

CALL IT KISMET

A NOVEL



HEATHER HUMMEL GALLAGHER

THE GAVEL - 1994



Lucy stopped dead in her tracks. The familiar, now framed, photo of a winter's sunset behind a covered bridge called out to her. She looked frantically around the coffee shop, searching for an explanation that wouldn't come. Not then. She turned again to the framed photo—her photo. It was an image she had captured two winters earlier, but she had no idea why it was hanging there—on that coffee shop wall—let alone how long it had been there.

That particular winter she had been on a photo shoot to clear her mind. Despite the bitter cold, the sky, allowed for a clear blue sky that was a rarity in upstate New York. She remembered setting up the shot as she waited for the sun to drop toward the horizon like a coin in a slot. Foregoing a tripod, she braced herself against a nearby pine tree. The fading sun and now deep red and pink sky reflected in the dripping icicles along the bridge's edge. The covered bridge was clean of any foot or tire tracks in the snow. Pine trees framed the shot just right. When she clicked the shutter release, she knew she had captured what would become one of her most famous seasonal shots.

* * *

“ALL RISE.” The bailiff’s voice boomed through the courtroom and snapped Lucy back to the present.

Judge Merrick eased his way into his chair. “You may be seated.”

Lucy sat upright in the plaintiff’s chair. Her sleek, jet-black hair pulled back in a tight ponytail at the nape of her neck didn’t allow one strand to escape. Her green-hazel kaleidoscope eyes darted back and forth from the judge to the defendant, Jared. He appeared younger than Lucy remembered him to be. The photos he stole were a collection of snowy landscapes surrounding a covered bridge at sunset turned out to not only to be some of her personal favorites, but also favorites among her followers. When she dropped the film off to be developed, she had no idea that the new employee of her favorite camera shop would steal her prints and then be so arrogant and ignorant enough to shop them to local restaurants and coffee shop owners with hopes they would display them on their walls, and he would collect any print sales. He had blown them up to 16x20 prints, matted, and framed them for sale. All at the expense of the camera shop’s materials and Lucy’s copyrights.

When Lucy dropped off the rolls of film, the owner introduced her to Jared, his new employee. He told Jared how Lucy was one of the area’s finest photographers in both landscapes and portraits. He then mentioned to Lucy that Jared was attending Ithaca College and working part-time developing film to help pay his way through school. While developing her film, however, Jared hatched a plan to sell the prints from Lucy’s film to enhance his wallet. Clearly he saw the value in her work. One look at the snow-covered bridge in the setting sun and anyone could identify her as a professional. These weren’t the typical family vacation and birthday party photos he’d seen come through the shop. What he didn’t realize was that Ithaca was a

much smaller town than he assumed and that Lucy, having been born and raised there, knew everyone and everyone knew her work.

When she stopped into the coffee shop—several months before the trial and after a photo shoot in the same area—and saw her photo on the wall, she left angry and confused. The next day, she called Bryce Plaskin, the coffee shop owner who had not been there when she stopped by, and who went on to tell her about Jared’s visit to his shop. Lucy was livid; Jared had stripped her of her creative possessions. Bryce’s coffee shop was one that she had displayed her work in one year earlier. The sales had been quite profitable in the four months they were there and helped to pay her rent through the winter when portrait sales slowed. Bryce indicated that Jared sold the images under the guise of being her new agent.

Rather than take matters into her own hands, Lucy immediately contacted Angelina Crispo, an intellectual property attorney in New York City. The case was such a slam-dunk in Angelina’s eyes, that she took it on contingency, knowing Lucy was short on funds. Through some research and several phone calls, Angelina found out that Jared had already sold several of Lucy’s prints to shops in neighboring towns, increasing the likelihood of a hefty suit. She also found out that Jared had a heftier bank account than one would have thought, all thanks to his parents, who sent him to Ithaca from California to get him out of their hair and on his own; however, they also fueled his bank account nicely. Jared, arguably, was trying his best to preserve the padding of those funds for when he graduated. Now he sat in front of a judge at risk of losing it all and then some.

LUCY’S MOMENT of truth sat with Judge Merrick and the jury’s verdict.

As the presiding juror stood, Angelina leaned over and whis-

pered something to Lucy that no one else in the courtroom could hear. A smile formed on Angelina's face as she sat back in her chair, hands folded in her lap. She predicted the outcome before the presiding juror began speaking. Her work was done.

