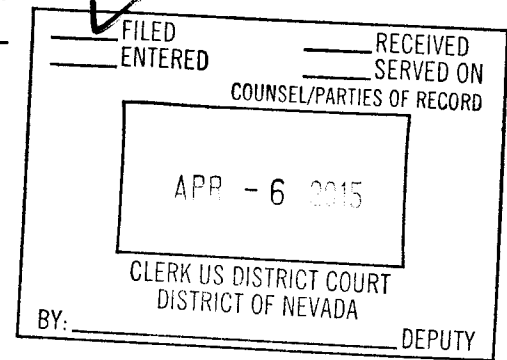


UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA  
2:12-cv-02040-JAD-PAL

CRYSTAL L. COX,  
Defendant, Counter Plaintiff

v.

MARC J. RANDAZZA,  
Plaintiffs, Counter Defendant



Motion in Limine  
to include Exhibit 14, 15, 16, and 7a  
Attorney Blogs about Cox

Counter Plaintiff Cox moves this court to include Exhibit 15, which is a top of the search engine blog owned by Randazza Legal Group. Jordan Rushie, RLG attorney is the author of this blog.

Counter Plaintiff Cox moves this court to include Exhibit 7a, which is a blog by attorney Jordan Rushie of Randazza Legal Group, it is called Philly Law Blog. Jordan Rushie is an associate and colleague of Counter Defendant Randazza, and now an attorney at the Randazza Legal Group Law Firm and has knowingly made false statements regarding Cox, based on Randazza's false and defamatory statements regarding his former client Crystal Cox.

Counter Plaintiff Cox moves this court to include Exhibit 14, which is a blog by attorney Kenneth White of Popehat.com, he is an associate and colleague of Counter Defendant Randazza. Ken White has posted defamatory and false information widespread online, and did so based on the word, the false and defamatory statements of Marc Randazza painting Cox in false light and flat out lying about his former client Crystal Cox.

Ken White posted deliberate defamatory false statements of facts with total disregard for the law and knowing full well that COX had no blog about an infant and was not under investigation for extortion nor convicted of extortion.

G

Counter Plaintiff Cox moves this court to include these Exhibits as evidence that Randazza stated defamatory and false statements regarding Cox to 3rd parties. These blogs are attorneys and clients of Randazza's whom he got to post deliberate false and defamatory statements, knowing full well that they were not true.

Randazza conspired with these attorneys, who are clients and colleagues, and used their high profile legal blogs to deliberately, willfully, wantonly post false and defamatory statements about his former client, Crystal Cox.



Crystal L. Cox, Pro Se  
Counter Plaintiff / Defendant

#### **Certification of Service**

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

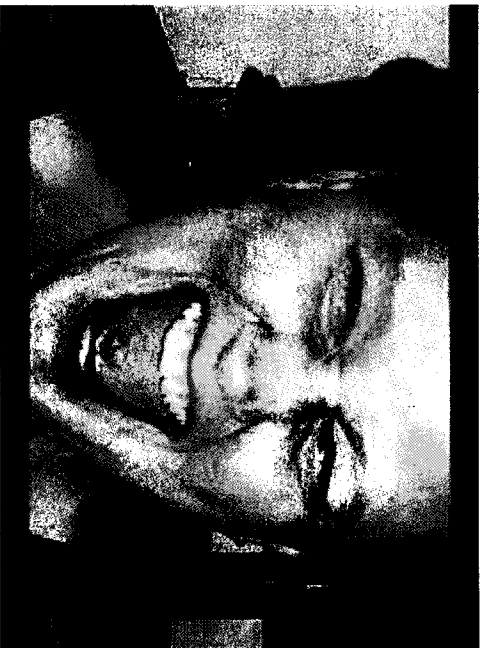
U.S. District Court  
Clerk of Court  
Room 1334  
333 Las Vegas Blvd. S.  
Las Vegas , NV 89101



# Philly Law Blog

Represent.

## Crystal Cox – Investigative Blogger? No, More Like A Scammer and Extortionist



([https://phillylawblog.files.wordpress.com/2012/03/img\\_33315\\_crystal-cox-screwed-by-oregon-judge.jpg](https://phillylawblog.files.wordpress.com/2012/03/img_33315_crystal-cox-screwed-by-oregon-judge.jpg))

Crystal Cox: "Pay me \$2,500 a month and I won't write false crap about you, call your wife a slut, and go after your 3 year old daughter on the internet! STRAIGHT CASH HOMIE!"

