

# HASSETT vs. HASSELBECK

## The Sue Hassett Story

On June 23, 2009, Sue Hassett's life took a dramatic turn. Life-changing events are something the 45-year-old Cape Cod woman has come to expect, but on this day, she authorized her attorney to file a complaint in the Federal District Court of Massachusetts for Copyright Infringement against Elisabeth Hasselbeck, co-host of the daytime TV program "The View." The following morning, the "Boston Herald" would report the court filing, followed by a flurry of rapid-fire media reports prompting waves of public curiosity. Just who is Sue Hassett?

Hassett's story really begins a decade ago when she searched endlessly for a diagnosis for her mysterious, debilitating illness. With one of the most severe cases of Celiac Disease on record, her near-death journey to wellness was recorded in great detail in her book, "Living with Celiac Disease." She wrote this book to help Celiac sufferers reach an early diagnosis and live natural, gluten-free lives. Given the severity of her illness, her commitment to her health and her experience with the disease, Hassett easily offered up pages of healthy, gluten-free recipes in her book.

A little over a year ago, on April 4, 2008, this tile layer and novice author sent by U.S. mail a copy of her self-published, copyrighted book to Elisabeth Hasselbeck, c/o "The View." Hassett included her gluten-free home cooking video along with an introductory note and her business card. She had heard that Ms. Hasselbeck had self-diagnosed herself with Celiac Disease and wanted to offer advice so Hasselbeck would be spared the endless struggles she endured – and she hoped Hasselbeck would help spread awareness about this deadly disease.

Hassett never heard back from Hasselbeck or "The View." She called the U.S. Postal Service. Her packaged had been delivered; they sent her the Delivery Confirmation receipt.

"I was disappointed she didn't confirm receipt of my gift, or at least, send a thank-you card," Hassett explained in her perfect drawn-out Boston accent. "I was so sick during my struggle with Celiac that I just wanted to spare others the unnecessary pain and despair by offering her my encouragement."

Eleven months later, in late March 2009, Hassett received an unexpected phone call. It was her friend: "Are you sitting down?" The friend had seen the early on-line promotions for Hasselbeck's book and found the similarities between the two works unnerving.

Hassett was also anticipating the re-release of her book. The 2008 edition had been self-printed, but the 2009 release (same material) would be professionally printed by Xlibris and sold on Amazon. All her hard work and tenacity were finally paying off. She stayed busy promoting both her 2008 and 2009 book releases online, in bookstores, at public signings and on YouTube. Her

book was re-released only weeks after Hasselbeck's book hit bookstores, even though the effort had been in the pipeline for several months.

So what of Hasselbeck's book? Hassett purchased her book and began comparing the two. Skepticism soon turned into disbelief. "It appears as if she took some of my most personal thoughts; things close to my heart and just took them from me without any consideration as to what I have been through," she said. "She turned my journey with this horrific disease into something so commercial...it just isn't right."

After viewing an appearance by Hasselbeck on "Good Morning America", Hassett posted the following comment on the ABC News website:

May 4, 2009

"I too have Celiac Disease. I was misdiagnosed for twenty years. Oddly enough I too have written a book about Celiac disease. The book is titled "Living with Celiac Disease". It is also being released this month at Amazon and Borders book stores. It is currently being sold on Xlibris.com for anyone who is interested. In fact, I mailed Elisabeth Hasselbeck a copy on April 4, 2008 to "The View", by certified mail. To my amazement, I never received so much as a confirmation or even a thank you card... So much for Celiacs sticking together. It is amazing how much the two books have in common! I wonder why that is. Maybe Elisabeth could shed some light on that for me? If she would like to respond my email is: livingwithceliac@hotmail.com.

Thanks much, Sue Hassett".

Within an hour of posting her comment, it was removed. She reposted the same message, and 15 minutes later it was deleted again. Hassett's IP address was blocked from further commenting by the ABC website monitor.

But that wasn't the last anyone would ever see of Hassett's post. The message was copied just prior to ABC's scrubbing and reposted on WatchingTheView.com by blogger "Sunny" on May 4, 2009 at 7:46 a.m. - post #16:

<http://www.watchingtheview.com/win-elisabeth-hasselbecks-book-the-g-free-diet/#comments>

At this point, "plagiarism" and "allegedly" found its way onto the WatchingTheView site – and Hassett found herself a few new allies who encouraged her to get a legal opinion. She finally accepted the advice and her search for legal representation began.