"We the jury," the presiding juror began, "find the defendant guilty of five counts of copyright infringement. The amount awarded to the plaintiff is fifty-thousand dollars per count, totaling two-hundred and fifty thousand dollars."

The defendant slumped in his chair. The couple seated behind him and his lawyer must have been his parents. The man raised his fingers and rubbed his brow. The woman, who had been holding tight to the man's hand, buried her head in his chest. The defendant's lawyer looked back at them and mouthed what Lucy thought to be, "We tried."

"Young man, stealing people's copyright for your own profit is not only illegal, it's immoral. I hope your future finds you on a better path. In the meantime, this courtroom is adjourned."

When the gavel struck the hard wood of Judge Merrick's bench, the wooden echo ringing throughout the chambers that followed was palpable. The judge piled together the paperwork in front of him while the courtroom emptied.

Lucy felt Angelina's hand on the middle of her back, gently guiding her through the crowd, out of the courtroom doors, and down the hall. When they exited between the two large glass doors, a rush of bitter cold air hit their faces. The sun weakly gleamed as it rose slightly above the one-story building across the street. The snowfall from two days earlier covered the ground, but the streets had been plowed leaving small banks on the curbs.

Lucy turned to Angelina as they walked down the stone steps. She had contained her excitement until that moment when she screamed, "We did it! Thank you, God!"

Angelina extended a hand to Lucy and said, "So we did. And now, young lady, you have a pretty big decision to make. I'm

sure whichever path you choose to take with the settlement money, it will be the right one.”

“I know. I have a lot to think about—and to be grateful for. Two-hundred and fifty thousand dollars is life changing for me. It truly is.”

“You will make a difference in this world no matter how you use it. Keep in touch and let me know what you decide to do.”

“I promise I will.”

Lucy and Angelina hugged and parted ways.

Lucy started walking toward her car. Each step with a new purpose. A strange, new life lay ahead of her; she hadn’t imagined over the past several months that it would come down to this moment, this victory. That she would truly be able to choose between her two dreams. The debate had been in her head for years, actually, but neither was a reality she could foresee happening. At least not this way or this soon. She figured one would be during her retirement years and the other would involve loans...lots of loans. But now it was her choosing. *Is this what free-will is?*

Her old, light blue 1975 Toyota Corolla waited for her two blocks away. As she approached it, she looked down at the snowy road next to the driver’s side door. There lay a nickel. *If I had a nickel.*

She picked it up, looked up to the sky, and said, “Thanks, Dad and Mom.”

Lucy’s father used to say, “If I had a nickel for every time...” and then her mother would chime in, “We’d be rich!” They would laugh, like no one else understood their inside jokes. Lucy marveled at her parents’ relationship. It was like none other she knew. So, when the State Trooper showed up on the doorstep one night when Lucy was home, but her parents weren’t, she knew something wasn’t right. Her father had a lot of friends, some of whom were policemen, because he worked on everyone’s cars. His reputation as a mechanic was stellar,

and there wasn't a car he couldn't fix—almost always on the first try.

“Are you Lucy?” The trooper asked.

“Yes,” Lucy said. She opened the door further and let him in.

The moments following were mostly a blur to her now, but the poignant ones were clear as day. She remembered how she sat on the steps in the foyer that lead upstairs. She remembered how she buried her head in her hands, and the gentle touch of the trooper's hand on her shoulders. The screech of his radio in his other hand broke the silence. She was in too much shock to cry or scream. She just sat on the steps, head in hands. When she finally stood, the trooper gave her his card, said he had been a friend of her father's, and how terribly sorry he was.

“Call me if you need anything. Anything at all,” he said.

Lucy looked out the partially opened front door where his vehicle was parked in the driveway. There were no flashing lights for this type of call, but the neighbors who were still awake would wonder. It was late at night, but they would all know soon enough. She imagined the pasta and chicken dishes they would bring over. She imagined hearing, “We're so sorry...” over and over for weeks to come. What she couldn't imagine was life without her parents. It wasn't supposed to happen this young. She was just about to graduate college, after all. Her father was supposed to walk her down the aisle someday. Her mother was supposed to hold her grandchildren and rock them to sleep. Some day.

From that day forward, the only physical connection she had to her parents were the things they left behind, and every so often, when it seemed to matter most, she would find a nickel. From these nickels, she formed her own inside joke with her parents, “If I had a nickel for every time you left me a nickel!” She could hear them up above saying, “But you have all of the nickels. Just save them for a rainy day!” It was now an inside

joke between the three of them, and she saved all of the nickels in a jar.

