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BARBARA BAUER and BARBARA
BAUER LITERARY AGENCY, INC.

Plaintiffs

vs.

Jenna Glatzer and MacAllister Stone
and James D. MacDonald and Kent Brewster
and Ann C. Crispin and Patrick Nielsen-Hayden
and Teresa Nielsen-Hayden and Brian Hill,
and Dee Power aka Harrilane D. Power
aka D. Carr Harrilane, and David L Kuzminski
and Thomas S. Tully and Science Fiction and
Fantasy Writers of America, Inc. and Victoria C. Strauss
and Shweta Narayan and Lesia Valentine and
Christina Walden aka Christina Bristol and
Wikimedia Foundation, and Stephan Spencer,
and Kristen Fischer aka Kristen Pascuili and
Gregory Ludwig and Aimee Amodio
Defendants

Superior Court of New Jersey
Monmouth County
Law Division
Docket No. L-1169-07
CIVIL ACTION

BRIEF IN OPPOSITION TO MOTION TO DISMISS

Return date: May 23, 2008
Oral Argument Requested

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PRELIMINARY STATEMENT

On March 2, 2007, Barbara Bauer, a literary agent, and the Barbara Bauer Literary Agency, Inc. (“BBLA”), the wholly owned corporation through which Bauer does business, filed a thirty six Count Complaint against seventeen separate individuals and entities, alleging a vicious Internet campaign of defamation and tortious interference with prospective economic advantage, which included calling Bauer one of the “twenty worst literary agents”, alleging that she had no track record of legitimate sales, calling her a “scam agent” and numerous other derogatory and defamatory names, questioning the legitimacy of her P.H.D. from St. Johns University, and mocking her in videos shown on the Internet.¹

Counts Thirty One and Thirty Two of the Second Amended Complaint (“SAC”) were directed at defendant Wikimedia Foundation (“Wikimedia”), and alleged that defendant defamed plaintiffs (Count Thirty One) and tortiously interfered with plaintiffs’ prospective economic advantage (Count Thirty Two) by publishing “...false and defamatory statements about plaintiffs Barbara Bauer and BBLA including, but not limited to, referring to plaintiff as ‘The Dumbest of the Twenty Worst’ literary agents, and stating that she [has] ‘no documented sales at all.’” (SAC at page 25, paragraph 3).

Counts Forty One and Forty Two alleged that Wikimedia, along with its co-defendants, were part of a conspiracy to defame plaintiffs and to tortiously interfere with their prospective economic advantage.

¹ Two subsequent amendments to the Complaint added additional defendants. However, the allegations against defendant Wikimedia Foundation did not change, and all references to the Complaint will be to the Second Amended Complaint which was filed on January 31, 2008.

COUNTER STATEMENT OF FACTS

Plaintiff Barbara Bauer is a professional literary agent who resides at 179 Washington Avenue, Matawan, New Jersey. For many years she has conducted her business as a literary agent through BBLA, a New Jersey corporation. (SAC, page 1).

Defendant Wikimedia is a Florida non-profit corporation which owns and operates a popular Internet online encyclopedia, known as "Wikipedia."

Defendant concedes in its Memorandum In Support that from in or about May, 2006 to in or about April, 2007, material was published on Wikipedia, which contained the allegedly defamatory statements about plaintiffs. (Defendant's Memorandum in Support at page 3, footnote 1).

Defendant's allegation at page 2 of its Memorandum of Law In Support, that the content of Wikipedia can be created, edited, or removed by its users is clearly true. However, it is also clearly true that the content of the June 30, 2006 version of the article about plaintiffs, which defendant concedes is the version upon which plaintiffs' claims against Wikimedia are based (Memorandum In Support at page 3, footnote 1, Declaration of Mike Godwin, general counsel of Wikimedia at paragraph 3) was created by a Wikimedia administrator known as "Avraham" (Ex .A, partial list of Wikimedia administrators at page 3, Ex. B, "Barbara Bauer-History-Wikipedia, the free encyclopedia" at page 2).

