

Sedgwick
DETERT, MORAN & ARNOLD LLP

J. Craig Williams
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July 13, 2009

Via Email
[REDACTED]

Carol Fein Ross
Executive Vice President, Business Affairs and
General Counsel
Hachette Book Group
237 Park Avenue
New York, NY 10017

Re: Breaking Dawn - Copyright Infringement
File No.: 05608-000001

Dear Ms. Ross:


This law firm has the pleasure of representing Jordan Scott. This letter responds to your December 4, 2008 letter. We have reviewed both works and have prepared a detailed analysis of all copyrighted expression from our client's work, which shows a striking and substantial similarity to *Breaking Dawn*. In this book, Ms. Meyer misappropriated both the ideas and in many instances the text from my client's book, *The Nocturne*, which becomes apparent using either the subtractive or totality methods.

Our client, Ms. Scott, began creation of *The Nocturne* in 2003. Ms. Scott posted various passages and whole chapters on her website while she was drafting her book. *The Nocturne* was published in 2006. *Breaking Dawn* was not published until 2008, and since *The Nocturne* was posted on the internet, Ms. Meyer had access to it.

Enclosed is a detailed, side-by-side comparative analysis of *The Nocturne* and *Breaking Dawn*, which sets forth both the ideas and the text copied by your client from *The Nocturne*.

Please call me to discuss how your client intends to cease and desist from any further copyright infringement and to compensate my client for her damages.

Very truly yours,


J. Craig Williams
Partner, Sedgwick, Detert, Moran & Arnold LLP

JCW/gkd
Enclosures

The Nocturne – Breaking Dawn

Detailed analysis of all copyrighted infringement

The Nocturne, by Jordan Scott. Published June, 2006. Pre-release promotional excerpts distributed October 2005.

Breaking Dawn by Stephanie Meyer, published August 2008

**Excerpt:
Wedding, page 135**

**Excerpt:
Wedding, page 43-48**

THE DAY of our wedding arrived at last, on the fourteenth day of June. It seemed there were cheers and celebration for miles, with white, lavender and burnt-gold flowers strung all around, chequering the path to a hill that overlooked the sea. At the peak was a wooden archway as an altar, garlanded with rosemary and tiny blossoms; and set beneath it was a flat stone with room for us to stand side by side.

Annora walked down the aisle, wearing a diaphanous blue gown with frills about her shoulders, ribbons on her wrists, and a veil over her face. Her hair was braided tightly, in a French braid, as you might expect, and fashioned into a chignon. Bridesmaids tossed herbs and petals across her path for our good fortune, as the young men before me gave a slight bow. Annora looked even more stunning than I'd imagined. My heart leapt against my chest when she came into view, and I stood there graciously, delighting in every second of it. She had such poise, such grace for one her age. I was thrilled to watch her.

Then, at last she stood before me. We each held a red rose, exchanging them as she stepped onto the stone at my side, where we faced each other.

"Rainier," the Priest said, "wilt thou have this woman to be thy wedded wife? Wilt thou love her, comfort her, honor, and keep her, in sickness and in health; and forsaking all others, keep thee only unto her, so long as ye both shall live?"

For a brief second, I was distracted by the profusion of white blossoms that hung in garlands from everything in the room that wasn't alive, dripping with long lines of white gossamer ribbons. I tore my eyes away from the bowery canopy and searched across the rows of satin-draped chairs—blushing more deeply as I took in the crowd of faces all focused on me—until I found him at last, standing before an arch overflowing with more flowers, more gossamer.

"Sure", Alice said easily. "You can start braiding. I want it intricate. The veil goes here, underneath" Alice stepped up and quickly slid both combs into my hair under the edge of the thick braids.

All I really saw was Edward's face; it filled my vision and overwhelmed my mind. His eyes were a buttery, burning gold; his perfect face was almost severe with the depth of his emotion. And then, as he met my awed gaze, he broke into a breathing smile of exaltation.

Mercifully, the aisle was very short. And then, at last, I was there. Edward held out his hand. Charlie took my hand and, in a symbol as old as the world, placed it in Edward's.

