

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
2:12-cv-02040-JAD-PAL

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APR - 6 2015	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

CRYSTAL L. COX,
Defendant, Counter Plaintiff

v.

MARC J. RANDAZZA,
Plaintiffs, Counter Defendant

Motion in Limine
to Include Exhibit 6, the Legal

Satyricon

Marc Randazza's Blog

Counter Plaintiff Cox moves this court to rule on the inclusion of Exhibit 6 into evidence in Cox's counterclaim. Exhibit 6 proves that Randazza posted false and defamatory statements about Crystal Cox, his former client.

Exhibit 6 proves that Randazza blatantly, willfully, wanton, with full knowledge of the law and that Cox had not been convicted of Extortion accused her of Extortion which is a felony crime, as well as other false and defamatory statements regarding Cox.

Exhibit 6 proves that Randazza told others that Cox had extorted him and had a blog about his infant daughter, both of which are untrue.

Exhibit 6 shows Randazza accusing Cox of extorting him, knowing full well that she emailed him about a job, and after he emailed her stating that he would what he could to help her in any way.

It also shows that Randazza uses a private email from Cox to him to defame her and attack her. Of which should have been private as he had been her attorney.

Cox wishes this court to include Exhibit 6 as evidence into this trial.


Crystal L. Cox, Pro Se



Counter Plaintiff / Defendant

Certification of Service

On April 2, 2015, Crystal Cox certifies mailing a copy of this to:

U.S. District Court
Clerk of Court
Room 1334
333 Las Vegas Blvd. S.
Las Vegas , NV 89101

A handwritten signature in black ink, appearing to read "Crystal Cox", is written over the address information.

The Legal Satyricon

Occasionally irreverent thoughts on law, liberty, tech, and politics

How Crystal Cox is helping to prove the strength of the First Amendment

If you read yesterday's post, Judge rules, again, that blogger Crystal Cox is not a journalist. You know why? Because she ISN'T a journalist (<https://randazza.wordpress.com/2012/03/30/judge-rules-again-that-blogger-crystal-cox-is-not-a-journalist-you-know-why-because-she-isnt-a-journalist/>), it likely made you throw up in your mouth a bit.

But, in a way, this nutcase is helping to prove why, when confronted with bad speech, the best cure is more speech.

When she turned her attention to Kevin Padrick, there wasn't much he could do about it except take the traditional road of filing a lawsuit. While that was successful, the damage was done — and seemingly couldn't be undone (<http://www.nytimes.com/2011/12/12/business/media/when-truth-survives-free-speech.html?pagewanted=all>). Other parties, who contacted me directly, told me of how they too had been victimized by her. Fortunately for her future victims, she decided to turn her attention to me. And fortunately for me, and her future victims, I have a strong belief in the superiority of using free speech to combat bad speech (without saying that other means are, *per se*, wrong). More fortunately, so do a lot of law bloggers (<http://www.popehat.com/2012/03/14/the-popehat-signal-calling-bloggers-for-great-justice/>).

You may have noticed last week how a lot of bloggers wrote nice things about me. Some of them are people I know. Some of them are complete strangers. All of them wrote what they thought was the truth, and they did so to show that "more speech" is the best cure for "bad speech." They showed how Crystal Cox is completely impotent when her evil acts are confronted with more speech.

But, the campaign can't be all about me. I'm just dandy. The campaign is now about exposing her so that she can't engage in her extortion scheme against anyone else. Popehat is leading the charge (<http://www.popehat.com/2012/03/30/investigative-journalist-crystal-coxs-latest-target-an-enemys-three-year-old-daughter/>), and naturally, the Legal Satyricon is next to Popehat, shields to shoulders. Sequence, Inc. is part of the solution too, by exposing the attacks on Kevin Padrick, and shining a light on Cox's widespread extortion scheme (<http://www.sequenceinc.com/fraudfiles/2012/03/investigative-journalist-crystal-cox-attacks->

attorney-kevin-d-padrick/), so is Philly Law Blog (<http://phillylawblog.wordpress.com/2012/03/30/crystal-cox-investigative-blogger-no-more-like-a-scammer-and-extortionist/>), and before any of the law blogger community jumped on the bandwagon, Salty Droid (<http://saltydroid.info/crystal-cox-is-not-a-blogger/>) was out there all by himself, shining a little light — which is now accompanied by more and more lights.

Sunshine is the best disinfectant.

The cure for bad speech is more speech.

I believe, and I hope, that this story ends with those maxims being conclusively proven.

This entry was posted on Saturday, March 31st, 2012 at 1:42 pm and is filed under misc. You can follow any responses to this entry through the RSS 2.0 feed. Both comments and pings are currently closed.

21 Responses to *How Crystal Cox is helping to prove the strength of the First Amendment*

"Investigative Journalist" Crystal Cox's Latest Target: An Enemy's Three-Year-Old Daughter

I Popehat says:

March 31, 2012 at 2:18 pm

[...] Crystal Cox – Investigative Blogger? No, More Like A Scammer and Extortionist A Blogger Not Like Us Judge rules, again, that blogger Crystal Cox is not a journalist. You know why? Because she ISN'T a journalist. How Crystal Cox Is Helping To Prove The Strength of the First Amendment [...]