LUCY CLIMBED IN HER CAR, put the nickel in the center console, and turned the keys in the ignition. She caught her reflection in the rearview mirror. “Two-hundred and fifty thousand dollars? Now, *that’s* a lot of nickels!” The shock of the idea that her bank account would hold that much money sent a warm, protective balm around her body. To her, she had two choices, but they were two very different choices. Whichever path she chose, by time the daffodils bloomed, her small hometown of Ithaca would be in the rearview mirror.

NEW YORK CITY - 1994



“*P*elham. Next stop Pelham,” the conductor’s voice crackled through the speakers. Lucy looked out the window as the train rumbled down the tracks. Riding the train, as she had many times in her childhood, always reminded her of the line about the train in a station in the Beatles song, “Lucy in the Sky with Diamonds.”

Lucy was conceived on August 23rd in New York City when The Beatles played at Shea Stadium during their 1966 US tour. Her parents were given free tickets to the show by one of her father’s customers, whose car he had repaired. Nine months and three days later when she was born on May 26, 1967, The Beatles released Sgt. Pepper’s Lonely Hearts Club Band in the United Kingdom and Lucy’s parents welcomed her seven-pound, six-ounce little body into the world. Though they originally were going to name her Penelope after his mother, they changed it to Lucy because of all of the coincidences.

When Lucy was a young girl, her father used to play the song on their record player. They danced in circles in the living room while it blared through the speakers until she fell to the floor from exhaustion and looked up at the ceiling until the last beat

ended. One night her father strapped a piece of paper on a flashlight with a rubber band and poked dozens of tiny pinholes in it. When he turned off all of the lights and shined the flashlight on the ceiling, she could see the sky with diamonds.

“Some day when I’m gone, Papa, I’ll be Lucy in the sky with diamonds.”

“Oh, Lucy. That will be a long, long time away. But you will make the most beautiful diamond in the sky.” Her father flashed the flashlight on and off...on and off.

Later, they learned that Lucy meant “light” and found it fitting because she had become the light of their lives. Her parents would never know the irony that she went on to become a gifted photographer; after all, without light, there is no photograph.

ON A DREARY, rainy day the train ride into Grand Central Station was depressing. She was lucky though. Today’s early spring day was sunny and warm enough to wear her favorite jean shorts and a sweater. Several of the billboards at each passing station promoted fashion, jewelry, and cigarettes—none of which were of interest to her. That might have worked on many of the other Metro-North patrons making their way from Connecticut towns like Darien or Greenwich and into the Big Apple, but not for Lucy. What she held in her hand was all that mattered to her.

The last bit of daylight during the train ride was replaced by darkness and floodlights that flashed by as they passed through in the tunnel that led to Grand Central Station. Finally stopping, the sliding doors squealed open. Suits and heels strutted their way through them and up the stairs from the belly of Grand Central Station to the vast, dome opening. Lucy skirted between the suits and heels until she spotted the sign that led up to 42nd Street. As she pushed the large glass doors open, the

city air forced its way into the station, bringing with it the powerful smells. Lucy clutched her possessions to her side and walked out onto the street.

Trying to find a cab at this hour was fruitless, but she wasn't there to ride in a cab. After looking left and then right, she followed the sidewalk toward a construction site. By the looks of the crane dangling its boom above a hollowed building, the site was about three blocks away. She wasn't sure what she would find, but it was a start. Lucy lowered her Canon AE-1 from her shoulder and removed the lens cap. While on the train, she had loaded it with a fresh roll of 35mm ASA 100 film with 36 exposures.

By the third block, it was clear that the site was humming with construction workers. The building, framed in steel, was a rebuilding of an older version. Yellow hardhats swarmed like bees flying about their nest in organized chaos. After capturing several street photography shots, Lucy walked over to B&H Photo. B&H Photo was to photographers what FAO Schwarz was to children. The toy store for photographers since 1973, they carried everything she needed for her pending trip. The plan was to stop in B&H, buy film, new lenses, filters, and whatever else she needed prior to taking off across the country in her car filled with just her camera, clothing, and a few belongings. After stopping in B&H, she would spend some time on a photo shoot around the city, primarily Central Park.