LEGAL ARGUMENT

POINT ONE

**As The Provider Of The Content Of The Allegedly Defamatory
Article About Plaintiffs, Wikimedia Is Not Immune Under
Section 230 Of The Communications Decency Act**

There is no question that Section 230 of the Communications Decency Act (47 U.S.C. 230, hereinafter, "Section 230") prohibits the imposition of liability on any user or provider of an interactive computer service, such as Wikipedia, for publishing content provided by another. However, as set forth above, the evidence is clear that the allegedly defamatory content in the Wikipedia article dated June 30, 2006, was not provided "by another", but rather by defendant Wikimedia itself, and therefore defendant is not immune under Section 230:

"No provider or user of an interactive service shall be treated as the publisher or speaker of any information provided by another information content provider." (47 U.S.C. 230 (c)(1), emphasis supplied.

"The term 'information content provider' means any person or entity that is responsible in whole or in part for the creation or development of information provided through the Internet or any other interactive computer service." (47 U.S.C. 230(f)(3))

"A key limitation in Section 230 is that immunity only applies when the information that forms the basis for the state law claim has been provided by 'another information content provider.'... Thus, an interactive computer service provider remains liable for its own speech. (*Universal Communications v. Lycos, Inc.* 478 F.3d. 413, 419-420 (1st. Circ. 2007) (citations omitted);

(Accord. *Donato v. Moldow* 374 N.J. Super. 475, 490 (Ap.Div. 2005); "...with respect to any messages posted by Moldow, using his own name or the appellation 'Webmaster,' he was a content provider."; Cf. *Anthony v. Yahoo, Inc.* 421 F.Supp 2d. 1257, 1262-63(N.D.Cal.2006); *Hy Cite Corp. v. BadBusinessBureau.com* 418 F.Supp. 2d. 1142, 1147-1149 (D.Ariz. 2005); *Whitney Inc. Network v. XCentric Venture* 199 Fed. Appx. 738, 742-744 (11th Cir. 2006).

Plaintiffs have set forth well pleaded causes of action against defendant Wikimedia for defamation and tortious interference with prospective economic advantage, based on statements that defendant concedes were published on Wikipedia from May, 2006 through April, 2007, which alleged that plaintiff: (1) Has "no documented sales at all"; and (2) is "The Dumbest of the Twenty Worst literary agents" (SAC at page 25, paragraph 3).

Given the clear evidence (Exhibits A and B) that Wikimedia was in fact the content provider,

defendant's Motion To Dismiss based on immunity for Internet service providers under Section 230 must be denied:

"For purposes of analysis plaintiffs are entitled to every reasonable inference of fact." *Printing Mart-Morrison v. Sharp Electronics Corp.* 116 N.J. 739, 746 (1989).

A motion to dismiss under Rule 4:6-2(e) should be 'approached with great caution' and should only be granted in 'the rarest of instances'... We must view the allegations with great liberality and without concern for plaintiff's ability to prove the facts alleged in the complaint." *Sickles v. Cabot Corp.* 379 N.J. Super. 100, 106 (Ap. Div. 2005), quoting *Printing Mart-Morrison* at 746, 771-72 (1989).

POINT TWO

The Barbara Bauer Literary Agency Is An Ordinary Business And Therefore The Actual Malice Standard Does Not Apply

Defendant's claim that the defamatory statements published by Wikimedia are protected by the fair comment privilege and thus must meet the actual malice standard, is clearly incorrect under long settled New Jersey law.

"We continue to apply the actual-malice standard to businesses that are of such inherent public concern. However, we do not find the actual-malice standard appropriate or necessary with regard to businesses like the sale and repair of lawnmowers, the repair of shoes, the cleaning of clothes, and numerous other local businesses that involve products or services that do not involve a legitimate public interest." *Turf Lawnmower Repair v. Bergen Record Corp.* 139 N.J. 392, 412 (1995).

Clearly, the services provided by plaintiffs' literary agency do not involve a legitimate public interest such as the safety of drinking water (Cf. *Dairy Stores, Inc. v. Sentinel Pub. Co.* 104 N.J. 125 (1986)). Therefore the ordinary negligence rather than the actual malice standard applies, a standard clearly met by plaintiffs pleading against defendant Wikimedia.

POINT THREE

The Statements Published By Wikimedia Alleging That Plaintiff (1) Has No Documented Sales At All; And (2) Is The Dumbest Of The Twenty Worst Literary Agents, Are Capable Of A Defamatory Meaning And The Question Of Whether The Statements Are Defamatory Must Be Resolved By The Trier Of Fact

Defendant's argument that the statements at issue are subjective opinions which are incapable of verification, and thus non-defamatory as a matter of law, is totally without merit.

