

## **EXHIBIT A**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

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

Case No: 5:14-cv-02331

Plaintiffs,

v.

DEAR AUTHOR MEDIA NETWORK, LLC  
and  
JENNIFER GERRISH-LAMPE

Defendants.

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**DECLARATION OF JENNIFER GERRISH-LAMPE IN SUPPORT OF  
DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION FOR  
PRELIMINARY INJUNCTION**

I, Jennifer S. Gerrish-Lampe, 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 co-founded Dear Author in April 2006. In 2010, Dear Author Media Network LLC was formed and is in good standing with the State of Iowa where it is incorporated. I am the sole principal of Dear Author Media Network LLC.
2. Dear Author Media Network LLC does business as a website or "blog" known simply as "Dear Author" focusing on the subjects of romance books, digital technology, and publishing news.
3. Since its inception, Dear Author has published over 11,000 posts and over 2,000 of them have been industry news pieces. The industry news covered at Dear Author includes, but is not limited to, the different paths of publishing, author royalty rates, issues of literary critique and financially troubled publishers.

4. Dear Author has reported on issues at publishing houses such as the now defunct Triskelion Publishing which went bankrupt in 2007, author complaints at Wild Rose Publishing, author unhappiness at Samhain Publishing, bankruptcy filing of Mardi Gras Publishing, bankruptcy of Silk Vault, author complaints of Aspen Mountain Press, the financial problems at the now defunct Borders and many others.
5. In short, Dear Author has been reporting on the financial status of publishers from the very early stages of its existence.
6. Much of Dear Author's news is gathered from posts around the Internet but some of the news pieces are provided by tipsters and other confidential sources.
7. Dear Author is known for its staunch support of anonymous and pseudonymous protection to allow individuals who are fearful of reprisal to speak freely.
8. Dear Author is known for its willingness to keep confidential information.
9. A number of authors and editors that previously or then-currently worked with Ellora's Cave reached out to me, providing copies of emails, electronic correspondence, and memos that were circulated from executives of Ellora's Cave.
10. A number of authors and editors also reached out to me to explain that they were still owed money for contracted work or royalties that had not been paid.
11. The injunction and lawsuit filed against me personally and against the Dear Author Media Network LLC is for the precise purpose of chilling free speech, shutting down discussion over the Plaintiff's troubled business status, and exposing the identities of those who have the temerity to assert their grievances.
12. In the petition, the Plaintiff attempts to mislead the court by restating, inaccurately, the alleged defamatory statements.

13. Patty Marks, CEO, of Plaintiff, perjures herself repeatedly in the affidavit filed in support of the motion for temporary injunction.
14. The petition and affidavit erroneously states that the affiant stated “That employees of Ellora’s are going unpaid when in fact they are being paid.”
15. The accurate statements of the blog post include “Despite authors, editors, and cover artists going unpaid, Engler is in the process of launching at least one, if not three, different businesses.” And “It rankles to see Ms. Engler post on her Facebook page of high end shopping sprees while individuals who make money for her company go without.” There is no reference to any employees of the Defendant who may or may not be paid. Artists, editors, and authors are independent contractors. At the time of the September 15, 2014 blog post, artists, editors, and some authors had not been paid.
16. The petition and affidavit erroneously states that the affiant stated “That the contract authors (Authors) have not received royalty payments in over six months when in fact they are being paid.” The term “Authors” refers to all contracted authors.
17. The accurate statements of the blog post include “There is a set of authors who have not received royalty payments in over six months.”
18. I investigated this issue by reaching out to a number of authors who write for Ellora’s Cave, and confirmed that there are quite a few authors who have not received royalty checks dating back months.
19. Statements of editors, cover artists, and authors regarding non-payment will be filed under separate cover. Several of those independent contractors received undated checks in October, at least two weeks after the initial blog post, and were backdated to August 31, 2014.