Then on May 8, 2009, an unsolicited message arrived on Hassett's website that would validate what she had come to believe:

“Hi Sue,

I read your book with much gratitude a few months back and think you may want to look at the new book issued by Elisabeth Hasselbeck called "The G-Free Diet". It seems to me that she may have copied your book more than is legal. I suggest that you get a lawyer and have him/ her advise you on this matter. Celebrities don't get to use the work of us plebians without also giving credit where credit is due. Don't let this go.... Your hard work should be recognized and rewarded.

Good Luck,

Andrea”

Hasselbeck’s book was released exactly 13 months following the certified mail delivery of Hassett’s book to one in the same.

Plagiarism, while unethical, is not illegal. However, Copyright Infringement is. And while Hassett does not own Celiac Disease, she does own her expression of her illness. Her organization and structure of many common knowledge elements in her book are also her intellectual property. Violation occurs whenever somebody uses that expression or format without the owner’s consent or acknowledgement.

And while Hassett’s book contains dozens of tried and tested gluten-free recipes and Hasselbeck’s book contains but a few, the recipes are not the focus of the lawsuit.

And since Sue Hassett’s book was self-published, it was printed without the benefit of professional editors and therefore contains grammatical and typographical errors that have lead some to wonder if such a piece of work was ever copyright protected.

Hassett’s book is a genuine first-work by a novice author. Her work was protected the moment she filed for copyright protection, regardless of polish, publisher or printer.

Hassett claims 70 examples of plagiarism in Hasselbeck’s book; contained in nearly two-dozen pages of research. Moreover, the books contain a similar structure including 13 chapters in Hassett’s book that closely match chapters in Hasselbeck’s book. As the pages and content turn in Hassett’s book, so do the pages and content in Hasselbeck’s.

And while Hassett can cite 70 such occurrences of suspected copying (counting the ‘symptoms list’ as only one example), of equal concern is the duplication in organization.

“Any of the 70 examples can be pulled apart and analyzed individually. But when you start to add them up, and a pattern begins to emerge, and the pages start to coincide you begin to wonder how two books could be so similar,” Hassett stated.

The 'symptoms list' that is virtually identical in both books is not a list that is readily available online. Hassett's 'symptoms list' includes her own symptoms along with a complete compilation of all symptoms she's ever researched in connection with this disease. Even though symptoms are common knowledge elements, and not copyright protected, the compilation of the work is.

And then there is this curiosity: Elisabeth Hasselbeck's book does not contain a bibliography. Given all the common knowledge elements found in both books, a bibliography should have been included.

Elisabeth Hasselbeck has since dismissed the claims as "without merit" during a live airing of "The View."

<http://www.people.com/people/article/0,,20287297,00.html>

Further, Ms. Hasselbeck's attorney stated that neither her client nor her ghostwriter had ever seen Hassett's book, and that Hasselbeck had sent her proposal to the publisher four days prior to the U.S. Postal Service Delivery Confirmation. Four days prior, and yet they provide no proof in their response. Which isn't to say that a book that appears after a proposal is submitted can't be copied, should that order of events be proven through computer data.

In copyright law, the plaintiff must prove the defendant had access to the original work. A U.S. Postal Service Delivery Confirmation receipt proves access, if not receipt, and that is all that is necessary to move onto findings of substantial similarities.

Ms. Hasselbeck's attorney responded to the lawsuit by issuing a strong admonishment to Hassett's attorney to withdraw the complaint immediately with prejudice or "[...] the defendants intend to defend it vigorously and will seek all possible remedies upon its dismissal, including prevailing party attorney's fees under the Copyright Act, and sanctions against both you and your client, pursuant to Rule 11 of the Federal Rules of Civil Procedure."

The "defendants" in this case refer to Hasselbeck's ghostwriter and the publisher.

Sue Hassett has not withdrawn her claim, but rather assembled a team of lawyers and copyright experts who assure her that her case is valid and any attempts of intimidation by high placed powers will be ignored, as the law protects Hassett's right to her day in court.

To be continued...

## **PART II**

### **HASSETT vs. HASSELBECK**

#### **The Sue Hassett Story**

Monday, July 25, 2009

“The reports of my death are greatly exaggerated,” was the line delivered by Mark Twain upon reading his own obituary.

The famous quip could easily apply to Sue Hassett, who not once, but twice, cheated death.