I. "Plaintiff Has No Documented Sales At All."

There is no question that this is a statement of verifiable fact and not opinion. Either plaintiffs have documented sales or they don't, an objective fact which can certainly be verified. If plaintiffs do have documented sales, the statement clearly may be defamatory since falsely stating that a literary agent has never made a sale is certainly capable of a defamatory meaning, especially in the context of a Motion To Dismiss where "...plaintiffs are entitled to every reasonable inference of fact." *Printing Mart-Morrison* supra at 746. Therefore, the question of whether the statement is defamatory must be left to the trier of fact. *Romaine v. Kallinger* 109 N.J. 282, 290-291 (1988).

II. Plaintiff Is "The Dumbest Of The Twenty Worst Literary Agents."

While this too is could be interpreted as a statement of fact, even if it is construed as an opinion, it may still be defamatory under New Jersey law:

"Harm from a defamatory opinion statement is redressable when the statement implies underlying objective facts that are false." *Ward v. Zelikovsky* 136 N.J. 516, 531 (1994), citing *Milkovich v. Lorain Journal Co.* 497 U.S. 1, 18-20 (1990)²

² *Zheng v. Quest Diagnostics, Inc.*, No. 03-3093, 2006 WL 1933423, at *3 (D.N.J. 2006) does not hold, as defendant claims at page 9 of its Memorandum, that an assertion of substandard competency cannot form the basis of a

Here, there are two possible interpretations of the statement. The first, which is urged on the Court by defendant at page 10-11 of its Memorandum In Support, is that it was mere “rhetorical hyperbole”³, and therefore non-defamatory as a matter of law, while a second plausible explanation is that the statement “...implies underlying objective facts that are false.” *Ward v. Zelikovsky* supra at 531, specifically that plaintiff is objectively less intelligent than the other agents on the worst agents list. Where a statement is “...capable of being assigned more than one meaning, one of which is defamatory and another not, the question of whether its content is defamatory is one that must be resolved by the trier of fact.” *Romaine v. Kallinger* supra at 290-291.

Moreover, as defendant states at page 11 of its Memorandum, whether a statement is capable of defamatory meaning depends to a significant degree on the context in which the statement appears (*Ward v. Zelikovsky* at 532), and in this case the context in which the statement about plaintiff’s intelligence was made, clearly supports the interpretation that it was in fact defamatory, and not mere “rhetorical hyperbole.”

Almost from its inception the campaign of defamation waged against plaintiffs on the Internet, has included statements questioning Barbara Bauer’s intelligence and intellectual credentials. (Cf. Exhibits C and D, discussions on the websites of three other defendants in this case, Patrick and Teresa Nielsen-Hayden, (Making Light), and Stephan Spencer, (writers.net) in which skepticism is voiced as to whether Barbara Bauer actually has the Ph.D. in English which she claims to have, and Exhibit E in which defendant Teresa Nielsen-Hayden calls Barbara

defamation action, only that in order for such an assertion to be defamatory it must imply and be based on underlying objective facts that are false.


³ That defendant makes the same “rhetorical hyperbole” argument with respect to the other allegedly defamatory statement, that plaintiff has “no documented sales at all”, a statement which is totally bereft of any even arguable rhetorical hyperbole, only points up the speciousness of its argument.

Bauer "...abysmally stupid."). This case is thus clearly distinguishable from the classic example of true rhetorical hyperbole set forth in the Restatement (Second) of Torts, (quoted with approval in *Ward v. Zelikovsky* at 532: "...when, in the course of an altercation, the defendant loudly and angrily calls the plaintiff a bastard in the presence of others, he is ordinarily not reasonably to be understood as asserting the fact that the plaintiff is of illegitimate birth but only to be abusing him to his face." The statement published by Wikimedia impugning plaintiff's intelligence was not in the context of a face to face altercation, and could plausibly have been seen as asserting the fact that plaintiff was less intelligent than other literary agents.

CONCLUSION

For the reasons set forth above, it is respectfully requested that Defendant's Motion To Dismiss be denied.