Crystal Cox – Investigative Blogger? No, More Like A Scammer and Extortionist « Philly Law Blog says:

March 31, 2012 at 2:46 pm

[...] Legal Satyricon: How Crystal Cox is Proving the Strength of the First Amendment The Salty Droid: Crystal Cox :: is nOt a BLOgGER Scott Greenfield: A Blogger Not Like Us Legal Satyricon: Judge rules, again, that blogger Crystal Cox is not a journalist. You know why? Because she ISN'T a journalist. Popehat: "Investigative Journalist" Crystal Cox's Latest Target: An Enemy's Three-Year-Old Daughter The Fraud Files: "Investigative Journalist" Crystal Cox Attacks Attorney Kevin D. Padrick Share this:TwitterFacebookLike this:LikeBe the first to like this post. [...]

dan says:

March 31, 2012 at 3:39 pm

i'm curious. multiple extortion attempts across various state lines. muliple predicate acts. why is Cox not facing Federal RICO prosecution?

G Thompson (@alpharia) says:

Exhibit 6

March 31, 2012 at 9:44 pm

I'm awaiting for it to cross international lines, then a whole swath of new and wonderful things will be coming her way.

Knowing only a little bit about the RICO act I was wondering the same thing, especially if extortion or the threat of extortion on a wide scale is, or can be, shown towards multiple victims

John says:

April 1, 2012 at 9:08 am

Well, RICO stands for "Racketeer Influenced and Corrupt Organizations Act". While Cox may be involved in a racket, I don't think she meets the criteria for 'organization'.

Ken says:

April 1, 2012 at 10:34 am

RICO is tremendously complex and far more limited than people think. This is roughly like saying "multiple stomachaches and yet nobody has yet opened me up and taken out my appendix."

andrews says:

April 2, 2012 at 5:43 am

RICO is a funny thing. For criminal RICO, the state doesn't really need racketeers, influence, corruption, or an organization. What they need is at least two bad acts plus an enthusiastic state's attorney.

It's generally bad law, used mostly when SAs get their feelings hurt. It's not really useful in cases like this because you don't have the same flexibility as the SA.

Christoph says:

April 2, 2012 at 2:41 am

Hi Marc,

I'm glad she's being exposed, that your reputation is just groovy, and it was nice of you to give credit to one of my favorite bloggers, Droid, for covering this early ... as he does a great job on the scammers, especially internet marketing and personal development scammers, beat.

On Popehat's post, you challenged us to read Hernandez's ruling (done). I agree that his ruling, while I think it had some inartful language near the beginning implying that Hernandez wasn't a journalist because she wasn't part of a recognized media institution, went on to list 7 points, any one or a few of which could have elevated a mere blogger to journalist.

Hernandez later wrote that's what he was getting at and I agree.

But John Kindley posits a question that I have no answer to. He thinks Cox deserves a new trial because she was held to a "no fault" standard, rather than a negligence or malice standard — and that this is bogus.

EXHIBIT 6

In expounds on that in a subsequent comment, and then in yet another comment, He quotes Hernandez' denial of a new trial:

"In the end, the Supreme Court, in my opinion, has not squarely held that a private figure plaintiff who sues a non-media defendant regarding allegedly defamatory statements made on a private issue, is required to demonstrate negligence to establish liability. While the cases suggest that a majority of the justices, at one time or another, including the present, agree that the media enjoys no special First Amendment privilege, the cases do not show that a majority of the Court has agreed that if defendants in defamation cases are to be treated alike, what follows as a matter of course is a fault requirement for all plaintiffs in all defamation cases, regardless of the status of the plaintiff or the defendant. Without such agreement, the instructions given to the jury in this case were not plainly erroneous and the motion for new trial on this basis is denied."

And concludes:

That is, no fault whatsoever on the part of Cox was required at trial for her to be found liable.

I'm not sure if he's understanding it correctly or if I am. If you have time, can you grace us with your thoughts, here or there, and if it's here, maybe just post a quick reminder there so John knows to check?

I am certain he wished for someone especially knowledgeable about the First Amendment to comment on his theory and that isn't me.

marcorandazza says:

April 2, 2012 at 8:50 am

He is understanding it incorrectly. People have a hard time reversing their views on things. When this story first broke, many (including me) had a reflexive reaction to it.

What seems to have happened here is harmless error, if any error at all. If the jury didn't have to find fault, and thus Cox lost, that's where we are now, right?

But, do you think, based on any of the facts found in this case, that she'd be exonerated if fault were at issue? The Ninth isn't going to reverse Hernandez when the result would have no chance of changing the outcome. If it does, it may do so with some **bad** binding precedent.

Christoph says:

April 2, 2012 at 9:52 am

No, I don't think that. I think her conduct was so bad it would have met the test of any standard you could care to name.

I'm surprised though, if it's really the case, that the standard for libel could be less than negligence.

marcorandazza says:

April 2, 2012 at 9:59 am

Actually, yes. The First Circuit, in one of the dumbest fucking opinions in history, held that even a truthful statement could be defamatory. post here.

Fortunately, the jury found for the defendant.