The walk took her through Bryant Park and past Madison Square Garden. B&H opened at 9 am, leaving time to capture images along the way. The sun stretched around the towering buildings in its own time. Limiting sunlight, the buildings also allowed for streaks of light to momentarily cast between them. Her new roll of film was almost halfway used by the time she reached the front door of the world-famous photography store. Their thick black and white catalog was tucked in her camera bag with pages tagged and items highlighted. One of her

purchases would be a new camera bag that she had highlighted in the catalog the week before. After having the salesman add a new 24mm f/2.8 wide angle lens and a 300mm f/5.6 lens, let alone the three new filters, she needed a bigger bag. She laid everything out on the counter in front of the salesman and moved her gear from the old bag to the new. "Can you toss this old one for me?" she asked, nudging her worn and tattered bag toward him.

"Certainly. Is there anything else I can assist you with?" He pitched the old bag into a large garbage can behind the counter.

"I think that's it! To be honest, I could probably use another twenty rolls of film, but I'm only in the city for the day. I'm going to be driving cross country, so I'll buy some more as I go."

"Cross country? Wow. That sounds like quite an adventure."

"I expect it will be. It's the path I chose after winning a copy-right lawsuit, actually."

"No kidding?" The salesman rubbed his fingers to his chin.

Before he started asking more questions, Lucy gathered her new camera bag with its contents, told him thank you, and headed back out the door.

CHOOSING to take 5th Avenue for the walk to Central Park, she thought of stepping inside St. Patrick's Cathedral. The light was hitting just right when she walked in. The stained-glass windows casting their various colors proved to be compelling and photo worthy. A quick change of film to a 400 ASA and 12 exposures would give her the results she was looking for. After using up the roll, she left the cathedral and started down the sidewalk where she looked down and spotted a nickel. *If I had a nickel...*

"Thank you, Mom and Dad," she said and looked up at the sky. She put the nickel in her pocket. It would be added to the jar at home that evening.

Central Park also proved to be perfect light for what she wanted to capture. While the trees were still at least a few weeks away from full spring bloom, their canopy effect on the paths throughout the park worked well with her new wide-angle lens. Joggers of all ages pushed themselves along at varying speeds. Mothers, or more likely nannies, pushed baby strollers along the paved paths. An elderly couple sat on a wooden park bench. He read the paper while her nose was deep in a romance novel. Lucy worked around them, only wanting to capture the beauty of nature, not people.

The salesman at B&H Photo had recommended Park West Deli & Cafe for lunch. It was rather good and popular, he said, and run by two Turkish brothers. Taking a break for a late lunch, she dropped in and ordered a turkey club sandwich. The deli was rather quiet since the lunch crowd was already back at their desks in their towering buildings. Her camera bag sat on the floor under the table between her feet as she ate. She thought about the images she captured. Each one with carefully thought out as to aperture and shutter speed. She would have the roll developed before she left Ithaca when her lease ran out.

The settlement money had landed in her bank account a month earlier. Two days afterwards, she met with Frank, her financial advisor, to plan out a budget for the year ahead. Traveling cross country in her Corolla wasn't going to be a viable option. Instead, she traded it in for a black 1992 Volkswagen GTI. At only two years old, it barely had 5,000 miles on it. Roomy enough to hold her clothes, some personal items, and camera gear, she talked the salesman down an additional \$500 and stroked a check for it. While she was in the city, it sat at a train station in Rye, New York.

After lunch, Lucy made her way back to Grand Central Station to catch a train back to Rye before the late afternoon suits and heels crowd. She took a seat by the window once again and looked out to the scene zipping by as the train gathered

speed. Her thoughts filled with the coming days—leaving the east coast, she would first head north and cut through Ohio, where her college roommate, Julie, lived. Then she would move on to Indiana and Illinois as she headed west. The rest of the trip was unplanned.

WHEN LUCY LEFT Grand Central Station that afternoon, she knew that this trip would be her last one to New York City for a long time. She thought long and hard looking for answers about what to do with her settlement money, and eventually decided that taking time off to explore the country with her camera was exactly the path she wanted to take.

I hope you enjoyed the sample!

Call it Kismet is available on Amazon

HEATHER HUMMEL GALLAGHER

ABOUT THE AUTHOR



Heather Hummel Gallagher is a best-selling, award-winning author. Her books have appeared in newspapers such as: Publishers Weekly, USA Today, and the Washington Post; and in magazines that include: Body & Soul, First, and Spry Living, a combined circulation of nearly 15 million. Additionally, Heather is a graduate of the University of Virginia (Bachelor of Interdisciplinary Studies).

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