May 12, 2008



Dan Martin
Attorney For Plaintiffs

EXHIBIT A

Wikipedia:List of administrators/A-F

From Wikipedia, the free encyclopedia

< [Wikipedia:List of administrators](#)

• *[Find out more about navigating Wikipedia and finding information](#)* •

Jump to: [navigation](#), [search](#)

Contents: [A-F](#) • [G-O](#) • [P-Z](#) • [Semi-active](#) • [Inactive](#)

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EXHIBIT B

CONFIDENTIAL

Barbara Bauer

From Wikipedia, the free encyclopedia

Revision history

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- (cur) (last) C 05:29, 21 July 2006 Avraham (Talk | contribs) (Fixing grammar, removing unneeded/awkward wording, cutting comment that is just copy of cited text (not needed in text), removing suppositions of ill-will, last ref only has accusation, not any fact.)
- (cur) (last) C 03:57, 19 July 2006 NerdofViolence (Talk | contribs) (→Controversy - Tell publishers?)
- (cur) (last) C 03:50, 19 July 2006 Avraham (Talk | contribs) m (→Controversy - updating citation)
- (cur) (last) C 03:44, 19 July 2006 Avraham (Talk | contribs) m (No need for links that link to site in question, no need for footnote, making other citations consistent, no need for link to overabundance or prior history. WP:CONTEXT)
- (cur) (last) C 03:32, 19 July 2006 Mevarin (Talk | contribs) m (→Controversy - rewording sentence for clarity)
- (cur) (last) C 03:27, 19 July 2006 Mevarin (Talk | contribs) m (→Controversy - removed extra periods)
- (cur) (last) C 03:25, 19 July 2006 Mevarin (Talk | contribs) m (no more non-blog citation to support "vanity" label)
- (cur) (last) C 03:22, 19 July 2006 Mevarin (Talk | contribs) (add non-blog citations, acknowledge legitimate publisher in one case)
- (cur) (last) C 19:45, 16 July 2006 Mevarin (Talk | contribs) (revert more unsourced allegations. Evidence and citations, please.)
- (cur) (last) C 12:06, 16 July 2006 65.54.165.52 (Talk) (fact finding)
- (cur) (last) C 23:55, 15 July 2006 DonEnidid (Talk | contribs) (Revert to revision: 63350417

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dated 2006-07-12 03:31:54 by Avraham using popups)