John Kindley says:

April 2, 2012 at 10:11 am

I don't think I'm understanding incorrectly the standard used at trial (i.e. no fault). I also don't think I'm incorrect in saying that it is bogus to use such a standard in a defamation trial, and that if, as Judge Hernandez says, the SCOTUS hasn't squarely addressed the question of whether such a standard is proper it would be a very good question for them (or the Ninth Circuit) to visit. Whether using the wrong standard in this case was harmless error is a separate question. I don't know enough about the facts of the case, or what information if any Cox relied on to justify the statements that were found defamatory, to be certain that the result would have been the same if a better standard was used. But I'm inclined to think that using a strict liability standard when at least a negligence standard is constitutionally-required is almost automatically not harmless error.

What bad binding precedent do you foresee as possible if the Ninth reverses Hernandez?

marcorandazza says:

April 2, 2012 at 10:36 am

One concern I have: Hernandez did not draw a line saying "journalists are on this side, bloggers are on this side." He didn't even say "these things make you a journalist." He merely said "these seven things indicate that you might be a journalist."

At the 9th, who knows what we'll get. If the 9th draws some arbitrary line, in a place we don't like it, we have few options to fix the damage. The 9th is more likely to draw a bad line when the facts are bad.

John Kindley says:

April 2, 2012 at 10:29 am

On further reflection, I suppose you're worried that the Ninth Circuit will be more inclined to squarely hold that negligence is not required in a defamation case than it otherwise might in a different case as a rationale for upholding the verdict, because it won't want to reverse a verdict it believes will be the same even if a negligence standard is used. But you indicate you're worried about bad binding precedent even if it reverses.

marcorandazza says:

April 2, 2012 at 10:37 am

Yes, see above.

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Christoph says:

April 2, 2012 at 7:57 pm

Gentlemen, I believe Salty Droid shares your exact concern. That the trial judgment is nothing, but the ninth circuit could, "fuck it all up!" to quote Sean Connery in *The Hill*.

P.S. Rent the movie if you haven't seen it. It's old, it's cheap, it's awesome! — and since when does a (black and white!, no less) movie get a 100% rating at Rotten Tomatoes?

Christoph says:

April 2, 2012 at 7:59 pm

link fixed

Christoph says:

April 2, 2012 at 3:05 am

"before any of the law blogger community jumped on the bandwagon, Salty Droid was out there all by himself, shining a little light"

Oh, and for what it's worth, Salty Droid actually is a lawyer, who, like yourself, trained at Georgetown University Law Center, so you may want to consider him an honorary member of the law blogger community, aside from being a consumer advocate. Here's his bio, which is amusing (the links to "About Page" and "Character Specs" are worth clicking, IMHO, for entertainment value).

marcorandazza says:

April 2, 2012 at 10:00 am

I am starting to think that Salty Droid is full of fucking win!

Christoph says:

April 2, 2012 at 3:09 am

Oh, I lied. Droid went to the George Washington University School of Law.

Doh!

The New York Times Has Crystal Cox's Number Now | Popehat says:

April 2, 2012 at 10:13 am

[...] not litigation. Marc Randazza — whose own three-year-old daughter is a target here — is taking the more-speech road. It works. For example, today David Carr at the New York Times posted a piece about Cox and her [...]

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Occasionally irreverent thoughts on law, liberty, tech, and politics

Judge rules, again, that blogger Crystal Cox is not a journalist. You know why? Because she ISN'T a journalist.

For those of you not familiar with the the Crystal Cox “bloggers are not journalists” case, it was a bit of a blogosphere kerfuffle when U.S. District Judge Marco Hernandez ruled that Cox is not a journalist under the definition of Oregon’s Shield Law. A number of poorly-researched blog posts went up thereafter, with the blogosphere rallying behind her cause. After all, are bloggers not journalists? (Of course they are, but some are “not like us” (<http://blog.simplejustice.us/2012/03/30/a-blogger-not-like-us.aspx>)” says Simple Justice).

Unfortunately, not very many bloggers/journalists did their homework the first time around. They were sloppy. They read the simple version “Oregon Judge Says Bloggers are not Journalists” and lost their minds to rally around the cause. Had this **actually** been the case, the rally would have been for a good cause. Unfortunately, the rally was sloppy work by sloppy reporters.

Kashmir Hill, unsurprisingly, was not one of the sloppy ones. Her piece is [here](http://www.forbes.com/sites/kashmirhill/2011/12/07/investment-firm-awarded-2-5-million-after-being-defamed-by-blogger/) (<http://www.forbes.com/sites/kashmirhill/2011/12/07/investment-firm-awarded-2-5-million-after-being-defamed-by-blogger/>).

Kash summed it up well:

Yes, there are bloggers who are journalists. But just because you have a blog doesn’t mean that what you do is journalism.

The back story is this: Oregon attorney Kevin Padrick filed a defamation lawsuit against Crystal L. Cox, a “blogger” from Eureka, Montana (who, is now in Spokane, WA), who operated the website obsidianfinancesucks.com. On that site, she called out Obsidian Finance, LLC, of which Padrick is senior principal. Cox referred to Padrick as a “thug” and a “thief” and accused him of all sorts of conspiratorial wrongdoing. A jury awarded Obsidian Finance ~~\$2.3~~ \$2.5 million in damages—the amount of profits Padrick says his company lost as a result of the blog posts. She claimed to be a

Exhibit 6

journalist, and thus entitled to protection under Oregon's journalist shield law. The court rejected that claim. She moved for a new trial, and lost that motion yesterday. (Order here <http://ia700403.us.archive.org/9/items/gov.uscourts.ord.101036/gov.uscourts.ord.101036.123.0.pdf>)

This is normally the kind of thing that raises my hackles. But, only Sith think in absolutes. And only a sloppy lawyer or sloppy blogger/journalist doesn't do a little more research before making the call.