20. I investigated this issue by reaching out to freelance editors that previously worked for Ellora's Cave, and they confirmed late payment for contracted work, undated or back-dated checks, mailed in envelopes that were not postmarked.
21. The petition and affidavit erroneously states that the affiant stated "That Ellora's is liquidating assets when in fact it is not."
22. Plaintiff advertised a "Huge Warehouse Sale" wherein they sold decorations, office supplies, art props, office equipment, and more.
23. I have received confirmation for other authors and editors that they were aware of the warehouse sale, in addition to other items being posted for sale on Ebay by Ellora's Cave.
24. Attached as Exhibit 1 is a true and correct copy of the advertisement for the warehouse sale, noting the address of the sale is the address of Ellora's Cave Publishing.
25. The petition and affidavit erroneously states that the affiant stated "That the author portal shut down was to prevent Author's from checking on their royalties when in fact it was not."
26. The accurate statements of the blog post include "The author portal has been shut down where a select few authors could check their royalties."
27. On September 10, 2014, Raelene Gorlinksy, Publisher of the Plaintiff sent out the following email: Dear Author Portal authors, To my great regret, EC no longer has the staff to maintain or use the Author Portal system. No new files will be uploaded. You will receive new ebook files and contracts via email, as was done previously. I do not know how long the AP system will stay online (it requires monthly support payment to the software company). Therefore, I strongly urge you to download all

- your files from your Author Portal account before end of the month. Please let me know if you have any questions. (Please don't ask me about royalty statements--I have no information, I know probably less than you do now. I'm instructed to just tell authors to email Royalties@ellorascave.com.)
28. I was provided with a copy of a message from Ralene Gorlinsky to the members of the Author's Portal.
  29. Attached hereto as Exhibit 2 is a true and correct copy of this message. The identity of the individual who forwarded the message to me has been redacted.
  30. I have spoken other authors who also received this message.
  31. The Plaintiff knowingly and repeatedly made these false assertions about the affiant's statements in order to abuse the judicial process and use the process in order to intimidate the affiant and any other critic into silence.
  32. The Plaintiff knowingly and falsely place the blame for its financial difficulties on the September 15, 2014, blog post.
  33. In August, Plaintiff severed contracts with its freelance editors and cover artists. "For that reason, for the foreseeable future almost all manuscripts will be edited by in-house editors, and covers designed by in-house artists." Patty Marks, CEO of the Plaintiff admitted that there is managing editor, three in-house editors and two in-house artists. The managing editor has since resigned.
  34. In investigating this, I was provided with a copy of that email by multiple editors that were with Ellora's Cave, and all confirmed that they were laid off.
  35. Attached hereto as Exhibit 3 is a true and correct copy of that email, the identity of the individual who forwarded it to me has been redacted.

36. In an interview with Publishers Weekly, Patty Marks, CEO of the Plaintiff admitted that Amazon is their biggest retail account and that sales there are down 75%.
37. Attached hereto as Exhibit 4 is a true and correct copy of that article.
38. In an email to authors, Patty Marks, CEO of the Plaintiff admitted that there are no damages as a result of the September 15, 2014, blog post because “the drastic drop in sales has resulted in large net short term variable production losses and slow and often negative return on investment for EC on almost every new book we publish, with the exception of a handful of the highest sellers.”
39. I was provided a copy of that email from Ellora’s Cave CEO, Patty Marks to the authors, by one of the authors who directly received the email. See Exhibit 3.
40. I was contacted by a number of other authors who also received that email.
41. Plaintiff knows that its financial instability is the result of its own business decisions and not the single blog post from Dear Author.
42. Tina Engler, co-founder of Plaintiff, has stated publicly that problems stem from authors rather than the blog post “What motive would authors have to spread lies? Many actually, but the most prevalent reason we’re seeing (and screenshotting) is they want their rights back to an edited book so they can self-pub it & not have to share the profit with the house that published them. This is also the reason those same authors are telling ppl not to buy their books... Bc if their sales fall below a certain number of copies sold, they get the rights to their books back free of charge. Again, they can then self-pub them.” And “The initial gossip was started by authors who wanted their rights back to EDITED & CONTRACTED books for FREE. Presumably, given the current publishing climate, this is so they could turn around and self-publish them without EC getting any cut in profit. Never mind that we

