

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO**

ELLORA'S CAVE PUBLISHING, INC.,
and
JASMINE-JADE ENTERPRISES, LLC,

Case No: 5:14-cv-02331-JRA

Plaintiffs,

v.

DEAR AUTHOR MEDIA NETWORK, LLC,
and
JENNIFER GERRISH-LAMPE,

Defendants.

DECLARATION OF ALLISON KELLEY

I, ALLISON KELLEY, being over 18 years of age and competent to testify about the matters contained in this declaration, state as follows:

1. My name is Allison Kelley, and I am the executive director of the Romance Writers of America, a trade group for authors of romance fiction.
2. Until recently, Ellora's Cave, the Plaintiff in this case, was able to participate in conference and other activities sponsored by the organization and its chapters.
3. However, over the past year, we have received complaints from authors who are members of our organization that Ellora's Cave has not lived up to its obligations under its contracts with them.
4. Based on complaints from authors, we contacted Patty Marks, CEO of Ellora's Cave, in August 2014 to express concerns that Ellora's Cave was unilaterally changing the terms of its contracts without authors' written consent. Ms. Marks responded, "I'll talk to

Raelene and have our publishing department request signed amendments now and from here on out.”

5. In September 2015, I contacted Patty Marks regarding complaints about the company’s failure to issue royalty statements and checks to authors. Ms. Marks recently admitted to me that Ellora's Cave is not up-to-date with paying its royalties and has not paid its authors in a timely manner.
6. Failure to pay authors and comply with the terms of contracts are violations of the Romance Writers of America's code of ethics for industry professionals.
7. As a result of Ellora's Cave's violations of the code of ethics, Ellora's Cave has been suspended from certain privileges with the Romance Writers of America. This means that Ellora's Cave is prohibited from contacting members of chapters regarding new submissions and may not participate in any Romance Writers of America chapter event until it has paid its authors all amounts due.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on: Sept. 14, 2015 (date),

at: Harris County, Texas (city, state).



Allison Kelley