According to Kash (<http://www.forbes.com/sites/kashmirhill/2011/12/07/investment-firm-awarded-2-5-million-after-being-defamed-by-blogger/>), Padrick's firm found that Cox had created nearly 2,000 websites used to write about other companies. Padrick then said that Cox attempted to offer her "PR and search engine services" in order to fix Obsidian Finance's reputation. Sort of like a protection racket.

The message was clear. *Shame about your messed up reputation. I can fix it for you. Never mind that I'm the one who messed it up.*

Hernandez reasoned in his opinion that Cox did not qualify as a journalist. Go figure, given the fact that her writing is barely comprehensible. The only thing clear about it is that she does not seem to write as a journalist or an essayist, but more as an extortionist trying to hide among the bloggers.

In his most recent order, Hernandez lays it out:

In my discussion, I did not state that a person who "blogs" could never be considered "media." I also did not state that to be considered "media," one had to possess all or most of the characteristics I recited. Rather, I confined my conclusion to the record defendant created in this case and noted that defendant had presented no evidence as to any single one of the characteristics which would tend to establish oneself as a member of the "media." In addition, the uncontroverted evidence at trial was that after receiving a demand to stop posting what plaintiffs believed to be false and defamatory material on several websites, including allegations that Padrick had committed tax fraud, defendant offered "PR," "search engine management," and online reputation repair services to Obsidian Finance, for a price of \$2,500 per month. Ex. 33. The suggestion was that defendant offered to repair the very damage she caused for a small but tasteful monthly fee. This feature, along with the absence of other media features, led me to conclude that defendant was not media. (Op. at 13-14 <http://ia700403.us.archive.org/9/items/gov.uscourts.ord.101036/gov.uscourts.ord.101036.123.0.1>)

While many journalists are "off" in their own quirky way, any reasonable person viewing Cox's conduct would conclude that it borders on derangement. Hernandez was right to draw a line, and where he drew it leaves plenty of room for even the most casual blogger to find protection. Hernandez' decision does not say that bloggers are not journalists, it merely says that Crystal Cox is no journalist.

The blogosphere should come to the same conclusion. The Court's decision does not require one to go to journalism school in order to be deemed a journalist. It does not require access to sophisticated and expensive research tools or news wires. Nor does it require writers to have

Exhibit 6

advertisers, the backing of physically printed papers, or affiliation with sizable web portals like the Huffington Post to be considered journalists. All that is needed is some indicia that the writer discharges the normal duties of reporting – investigation and distribution.

Cox did none of these things. Therefore, Hernandez denied her the title of “journalist.”

What she did do was far worse. I should know.

Why?

Because she has tried to do the same thing to me that she did to Kevin Padrick.

Without my knowledge, consent or permission, Cox registered the domain name marcrandazza.com. Having learned a thing or two from losing a \$2.5 million defamation case, she was slick about her stated rationale — claiming she did so to “control the search, and pr” on her case. (She initially asked me to handle the appeal on her case).

Initially, she registered the domain under someone else’s name, as she was trying to evade Kevin Padrick’s \$2.5 million judgment. She wrote “ownership is well... a different story now due to my current judgment.”

Subject: from Crystal L. Cox
From: "Crystal L. Cox" <savvybroker@yahoo.com>
Date: Mon, January 16, 2012 2:30 pm
To: "mjr@randazza.com" <mjr@randazza.com>

Hi Marc, hope this email finds you doing well. When I thought we may work together i bought <http://www.marcrandazza.com/> - to control the search, and pr on my case, if you represented me.. I manage it now, as ownership is well.. a different story now due to my current judgement..

I am confident with the case, and leaving it to the highest and best good..

I do however need to make money, so I am asking you if you or anyone you know could use a very good search engine reputation manager. Not sure if you ever researched that for your online presence.. not sure of what you think of David Aman excusing me of extortion, thing is search management is something tons of people due and for thousands a month per search term.. and so when he sent a cease and desist and filed a lawsuit, i offered it as a way to settle and not spend a year fighting, he turned it down, then a year later accused me of a crime.. its simply not how it happened..

Anyway if you know anyone needing a very good search engine reputation manager please let me know..

Crystal L. Cox
Broker Owner

<https://randazza.files.wordpress.com/2011/12/screen-shot-2012-03-29-at-11-09-31-am.png>

Crystal cox “need[ed] to make money” so she asked me if I needed a “very good search engine reputation manager.” Apparently she offered these same dubious services to David Aman – counsel for Kevin Padrick and Obsidian Finance – and he accused her of extortion. I can’t imagine why.

Apparently I was not sufficiently threatened by this tactic, so Cox went on to register:

fuckmarcrandazza.com
marcrandazzasucks.com
marcjrandaazza.com

Exhibit 6

marcjohnrandazza.com

She also registered a great many Blogger accounts bearing my name, including markrandazza.blogspot.com.

You know, just like a “journalist” would, right?

Fortunately for me, the work I do is not particularly sensitive to public perception – I am roundly criticized by both the political right and the left; copyright maximalists and minimalists, and every stripe of individual in-between. Fortunately, though, I have friends that understand who I am (<http://www.popehat.com/2012/03/15/marc-randazza-first-amendment-badass/>) and what I stand for.