- contracted the books (work/money) and edited the books (more work/money) and publicized the books (yet more work/money) and took a chance on their unknown names (money.) The sense of entitlement being displayed is as immoral as it is illegal...Given the illegalities of it, some authors started spreading the rumor that EC doesn't pay its authors and pleaded with the public to not buy their titles since they weren't getting paid anyway. Why would they do this when they were/are getting paid? Because the only way to get their rights back both free and legally is to sell under a certain number of copies within a specific timespan. Never mind what those rumors would do to their fellow EC authors—they are apparently only collateral damage in the war of self-entitlement.”
43. Tina Engler has also threatened others with lawsuits. “It should be noted that EC has never—not once in 14 years—sued an author. Can I say that record will remain intact, given the cyber-bully smear campaign we’re enduring? No. It’s difficult to say what position we’ll be forced into.”
44. Attached as Exhibit 5 is a true and correct copy of Engler’s blog post.
45. Plaintiffs claim that the assertion that “Engler recently purchased a home in the West Hollywood Hills when in fact she did not” is false and defamatory. However, on Ms. Engler’s own Facebook page, she made multiple mentions of moving to West Hollywood, stating “today I found out I got the house I want so I’ll be saying buh-bye to Venice Beach & hello there to West Hollywood!!”
46. Attached hereto as Exhibit 6 is a true and correct of Ms. Engler’s Facebook post.
47. At the time that I wrote the article, I harbored no doubts as to the accuracy and veracity of the article.

48. At this time, after having spoke to even more authors, editors, and cover artists, I believe that the financial condition of Ellora's Cave may be even worse than previously articulated.
49. With the benefit of additional research since originally publishing my article, I still believe in the truth of the statements contained therein.
50. I engaged in fact checking and research to ensure that my publication was truthful at the time it was published.
51. If the injunction were to be imposed and commenters identities to be revealed as well as the sources of my article, Dear Author would be shut down, as it cannot operate without being able to write about publishing topics as it has in the past or maintain confidentiality in your sources.
52. Dear Author has revenues in excess of \$75,000.
53. If the injunctive relief requested is granted, it will force Dear Author to shut down completely. I cannot, in good conscience, maintain a blog about this subject without being free to report on all publishing houses.
54. Therefore, the cost of compliance with the injunctive relief is in excess of \$75,000.
55. If I am forced to reveal all of my sources, as requested, under current conditions, this would independently require me to shut down, as sources would no longer trust my publication. This, independently, makes the cost of compliance greater than \$75,000.
56. To date, between October 1, 2014, the date of the filing of the state court petition and the declaration on October 21, 2014, the undiscounted attorney's fees incurred are approximately \$30,000.

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

Executed this 10/21/2014, in West Des Moines, Iowa.

DocuSigned by:  
*Jennifer Gerrish-Lampe*  
BDB114B205024A4...

Jennifer Gerrish-Lampe

## **EXHIBIT 1**

This is Google's cache of the page. It is a snapshot of the page as it appeared on Jul 18, 2014 at 12:05:05 PM. The current page could be different from the one you are seeing. Tip: To quickly find your search term on this page, press Ctrl+F or ⌘F (Mac) and use the find bar.

[Text-only version](#)

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Home / Yard sales in Akron, OH / Huge Warehouse Sale

Sale Details Sale Photos **20**

## Huge Warehouse Sale



1056 Home Ave, Akron, OH

**Saturday, July 19, 2014 - Sunday, July 20, 2014**  
 10:00am  
 1056 Home Ave, Akron, OH

Huge-Warehouse-Sale!!!!  
 When: Saturday July 19, and Sunday July 20, between the hours of 10 a.m. and 4 p.m.  
 Where: 1056 Home Ave. Akron Ohio, 44310  
 \*\*Both cash and credit will be accepted


View all 20 photos

Items for Sale-

- Decorations
- Christmas lights
- Wigs
- Peacock Feathers
- Decorative tables
- Hookah's
- Arts and Crafts supplies
- Rancilio Espresso machine
- Design Toscano Statues and statuettes
- Background displays
- \*Arabian city scape
- \*Jazz Band
- \* Retro Car
- \* New York City Scape
- Costumes
- Headaddresses
- Props
- Scarves
- Office Equipment
- \*Wooden 2 drawer mail sorter 32 slot
- \*Metal mail sorter 62 slot
- \*2.5 drawer metal cabinets with optional base
- \*Computer cart
- \*Server Rack
- \*HP Designjet 5500ps poster printer
- \*Laminator
- \*Business Card slitter
- Bulk Boxes
- \*17 1/2 x 11 1/2
- \*13x13x4
- \*17x13x5

Plus much, much more. Come on down, and get yourself a good deal!!