Our vows were the simple, traditional words that been spoken a million times, though never by a couple quite like us. We'd asked Mr. Weber to make one small change. He obligingly traded the line "till death do you part" for the more appropriate "as long as we both shall live."

The Nocturne – Breaking Dawn

Detailed analysis of all copyrighted infringement

The Nocturne

Excerpt:

After wedding, sex scene on beach, Page 137

Breaking Dawn

Excerpt:

After wedding, sex scene on beach, Page 81-84

Her lips brushed against mine before she rolled off me, onto the sand.

His lips brushed down my neck to the tip of my shoulder.

We stood together. And then the ocean roared as the night-tide swept beneath our feet; and clouds fell in streams, as though a heavenly touch had glided through them to color the sky.

I let the gentle swells break over my toes, and found that he'd been right about the temperature—it was very warm, like bath water.

I said, "I will try to be careful, love; I will, I promise you. I'll be gentle as I can...but it is going to hurt you a little.

"I promised we would try," he whispered, suddenly tense. "If...if I do something wrong, if I hurt you, you must tell me at once".

I was awestruck by how stunning—how perfectly splendid she was in every imaginable way. Her body was the essence of the most ingenious design: her breasts so ample and her stomach well-toned, her tan skin like silk to my touch, her every muscle curving perfectly around her frame.

He stood, his back to me, waist deep in the midnight water, staring up at the oval moon. I stared at the smooth lines of his back, his shoulders, his arms, his neck, the flawless shape of him.

There was silence. It could have been no more perfect.

The moment was so perfect, there was no way to doubt it.

"Like this," I said, pulling her against me as we sank to the dunes with my arms wrapped around her middle.

His arms wrapped around me, holding me against him, summer and winter.

Don't do that," I whispered and took her hand in mine. "You're so beautiful...I want to see you."

"But I wouldn't use the word *beautiful*," he continued. "Not with you standing here in comparison."

The Nocturne – Breaking Dawn

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The Nocturne

Excerpt:

Later, after sex, page 143

Breaking Dawn

Excerpt:

Later, after sex, page 86

Not in all my life could I remember a moment to compare with this, with how it felt to lie beside her, thinking that we were not only husband and wife but man and woman, hours ago delivered from our innocence.

I would have been happy to lie here forever, to never disturb this moment, but my body had other ideas.

My leg rested on hers, and I moved it back and forth, still tempting her. Lying with my chest to her back I kissed her neck, being slightly mischievous as I slid my fingers down her stomach and onto her legs.

His fingers trailed down the contours of my spine, and I knew that he knew I was awake. I kept my eyes shut and tightened my arms around his neck, holding myself closer to him.

The Nocturne

Excerpt:

After sex on beach, page 145

Breaking Dawn

Excerpt:

After wedding, sex on beach 85

“Until my very last breath,” I said. “Forever.”

“Forever,” he agreed, and then pulled us into deeper water.

The Nocturne – Breaking Dawn

Detailed analysis of all copyrighted infringement

The Nocturne

Excerpt:

Nightmare and character awakens from a nightmare, Page 85-87

There were more demons then, floating figures whose spines were bloody stumps that dangled beneath their black cloaks. I caught sight of their faces: I saw a skull with neither eyes nor flesh, but a fierce red light that burned within them and shone through the cavities in their bones.

All of a sudden the darkness whirled around me, and the dream was slowly floating away. My chest was heaving; in my sleep I could hear myself struggling for my breath.

I AWAKENED, and opened my eyes to the warm glow of the morning sun, and saw nothing but an endless view of pine, oak and emerald shrubs. I was still on a bed of grass, with the forest for shelter and a sparkling fresh stream nearby. But that nightmare had seemed so real that, even after I awakened I found I was reassuring myself of the fact it was only my imagination.

Breaking Dawn

Excerpt:

Nightmare and character awakens from a nightmare, Page 105-118

The line of black advanced on me through the shroud-like mist. I could see their dark ruby eyes glinting with desire, lusting for the kill.