I understand that others’ personal and professional reputations may not be able to weather such a storm. Mine could, though, so I continued to ignore Cox.

Then, she pursued my family.

Crystal Cox registered JenniferRandazza.com.

She then registered jenniferrandazza.blogspot.com

You see a pattern here?

Jennifer is my wife.

Registrant:
Crystal Cox

Registered through: GoDaddy.com, LLC (<http://www.godaddy.com>)
Domain Name: JENNIFERRANDAZZA.COM

(<https://randazza.files.wordpress.com/2011/12/screen-shot-2012-03-29-at-11-05-28-am.png>)

When this didn’t get the desired response, Cox turned to a place where even the lowest of the low would not stoop — she focused her stalkerish attention on **my three-year-old daughter** and registered NataliaRandazza.com.

Registrant:
Crystal Cox

Registered through: GoDaddy.com, LLC (<http://www.godaddy.com>)
Domain Name: NATALIARANDAZZA.COM

(<https://randazza.files.wordpress.com/2011/12/screen-shot-2012-03-29-at-11-05-55-am1.png>)

Exhibit 6



(<https://randazza.files.wordpress.com/2011/12/screen-shot-2012-03-29-at-11-08-23-am.png>)

Natalia, living incognito

Just like a “journalist,” right?

Being three years old, Natalia naturally has no accomplishments to speak of. To date, she has drawn her father a bunch of “happys” (which is what she calls smiley faces), and this week, she started being able to read short words. “DORA” was the first word she read where the concept of letters, sounds, and words all came together. She can also tackle me when I’m on the floor, and she’s progressing well in her little girls’ dance class. While I find these accomplishments mind-blowing, she has attained no notoriety of which I am aware.

Yet Crystal Cox, “investigative blogger” has turned her attention to this innocent three year old.

This is the kind of person Crystal Cox is, and these are the depths she will sink to when one of her victims spurns her offers to do “search engine reputation management” for them. This is why she lost her case — not because Judge Hernandez has it in for bloggers.

Crystal Cox claims that David Aman, Plaintiff’s counsel in the Obsidian Finance case, accused her of extortion too. A real journalist, David Carr of the New York Times, exposed her conduct in this well-written piece (<http://www.nytimes.com/2011/12/12/business/media/when-truth-survives-free-speech.html?pagewanted=all>).

The Internet has irreversibly changed the face of news reporting and journalism on the whole.

Many bloggers produce better content than many small, local newspapers, and may even have superior resources. Regardless of size, bloggers who aspire to journalistic integrity, even if not completely reaching it, should and likely will receive the same protections as reporters if and when the day comes that they need to assert those rights.

In the short run, a “we’re all in this together” mentality among bloggers is appealing. In principle, I agree that the distinction between bloggers and journalists is thin, if it exists at all. But as uneducated extortionist stalkers like Cox try to wrap themselves in the cloak of journalistic

Exhibit 6

privilege, an outraged public – the people who *elect* the judiciary in much of the country, and certainly vote for representatives who legislate press protections in certain states – will demand that lawmakers roll back these privileges from bloggers and traditional journalists alike. This is not a case where bloggers should be holding their nose to protect the rights of an unpopular speaker like Glen Beck, Rush Limbaugh, or Andrea Dworkin. Here, a bad apple must be kept out of the cart, before it spoils the entire crop. Judge Hernandez' opinion "has done real journalists a favor," says David Coursey at Forbes (<http://www.forbes.com/sites/davidcoursey/2012/03/29/are-bloggers-really-journalists-not-if-they-ask-for-money/>). I agree.

I considered keeping my mouth shut about this idiot. The old maxim says not to wrestle in the mud with a pig. You both get dirty, and the pig likes it.

When she wrote about me, trying to do to me what she did to Kevin Padrick (<http://www.nytimes.com/2011/12/12/business/media/when-truth-survives-free-speech.html?pagewanted=all>), the blogosphere proved that the cure for bad speech is more speech. Rather, a lot of people proved that maxim, by writing what they thought of me. Fortunately, I had a large enough public reputation and the Google juice to withstand her attacks.

Kevin Padrick didn't have that luxury.

Other people won't have that luxury.

My three year old daughter doesn't have that luxury.

I don't now wrestle with Crystal Cox because I care about her insane, grammatically challenged and barely literate scrawling. Anyone who reads it universally reacts by calling it "batshit crazy." I don't need to defend myself against the likes of her.

I wrestle with her now because I realized that I have a responsibility to. When she attacked me, it had no effect. Then she turned to my innocent wife. Then she turned to my even more innocent three year old daughter. Then, I realized that there were other innocent people out there who she tried to extort, harm, and smear. Some of them contacted me. I needed to speak up for them.

I realized then, thanks to Natalia, that even if I had to wrestle with a pig, I had to do it before Cox causes harm to anyone else. The reason she was able to do what she did to Kevin Padrick was, in part, because nobody had pushed back and put a spotlight on her behavior before. Her loss in the District of Oregon, and the sloppy blogging about the case elevated her credibility.

She needs to be exposed, and bloggers need to reject her.

