

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

ELLORA'S CAVE PUBLISHING, INC., <i>et al.</i>)	CASE NO.: CV-2014-09-4421
)	
Plaintiff,)	JUDGE PAUL GALLAGHER
)	
-vs-)	
)	<u>NOTICE OF FILING AFFIDAVIT OF</u>
DEAR AUTHOR MEDIA NETWORK, LLC, <i>et al.</i>)	<u>PATRICIA MARKS</u>
)	
Defendants.)	

NOW COME the Plaintiffs, by and through the undersigned counsel, and hereby file the Affidavit of Patricia Marks, referenced as Exhibit "A" in the previously filed Motion for Temporary Restraining Order which was attached to Plaintiffs' Complaint.

Respectfully submitted,

NIEKAMP, WEISENSELL, MUTERSBAUGH, &
MASTRANTONIO, LLP

/s/ Steven W. Mastrantonio

Steven W. Mastrantonio (0062575)
The Nantucket Building, Third Floor
23 South Main Street
Akron, OH 44308
330-434-1000 Tele
330-434-1001 Fax
mastrantonio@nwm-law.com
Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was sent by regular U.S. Mail this 30th day of September, 2014 to the following:

Jennifer Gerrish-Lampe
Aka Jane Litte
630 E. Locust Street
Des Moines, IA 50319

Dear Author Media Network, LLC
Statutory Agent: Jennifer Gerrish-Lampe
531 77th Street
West Des Moines, IA 50266

/s/ Steven W. Mastrantonio

STEVEN W. MASTRANTONIO

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

ELLORA'S CAVE PUBLISHING,)	CASE NO.: CV-2014-09-4421
INC., <i>et al.</i>)	
Plaintiff,)	JUDGE PAUL GALLAGHER
)	
vs.)	
)	
DEAR AUTHOR MEDIA NETWORK,)	
L.L.C., <i>et al.</i>)	
)	
Defendants.)	

AFFIDAVIT OF PATRICIA MARKS ON BEHALF OF ELLORA'S CAVE
PUBLISHING, INC. AND JASMINE JADE ENTERPRISES

STATE OF OHIO)
) SS:
COUNTY OF SUMMIT)

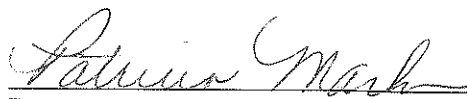
NOW COMES the Affiant, Patricia Marks, who after being duly sworn and deposed, states as follows:

1. That I am a co-owner of Ellora's Cave Publishing, Inc. (Ellora's) and Jasmine-Jade Enterprises, LLC (Jasmine-Jade), collectively referred to as the "Companies", which are the Plaintiffs in the above-captioned case;
2. That I have personal knowledge and am competent to testify to the matters contained herein;
3. That in Jennifer Gerrish-Lampe's (Lampe) publication "The Curious Case of Ellora's Cave" (Publication), she makes many allegations that are false and are not supported by competent or credible evidence.
4. That Lampe makes these false allegations in an attempt to mar the reputations of the Companies.
5. That the Publication makes the following false statements:

Daniel M. Horrigan, Summit County Clerk of Courts

- a. That employees of Ellora's are going unpaid when in fact they are being paid;
 - b. That the contracted authors (Authors) have not received royalty payments in over six months when in fact they are being paid;
 - c. That unpaid royalties, editor fees, and cover artist fees amount to several thousands of dollars perhaps approaching six figures when in fact they do not;
 - d. That Ellora's is liquidating assets when in fact it is not;
 - e. That the author portal shut down was to prevent Author's from checking on their royalties when in fact it was not;
 - f. That the founder of Ellora's, Tina Engler (Engler) has been going on high end shopping sprees while the contracted authors and employees go who make money for the Companies go without.
 - g. That Engler recently purchased a home in West Hollywood Hills when in fact she did not.
6. That the Publication heightens the false impression of financial instability and attempts to induce panic in the Authors by stating that Ellora's will close or likely undergo a bankruptcy where Author's intellectual property rights will be sold to the highest bidder.
 7. That the Publication has created concern and induced panic in the contracted Authors.
 8. That the Publication conveys to the public a false and misleading suggesting about Ellora's current business affairs and status.
 9. That as a result of the Publication, numerous Authors have contacted the Companies wishing to rescind their contracts and regain their intellectual property rights.
 10. That as a result of the Publication, employees and contractors of the Companies have expressed concerns about the current state of business affairs and their long-term security with the Companies.
 11. That as a result of this Publication, the Companies have been prevented from obtaining contracts with new authors.
 12. That as a result of this Publication, new authors are deterred from entering into a contract with Companies.

13. That the Companies cannot operate without the trust of its current Authors and the inability to gain trust with potential authors has detrimentally impacted the Companies.
14. That if the Publication is not removed and further erroneous statements are not prevented, the Companies will suffer irreparable damages including loss of reputation in the industry, loss of contracts with Authors, loss of potential authors, loss of public trust and confidence, and loss of the trust and confidence of affiliate such as employees and contractors.
15. That this information is true and accurate to the best of my recollection and knowledge.

FURTHER AFFIANT SAYETH NAUGHT.**AFFIANT: Patricia Marks**


By: Patricia Marks

Title: Co-Owner

Company: Ellora's Cave Publishing, Inc. and
Jasmine-Jade Enterprises, LLC.

STATE OF OHIO)
) SS:
COUNTY OF SUMMIT)

Before me, a Notary Public, in and for said State, personally appeared the above-named Affiant, Patricia Marks, who acknowledged that he did sign the foregoing and that the same was his free act and deed.

20th In testimony whereof, I have hereunto set my hand and official seal in Akron, Ohio on this day of September, 2014.


 Notary Public

[Seal]

My commission expires: 12/31/2015

STATE OF OHIO

Daniel M. Horrigan, Summit County Clerk of Courts