Imagine this.... you Google yourself. To your surprise, a whole bunch of stuff that is blatantly untrue comes up. Being an adult, you call the person who wrote it. This is how the conversation goes down:

"Did you write all that stuff on a website about me?"

"Yup. I'm an investigative blogger journalist!"

"Um, a bunch of the stuff you wrote about me is untrue. Actually all of it is."

"Oh sure, I know. But I'm a journalist blogger so I can say whatever I want. First Amendment, bitch! But tell you what – I'm also reputation manager. If you pay me \$2,500 a month, I'm sure a lot of that untrue stuff would go away."

"Uhhhhh... wait a second. You wrote a bunch of stuff that's untrue about me. And now you'll only take it down if I pay you?"

"Yup! And if you DON'T pay me it's going to get worse! I'm going to buy a bunch of domain names that involve you and your family. Not only will I smear your reputation, but I'll smear theirs, too! I'll write all kinds of stuff, like call your wife a slut! I'll even go after your four year old child!"

"That's extortion!"

"No silly, it's not extortion! It's journalism! Investigative journalism!"

You're probably saying to yourself "nah, that couldn't happen. That's illegal. A person could get in a lot of trouble for doing something so irresponsible and probably illegal."

Too bad that's exactly what Crystal Cox did (<http://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/>). Twice now. Maybe more.

You may remember Crystal Cox. Crystal Cox became newsworthy when a jury awarded Kevin Padrick a \$2.5m judgment (<http://abcnews.go.com/blogs/business/2011/12/blogger-crystal-cox-is-no-journalist-must-pay-2-5m-in-damages-says-judge/>) against her. Cox claimed to be an "investigative blogger / journalist" whose goal was to expose Obsidian Finance Group and its president. Kevin Padrick sued her for defamation and won. According to some media reports, the judge had ruled "bloggers are not journalists."

Now, at first, it sounds bad – a financial company going up against poor little blogger who just wants to expose the truth. I can get on board with that. When I first heard about the story, I was kind of outraged. Sure, I'm not a "journalist", but my blog deserves protection under the First Amendment.

But let's dig a little deeper, shall we...?

First off, juries don't typically award corporations huge verdicts unless there is a good reason. That right there is a sign that things are perhaps not as they appear to be at first glance.

So why did a jury see it fit to award \$2.5m in damages against Crystal Cox? And why weren't her posts protected by the First Amendment?

According to Scott Greenfield (<http://blog.simplejustice.us/2012/03/30/a-blogger-not-like-us.aspx>), the judge found Crystal Cox was not a journalist because:

[T]he uncontroverted evidence at trial was that after receiving a demand to stop posting what plaintiffs believed to be false and defamatory materials 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," Hernandez wrote.

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.

Here is the Court's opinion in its entirety (<http://ia700403.us.archive.org/9/items/gov.uscourts.ord.101036/gov.uscourts.ord.101036.123.0.pdf>).

Right. Crystal Cox basically posted a bunch of stuff that was untrue and then offered to take it down for a monthly fee of \$2,500. (which is like, 5x more than my office costs a month and 100x more than is in my bank account). This is the email Cox sent to Padrick's lawyer:

**David Arman**

From: Crystal L. Cox [mailto:[lawyerforcox@gmail.com](mailto:lawyerforcox@gmail.com)]  
Sent: Wednesday, January 18, 2012 2:23 PM  
To: David Arman  
Subject: From Crystal L. Cox

Hello David, I hope this eMail finds you doing well. All said and done, looks like Summit boys going to jail, and Well I don't think that Kevin acted with the Highest of Integrity. However at this Point in my Life it is Time to Think of Me

So I want to let you know and Obsidian Finance that I am now offering PR Services and Search Engine Management Services starting at \$2,500 a month to promote Law Firms, Finance Companies, and to protect online reputations and promote businesses.

Please Let me know if Toolcon Corp or Obsidian Finance is interested in this service.

Thanks for your time.

In Love and Light  


Crystal L. Cox  
Investigation Blogger  
Real Rights Advocate Blogger

(<https://phillylawblog.files.wordpress.com/2012/03/coxreputationmanagementtoffer-480x315.jpg>)

Exhibit 7

Presumably, this kind of extortion pissed off a jury, who entered a \$2.5m verdict against her. That's more than many disabled people get in personal injury lawsuits – just ask Max Kennerly (<http://www.litigationandtrial.com/>). A verdict like that suggests she caused Kevin Padrick and Obsidian some serious damage.