There is no doubt that the blogging community needs as many protections as it can get, and I believe many bloggers who I read, talk to and work with would qualify for protection under Oregon's shield statute. Crystal Cox did not, does not, and cannot advance this goal. If the blogging community wishes to stand among those with the title of "journalist," then it must reject people like Crystal Cox, and relegate them to their own bizarre, obsessive and child-targeting corner of the Internet.

She is not one of us.

Exhibit 6

She harms us.

UPDATE: If there is any doubt, Stephanie Studebaker-DeYoung (an apparent acquaintance of Cox's) had this to say about her:

Crystal L. Cox = Internet Predator

in [Other Related News](#) | [Comments \(0\)](#)

Tags: [Crystal L. Cox](#), [Crystal Raven](#), [Internet Predator](#)

Nobody really pays attention to the crap you write about. Really your stance on topics changes on a daily basis. You write with foul language and you write based on your own emotion and tips that have nothing to do with the truth. I do tell the truth every step of the way. You are the one who distorts it to fit your circumstances. You were in love with me and you fed me hundreds of flattering emails. You went crazy when I was hospitalized and went after my family. Now I want nothing to do with you because you hurt people who are innocent by constantly lying and switching stories to fit who you are mad at. That is not journalism or investigative reporting. You have to be kidding yourself. You want a war. Have it with yourself. I don't have to war with you because it is taking away the attention from the true predators, Kevin Padrick, Tonkon Torp, Obsidian Finance. You have made a mess out of blogging.

Crystal L. Cox is an Internet Predator – She will promise to help, but slay you when you don't do what she wants.

(<https://randazza.files.wordpress.com/2012/03/screen-shot-2012-03-31-at-12-28-38-pm.png>)

Studebaker-DeYoung was Cox's main source of information in her attacks against Kevin Padrick.

This entry was posted on Friday, March 30th, 2012 at 10:36 am and is filed under [misc](#). You can follow any responses to this entry through the [RSS 2.0](#) feed. Both comments and pings are currently closed.

39 Responses to *Judge rules, again, that blogger Crystal Cox is not a journalist. You know why? Because she ISN'T a journalist.*

Clint says:

March 30, 2012 at 10:47 am

I hate it when I agree with you.

Eddie says:

March 30, 2012 at 11:36 am

Wow. Now I see why there were so many blogs dedicated to you being a "First Amendment bad ass". This woman must really be crazy to spend not only the time and effort but the money that she does to register all those domain names. Pretty sad.

Exhibit 6

Dan says:

March 30, 2012 at 11:55 am

Woah. I did not expect the post to unfold the way it did. I have three children, all six and under. I can imagine the fury you felt when you saw that your daughter's name was used this way. This is a well-thought out, restrained response to a rather deplorable effort to get a rise out of you. Good job.

Talon's Point says:

March 30, 2012 at 11:57 am

The ruling was flawed. The result will be a later use as precedence for chilling speech. Understand that I do not believe her "protection racket" was protected speech. However, the judge had no need to define "journalist" as if the courts have jurisdiction in defining the terms of free speech and commerce.

When all is said and done the judge could have sidestepped her claim of protection by saying "no matter what you define yourself as, you were acting to harm someone else for financial gain from them, making your action a form of extortion just as if a famous journalist were to contact a subject of a story and promise to make their problem "go away for a nominal fee."

Ja says:

March 30, 2012 at 7:01 pm

I should never engage in a conversation about stuff I have only read a little bit about and I admit that I have not been following this story, but I think — was one of the issues here the state's shield law?

That makes it more complicated.

We have a free press. You can't stop someone from defaming you, you can only get damages from them after the fact. That's how it should be, otherwise we gag people. She is free to defame and free to be dragged back into court to pay for it until she starts to realize it doesn't pay. (I hope that is very soon)

She can also be slammed for what looks like extortion.

But the shield law is another matter. I haven't read Oregon's but they usually protect media from discovery of their inner workings, their sources, notes, interview tapes, video outtakes etc on the argument that news dissemination is so crucial to democracy that chilling it would harm citizens ability to know what their government is up to. If whistle-blowers saw reporters as agents of the government, able to be hauled in on every story to spill their notebooks, they would never go to reporters and without that recognition by the courts (on First Amendment arguments adapted to the purpose of the press at least, in the absence of a shield law) reporters would never be able to protect a whistle-blower.

No one believes that the Wash Post should have suppressed the Watergate story — all gleaned from a confidential informant. No one believes that it would have been better for authorities to raid the Wash Post offices and take their notebooks, phone records and stop

the whistle-blower that way. This is the kind of crucial reporting to a democracy that was used to justify the shield laws.

Unfortunately, it comes with a danger zone. It flirts ever so closely to defining journalists. It slides ever so easily into creating a class of semi-licensed media elites. That's why a lot of journalists say the heck with it, it's better to go to jail, not have a special law, fight each subpoena on the first amendment and so on. Purests.

I am among the purests because I am convinced the danger is too great. And I am not only a journalist, but I stared down a subpoena once too, in a state that had no shield law. It wasn't scary.

Anyway, this Cox person is a fright. There is yellow journalism and not yellow. The extortion puts her in a whole different category, well, almost. The National Enquirer is yellow-fiction journalism. Minnesota newspapers of yesteryear were yellow and court cases involving them laid down the law against prior restraint of the press.

(For a good short book, read "Minnesota Rag")

In the old days you would hear of newspapers doing shake downs of subjects that wanted to stop bad press about themselves.

