issue.

Beyond the unauthorized use of my client's name, identity, persona and likeness, my client maintains the book is a biased and malicious portrayal, far from a "non-fiction," "true story," but rather, nothing more than a deliberate and calculated assemblage of falsehoods constituting a character assassination composed of a plethora unsubstantiated, untrue, inaccurate, unbalanced, fictional statements concocted for lucre to falsely and intentionally insinuate that my client is a despicable wife murderer.

It is well known that my client has maintained and continues to maintain, that the cause of Kathleen Savio's death was an accident, as was originally unanimously determined by the Bolingbrook Police Department, the Illinois State Police, the Will County Coroner, the Will County Coroner's Jury and the Will County States Attorney.

Further, the fact remains, as you must no doubt are also aware, that my client has never been convicted of any criminal conduct relating to either Kathleen Savio or Stacy Peterson, the primary subjects and focus of the book and movie. He must therefore be presumed innocent of the unproven and false charges pending against him pertaining to Ms. Savio, which he has and continues to vehemently deny and to which has plead "not guilty." They will eventually be determined in an upcoming trial by an Illinois jury. Moreover, any unsubstantiated rumors or insinuations that my client might be in any way responsible for the disappearance of Stacy Peterson are likewise baseless and false. It is well known that no criminal charges of any kind have ever been brought against him with respect to her.

It is also well known that in California, Illinois and every other jurisdiction the untrue accusation or imputation of such criminal conduct constitutes defamation that is actionable *per se*. ***Mr. Hosey's extremely opinionated, blatantly biased, less than seriously researched and defamatory book does not even contain a table of contents, index, bibliography or source references, nor did he ever attempt to fact check any of it by making any effort to obtain my client's input or comment before he sold and had it published.*** We must therefore conclude that, the movie, like the book, it is based on also falsely imputes homicide to my client.

Frankly, we are aghast not only at said appropriation but the enormous financial risk you are all undertaking by making such a reckless decision to produce or otherwise participate in a movie that deliberately uses my client's name, identity, persona and likeness without having made any attempt to first obtain his written authorization, request a release or conduct a due diligence check of the content of the book.

Beyond the misappropriation of my clients name, identity, persona and likeness for commercial purposes, such a false, misleading and inaccurate movie would not only impute defamatory criminal conduct to my client but serve only to mislead, taint and prejudice any potential jury pool and undermine my client's fundamental right to a fair trial.

My client therefore hereby demands that each and all of you immediately and forever and unconditionally cease and desist from using, participating or combining in the use

of his name, identity, persona and likeness or said unapproved fictionalized story and movie in any way or manner for any such commercial purposes without his written consent, including but not limited to filming, promoting, releasing, broadcasting, showing, or otherwise exploiting or profiting from same. You are each also hereby demanded to fully and immediately disclose, account, assign and turn over to my client, via the undersigned, any and all gross revenues attributable to or that may hereafter be derived in any way or by any means, directly or indirectly, from any such unauthorized commercial exploitation.

I await your replies. Should I not receive a written acknowledgement of receipt of this letter from each of you, not later than 5:00 p.m., Chicago time, on Friday, July 22, 2011, expressing an unequivocal intent to enter into a voluntary written agreement to fully and forever cease and desist, as above-demanded, and fully account and turn over and remit any and all gross revenues attributable to such unauthorized uses, the book, movie and screenplay, it will be assumed that you have willfully decided to proceed at your peril. You would then leave my client no recourse but to have me promptly proceed to institute litigation seeking injunctive relief to enjoin the distribution, sale and broadcast or other exhibition of the movie, statutory, compensatory and punitive damages, an equitable accounting and such other and further relief including, without limitation, total disgorgement and recovery of any and all gross revenues attributable to or derived from such unauthorized or other uses, to which my client may be entitled pursuant to applicable statutes and common law theories of, *inter alia*, the privacy tort of appropriation, unjust enrichment, defamation, false light, and intentional infliction of emotional distress.

Please govern your conduct accordingly.

Very truly yours,

Walter Maksym

c. Drew W. Peterson
Joel A. Brodsky, Esq.