Just one problem – Crystal Cox decided to try her same scam. *Again*. And to Marc Randazza (<http://www.randazza.com>). And then to his wife and 3 year old daughter when it didn't work.

Apparently Cox approached First Amendment Badass Marc Randazza (<http://www.popehat.com/2012/03/15/marc-randazza-first-amendment-badass/>) to appeal the judgment and apparently Crystal Cox and Randazza discussed representation at some point. (<http://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/>)

The representation fell through for whatever reason. Two months after the representation fell through, Cox went and registered “marcandazza.com”, allegedly to control the PR on the case.

And of course, when she bought the domain, she reminded Marc that she offers “reputation management” services, for a fee, of course:

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

Hi Marc, hope this email finds you doing well. When I thought we may work together i bought <http://www.marcandazza.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 Arman 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://phillylawblog.files.wordpress.com/2012/03/coxtorandazzaemail.png>)

Marc said “No thanks. That’s not very cool.” (Cox posted all their emails on her website, which is how I learned this.)

Exhibit 25



Cox went on to register:

fuckmarcandazza.com  
marcrandazzasucks.com  
marcjrandazza.com  
marcjohrandazza.com

Crystal Cox also registered a great many Blogger accounts with Marc's name, including markrandazza.blogspot.com.

Too bad it didn't work. Randazza had a little too much Google juice ([https://www.google.com/webhp?rlz=1C1TSNF\\_enUS419US419&sourceid=chrome-instant&ie=UTF-8&ion=1#hl=en&sugexp=frgbl&gs\\_nf=1&tok=gIDcoP0528-MvznLn7vm5w&cp=13&gs\\_id=2&xhr=t&q=marc+randazza&pf=p&sclient=psy-ab&rlz=1C1TSNF\\_enUS419US419&site=webhp&source=hp&oq=marc+randazza&aq=&aqi=&aql=&gs\\_l=&pbx=1&bav=on.2.or.r\\_gc](https://www.google.com/webhp?rlz=1C1TSNF_enUS419US419&sourceid=chrome-instant&ie=UTF-8&ion=1#hl=en&sugexp=frgbl&gs_nf=1&tok=gIDcoP0528-MvznLn7vm5w&cp=13&gs_id=2&xhr=t&q=marc+randazza&pf=p&sclient=psy-ab&rlz=1C1TSNF_enUS419US419&site=webhp&source=hp&oq=marc+randazza&aq=&aqi=&aql=&gs_l=&pbx=1&bav=on.2.or.r_gc)) for Crystal Cox's brand of crazy to make a dent on his reputation or SEO.

That didn't make Crystal Cox happy. So then she registered JenniferRandazza.com. That's the name of Marc Randazza's wife. Crystal Cox also registered NataliaRandazza.com, the name of Randazza's three year old daughter.

Wait, what? A three year old? ...WHOA.

That's not just crossing the line, that's taking a giant shit on the line and then setting it on fire while dancing naked on it! You. Just. Don't. Do. That.

Unless, of course, you're Crystal Cox. Then I guess you do that...

In fact, to give you an example of just how sick and twisted Crystal Cox is, this is a PDF of a website (<http://www.popehat.com/wp-content/uploads/2012/03/Marc-Randazza-Blog.-Crystal-Cox-Vs.-Marc-Randazza-Legal-Group-Corbin-Fisher.pdf>) she made about Marc Randazza's wife. See it yourself. That's Crystal Cox's "investigative journalism."

To quote Charlie Murphy, Crystal Cox is a habitual line stepper.

Is this what "freedom of the press" was meant to protect, right...? Extortion and attacking three year olds?

Judge Hernandez said "No. Hell no!" A jury of 12 said "No! Hell no!"

And now I'm saying "No! Hell no!" myself...

Now, you all know my opinion. I'm pretty big on free speech under the First Amendment. If speech makes you mad, counter it with better speech. What I do is kind of sort of akin to journalism.

But there is a huge difference between blogging, journalism, and outright extortion. And that's what Crystal Cox is – an extortionist. Crystal Cox wants to write a bunch of crap about people and make them pay to take it down as a “reputation manager.” And if you don't like that, she will try and ruin your reputation on Google. And when THAT doesn't work, she will go after your wife and three year old daughter. And sadly, Crystal Cox wants to try and hide behind my beloved First Amendment to carry out the scam.