They ghosted closer, their black robes billowing slightly with the movement. I saw their hands curl into bone-colored claws.

We were surrounded. We were going to die. And then, like a burst of light from a flash, the whole scene was different.

I jolted upright, shocked out of the dream.

Later, when I awoke in the dark, it was with shock. The dream had been so very real...so vivid, so sensory.... I gasped aloud, now, disoriented by the dark room. Only a second ago, it seemed, I had been under the brilliant sun.

The Nocturne – Breaking Dawn

Detailed analysis of all copyrighted infringement

The Nocturne Excerpt: Upon the discovery of the main character's wife character being pregnant, Page 154 – 155	Breaking Dawn Excerpt: Upon the discovery of a main character's wife being pregnant, Page 124 - 132
<p>She pulled up her blouse, just to her stomach, and did her best to look down at it. "Do I look any different yet?"</p> <p>I felt such great pride and an even more intense love for her. After all these months it had finally happened: she was not only my love, my wife, my reason for being—now she was the mother of my child. There was a new life inside her, growing with her every breath. Thinking of it fulfilled me; and I could, for the first time, say I had an honest belief in God.</p>	<p>I yanked the blue fabric out of the way and stared at my stomach.</p> <p>From that first little touch, the whole world had shifted. Where before there was just one thing I could not live without, now there were two. There was no division—my love was not split between them now; it wasn't like that. It was more like my heart had swollen up to twice its size in that moment.</p>

The Nocturne Excerpt: A scene describing a woman who's sick because she's pregnant with a child with evil powers, page 57-58	Breaking Dawn Excerpt: A scene describing a woman who's sick because she's pregnant with a child with evil powers, page 171
<p>Her face was so pale it was frightening; and there were beads of sweat pouring down her forehead. She couldn't even stand, she was so weak. The sight of her this way terrified me, but for some reason I could not bring myself to look away. She was violently ill, vomiting and scarcely able to catch her breath.</p>	<p>Most of her dark hair was pulled away from her face into a messy knot, but a few strands stuck limply to her forehead and neck, to the sheen of sweat that covered her skin. There was something about her fingers and wrists that looked so fragile it was scary. She was sick. Very sick.</p>

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Detailed analysis of all copyrighted infringement

The Nocturne Excerpt: A scene describing how the character feels about his pregnant wife, Page 155-156	Breaking Dawn Excerpt: A scene describing how the character feels about the woman he loves, who's pregnant with someone else's child, Page 182
<p>And she looked more beautiful than ever before, I thought, as her belly was beginning to grow with the baby, who we decided was a boy.</p>	<p>Bella, healthy and glowing, so different than now, but something the same: her body, not distorted, changed in a more natural way. Round with <i>my</i> child.</p>
The Nocturne Excerpt: A scene between the two main characters, where the main character's wife talks about being able to sense if her unborn baby is a boy or a girl (she imagines it's a boy) Page 155	Breaking Dawn Excerpt: A scene between the main character and one who's in love with her, where the main character talks about being able to sense that her unborn baby is a boy, Page 192
<p>"Which is it, then?" "I can't say yet!" she said with a faint smile. "I cannot explain it, either; I just have this sense that I know what it is."</p>	<p>"I don't know he's a boy", she admitted, a little sheepish. "The ultrasound wouldn't work. The membrane around the baby is too hard—like their skin. So he's a little mystery. But I always see a boy in my head."</p>

The Nocturne – Breaking Dawn

Detailed analysis of all copyrighted infringement

The Nocturne

Excerpt:

The main character talks to his pregnant wife about their unborn son, Pages 156, 169, 190, 191

Most days she sat by the hearth for hours, knitting clothes and blankets for him; while, all this time she would talk to him so that he would hear her voice, and know how deeply he was loved.

Suddenly she winced and drew back.
“What is it?” I asked. “What’s wrong?”
“He just kicked so hard it startled me.” She took hold of my hands and placed them on her belly.
“Did you feel that?”

