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Attorneys for Defendant
WIKIMEDIA FOUNDATION

BARBARA BAUER and BARBARA BAUER
LITERARY AGENCY, INC.,

Plaintiffs,

v.

JENNA GLATZER, et al.,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MONMOUTH COUNTY
DOCKET NO.: L-1169-07

CIVIL ACTION

**DECLARATION OF MIKE GODWIN IN
SUPPORT OF MOTION TO DISMISS
THE COMPLAINT**

STATE OF CALIFORNIA)
)ss.:
CITY & COUNTY OF SAN FRANCISCO)

MIKE GODWIN, being duly sworn, deposes and says:

1. I am the General Counsel for Defendant Wikimedia Foundation ("Wikimedia") in the above-entitled action. I am the General Counsel for Wikimedia. I have personal knowledge of the following facts, and if called as a witness could and would testify thereto.

2. Although it no longer appears on the Wikipedia site, various versions of an article regarding Plaintiff Barbara Bauer were available on Wikipedia from May of 2006 until April of 2007.

3. Plaintiffs' complaint appears to refer to a version of the article that appeared in mid-2006; later versions of the article do not include statements pertaining to sales by literary agencies. However, based on my search of the archived versions of the article, no version of the article regarding Plaintiff ever contained a statement describing her as the "Dumbest."

4. Attached hereto as Exhibit 1 is a true and correct copy of a version of the article regarding Plaintiff that appeared on the Wikipedia site in June, 2006.

I certify pursuant to the laws of the State of New Jersey 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 am subject to punishment.




 Mike Godwin

State of California)
)
 County of SAN FRANCISCO)

MICHAEL STOLER, NOTARY PUBLIC

Subscribed and sworn to (or affirmed) before me on this 29th day of April, 2008, by Mike Godwin, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.



 Signature of Notary Public

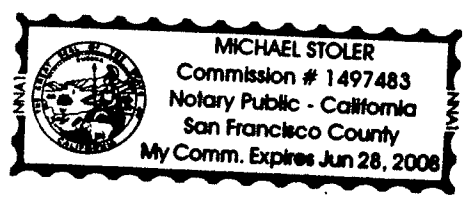


Exhibit 1

Revision as of 19:10, 30 June 2006

Barbara Mangano Bauer is a cabaret singer and literary agent who lives in New Jersey.

Contents

- 1 Biographical data
 - 1.1 Education
 - 1.2 Occupation
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Biographical data

Education

Bauer received her baccalaureate degree in English and Music from Hunter College.^[1] She received her masters from St. John's University in 1971.^[2] She proceeded to receive her doctorate from the same institution in 1979, with a thesis entitled *Cautela, D'Angelo, D'Agostino and Di Donato: the achievement of first and second generation Italian-American writers of the New York region.*^[3]

Occupation

Bauer has worked as a cabaret singer and actress on a number of occasions over the past decade in the New York City area, and has also appeared on various audio recordings in that time. She is also a member of Manhattan Association of Cabarets and Clubs.^[1]

In 1984, Bauer founded the Barbara Bauer Literary Agency, in Matawan, NJ. The agency offers its clients consulting services, workshops, and guest-speaker searches.^[4]

Controversy

In 2006, Bauer's agency was listed by Writer Beware (part of the Science Fiction and Fantasy Writers of America writers' organisation) as one of the twenty worst literary agencies—the agencies that they receive the most complaints about.^[5] The list is introduced with the following explanation:

None of these agencies has a significant track record of sales to commercial (advance-paying) publishers, and most have virtually no documented and verified sales at all (book placements claimed by some of these agencies turn out to be "sales" to vanity publishers). All charge clients before a sale is made—whether directly, by levying fees such as reading or administrative fees, or indirectly, for editing or other adjunct services.

– *Writer Beware*

In Bauer's case, there is some evidence (mostly self-reported) that she made a few legitimate book sales for her clients early in her career. However, an examination of her claims of success for later clients appears to show only books that are either vanity-published or remain unsold. Template:Fact There have been a number of complaints on internet message boards about the fees that Bauer charges.^[6]

Dr. Bauer is alleged to have regularly made legal threats in order to suppress discussion of her business's activities, especially on web sites. Reports of this kind of behaviour can be found scattered on several web sites throughout the internet, including the weblogs of authors with whom she is in disagreement^{[7].[8].[9]}

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These reports about her tactics have resulted in widespread ill-will toward Bauer in the online writing community, and far more adverse publicity than Bauer would otherwise have received merely for being placed on the SFWA list. This has been especially true since the popular website Absolute Write (<http://www.absolutewrite.com/>) lost its Internet Service Provider in May, 2006. This reportedly took place shortly after a phone conversation between Bauer and the ISP, although other issues were also cited as reasons for the takedown. (A primary source for this claim has since been taken offline, but is widely commented upon elsewhere.)^[1]

(<http://www.google.com/search?hl=en&lr=&q=ISP+reasons+%22Absolute+Write%22>) The resulting flurry of web sites describing her tactics and linking to the list eventually propelled it to the second highest result on a Google search for "Barbara Bauer." Template:Fact

However, negative online mentions of Bauer's agency existed for years prior to her contact with Absolute Write's ISP or even the dissemination of the "20 Worst Agencies List." (See, for example, a Google Groups search for "Barbara Bauer" agent^[2]

(<http://groups.google.co.uk/groups?lnk=hpsg&q=%22barbara+bauer%22+agent>)). Template:Fact

External links

- Barbara Bauer Literary Agency (<http://www.bbla.com/index.html>)
- SFWA's Writer Beware Worst Agents list (<http://www.sfwawriterbeware.com/twentyworst.html>)
- Writer Beware Blog (<http://accrispin.blogspot.com/2006/05/victoria-strauss-barbara-bauer-show.html>) - Victoria Strauss, coauthor of the Worst Agents list, responds to Bauer's behaviour
- Jack's Journal (<http://p-n-elrod.livejournal.com/11606.html#cutid1>) - P.N. Elrod recipient of Bauer's letters for posting the Worst Agents list, responds to AW shut down with spoof musical, Bye-Bye, Barbara (<http://p-n-elrod.livejournal.com/12120.html>)

Template:US-business-bio-stub Template:Publish-stub

Retrieved from "http://office.wikimedia.org/wiki/Barbara_Bauer"

Categories: Living people | Literary agents | SFWA Writer Beware Worst Literary Agents