And it ain't right.

But rather than try and silence Crystal Cox, “[s]unlight is said to be the best of disinfectants. . .” – Justice Louis Brandeis.

So may the sun's light shine brightly and expose the truth for what it is: Crystal Cox is no martyr. She's no journalist. She's not even a blogger. Crystal Cox tried to make a few bucks off extorting people on the internet and calling it “journalism.” And she failed – twice. Then, when Crystal Cox didn't get her way, she called Marc Randazza's wife a slut and then went after his 3 year old daughter.

Yes, Crystal Cox is type of woman who picks on 3 year olds when she doesn't get her way. And she wants protection under the law and your sympathies.

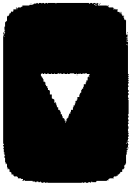
Too bad she doesn't deserve it.

Now, Crystal Cox probably figures that no one will expose her bullshit for fear of the same stuff happening to them. But to paraphrase Antonin Pribetic (<http://thetrialwarrior.com>), all things must have an obverse (<http://thetrialwarrior.com/2011/11/07/zen-and-the-art-of-blawging-maintenance/>).

And the obverse to internet extortion is sunshine.

So enjoy some sunshine, Crystal. You've earned it...





[UPDATE]: I incorporated some new stuff based on Popehat's post. Yes, I continue to steal material from Popehat without even asking permission. Because that's just how I roll. Snort my taint.

[SECOND UPDATE]: Other (actual) bloggers are reporting Crystal Cox's scam:

Carlos Miller: Blogger Must Act Like Journalist To Be Treated Like One

(<http://www.pixiq.com/article/montana-blogger-must-start-acting-like-a-journalist>)New York Times When Truth Survives Free Speech

([http://www.nytimes.com/2011/12/12/business/media/when-truth-survives-free-speech.html?\\_r=3&pagewanted=all](http://www.nytimes.com/2011/12/12/business/media/when-truth-survives-free-speech.html?_r=3&pagewanted=all))Forbes: Are Bloggers Really Journalists? Not If They Ask For Money

(<http://www.forbes.com/sites/davidcoursey/2012/03/29/are-bloggers-really-journalists-not-if-they-ask-for-money/>)Defending People: Crystal Cox

(<http://blog.bennettandbennett.com/2012/03/crystal-cox.html>)Legal Satyricon: How Crystal Cox is Proving the Strength of the First Amendment

(<http://randazza.wordpress.com/2012/03/31/how-crystal-cox-is-helping-to-prove-the-strength-of-the-first-amendment/>)The Salty Droid: Crystal Cox :: is not a BLOGGER

(<http://saltydroid.info/crystal-cox-is-not-a-blogger/>)Scott Greenfield: A Blogger Not Like Us

(<http://blog.simplejustice.us/2012/03/30/a-blogger-not-like-us.aspx>)Legal Satyricon: Judge rules, again, that blogger Crystal Cox is

Exhibit 7c

not a journalist. You know why? Because she ISN'T a journalist.

(<http://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/>)Popehat: "Investigative Journalist" Crystal Cox's Latest Target: An Enemy's Three-Year-Old Daughter

(<http://www.popehat.com/2012/03/30/investigative-journalist-crystal-coxs-latest-target-an-enemys-three-year-old-daughter/>)The Fraud Files: "Investigative Journalist" Crystal Cox Attacks Attorney Kevin D. Padrick (<http://www.sequenceinc.com/fraudfiles/2012/03/investigative-journalist-crystal-cox-attacks-attorney-kevin-d-padrick/>)

This entry was posted on Friday, March 30th, 2012 at 10:47 PM and is filed under [Civil Litigation](http://wordpress.com/about-civil-litigation-crystal-cox-first-amendment), [Crystal Cox](http://wordpress.com/about-crystal-cox-first-amendment), [First Amendment](http://wordpress.com/about-first-amendment), [Marc Randazza](http://wordpress.com/about-marc-randazza), [Straight cash homie](http://wordpress.com/about-straight-cash-homie). You can follow any responses to this entry through the [RSS 2.0 feed](#). You can [leave a response](#), or [trackback](#) from your own site.

## 10 Responses to *Crystal Cox – Investigative Blogger? No, More Like A Scammer and Extortionist*

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

[March 31, 2012 at 2:27 AM](#)

[...] 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. [...]