“He needs a name.”
“I’ve been thinking about that. I want him to have a special name—something unusual.”
“Have you thought of any yet?”
“Only one,” she said, “and you mustn’t laugh.”
“What is it?”
She went on: “I want to name him Requiem.”
“What? You aren’t serious, are you?” I said.
“*Requiem*?
That is some sort of song—thing—for Mass—not a name.”
She was more precious than ever, still childlike in so many ways. “It can be. How can you not adore it?”
“*Requiem*”—I tried to figure out what sort of name it would make—“sounds so odd.”

ANNORA WAS nearly eight months pregnant and literally counting the days until the baby would arrive. When we awakened each morning she would, with a broad smile, tell me, “One day less to wait.”

Breaking Dawn

Excerpt:

A character watches the woman he loves – and her husband – talking about their unborn son, Pages 325, 327, 346

Edward, very lightly, put both of his hands against her huge, round stomach. “The f—”. He swallowed. “It...the baby likes the sound of your voice”.

In the next second, she winced. Edward’s hand moved to the top peak of her belly and gently rubbed the spot where it must have kicked her. “Shh,” he murmured. “You startled it...him”.

“What did you call him?” Edward asked curiously. She blushed again. “I sort of named him. I didn’t think you would want...well, you know”.

Bella wiped the back of her hand under her wet eyes. “I kicked a few things around. Playing with Renee and Esme. I was thinking...Ruh-*nez*-may”.
“Ruhnezmay?”
“R-e-n-e-s-m-e-e. Too weird?”

“That feels good,” she sighed. “Ugh, but I’m huge”. She really was.
“One more day,” she said, and patted her stomach.

The Nocturne – Breaking Dawn

Detailed analysis of all copyrighted infringement

The Nocturne

Excerpt:

The main character describes what's happening after his pregnant wife has been stabbed and she's dying, coughing up blood, Pages 229-237

"My last wish. I ask this," she said: "save Requiem, save our baby."

"I can't."

"For me, do it for me. Please, whatever you must, do it now so he will have a chance."

"Quickly," she said, "save him. You cannot save me, but please help the baby. He's all that matters now."

When she tried to take a deep breath, I heard the ragged sound of blood filling her chest. It rose to her throat, more quickly now, and gushed out her mouth with a sputtering wet cough.

I touched the blade to her belly, shaking, teary eyed...then I took the dreaded first step without looking back.

I nearly dropped the blade when she gasped and cried in agony, but as soon as I stopped she looked up at me, biting her lip to keep from screaming.

She was falling lifeless in my embrace, fading in and out of consciousness; her hands slipping down my sides, her pained movements coming to a slow stop.

Her heart was still beating, keeping him alive. Her blood was pooling on the floor; very little could have remained in her body

Breaking Dawn

Excerpt:

One of the characters describes what's happening to the woman he loves when she starts bleeding and dying, coughing up blood because of the child she's carrying, Pages 349-353

Somewhere in this, Bella came around. She responded to their words with a shriek that clawed at my eardrums.

"Get him OUT!" she screamed. "He can't BREATHE! Do it NOW!"

"NO! NOW!" Another gush of blood choked off what she was shrieking, he held her head up, desperately trying to clear her mouth so that she could breathe again.

Her hand came down on Bella's stomach, and vivid red spouted out from where she pierced the skin.

Bella jerked, but didn't scream.

Her legs, which had been curled up in agony, now went limp, sprawling out in an unnatural way.

I could hear her heart, thumping unevenly. *Keep it going, I thought fiercely at her. You promised. Keep your heart beating.*

I heard the soft, wet sound of the scalpel across her stomach. More blood dripping on the floor.

The Nocturne – Breaking Dawn

Detailed analysis of all copyrighted infringement

"It doesn't end like this, it can't. And—listen to me—if there is life after this, I will be with you...and if there isn't, there is nothing to fear." I squeezed her hand, kissing her forehead.

She took another deep breath, coughing up more blood.

I reached in, felt his tiny slippery body and pulled him out as carefully as possible. But the baby—a tiny girl—was already dead. I set her down at my side, hoping that, Annora wouldn't see her. But she did, asking, "Is he all right? Let me see him, let me see my baby."