[Save to route](#)
[Report sale](#)

### Akron Yard Sales Nearby

Photos	Sales	City	Dates	Distance
	<a href="#">Garage Sale on Linden Ave</a>	Akron	07/19/14 - 07/20/14	1.19 mi
	<a href="#">Something for everyone</a>	Akron	07/16/14 - 07/18/14	1.43 mi
	<a href="#">Moving Sale</a>	Akron	07/19/14 - 07/20/14	1.47 mi
	<a href="#">YARD SALE THIS WEEKEND</a>	Akron	07/18/14 - 07/20/14	1.63 mi
	<a href="#">West Lowell Street Sale Rain or Shine</a>	Akron	07/19/14	1.80 mi
	<a href="#">GARAGE SALE - SAT/SUN 7/19-7/20</a>	Akron	07/19/14 - 07/20/14	1.88 mi
	<a href="#">Yard Sale 374 Roselawn Avenue</a>	Akron	07/19/14	1.98 mi
	<a href="#">Yard sale 7/16/14</a>	Akron	07/19/14	2.21 mi
	<a href="#">YARD SALE everything's gotta go</a>	Akron	07/18/14	2.22 mi
	<a href="#">yard sale misc. items</a>	Akron	07/17/14 - 07/19/14	2.32 mi

[Table](#)
[Home](#)
[Decor](#)
[Tables](#)
[Equipment](#)
[Christmas](#)
[Supplies](#)
[Decorations](#)
[Car](#)
[Computer](#)
[Office](#)
[Machines](#)
[Cabinet](#)
[Boxes](#)
[Sunday](#)
[Saturday](#)

View all yard sales in Akron

## **EXHIBIT 2**



Jane Litte &lt;litte.jane@gmail.com&gt;

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**Fwd: EC Author Portal**

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Dear Author Portal authors,

To my great regret, EC no longer has the staff to maintain or use the Author Portal system. No new files will be uploaded. You will receive new ebook files and contracts via email, as was done previously.

I do not know how long the AP system will stay online (it requires monthly support payment to the software company). Therefore, I strongly urge you to download all your files from your Author Portal account before end of the month.

Please let me know if you have any questions. (Please don't ask me about royalty statements--I have no information, I know probably less than you do now. I'm instructed to just tell authors to email Royalties@ellorascave.com.)

Sincerely,  
Raelene Gorlinsky, Publisher  
Ellora's Cave Publishing Inc.

In accordance with our vendor and staff contracts and author contract Confidentiality and Disclosure of Information clause: The contents of this message are confidential and may not be distributed, copied, posted, shared, or otherwise made available to other persons without the express prior written permission of an authorized agent or officer of Ellora's Cave.

## **EXHIBIT 3**



Jane Litte &lt;litte.jane@gmail.com&gt;

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## Comment from Dear Author

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From: EC\_authors\_chat@yahoogroups.com [mailto:EC\_authors\_chat@yahoogroups.com]  
Sent: Monday, August 18, 2014 10:10 AM  
To: EC\_authors\_chat@yahoogroups.com  
Subject: [EC\_authors\_chat] Announcement from CEO Patty Marks

To All Ellora's Cave authors:

You are probably aware of the quick, sharp decline of ebook sales via Amazon in recent months. EC is not the only publisher experiencing this sudden decrease, and interestingly, we are not seeing the same drastic dip from other vendors. But Amazon is our largest vendor, so we are having to make some fairly large changes quickly to deal with the situation until we can understand it and turn it around.

We have already cut staff, special EC projects and other expenses, but the drastic drop in sales has resulted in large net short-term variable production losses and slow and often negative return on investment for EC on almost every new book we publish, with the exception of a handful of the highest sellers. For that reason, for the foreseeable future almost all manuscripts will be edited by in-house editors, and covers designed by in-house artists.

We know that many of you love your current editors and covers, and we are very sorry to lose this dedicated group of talented people (and hope to be able to offer them other opportunities in future). The good news is that our staff editors and designers are highly skilled and deeply experienced, and will bring new perspectives to your books. We are looking forward to this creating a more direct relationship with our authors so we can be more aware of and thus more quickly responsive to your needs, questions and concerns.

If you have a book currently in edits or awaiting edits with a freelance editor, Managing Editor Whitney Mihalik will contact you within the next few weeks about its status.

Ellora's Cave has weathered storms before and we will this one as well. We are aggressively adjusting our business to the current publishing environment. We will fill you in with our endeavors as they are unveiled-hopefully with the first exciting news later this week.

In the meantime, since these declines are primarily related to Amazon, it is a good idea to encourage your readers to purchase ebooks from the Ellora's Cave site because it benefits you and your readers. Prices of books on our site are often lower, your royalty rate is higher and you get paid faster for books purchased through our site. You and your books are also much easier to find on our site.