In the era of the shield law all of this is being handled differently, with more complexity and in some ways more risk to a free press.

I want to read — well I dread it actually so let's say I would have to read the whole case to learn why they could not just sue her for extortion and defamation without the shield law being invoked.

geekhideout says:

March 30, 2012 at 12:25 pm

Wow.. what to say about that..

Being a dad myself to two beautiful girls, both teenagers now (hence my insanity) I can say that your restraint on not committing acts of bodily harm on this batshit lunatic of the nth degree to be remarkable. Has anyone asked for a court ordered psychological examination of her brain because I'm concerned that she might be a danger to herself and others with the animosity and vitriol she is spewing forth at this stage in what could only be classified as the onset of a major mental disorder(s).

Also for someone claiming to be a journalist and a "reputation manager" you would naturally suspect that her own name with the addition of sucks would of been one of the first things she registered online, just to remove it.. you would suspect that but strangely it is still available.

Oh and DORA is great, though soon The Wiggles will be everywhere with their big red cars and hot potato songs (it's an Aussie conspiracy).. Insanity as a Dad awaits you and its fantastic ;)

keithrl says:

March 30, 2012 at 12:53 pm

That's about as low as it gets. What a loon.

blueollie says:

March 30, 2012 at 2:23 pm

Hmmm, I follow your blog but was completely unaware of all of this.

You know that you are famous when you have a xxxxsucks.blogspot.com just for you. :)

Please enter your name here says:

March 30, 2012 at 4:09 pm

Wow. Going after a 3-year-old.

This lady needs help. And I don't mean the legal kind.

Ronald Pottol says:

March 30, 2012 at 7:09 pm

Well, and stuff like this is how England got their wonderful (hah) libel laws. The tabloids were blackmail rackets, pay up, or see what we print about you. Or so Aleister Crowley wrote about their behavior around 1900 in his Autohagiography.

Crystal Cox – Investigative Blogger? No, More Like A Scammer and Extortionist « Philly Law Blog says:

March 30, 2012 at 9:47 pm

[...] bad that's exactly what Crystal Cox did. Twice [...]

mamamara says:

March 30, 2012 at 10:53 pm

And this is why I was one of those who posted nice things about you, even though you have no idea who I am. That kind of smear campaign is bad for all of us and needs to be nipped in the bud by rational people.

"Investigative Journalist" Crystal Cox's Latest Target: An Enemy's Three-Year-Old Daughter | Popehat says:

March 31, 2012 at 1:21 am

[...] that with her email to Marc Randazza, telling him that she had already registered <http://www.marcrandazza.com>, and needed money, and she had [...]

Fraud Files Blog says:

March 31, 2012 at 10:14 am

[...] work for a traditional news outlet, and was "just" a blogger. The thing is, whether a journalist or not, the defamation claim seems clear [...]

marklyon says:

March 31, 2012 at 12:00 pm

I'm amazed she hasn't registered crystalcoxisanutjob.com or crystalcoxextortionist.com.

OhEmGee says:

March 31, 2012 at 12:52 pm

this sounds like the Deb Frisch case all over again

Defending People » Crystal Cox says:

March 31, 2012 at 2:47 pm

[...] Cox tried to extort Marc Randazza by registering multiple domain names including his name and offering him the same [...]

dan says:

April 1, 2012 at 6:35 am

One wonders what Cox did to the poor judge who had the nerve to find for the other side? I'm afraid to do a domain search on Judge Hernandez :(

On the bright side this is becoming more and more something that walks like RICO, quacks like RICO and has multiple predicate acts in multiple states. They may have to call it riCOX in her case

AlphaCentauri says:

April 1, 2012 at 1:22 pm

RICO refers to corrupt organizations. Judging from her writing and capitalization style, her brain doesn't even qualify as organized.

Crystal Cox – Trial Theory says:

April 1, 2012 at 7:20 pm

[...] NY Times, and thanks to an explosion in the blogosphere following Crystal Cox's attacks on First Amendment Lawyer Marc Randazza, the truth came out about what really [...]

WP says:

April 1, 2012 at 7:56 pm

I do hope that you will make a very good example of this person about the fact that cyber bullying and identity theft (through domain registrations) is a crime!

Good luck with this case.

marcorandazza says:

April 2, 2012 at 8:52 am

I'm not terribly interested in doing that. I'm much more interested in illustrating that extortion schemes are not journalism.

A shield law for bloggers? OK, but not for extortionists. | Nobody's Business says:

April 1, 2012 at 11:36 pm

[...] marcjrandazza.com, and marcjohnrandazza.com. When that didn't get her anywhere, Marc says, she registered several domain names containing "Jennifer Randazza" — Mark's [...]

Crystal Cox - NYTimes.com says:

April 2, 2012 at 7:22 am

[...] a number of bloggers applauded the decision, including Marc Randazza, who writes The Legal Satyricon blog and had been asked to represent Ms. Cox on appeal: Hernandez was right to draw a line, and [...]

Crystal Cox is not a member of the media « Siouxsie Law says:

April 2, 2012 at 9:26 am

[...] To read a personal and detailed account of just how Ms. Cox operates her scheme, click here. [...]

Ugly New Reputation-Smearing Tactic: Going After A Toddler's Internet Footprint - Forbes says:

April 2, 2012 at 11:33 am

[...] via Judge rules, again, that blogger Crystal Cox is not a journalist. You know why? Because she ISN'T [...]