Looking at him, then at me, she whispered, "He's beautiful."

I kept spitting up blood, and I sobbed until my eyes were bleary.

"You stay with me now, Bella!" I yelled at her. "Do you hear me? Stay! You're not leaving me. Keep your heart beating!"

She coughed back at me, her eyes blinking, rolling blindly.

So Bella'd been wrong. It wasn't the boy she'd imagined. "Let me..." she croaked in a broken whisper. "Give her to me".

She moaned out a strange, weak croon. "Renes...me. So...beautiful."

I couldn't see anymore. My eyes were wet and blurry.

The Nocturne – Breaking Dawn

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The Nocturne Excerpt: On the death of the main character's wife, Page 230-240	Breaking Dawn Excerpt: On the death of the main character, (NOTE: This is told from the perspective of her other love interest character, Jacob) Page 355-356
<p>I knew this was the end. I knew it in the worst possible way—in the dark, chilling sense that is so primal it cannot be truly described or fully understood. But it was unmistakable. I felt the pain of her leaving me, to the very depth of my soul.</p>	<p>I knew it was too late. I knew she was dead. I knew it for sure because the pull was gone. I didn't feel any reason to be here beside her. So this body had no more draw for me.</p>
<p>I felt horrible just thinking of it, thinking of my failure, my broken promise to her. I had promised she wouldn't die—and in the end I failed, too weak to protect her. All of this was my fault. Now I would have no family. No hope. No reason to go on. No possibility to settle the score.</p>	<p>I felt empty again, now that I'd lost my purpose. Saving Bella had been my fight for so long now. And she wouldn't be saved. She'd willingly sacrificed herself to be torn apart by that monster's young, and so the fight was lost. It was all over.</p>
<p>At first I didn't realize what had happened—that it was truly over—but looking at her bloody, mutilated body was sobering.</p>	<p>But there was nothing there, just me, just him. Working over a corpse. Because that's all that was left of the girl we both loved. This broken, bled-out, mangled corpse.</p>

The Nocturne – Breaking Dawn

Detailed analysis of all copyrighted infringement

<p>The Nocturne Excerpt: The main character tries to revive his love interest after he finds out she has apparently stopped breathing, Page 5</p>	<p>Breaking Dawn Excerpt: A character tries to revive the woman he loves after she has apparently stopped breathing, Page 351.</p>
<p>I opened her mouth, breathing in as deeply as I could before I brought my lips against hers and slowly exhaled. As I breathed into her again, I felt the faintest quiver in her chest.</p>	<p>And then I bent over her head. Her mouth looked clear, so I pressed mine to hers and blew a lungful of air into it. I felt her twitching body expand, so there was nothing blocking her throat.</p>
<p>The Nocturne Excerpt: The main character sees his newborn son for the first time, and again later, Page 237, 273</p>	<p>Breaking Dawn Excerpt: The main character sees her newborn daughter for the first time, Page 372-373</p>
<p>He weighed no more than five pounds, immature because he had been born early. But he was perfect in every sense, so beautifully...human, with tiny perfect fingers, toes, eyelashes, lips, and round rose-pink cheeks. His head was covered with the softest hair, so faint it could scarcely be seen. His eyes were squinty and not in focus; as best I could tell they were light-blue, or perhaps grey.</p> <p>Then, as I held him against my chest with one arm I used the other to help her so she would be closer to me.</p> <p>In just seconds he realized there was warmth so close—and he did his best to draw nearer to it.</p>	<p>The little, perfectly round head was covered in a thick layer of matted, bloody curls. Her irises were a familiar—but astonishing—chocolate brown. Under the blood, her skin looked pale, a creamy ivory. All besides her cheeks, which flamed with color. Her tiny face was so absolutely perfect that it stunned me.</p> <p>She leaned her head down, against my chest, burrowing against the warmth.</p>

The Nocturne – Breaking Dawn

Detailed analysis of all copyrighted infringement

The Nocturne

Excerpt:

When the main character is turned into a vampire, Page 263, 267, 268;

Newly-made vampire talks about loss of memories of their human life, Page 283-284

Breaking Dawn

Excerpt:

When the main character is turned into a vampire, page 354-355, 415, 488-489; newly-made vampire talks about loss of memories of their human life, Page 391

My entire body felt like ice all of a sudden. My heart was slowing, and instead of a pulse, I could hear blood streaming throughout my body, lifelessly.

