

## **EXHIBIT C**

IN THE COURT OF COMMON PLEAS  
SUMMIT COUNTY, OHIO  
CIVIL DIVISION

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

Case No: CV-2014-09-4421

Plaintiffs,

v.

DEAR AUTHOR MEDIA NETWORK, LLC  
and  
JENNIFER GERRISH-LAMPE

Defendants.

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**DECLARATION OF DEE SCHEFFLER IN SUPPORT OF DEFENDANTS'  
OPPOSITION TO PLAINTIFFS' MOTION FOR ENTRY OF A TEMPORARY  
INJUNCTION**

I, Dee Scheffler, having personal knowledge of the matters set forth herein and being competent to testify about them if called to do so at trial, state as follows:

1. I am an author. I signed my first contract with Ellora's Cave in 2006, and published my first book with them in 2007.
2. From the time I first started with Ellora's Cave, I was issued a royalty check monthly, beginning in the second month after each accounting period.
3. However, over the past few years, my royalty checks often arrived two or three weeks after they were issued. I doubted the veracity of the explanations Ellora's Cave offered as to why they were late. But the real problems began in November 2013.
4. Since November 2013, my royalty checks have arrived later and later.
5. I was not issued a royalty check at all for January 2014.

6. Over the past year, I have received royalty checks backdated as much as five weeks before I actually received them.
7. As of today, I have not received royalties for the accounting periods of June, July, and August of 2014, which according to Ellora's Cave's payment schedule should have all been mailed no later than September 30, 2014. Based on my recent payment history, or lack thereof, I believe I am still owed approximately \$6,000 for those three months.
8. Ellora's Cave has claimed that since November 2013, late payments were caused by a new royalty accounting system. They said that because the new system was causing errors in statements, the accounting department had to manually check every statement to ensure its accuracy, which took extra time.
9. Back in November and December, I believed it was possible that problems with the new accounting system had contributed to the lateness of the checks, but that could not be the sole cause. However, I did not believe their explanation when they missed January's payment. I believe cash flow problems were the primary cause, and that skipping one month of royalty payments gave Ellora's Cave some financial breathing room.
10. From February through June 2014, the accounting department had less trouble getting my monthly checks mailed out to me in a more-timely manner, although still at least one month behind schedule. When checks that were supposedly mailed by July 31, 2014 did not arrive, authors were not informed of any new glitches with the accounting system. In fact, we were not given any information at all until CEO Patty Marks emailed the Author's Loop on August 18, 2014. This was four days after we were allowed to email the accounting department to report checks that were lost in

the mail. Patty's email discussed "the drastic drop in sales" but did not actually address why we were not getting paid on schedule, why checks had not been mailed out on time, and why "a handful" of checks still had not been mailed as of August 18.

11. This led me to believe that Ellora's Cave is on the verge of insolvency and that the owners are lying about it to the authors, to the public, and possibly even to themselves.

12. When I first began publishing with Ellora's Cave, I believed it was an innovative company. But I stopped submitting manuscripts to them after 2011 because I seriously doubted that the owners and the management had the training, skills, discipline, and stability required to properly manage the kind of money their authors earned. I believed Ellora's Cave was sliding downhill financially and I did not want them to be my sole source of writing income.

13. Since January 2014, I have believed that Ellora's Cave's closure or bankruptcy filing was inevitable.

I declare under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge.

Executed this 10/13/2014.

DocuSigned by:  
*Dee Scheffler*  
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Dee Scheffler