Even readers with Kindles and Nooks can purchase on our site and load onto their devices. The process is not difficult. Our site has instructions on how to do it: <http://www.ellorascave.com/downloads-support/>. We are also working on some fun videos to show people how to do it and will put them on YouTube so you can link to them when they are done.

It is also important to support and promote Barnes & Noble and All Romance Ebooks as well until we are able to determine the reasons for Amazon's declining sales. Hopefully we will be able to work with Amazon to correct the inconsistencies quickly. However, in the short run your net royalties per book are consistently higher in the following order: 1) Ellora's Cave, 2) Barnes and Noble, AllRomance, and probably Kobo 3) Amazon, and 4) Google. It would certainly make fiscal sense for you to send your fans to those first venues.

This is by no means meant to be a statement about Amazon. We are not at this time coming to any conclusions regarding the many negative rumors and articles about Amazonthe Gazelle Project, their disputes with Disney and Hachette, and the 900 authors' open letter in the New York Timeswhich we have been made aware of over and over again. For many years we have had a reasonable business relationship with Amazon, up until this drastic drop in sales, and we are certainly hoping that it will all be resolved as we present discrepancies that we are identifying. We have not completed our analysis at this point and therefore have not had any direct communication with Amazon regarding these issues. We are just saying in the meantime that it makes sense for you to promote your books to be purchased through the venues that are most profitable to you on a per-copy basis (and of course to Ellora's Cave). This benefits all of us. That way you will make more per sale and, in the unthinkable event that the sales at Amazon continue to decline, your fans will be aware of other venues that are out there for them. Hopefully though, this is temporary and not a continuing trend and Amazon will go back to being as profitable for us as it has been in the past.

I know that there has been some discussion and concern about a new project announced by Jaid Black. We will make an announcement soon with details, but please be assured that no EC funds are being invested in this venture, that it is in no way a publishing company, and that my full attention and loyalty remain to Ellora's Cave and its authors. We are looking at the new venture as a means to enhance the opportunities and options that are available to our authorsnot to take away funds from Ellora's Caveand are very excited about releasing the news to you soon. We are always looking at new projects and interests as they present themselves to ussome connected to the publishing industry and some not. Please be assured, however, that EC always has been and remains our main focus. With the help of our fantastic staff and authors, we are working very hard to adjust to the current publishing environment and remain the premier publisher of erotic romance.

Also, please note that almost all the royalty checks have been mailed, with the exception of a handful that should be out by end of week. We are not bankrupt (rumors) and are not in any kind of shape to even file bankruptcy. While we have had some issues getting the royalty checks out as quickly as we have in the past, we are still within our contracts. We certainly understand why you are concerned and appreciate those of you who have asked questions rather than spreading conspiracy theories and propagating rumors that are only detrimental to fellow authors. We hope all of this does not detract from what all of you do bestWRITING. Rumors are distracting and disconcerting and all of you deserve better.

Thanks for your support and understanding. We do appreciate all of you and respect your talents, your pride in your work and your concern for your careers. Please do not EVER sell yourselves short! What you do is valuable

to everyone who comes in contact with you through your stories.

Sincerely,

Patricia L. Marks, CEO

In accordance with our vendor and staff contracts and author contract Confidentiality and Disclosure of Information clause: The contents of this message are confidential and may not be distributed, copied, posted, shared, or otherwise made available to other persons without the express prior written permission of an authorized agent or officer of Ellora's Cave.

## **EXHIBIT 4**



Home > Digital > Retailing



# Ellora's Cave CEO Confirms Amazon Sales Drop

By Calvin Reid | Aug 25, 2014

Ellora's Cave CEO Patty Marks confirmed the house is downsizing in the wake of what she described as "drastic" and unexplained declines in its e-book sales via Amazon. Marks confirmed the layoffs of freelance editors, and said the house continues to have discussion with Amazon to find the cause of the sales dropoff.

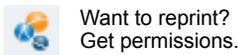
Marks sent a letter to Ellora's Cave authors about the major sales dip, and the note was then re-posted online. Marks said Ellora's Cave sales via Amazon have dropped by as much as 75%. "We're talking to Amazon and trying to figure out why this is happening," Marks explained, noting that Amazon is the biggest sales channel for the digital-first erotic-romance publisher.