**Reply**

**Fraud Files Blog says:**

[March 31, 2012 at 11:15 AM](#)

[...] us who want to advance free speech and legitimately criticize the bad acts of bad actors – but who are really NOT like us. People like Crystal Cox cannot and should not be allowed to lie about people like Kevin Padrick. [...]

**Reply**

**How Crystal Cox is helping to prove the strength of the First Amendment « The Legal Satyricon says:**

[March 31, 2012 at 2:42 PM](#)

[...] the attacks on Kevin Padrick, and shining a light on Cox's widespread extortion scheme, so is Philly Law Blog, and before any of the law blogger community jumped on the bandwagon, Salty Droid was out there all [...]

Exhibit 7a

Reply

Defending People » Crystal Cox says:

March 31, 2012 at 3:47 PM

[...] the attacks on Kevin Padrick, and shining a light on Cox's widespread extortion scheme, so is Philly Law Blog, and before any of the law blogger community jumped on the bandwagon, Salty Droid was out there all [...]

EXHIBIT 7

Reply

Crystal Cox – Trial Theory says:

April 1, 2012 at 8:20 PM

[...] Crystal Cox – Investigative Blogger? No, more like a Scammer and Extortionist [...]

Reply

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

April 2, 2012 at 12:35 AM

[...] is known as – yup, you got it – extortion. Cut and dried, [...]

Reply

New York Times chimes in on the Crystal Cox Story « The Legal Saltyricon says:

April 2, 2012 at 10:20 AM

[...] Crystal Cox – Investigative Blogger? No, More Like A Scammer and Extortionist [...]

Reply

Fraud Files Forensic Accounting Blog » Crystal Cox Has a History of Seeking Payoffs in Exchange For Retraction says:

January 18, 2014 at 5:05 PM

[...] Cox has run this scam more than once. She finds a person or company with whom she disagrees, makes serious false allegations against [...]

Reply

Protecting The Free Speech of Censors: The Crystal Cox Saga | Popehat says:

January 19, 2014 at 6:25 PM

[...] other lawbloggers – like Jordan Rushie and Scott Greenfield and Mark Bennett and Eric Turkewtiz – also pointed out her conduct and [...]

Reply

USCIS geo1 | USCIS, geo1 | Immigration, geo1 says:

August 18, 2014 at 6:28 PM  
[...] other lawbloggers — like Jordan Rushie and Scott Greenfield and Mark Bennett and Eric Turkewtiz — also pointed out her conduct and [...]

Reply

The Contempt Theme.  
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@ Follow

Follow “Philly Law Blog”

Build a website with WordPress.com

FORBES



**David Coursey** (<http://www.forbes.com/sites/davidcoursey/>) Contributor

*I write about technology and people, trying to get along.*

Opinions expressed by Forbes Contributors are their own.

TECH (/TECHNOLOGY) 3/29/2012 @ 4:55PM | 5,615 views

# Are Bloggers Really Journalists? Not If They Ask For Money

[Comment Now](#) [Follow Comments](#)

Crystal Cox, the self-described “investigative blogger” will not get a new trial and previously unreported facts in the case — revealed by the judge — suggest her claim of journalistic protection was undeserved.

Exhibit 7a

Cox has been ordered to pay a financial company \$2.5 million for a single blog posting in which she accused it of tax fraud.

Co-founder Kevin Padrick and Obsidian Finance Group sued Cox for defamation in January 2011. Obsidian claimed Cox accused it of corruption, tax fraud and money laundering, on the website ObsidianFinanceSucks.com. The trial, however, centered on a single BankruptcyCorruption.com blog post.

Last November, a jury found Cox liable for \$2.5 million in damages. In January, she asked U.S. District Judge Marco Hernandez for a new trial. Many people, including myself, turned this into a free speech or an “are bloggers really journalists (<http://www.forbes.com/sites/davidcoursey/2012/01/02/you-be-the-judge-are-bloggers-journalists/>)?” issue.

Earlier this week, Judge Hernandez denied Cox’s request for a new trial, and commented on issues that were not addressed during the one-day trial in November. Here is the standout paragraph, as reported by Courthouse News (<http://www.courthousenews.com/2012/03/29/45154.htm>):

Exhibit 7c



“ [T]he uncontroverted evidence at trial was that after receiving a demand to stop posting what plaintiffs believed to be false and defamatory materials 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,” Hernandez wrote.

“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.