Sue Hassett was born premature on October 7, 1963, in Quincy, Massachusetts. Hassett often refers to her early-life struggle when contemplating where she draws the strength to deal with her celiac disease. For weeks, she was immobilized in an incubator, where her grandfather would keep vigil by his tiny granddaughter’s side. “Every night my gramps would come in and sing to me and hold my hand,” she was told. “My grandfather was forever my Angel of Hope.”

But neither he nor the medical professionals, who would see her through her ordeal, knew that she was likely carrying the DQ2 gene and would later develop symptoms from a little-known disease called celiac sprue.

Sadly, fate had more in store for Sue Hassett.

She was 26 when she first noticed the symptoms of her disease. “It started with a rash, and some bloating, but by the time I was in full-blown malabsorption and wasting, I had shed over 100 pounds and was near death.” She continued: “My body was cannibalizing itself.”

Celiac is a debilitating, genetic, autoimmune disorder that prevents the body from absorbing nutrients. Those who have the disease suffer from gluten intolerance – gluten is a protein found in rye, wheat and barley. According to a study released by the Mayo Clinic on July 1, 2009, one in one hundred people now have celiac disease. The study also claims that the disease is four times more common than it was in the 1950s and that undiagnosed celiac disease is associated with nearly quadrupled mortality. “Celiac disease is unusual, but it's no longer rare,” says Joseph Murray, M.D., the Mayo Clinic gastroenterologist who led the study. “Something has changed in our environment to make it much more common.” Dr. Murray says the study findings highlight the need for increased awareness of celiac disease, both among physicians and patients. “Part of the problem is that celiac disease symptoms are variable and can be mistaken for other diseases that are more common, such as irritable bowel syndrome,” he says. “Some studies have suggested that for every person who has been diagnosed with celiac disease, there are likely 30 who have it but are not diagnosed. And given the nearly quadrupled mortality risk for silent celiac disease we have shown in our study, getting more patients and health professionals to

consider the possibility of celiac disease is important."

That lack of awareness in the medical field is something Sue Hassett knows all too well. She was labeled a hypochondriac in her quest to find the cause of her illness. She had suffered from seizures, migraines, inflammation, joint pain, insomnia, fatigue, depression, and extreme abdominal pain. At one point, she writes in her book, she woke to find the sheets covered in blood – and still the doctors insisted she was delusional. She began to suspect gluten intolerance and asked for the celiac test.

Ironically, in order for the test to work she had to ingest gluten, something she was willing to do if it meant she would finally have a diagnosis. It was 2006, and Hassett had been off gluten and had zero tolerance for the protein. The test came back false negative, meaning she was unable to ingest enough gluten to give her an accurate reading. She was as sick as she had ever been. The pain was so intense she literally thought she would die, and at times, wished she would. But then she remembered her mother, and her godson, and her grandfather, the man who willed her to live when she was but days old.

It would take her months to recover from the gluten she ingested. She was bedridden and unable to walk, but she would have to live with her false negative result. "I asked doctors to give me the celiac test years before I was actually tested. That's why it is so important to get tested early, before you eliminate gluten from your diet, or you won't be able to reach a positive result." A positive result would have allowed Hassett to claim disability during her recovery. As it was, she was on her own.

Hassett is a self-employed floor installer and overnight stocker at a local grocer. Although she currently works two jobs– her disease has at times left her unable to work.

One of the many horrible side effects she suffers as a result of not reaching an early diagnosis is osteoporosis. Being saddled with an extreme case of celiac disease led to years of malnourishment and extremely brittle bones.

And then, as if on queue, shortly after her gluten recovery she was involved in a minor car collision that broke the bones in her foot. Due to her debilitated condition it would take a year for the bones to mend, leaving Hassett confined to a wheelchair. Using that time, she took pen to paper and began to write her guide: "Living with Celiac Disease."

The book began with a letter to Oprah Winfrey. Hassett carefully recounted her journey, and could only dream what Oprah's star power could do to help spread awareness. The letter then became the inspiration for the book, all the better to impress Oprah and hopefully gain consideration. And so it began.

A number of Internet opinion writers have eviscerated Sue Hassett. Oddly, none of these 'journalist' claim to have read her book. They have accused her of seeking publicity, unaware that Hassett has turned down interviews with Entertainment Tonight, The Insider and People Magazine. She even turned down an interview with Huffington Post, the premier Internet news site.

An opportunist would have jumped at the chance to tell her side of the story to these national media outlets, but instead, she chose to interview with only one, the one who took the time to read both books.

To be continued...