I heard flesh splitting, just as I felt a small gush of something bitter and cold in my mouth.

I scaled the wall with no effort, descending smoothly to the ground on the opposite side. My muscles were once again well-defined, with the strength of steel and no fatigue no matter how fast I ran.

I scarcely noticed my new eyesight, keen sense of touch and smell, and strangely greater awareness. Everything was in perfect sight, yet not at all as it had been when I was human; the world, though masked by night, seemed to be glowing. It was more colorful than I ever knew; each and every facet of nature was moving in perfect symmetry, with frosty, swaying branches like prisms through which the moonlight shone.

I tore through the garden, finding my way down the path, over the little stone tiers at the veranda, to the final battlement that separated me from the outside world.

It was harder, as if her blood was congealing there—thicker and slower.

But I could hear the lush tearing of her skin as his teeth bit through, again and again, forcing venom into her system at as many points possible.

I kept waiting to feel winded, but my breath came effortlessly. I waited for the burn to begin in my muscles, but my strength only seemed to increase as I grew accustomed to my stride.

Everything, I could have said; his perfect voice, his breath, his lips brushing together as he spoke, the whisper of birds preening their feathers in the treetops, their fluttering heartbeats, the maple leaves scraping together, the faint clicking of ants following each other in a long line up the bark of the nearest tree.

The forest was much more alive than I'd ever known—small creatures whose existence I'd never guessed at teemed in the leaves around me.

We darted through the hidden garden, leaped lightly over the stone wall, and hit the forest at a dead sprint.

The Nocturne – Breaking Dawn

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Our happy times—the memories I truly cherished—had begun to fall away already.

A cold pang went into the wound, and I put my hand over it, feeling this gaping hole...and the outline of my ribcage, all warm and wet with blood. My whole world went dark.

Blackness was coming, I could feel it. My body was turning cold. I couldn't move my limbs. I was dying.

Already, the memory seemed dim, like I was watching through a thick, dark veil—because my human eyes had been half blind. Everything had been so blurred.

Inside me, something had yanked the opposite direction. Rippling. Breaking. Agony.

The darkness had taken over, and then washed away to a wave of torture. I couldn't breathe—I had drowned once before, and this was different; it was too hot in my throat. Pieces of me shattering, snapping, slicing apart...More blackness.

The Nocturne

Excerpt:

In several different instances, the main character refers to his wife as "love" in dialogue, Page 48, 132, 137, 140

Breaking Dawn

Excerpt:

In several different instances, the main character's husband refers to her as "love" in dialogue, Page 391, 393, 399, 480, 486

I laughed. "Next time, love."

"What is it, love?" I asked. "What's troubling you?"

I stood, dusting off my clothes. "That was...very funny, love."

I said, "If you aren't ready, love, tell me."

"What, love?"

"Bella, love? I'm sorry, I know it's disorienting. But you're all right, everything is fine".

"Don't panic, love," he said, lifting his hand to touch my lips, parted in horror

"Bella," Edward said soothingly. "That's not really a good idea. She's half human, love."

"Sorry, love. I hear it in their thoughts all the time, you know. It's rubbing off on me."

"It's all right, love. Get dressed, and we'll be back to the house in two seconds".

The Nocturne – Breaking Dawn

Detailed analysis of all copyrighted infringement

The Nocturne

Excerpt:

The main character talks about another character playing a memory for them in their mind, Page 336

I didn't find him after that, but when he disappeared he left certain visions in my mind—memories, if you will—of the beginnings of Raven's life.

Breaking Dawn

Excerpt:

The main character talks about another character playing a memory for them in their mind, Page 463

Though I was prepared, it still made me gasp to see memory like a vision in my head. So bright and colorful but also completely transparent.