- (cur) (last) ◡ 21:08, 15 July 2006 65.54.155.59 (Talk) (minor)
- (cur) (last) ◡ 03:31, 12 July 2006 Avraham (Talk | contribs) m (→Controversy - Is this even verifiable? I am not certain it can ever be verified, so being removed per <http://mail.wikimedia.org/pipermail/wikien-l/2006-May/046433.html>)
- (cur) (last) ◡ 02:42, 12 July 2006 Mavarin (Talk | contribs) (revert unsourced attack, kept improved wording on dissertation, capitalization is per source, APA style I think)
- (cur) (last) ◡ 01:40, 12 July 2006 65.54.155.14 (Talk) (minor)
- (cur) (last) ◡ 04:32, 2 July 2006 Avraham (Talk | contribs) m (Changing last reference and commenting out claim and source with peculiarities until they can be resolved)
- (cur) (last) ◡ 22:41, 1 July 2006 Mavarin (Talk | contribs) m (remove extra space between headings)
- (cur) (last) ◡ 22:33, 1 July 2006 Mavarin (Talk | contribs) (add Bauer's podcast, remove Elrod parody link, per NPOV)
- (cur) (last) ◡ 18:22, 1 July 2006 Conscious (Talk | contribs) (rm cat)
- (cur) (last) ◡ 23:05, 30 June 2006 Will Beback (Talk | contribs) (→Controversy - rm "Dr." - we don't normally use academic titles)
- (cur) (last) ◡ 21:42, 30 June 2006 Avraham (Talk | contribs) m (Agreed agent is more important)
- (cur) (last) ◡ 19:50, 30 June 2006 Mavarin (Talk | contribs) m (capitalization and typo.)
- (cur) (last) ◡ 19:25, 30 June 2006 JulesH (Talk | contribs) (→Controversy - change description of links to the three sites regarding threats from Bauer to be more accurate and specific)
- (cur) (last) ◡ 19:13, 30 June 2006 Avraham (Talk | contribs) m (ref tag)
- (cur) (last) ◡ 19:13, 30 June 2006 Avraham (Talk | contribs) m (→Controversy - trying to make comment invisible)
- (cur) (last) ◡ 19:11, 30 June 2006 Avraham (Talk | contribs) m (Populating reference section)
- (cur) (last) ◡ 19:10, 30 June 2006 Avraham (Talk | contribs) (This article's structure is horrendous. Part1 of reorder/attempt to find WP:RS for claims/commenting out unreliable or redundant info. NO non-redundant info has been removed.)
- (cur) (last) ◡ 19:47, 28 June 2006 Will Beback (Talk | contribs) (rm duplicate link)
- (cur) (last) ◡ 03:19, 26 June 2006 208.187.75.119 (Talk) (→External links)
- (cur) (last) ◡ 18:58, 25 June 2006 209.210.73.209 (Talk)
- (cur) (last) ◡ 18:51, 25 June 2006 209.210.73.209 (Talk)
- (cur) (last) ◡ 03:57, 24 June 2006 Calton (Talk | contribs) (rv unexplained rewrite - AGAIN)
- (cur) (last) ◡ 03:44, 24 June 2006 Cannoliq (Talk | contribs)
- (cur) (last) ◡ 05:41, 21 June 2006 Mavarin (Talk | contribs) m (remove word "Mrs.")
- (cur) (last) ◡ 05:21, 20 June 2006 Mavarin (Talk | contribs) (rewrite ISP takedown info w/o the link, acknowledge not sole reason claimed)
- (cur) (last) ◡ 05:47, 19 June 2006 Yanksox (Talk | contribs) m (rvv)
- (cur) (last) ◡ 05:43, 19 June 2006 Cannoliq (Talk | contribs)
- (cur) (last) ◡ 03:54, 19 June 2006 Calton (Talk | contribs) (rv - there ARE such things as watchlists, you know)
- (cur) (last) ◡ 03:45, 19 June 2006 Cannoliq (Talk | contribs)
- (cur) (last) ◡ 20:50, 17 June 2006 Mavarin (Talk | contribs) (add detail on whether Bauer sold books, charges fees, threatens)
- (cur) (last) ◡ 12:57, 17 June 2006 JulesH (Talk | contribs) (Writer Beware isn't only part of

- the SFWA web site, part of the organisation too (see e.g. <http://www.sfwaweb.org/org/contacts.htm>))
- (cur) (last) (02:26, 17 June 2006 Marky48 (Talk | contribs) (Wordiness))

Compare selected versions

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(Latest | Earliest) View (previous 50) (next 50) (20 | 50 | 100 | 250 | 500).
Retrieved from "http://en.wikipedia.org/wiki/Barbara_Bauer"

EXHIBIT C

PM:

If Barbara Bauer is related to Jack Bauer, she probably was very convincing. I'm surprised it would take an hour to shut AW down - usually Bauer get results in minutes, if not seconds.

AliceB ::: (view all by) ::: May 25, 2006, 02:56 PM:

You know, I have zero sympathy for Barbara Bauer, but that Wikipedia entry kind of makes me cringe.

Cat Eldridge ::: (view all by) ::: May 25, 2006, 03:05 PM:

Re her Ph.D.

No need to go to the University where she supposedly got her Ph.D. Just log onto University Microforms. All Ph.D. dissertations are sold by them. I just looked -- no one by that name has a dissertation there.

Greg D ::: (view all by) ::: May 25, 2006, 03:10 PM:

Well, I've posted about it on my LJ. Some of my friends want to be professional writers. :-)

<http://dancingguy.livejournal.com/54499.html>

William Haskins ::: (view all by) ::: May 25, 2006, 03:11 PM:

just a note to any AW poets who may drop by... hope you're all writing new stuff to post once we're back up and going.

Cat Eldridge ::: (view all by) ::: May 25, 2006, 03:11 PM:

I was wrong. UMI has an odd search engine. Here it is.

12:31 PM:

I'm shocked, shocked I tell you, that Wikipedia doesn't have an entry on Barbara Bauer

At the very least, the 20 Worst List could be mentioned on the wikipedia entry for SFWA. I see they already mention Atlanta Nights there.