Susan Tillotson Bunch says:

April 2, 2012 at 6:03 pm

Marc,

As usual, you never fail to impress! Tremendous article! Definitely food for thought. Also some good ideas on types to avoid at all costs

marcorandazza says:

April 2, 2012 at 6:07 pm

Sometimes, you don't know that someone is a nutcase until you let them in the door...

Mario K. Cerame says:

April 2, 2012 at 11:41 pm

It looks like she has been a fundamentally bad person. I'm sorry for what she's done to you and yours. Sincerely.

Looking at the legal perspective, I do think the opinion at I.B.2 is wrong. Flat wrong. The "press" in "freedom of speech and of the press" is not an institutional media—it is an individual right to use a printing press, and the right to publish. It has always been understood to be coextensive with the individual right to speech, from the first treatise on the Constitution to Citizens United. 130 S. Ct. 876, 904, 906-08 (2010). I'm not saying this issue is dispositive of her case. I'm not saying she's right, or that she should win. I'm saying it doesn't matter for First Amendment purposes whether Cox is "media" or not. It matters for Oregon statutory purposes, it seems. But not under the federal constitution.

Yes, Justice Stewart advocated reading of the press clause as holding higher protections for some institutional press than what would be afforded to general individuals. Yes, some concurring opinions and dissents have as well. No majority U.S. Supreme Court opinion has ever distinguished rights of a member of the media from those offered to ordinary individuals.

There have only been holdings to the contrary. Judge Hernandez's opinion doesn't rely on precedent—he apparently relies on some absence of precedent. It would be very bad for the freedom of speech and of the press if he were right. Thankfully, he is not.

At the founding, there was no institutional media or institutional press. But many individuals used the (printing) press to publish their ideas—it was cheap, efficient and convenient. Today people use the interwebs to publish their ideas for the same reason.

Again, I am not saying she is right. I am saying I.B.2 is wrong.

» **Crystal Cox's 5th Amendment Rights** says:

April 3, 2012 at 2:55 am

[...] Worse still :: Jennifer and Marc Randazza have done some :: Dangerous TO the Liberties of Fundamental 1031 Bankrupts :: breeding ... forcing Crystal Cox Investigative Cyber Extortionist to do what any hero of free speech would do ... register a website in the name of their three-year old daughter :: who can be seen here now forced into pigtail-incognito. [...]

The Evolution of Crystal Cox: Anatomy of a Scammer « Philly Law Blog says:

April 3, 2012 at 11:26 am

[...] this point, it's old news that attorney Kevin Padrick and Obsidian Financial got a \$2.5m verdict against Cox when she tried the shakedown on them. In the defamation lawsuit, Padrick and Obsidian contended [...]

Anonymous Insider says:

April 3, 2012 at 3:22 pm

>>Studebaker-DeYoung was Cox's main source of information in her attacks against Kevin Padrick.<<

Indeed, Cox wrote on December 24, 2009:

"My Blog on Obsidian Finance is based mostly on what I learned through reading Stephanie Studebaker DeYoung's Blog after it was brought to my attention by a disgruntled party." [<http://www.anonymous-insider.net/bloggng-astroturfing/research/2009/1224-a.html>]

See a timeline on Studebaker-DeYoung and Cox at <http://www.anonymous-insider.net/bloggng-astroturfing/kevin-padrick-v-crystal-cox.html>

Cheers,

AI

Fraud Files Blog says:

April 4, 2012 at 1:59 pm

[...] original story is about Kevin D. Padrick and Obsidian Finance, who won a \$2.5 million judgment against Crystal for her defamation of them. A jury determined that Cox indeed defamed Attorney Padrick and Obsidian Finance, and held her [...]

Scams, exploitation, adaptation and delusion « blueollie says:

April 5, 2012 at 8:47 pm

[...] reputation services” at a steep fee. Read the details here. I was alerted to this story by Randazza, who was the subject of one of her attacks. Like this:LikeBe the first to like this [...]

Crystal Cox: Is Philly Law Blog Part of a Big Awesome Media Conspiracy, Along With Above the Law? I Sure Hope So! « Philly Law Blog says:

April 5, 2012 at 10:51 pm

[...] declined. Cox then bought domain names involving Marc’s wife and three year old child, and has engaged in an anti-Randazza campaign similar to what she did to [...]

Bloggers as journalists are entitled to shield law protection says:

April 11, 2012 at 3:15 pm

[...] Randazza, calling on New York Attorney Scott Greenfield’s comments on the ruling, makes clear it’s about Cox , personally, and not whether bloggers are entitled to shield protection. Hernandez was right to [...]

Very Few Things Leave Me Speechless... this did. « Philly Law Blog says:

May 1, 2012 at 10:33 am

[...] Cox rose to a particular level of notariety after going after Marc Randazza’s three year old daughter. As you might imagine, bringing a three year old child into the mix didn’t play [...]

Bloggers are not journalists. | Theresa Mark says:

May 31, 2012 at 9:03 pm

[...] Bloggers are not journalists. [...]

Chris Mark says:

May 31, 2012 at 9:19 pm

Thanks Marc for outlining the case. I was (until today) one of those who took offense at the findings of the case. I am ashamed to say that I had not done my own homework on the case. Thanks again.

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