

From: [Lyn Fenwick](#) [bxf[REDACTED]]
To: [Read, John](#) [John.Read@ATR.USDOJ.gov]
Subject: US v. Apple, Inc. et al., 12-cv-2826 (DLC) (SDNY): Comments on Proposed Final Judgment as to Defendants Hachette, HarperCollins and Simon & Schuster.
Date: Tuesday, June 05, 2012 10:29:21 AM

John R. Read, Esq.
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450 5th Street, NW, Suite 4000
Washington, D.C. 20530

Re: US v. Apple, Inc., et al., 12-cv-2826 (DLC) (SDNY). Comments on Proposed Final Judgment as to Defendants Hachette, HarperCollins and Simon & Schuster.

Dear Mr. Read:

I am an avid reader, a published author, and an attorney licensed in Texas, Georgia, and North Carolina, so my interest in the outcome of the above-referenced case is both professional and personal. As you know, the issues are complex and difficult to understand from the perspective of all of those who will be impacted by this ruling, and even those of us connected in one or more ways to the outcome. I am certainly linked to the outcome in many ways--as a customer of books, the author of back-listed books which are no longer likely to be on the shelves of brick-and-mortar bookstores, and the author of a nearly complete manuscript that I am about to market. Respectfully, I am writing to urge that your proposed settlement is not in the best interests of the public, authors of back list and front list books, authors with books to market, competition and the survival of publishers, and brick-and-mortar bookstores.

I understand that we live in changing times which some believe reduce print books to the fate of the dinosaurs. I believe that fate depends only on the wisdom of the courts in balancing new and old technology. If America is to remain an informed and intelligent country, its citizens must read. All print media struggle, and a shifting to e-devices is inevitable. However, not all readers prefer e-books and other media online, and not all books can be read comfortably as an e-book, even by those who use Kindles, Nooks, i-pads and other devices for some of their reading.

The law must not place the evolution of this process in the power of any single entity that can direct the future of acquiring information so completely as Amazon has the resources and platform to do. Readers and authors are particularly at the mercy of what the courts decide, for ours is not a profit motive. We are the ones who have seen the bookstores where we loved to browse disappear (partly our fault for browsing there and ordering from Amazon to benefit from the cheaper price) and who are seeing publishers selecting fewer unknown authors and offering fewer services with regard to editing, fact checking, and publicity to those authors they do publish.

When I began using Amazon as a source for the books I bought, Amazon was a seller of books, not a vast merchandizing conglomerate of all kinds of products. Now, when I go to Amazon, books have become just another one of their products. Books are not just a product. Books are what educate, inform, entertain, and shape the minds of American's citizens. Amazon has clearly shown its business plan. Yes, bookstores want to make a profit, but they will add a book to their shelves that puts only a few dollars in their cash register if it sells at all. Yes, publishers want to make a profit, but they once were willing to take a chance on unknown authors in whom they believed and spend the money to promote his or her book (and still do sometimes), willing to risk capital on things they found worthy. Yes, authors would like to make some money from the sales of books we have spent months and years researching and writing, but few of us write because of the likelihood of future riches. If the business model of the past is to continue to serve readers, a giant corporation with the resources and power to reduce books to the product status of toothpaste and diapers must not be handed the ability to kill all the lesser entities down the production line. American's readers will be the ultimate victims, and America will have a more ignorant and misinformed citizenry.

I taught high school English before I went to law school. I have researched my manuscript meticulously and have used the "Chicago Manual of Style" to correct the format. Could I self-publish and produce a

quality book without a publisher? Probably. Would my book on which more than two years of work has been spent be found by readers in the jungle of self-published books of all sorts of quality of writing and accuracy? Perhaps, but the odds are poor. Do I need the benefits of a reputable publisher and the showcase of brick-and-mortar bookstores to bring my book to the attention of readers. I do.

I respectfully urge a reconsideration of the proposed settlement of the above-referenced litigation that more completely recognizes that books are an essential element of an informed citizenry and the role of the courts in managing the transition of print books and e-books demands further consideration.

Sincerely,
Lynda Beck Fenwick
www.lynfenwick.blogspot.com