Chris Johnson ::: (view all by) ::: May 25, 2006, 12:32 PM:

I have been browsing on the St. John's University site and wonder about a few things. On her website, Bauer claims to have a Ph.D. in English from that institution, and her individual picture shows her in a Ph.D. doctoral gown: I can see the dark blue velvet of the hood, which would match that degree, as do the stripes on the arms. On the other hand, I can't find her in the picture on the site with her "graduating class."

But here's the thing that's odd. The web site for the Department of English for St. John's lists the degrees offered, and they do not offer the Ph.D. — just an MA and something called a D.A., which I've never heard of. Now, maybe St. John's offered a Ph.D. in 1979 and has dropped the program. But I wonder. Anyone in the NYC area might consider wandering over to the St. John's library to see what Bab's dissertation was about, if there is one, because the library would keep them all, even if never published.

Just a wicked thought.

Chris Johnson (AW as ColoradoGuy)

MidnightMuse ::: (view all by) ::: May 25, 2006, 12:38 PM:

Bless all that's holy, AW is coming back! I'd been lurking, and signed up JUST in time to see it all vanish before I could post one Newbie hello. After many weeks of reading several Agent's blogs, including Miss Snark, and that of the Evil Editor (wonderful, amazing, intelligent people who dispense invaluable wit and wisdom - and intimidate the crap out of me) - and having started my very own personal collection of form rejection letters - I was beginning to feel rather alone and unworthy, until I stumbled upon the AW forums. Finally, a forum of writers

EXHIBIT D

Date: 05-28-08 01:06

Well here's my interesting tidbit.

I checked out BB's website and I found myself looking at the pictures where she received her Phd in English at St. John's University in NY.

I smell something fishy so I took a peek.

a) St. John's University doesn't offer a Phd in English.

b) the gown she's wearing for her grad sure looks identical to the gowns worn by the students graduating with their BA's.

Now being a student who has recently gone through graduation and starting my Masters this fall I know for a fact that...

a) the phd gowns worn are usually more extravagant than the regular BA gowns.

b) the MA gowns on the St. John's website were more extravagant than the BA ones.

Which leads me to conclude that not only is this lady scamming everyone, but she's lying about her credentials.

I think it's an insult to those who who worked as hard as they have to actually require a Phd.

Re: Barbara Bauer

Author: Mya_Bell (---hsd1.wa.comcast.net)

Date: 05-28-08 04:09

Coincidentally, I was researching BB's credentials and when I popped into WritersNet, I saw ghost girl's post on the same subject.

I checked to see if the phone number on the BBLA Website matched the physical address and it does, according to WhitePages.com.

Barbara Bauer Literary Agency, Inc., is listed as a domestic profit corporation with the state of New Jersey.

I visited the St. John's University (New York) Website, but the only graduate degree in English I was able to locate was the following:

College of Liberal Arts and Sciences/Queens Campus/English/D.A. (Doctorate of Arts)

As far as I was able to determine from a cursory search, they do not have a Ph.D. program in English at the present time. The D.A. is described as an alternative to the Ed.D. degree. There is a listing on the Ambrose Bierce site for a Eugene Flinn who is credited with having written about the American short story for a Ph.D. thesis at St. John's University in 1954, but it didn't say whether his Ph.D. degree is in English or another discipline. I was unable to locate any other professionals on the Web who claim to have a Ph.D. in English from St. John's University, so I was unable to confirm whether St. John's offered a Ph.D. in English in the past.

Regarding the graduation photos on the BBLA site ...

I couldn't find a description of the colors used for caps and gowns on the St. John's site, and these sometimes change from one decade to the next, so current information may not be relevant for graduation ceremonies in the seventies.

EXHIBIT E

case on, and if one had he would have got the utterly insane assault charges removed.)

I predict this never gets to trial. (In the UK, at least, PZ could expect to be awarded costs as well.)

(of course IANAL, but my cousin is; maybe there's some genetic element ;))

#34 ::: Seth Broidbart ::: (view all by) ::: August 21, 2007, 03:17 PM:

Doesn't New York have an anti-SLAPP law?

If Piver isn't pro se, I foresee Rule 11 sanctions against his attorney.