According to Marks, the issue is likely related to a change in Amazon's search algorithm. Many of Ellora's Cave's bestselling authors and titles simply don't show up in the Amazon search engine anymore. She pointed to one of the house's most popular authors, Laurann Dohner, whose books are *New York Times* bestsellers, noting that a search for her titles on Amazon initially retrieves only free giveaways.

## RELATED STORIES:

- More in Digital -> Retailing
- More in Digital -> Content / e-books
- More in News -> Bookselling



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Marks also wanted to emphasize that Ellora's Cave is paying all royalties on time and, contrary to some rumors, is not considering bankruptcy. Asked if Ellora's Cave, which does a limited number of POD titles, might consider more print releases in the future, Marks said print sales have never been very significant for the publisher. "We're looking at print, but we don't want to invest in big print runs," she explained.

Marks said Ellora's Cave e-book sales began spiking upwards in 2012. She said she "expected sales slack off eventually," and that she put money aside, while adding new customers, to limit losses from the dropoff. "Sales have dropped before, but not like this," Marks

elaborated. "It's been a drain."

## **EXHIBIT 5**

# JAID BLACK

The Queen of Steam

USA TODAY BESTSELLING AUTHOR

## For the Silenced Victims...

October 4, 2014

I keep receiving the same emails and PMs every single day, just from different people. What every message has in common is this: anyone who shows even minimal public support for EC is getting viciously cyber-bullied into terrified silence.

### AMERICANS..... DON'T PATRONIZE REDS!!!!

**YOU CAN DRIVE THE REDS OUT OF TELEVISION, RADIO AND HOLLYWOOD.....  
THIS TRACT WILL TELL YOU HOW.**

#### WHY WE MUST DRIVE THEM OUT:

1) The REDS have made our Screen, Radio and TV Moscow's most effective Fifth Column in America... 2) The REDS of Hollywood and Broadway have always been the chief financial support of Communist propaganda in America... 3) OUR OWN FILMS, made by RED Producers, Directors, Writers and STARS, are being used by Moscow in ASIA, Africa, the Balkans and throughout Europe to create hatred of America... 4) RIGHT NOW films are being made to craftily glorify MARXISM, UNESCO and ONE-WORLDISM... and via your TV Set they are being piped into your Living Room—and are poisoning the minds of your children under your very eyes!!!

So REMEMBER — If you patronize a Film made by RED Producers, Writers, Stars and STUDIOS you are aiding and abetting COMMUNISM... every time you permit REDS to come into your Living Room VIA YOUR TV SET you are helping MOSCOW and the INTERNATIONALISTS to destroy America!!!

Never in my lifetime have I seen such a phenomenon. Until now I'd only read about it in history books concerning the Salem Witch Trials and the communist red-hunts of the McCarthy era. Some book review sites (blogs basically) have gone so far as to blacklist EC titles. Ironically enough they started this campaign during "Banned Books Week" and are encouraging readers to not buy any book published by EC or the books of authors supporting EC. They claim to be doing this in the name of freedom of speech, yet conversely they stifle dissenting

opinions with vicious attacks en masse.

I literally can't count how many screenshots I have taken—and that's just me!—of authors and readers being cyber-bullied into silence. The very first person to take a massive, public hit was #1 NYT Bestselling author Jamie McGuire. Mind you, Ms. McGuire does not write for EC, has no connection to EC, and our paths have never crossed online or offline. She made one supportive tweet and was so viciously attacked with McCarthyist "you're a traitor" tweets that she later removed it.

## For Ben

We're nowhere near our goal :( Please consider contributing \$5 toward giving my dear friend Pam's son a dignified burial & small memorial service.



## Black on Black

- [Bio](#)
- [Blog Off!](#)
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- [Yelp](#)

## Ellora's Cave

To Ms. McGuire's credit, however, she didn't allow herself to be silenced for long.

Jamie McGuire is only one of many. I applaud her for having the strength of character to not shut up and sit down at the back of the bus... and I'm glad her following is too strong and loyal to be swayed into not buying her books. For many EC authors, though, their entire livelihoods are at stake. They're literally damned if they do and damned if they don't.

**McCarthyism** 

[muh-kahr-thee-iz-uh m]

Word Origin

noun

- the practice of making accusations of disloyalty, especially of pro-Communist activity, in many instances unsupported by proof or based on slight, doubtful, or irrelevant evidence.
- the practice of making unfair allegations or using unfair investigative techniques, especially in order to restrict dissent or political criticism.