If that is true, anyone who supported Cox as a “member of the media” could look pretty foolish. When I read her blogs, I thought they were suspiciously over-the-top for journalism and “hinky” besides. The latter being a technical term I learned in newsrooms that describes something that doesn’t seem right but you can’t immediately figure out why and as a result stay away from reporting.

If what Judge Hernandez describes as true, Crystal Cox is not a journalist.

I am told that Judge Hernandez responded to a concern I expressed in my earlier blog on the case. Here’s what I wrote:

Exhibit 7a

“ I’ve been working as a journalist for nearly 35 of my 50+ years. Or have I? Under the rules set down by U.S. District Judge Marco A. Hernandez, perhaps I need to revise my resume. And if I do, then many other bloggers are just as out-of-business as I am.

Why? Because we may lack a Federal Judge’s seven requirements to be a journalist. Most bloggers that I know — including myself — don’t fully qualify.

In case involving self-described ‘investigative blogger’ Crystal Cox, Judge Hernandez ruled that in order to qualify for basic First Amendment protections like state shield laws, freelance journalists have to meet a rather stiff set of criteria (<http://www.forbes.com/sites/davidcoursey/2012/03/29/are-bloggers-really-journalists-not-if-they-ask-for-money/>).

#### According to Courthouse News, Judge Hernandez:

“ The judge clarified his position on the media status of bloggers, which was an issue that made this case a cause célèbre among some free-speech advocates.

“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,” Hernandez wrote.

My response? Having written things that were misinterpreted, I appreciate Judge Hernandez’ clarification. In short: We’re cool on this one, Your Honor.

The bigger point — and this was apparently not known previously — was the shake-down aspect of the case which, if true, violates every standard that a real journalist — regardless of medium — holds dear.

Based on what I have seen, Judge Hernandez has done real journalists a favor.

*You can read the specific characteristics Judge Hernandez mentioned in the link to my original story, at left.*



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By Ken White

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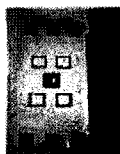
Management at its best!

## Report Attachments:



..... Last week the United States Court of Appeals for the Ninth Circuit affirmed Crystal Cox's First Amendment rights, and in doing so protected yours, and mine, in important ways.

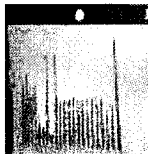
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**Ripoff Report**  
**LEGAL DIRECTORY**

Exhibit 14

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doing in Vedic astrology Ocala  
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Penske  
Automotive  
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Cheaters, liars,  
the worst !!!  
Bloomfield Hills

Michigan

Consolidated  
Credit  
TRUSTED  
BUSINESS  
REVIEW

Consolidated  
Credit Consolidated Credit is an  
industry leader in providing credit  
counseling & debt management  
programs throughout the United  
States. Consolidated Credit is  
dedicated to client satisfaction,  
customizing programs for each  
client's financial circumstances.  
Consolidated Credit advises  
clients on how to better manage  
money & debts, developing  
budgets, provide educational  
programs, professional  
counseling, & financial  
instructions. \*UPDATE:  
Consolidated Credit pledges  
commitment to Ripoff Report

This post is about that decision, and about what Crystal Cox was doing to undercut the First Amendment while the Ninth Circuit was thinking about it. As you will see below, I am one of the people Cox has tried to silence with frivolous litigation even as courts were protecting her right to speak.

### ***Chapter One: The Ninth Circuit Protects Crystal Cox, And In Doing So Protects The Speech of All Citizens***

- Cox Attacks Kevin Padrick and Obsidian Finance Group

Back in 2008, a bankruptcy court appointed Kevin Padrick as the trustee of a company called Summit Accommodators, Inc., which was seeking bankruptcy protection as it reorganized. Padrick, an expert on distressed businesses at a financial services firm called Obsidian Finance Group, LLC, was well qualified for the job. No court, and no sane person, has ever found that he did it wrong. To his great misfortune, Cox somehow heard about him and decided that he was a wrongdoer. This is how the Ninth Circuit describes what happened next:

*After Padrick's appointment, Crystal Cox published blog posts on several websites that she created, accusing Padrick and Obsidian of fraud, corruption, money-laundering, and other illegal activities in connection with the Summit bankruptcy. Cox apparently has a history of making similar allegations and seeking payoffs in exchange for retraction. See David Carr, When Truth Survives Free Speech, N.Y. Times, Dec. 11, 2011, at B1. Padrick and Obsidian sent Cox a cease-and-desist letter, but she continued posting allegations.*

More on that extortion allegation soon. Cox attacked Padrick and Obsidian Finance with a flurry of posts on sites like "obsidianfinancesucks.com," where she made extravagant and mostly incoherent accusations of wrongdoing without factual support. So Padrick and Obsidian Finance sued her.