Whether or not he is, the term "vexatious litigant" seems likely to be in his future.

#35 ::: Ben M ::: (view all by) ::: August 21, 2007, 03:43 PM:

There's a famous case of a math crackpot suing Underwood Dudley, author of "Mathematical Cranks", for defamation. Dudley's crime, of course, was pointing out the errors in the crackpot's supposed refutation of Cantor's Diagonal Argument.

The crackpot lost, of course, and the Supreme Court affirmed in a (very entertaining) appeals court decision by Richard Posner. (Dilworth v. Dudley, 1996. Worth a read.

<http://www.law.emory.edu/7circuit/jan96/95-2282.html>

#36 ::: Teresa Nielsen Hayden ::: (view all by) ::: August 21, 2007, 03:58 PM:

Bill (28), Barbara Bauer's lawsuit (brought against a semi-random assortment of writers, weblogs, and the Wikipedia Foundation) continues to drag on. She's abysmally stupid. She thinks that if she creates enough fuss and fluster on the internet, the high Google ranking of the Twenty Worst Agents List will somehow go away.



Dan Martin, Esq.
475 Wall Street
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(609) 688-1884
Attorney For Plaintiffs

BARBARA BAUER and BARBARA
BAUER LITERARY AGENCY, INC.

Plaintiffs
vs.

Jenna Glatzer and MacAllister Stone
and James D. MacDonald and Kent Brewster
and Ann C. Crispin and Patrick Nielsen-Hayden
and Teresa Nielsen-Hayden and Brian Hill,
and Dee Power aka Harrilane D. Power
aka D. Carr Harrilane, and David L Kuzminski
and Thomas S. Tully and Science Fiction and
Fantasy Writers of America, Inc. and Victoria C. Strauss
and Shweta Narayan and Lesia Valentine and
Christina Walden aka Christina Bristol and
Wikimedia Foundation, and Stephan Spencer,
and Kristen Fischer aka Kristen Pascuili and
Gregory Ludwig and Aimee Amodio
Defendants

Superior Court of New Jersey
Monmouth County
Law Division
Docket No. L-1169-07
CIVIL ACTION

ORDER

This matter having been brought before the Court by defendant Wikimedia Foundation, by its attorneys, Sheppard, Mullin, Richter & Hampton, and the Court having read and considered the papers submitted and arguments made in support of and in opposition to defendant's Motion To Dismiss, and for good cause shown;

It is on this day of 2008

ORDERED that the Motion To dismiss is denied; and it is further
ORDERED that a copy of this ORDER be served on all parties within 7 days.

J.S.C.

Dan Martin, Esq.
475 Wall Street
Princeton, NJ 08540
(609) 688-1884
Attorney For Plaintiffs

BARBARA BAUER and BARBARA
BAUER LITERARY AGENCY, INC.

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Defendants

Superior Court of New Jersey
Monmouth County
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CIVIL ACTION

CERTIFICATION OF SERVICE

I, Dan Martin, hereby certify as follows:

1. I am an attorney at law, State of New Jersey, and represent plaintiffs herein.
2. On May 12, 2008 I served plaintiffs' Brief In Opposition to the Motion To Dismiss filed by defendant Wikimedia Foundation by Federal Express on the following parties:
Sheppard, Mullin, Richter & Hampton LLP, attorneys for Wikimedia Foundation, at 30 Rockefeller Plaza, Suite 2400, New York, New York 10112; Miller & Lamastra, attorneys for defendants Victoria Strauss, Ann Crispin, and Science Fiction & Fantasy Writers of America, Inc., at 3 Mountain View Rd, Warren, NJ 07061; Schenck, Price, Smith & King, attorneys for defendants Jenna Glatzer, MacAllister Stone, James Macdonald, Kent Brewster, Patrick Nielsen Hayden, Teresa Nielsen Hayden, David Kuzminski, Thomas Tully, and Stephan Spencer, at 10 Washington Street, Morristown, NJ 07963, Grayson Barber, Esq., attorney for defendant Shweta Narayan, at 68 Locust Lane, Princeton, NJ 08540, and defendant Gregory Ludwig, pro se, at 4 Old Tavern Drive, Highland Lakes, NJ 07422.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I may be subject to punishment.
Dated: May 12, 2008


Dan Martin