Origin -

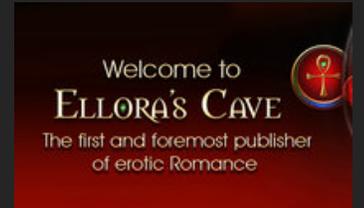
1950

So why is this happening to EC at all? I'm not sure there is one solid answer, but there is a definite and noticeable trend:

The initial gossip was started by authors who wanted their rights back to EDITED & CONTRACTED books for FREE. Presumably, given the current publishing climate, this is so they could turn around and self-publish them without EC getting any cut in profit. Never mind that we contracted the books (work/money) and edited the books (more work/money) and publicized the books (yet more work/money) and took a chance on their unknown names (money.) The sense of entitlement being displayed is as immoral as it is illegal.

Given the illegalities of it, some authors started spreading the rumor that EC doesn't pay its authors and pleaded with the public to not buy their titles since they weren't getting paid anyway. Why would they do this when they were/are getting paid? Because the only way to get their rights back both free and legally is to sell under a certain number of copies within a specific timespan. Never mind what those rumors would do to their fellow EC authors—they are apparently only collateral damage in the war of self-entitlement.

Let's take a look at this September 25th post from author Cat Grant, wherein she garners sympathy for herself by claiming she isn't getting paid her royalties:



### RomantiCon®



### JB Productions



### All Hail The Queen

Missing Plug-in 

click twice to see large video

**Cat Grant** September 25, 2014 at 3:13 pm

Wow, I made the Passive Voice! And wow, I'm blown away by all your comments.

Yes, I know, I've opened myself up to possible legal action by giving away copies of my three remaining EC books, but dammit, they pissed off the wrong fat lady.

I dislike being played for a fool. Tina Engler refuses to pay me or revert the rights to my books, then she flips me (and every other EC author, editor and artist) off in a public forum, and there's nothing I can do about it?

But then two days later, on September 27th, she posts completely different information on yet another blog:



Cat Grant says

September 27, 2014 at 10:44 pm

Actually, all I want now is my rights back, with no extortionate fee attached to them. I've been getting monthly checks all along, but God only knows if they're accurate.

At this point I'm willing to simply take my rights back and walk away. This whole mess has whittled my productivity down to nothing.

[Reply](#)



Deirdre says

So she's not getting paid, but she's getting paid? The truth will definitely catch up with her, so Ms. Grant is now throwing in the red herring of "but God only knows if they're accurate." She previously stated on her own blog:

Last month [Ellora's Cave sent out a letter to all their authors](#) letting us know what's been going on at the company this year. It's basically a long, rambling diatribe on about how Amazon's screwed them over (join the club!) so we should send our fans to buy direct from EC's website.

We warned our authors that sales at Amazon are down, she admits her self-pubbed books at Amazon are down, but then...

As for EC... After what I've heard from other authors in the same predicament, I have absolutely no faith that EC has dealt with me in good faith. The sharp decline in my royalties over the past year makes me wonder if they've ever reported my sales correctly. Going from \$400-600 per month down to \$60... That's a huge red flag.

Between EC & Kindle Unlimited, my income has been decimated over the past few months. If things continue along this path, I may have to quit writing altogether. \*shudders at the thought

Basically we're being accused of cheating her because her sales are down at EC, but her sales directly through Amazon/Kindle are also down per two of her own posts and she's not accusing them of anything. So why us? Oh right...



Cat Grant

Wednesday at 7:28 PM · 🌐

Don't buy my EC books either. I can't wait for them to go out of business so I can get my rights back.

The sad and sick part to all her online reindeer games is that NOT ONE SINGLE PERSON HAS CALLED HER OUT ON THEM. On the contrary, other authors are coming to her defense and claiming the same sorts of things as this author.

Paradoxically, while some authors (mind you this is maybe 15-20 out of 800+ playing this game) are saying they too aren't getting paid, they are also publicly claiming they are afraid of being sued by us for speaking their twisted "truths." Here's a groundless tweet from another author:



**Larissa Ione**

@Larissalone

Follow

What is happening to [REDACTED] is EXACTLY why authors fear speaking out against certain publishers. Threats of legal action happen a LOT.

7:58 AM - 27 Sep 2014

13 RETWEETS 8 FAVORITES



**Bree Bridges**

@mostlybree

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I hope no one is still mocking the idea that EC authors were afraid to speak out.