- Cox Loses In The Trial Court, Which Gets It Wrong



Padrick sued in United States District Court in Oregon. Cox acted like an archetypical disturbed pro se litigant throughout, filing a bizarre cross-complaint against not only Padrick and Obsidian Finance and their lawyers but also everyone else who had annoyed her recently.

United States District Judge Marco Hernandez eventually made two crucial rulings. One was right, and one was wrong. First, Judge Hernandez found that many of Cox's posts were statements of opinion, not statements of fact, and therefore could not be defamation. Those posts "used figurative and hyperbolic language and could not be proved true or false."

As I frequently discuss here, only provably false statements of fact can be defamatory. Hyperbole and mere rhetoric, or statements of opinion that can't be interpreted as implying provably false facts, cannot. Judge Hernandez' first decision was right. Second, Judge Hernandez wrongly limited Cox's defenses. Judge Hernandez found that one of Cox's posts could be taken as implying a provably false statement of fact: on one of her attack sites, bankruptycorruption.com, she claimed that Padrick failed in his duty as trustee to pay taxes on substantial amount of money owed by Summit. Judge Hernandez let that claim go to the jury, and the jury found that the statement was false and harmful, and awarded \$1.5 million to Padrick and \$1 million to Obsidian Finance. But Judge Hernandez incorrectly instructed the jury on the law, so they didn't know what standard should govern their decision. In short, Judge Hernandez didn't require Padrick and Obsidian Finance to prove, or the jury to find, that Cox got it wrong deliberately, or recklessly, or even negligently. To the contrary, he instructed the jury like this: "Defendant's knowledge of whether the statements at issue were true or false and defendant's intent or purpose in publishing those statements are not elements of the claim and are not relevant to the determination of liability." That decision was wrong. That decision flew in the face of Supreme Court precedent.

First, in New York Times v. Sullivan, the Supreme Court held fifty years ago that when someone makes a false statement about a public official's official conduct, the official can't prove defamation without proving *actual malice* – that is, without proving that the defendant acted *knowing* that the statement was false or *reckless disregard* as to its truth. Moreover, even *private* figures can't prove defamation merely by showing that a statement made about them was false.

In Gertz v. Robert Welch, Inc., the Supreme Court held that even a private figure must prove, at least, that a false fact was uttered *negligently* to prevail on a defamation claim. In other words, defamation liability may not be imposed at all without some showing of fault. [note] The possible exception, as noted below, is speech about a purely private figure on an issue of purely private interest. But even that exception

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might not exist.[note] So why did Judge Hernandez decide that way?

He issued an order on the issue during the trial ruling that the *Sullivan* "actual malice" standard did not apply because Padrick and Obsidian Finance were not public figures or public officials. That's not the troubling part. Judge Hernandez also found that the plaintiffs need not even prove negligence under the *Gertz* standard, because Cox could not show that she was "media" or a professional journalist. That was the basis of his decision that Padrick and Obsidian Finance could prevail merely by showing that Cox's post was wrong and harmful, and that they need not show any level of fault. The finding was invited by Cox – she argued that *Gertz* ought to apply because she should be considered "media," when in fact *Gertz* should apply to *everybody*.

This ruling was widely reported in the media as a federal judge finding that a blogger is not a journalist, which is a bit of an oversimplification. After trial – perhaps in part because of widespread media coverage, and perhaps in part because Cox was by then competently represented instead of representing herself – Judge Hernandez modified his position in the course of denying Cox's motion for a new trial, stating more explicitly that the *Gertz* standard only applies to "media" defendants, and that a private plaintiff need not necessarily prove that a private defendant acted negligently in making a false statement. That was wrong.