7:42 AM - 27 Sep 2014

6 RETWEETS 5 FAVORITES



It should be noted that EC has never—not once in 14 years—sued an author. Can I say that record will remain intact, given the cyber-bully smear campaign we're enduring? No. It's difficult to say what position we'll be forced into.

What I can say with all certainty is I'm not going to be a victim of female on female misogyny, their male recruits, and the resulting childish harassment tactics being leveled at me. When I suggested that spectators take the time to gather facts before jumping to conclusions, my extremely reasonable request was followed up with tweets like this:



Jaidd Black @jaiddblack · 4h

@mharvey816 @JenniferRNN God forbid any of you do fact checking...

Reply Favorite More



SMBO Mistress M

@SMs\_Obsessions



Blocked

. @jaiddblack how does someone fact check someone being a dumb cunt?  
@mharvey816 @JenniferRNN

She also sent a photo of her giving me the finger, but you get the point without me posting that. And then came this...



Roisin @mccormac\_roisin · 29m

@SMs\_Obsessions @jaiddblack @mharvey816 as a general rule if it talks like a cunt and acts like a cunt, it probably is a duck..i mean cunt

10:49 PM - 28 Sep 2014 · Details

Hide conversation

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One author in particular, an author I've never published, met, or even heard of until the cyber-bullying smear campaign began, decided it would be fun to make the attacks even more personal:



Courtney Milan

October 2, 2014 at 1:24 pm

Dear Tina Englero,

I'm delighted to hear that you've been a passionate civil rights advocate for the most marginalized for the last 20 years. That being said, perhaps you should be aware that most people don't view cultural appropriation as civil rights work.

Sincerely yours,  
Courtney Milan

Not only is she throwing thinly veiled jabs at my hair and multi-cultural / multi-racial family (re: cultural appropriation,) but she's attempting to trivialize the civil rights work I've been doing since my early twenties. I've marched in countless protests against police

brutality in the inner city, the continued disenfranchisement of poverty-stricken women and their children who direly need help (welfare,) the right to choose (though I've never had an abortion,) and was the media spokesperson for Tampa NOW (National Organization for Women.) To this day, a photo of me protesting cuts to welfare remains on the banner of "herstory" on Florida NOW's website. I'm the curly-haired one on the upper-left:



Oh and FYI: Courtney Milan called me "Tina Englero" because I spelled her name "Milano" when referencing earlier posts by her. The very self-important author apparently thinks everyone knows—or cares—who she is and that I purposely misspelled her name to be disrespectful. (I'm not quite certain how "Milano" is disrespectful, but whatever.) Interestingly, MilaN has been tweeting and posting all over the internet about me and she has (a) never met me, (b) isn't one of my authors, and (c) knows literally nothing about me other than whatever gossip she's heard.

The thing is, Milan, you and your bizarro followers neither frighten nor intimidate me with all the misogynist, bigoted ramblings. Because of my civil rights work, the work you attempted to trivialize and denigrate, my skin is as thick as my ass is fat. I've had more death threats than a few because of my activism so you're as scary to me as a shit under my shoe. You dared me to sue you. Why would I? You're entitled to your opinion, however abominable it might be.

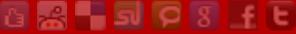
Anyway, enough of her and back to the important heart of the matter:

Right now EC's loyal authors are afraid to speak up because they've seen what happens to everyone who does. That will pass soon enough. Eventually they will be pushed past the breaking point by those attempting to stifle their freedom of speech and their right to earn an honest living by the MCCarthyist tactics being thrown at them. Until they are prepared to show themselves, I'm here to give them a

voice... and I, for one, will not be harassed into silence.

Jaid / Tina

| General

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## **EXHIBIT 6**



**Jaid Black**

March 2 · 🌐

My week was shitty, but my weekend was phenom 😊 I spent a lot of yesterday with [Christian Boeving](#), which was great bc I don't see him every day like I used to, then today I found out I got the house I want so I'll be saying buh-bye to Venice Beach & hello there to West Hollywood!! 😊 — 😊 feeling excited at Venice Beach.

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👍 Melvina Davis and 101 others like this.

💬 View 15 more comments



**Suz DeMello** Enjoy!

March 3 at 12:35am · Like · 👍 1



**Connie Steggell** Congratulations!

March 3 at 8:27am · Like · 👍 1



**Mary Everett** You belonged in Hollywood anyway. You are a star.

March 3 at 2:01pm · Like · 👍 1



**Carolyn Davis** Congrats!

March 3 at 7:27pm · Like · 👍 1