- *The Ninth Circuit Gets It Right and Eliminates the False Distinction Between "Media" and Citizens*

The estimable Eugene Volokh represented Crystal Cox pro bono on appeal, and achieved a result that protected not just Cox, but all of us. The Ninth Circuit opinion is here. Notably, on appeal, Cox did not dispute that her accusation against Padrick and Obsidian Finance was false and harmful. The Ninth Circuit did one *crucial* thing and one *fairly important* thing. The *crucial* thing was rejecting the false distinction between "media" defendants and citizen defendants. The Ninth Circuit held that the *Sullivan* and *Gertz* standards apply whether the defendant is "media" or a "professional journalist" or not. If someone sues you for what you write or say about them, they will have to prove some level of fault – whether it's negligence (if the plaintiff is a private figure) or actual malice (if the plaintiff is a public figure or official, or the speech is on a matter of public concern). Quoth the Ninth Circuit:

*The protections of the First Amendment do not turn on whether the defendant was a trained journalist, formally affiliated with traditional news entities, engaged in*

Meaghan Beaulaunier  
Sold fraud tickets to a showing in Tacoma, Washington



Internet, Internet

Adams valid us. Mc Lavish skin care or Dema Bright Warning FRAUD



LAVISH CREAM ADVERTISED AS FREE SAMPLE-RIP OFF CHARGED 89.93 NOT FREE-YOU WILL PAY DEARLY AND NO ONE WILL HELP YOU FROM THIS RIP OFF COMPANY San Diego California

Maytag Centennial Energy Star Model



Purchased 2 1/2 years ago within 6 months would cost more to fix it than to buy new one. So I got new one delivered within 1 1/2 this one to has quit working also. The smell of smoke thought it was on fire so turned it off. The reviews for this washer are to many to read. Consumers Nationwide are having similar problems as I am. What a LEMON nightmare. No help from Maytag. I am now stuck with yet another tom up washer and no money to keep replacing it. I'm not alone in this there's so many others like me that have been sold this crap. Nationwide Nationwide

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applephoneswholesalesstore KEVIN SMITHRU SINGH

conflict-of-interest disclosure, went beyond just assembling others' writings, or tried to get both sides of a story. As the Supreme Court has accurately warned, a First Amendment distinction between the institutional press and other speakers is unworkable. "With the advent of the Internet and the decline of print and broadcast media . . . the line between the media and others who wish to comment on political and social issues becomes far more blurred." Citizens United, 558 U.S. at 352. In defamation cases, the public-figure status of a plaintiff and the public importance of the statement at issue—not the identity of the speaker—provide the First Amendment touchstones.

The Ninth Circuit noted that there *might* be one remaining area where Gertz does not apply and a defamation plaintiff does not need to prove even negligence – if the plaintiff is a private figure and the speech is not on a matter of public concern. But the court found it need not decide that legal question, because Cox's posts were on issues of public concern – they were about allegations of a crime against a trustee in a bankruptcy proceeding. The court noted that "[p]ublic allegations that someone is involved in crime generally are speech on a matter of public concern" and "even consumer complaints of non-criminal conduct by a business can constitute matters of public concern." That means that the limitations on Gertz – if they exist[*note*] think the better rule is that Gertz applies without regard to whether the speech is of "public interest." It's not clear to me how a false statement could be both "on a subject of purely private interest" and actually harmful to the reputation of the subject. Plus, a more robustly speech-protective rule protects everyone.[*note*] – are narrow. The court rejected, however, Cox's argument that Padrick and Obsidian Finance should be treated as public figures or public officials, triggering the *Sullivan* actual malice standard, just because Padrick was appointed by a court.

The Ninth Circuit's *fairly important* achievement was firmly supporting the distinction between statements of fact (which may be defamatory) and statements of opinion or hyperbole (which may not). Rejecting Padrick's cross-appeal, they agreed with Judge Hernandez that Cox's other posts could not be taken as statements of provable fact and therefore could not be defamatory. The Ninth Circuit is polite and professional and would never put it this way, but I will: the court articulated *the Batshit-Crazy Rule*. [*note*] I am aware some people may take offense to that turn of phrase. I have written rather bluntly before about what it is like to suffer from major depression.

I am sympathetic, generally, to social prejudice against mental illness. But I am unsympathetic about the sensibilities of people who use mental illness as an excuse or vector to abuse the persons and rights of others. Sorry.[*note*] Cox's posts attacking people – Padrick, attorneys who have opposed her, bloggers and journalists who have angered her, me -- come off as batshit-crazy. They make flamboyant and bizarre accusations that normal people would not credit.[*note*] For instance, for the record, I

APPLEPHONEWHOLESALESTOI!  
IS SCAMMERS "BEWARE."  
UNITED KINGDOM Internet

TrueBuild  
Credit



TRUSTED  
BUSINESS  
REVIEW

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Excellence in Customer Service.  
TrueBuild Credit / Corporate Credit  
Network dedicated to customer  
satisfaction. TrueBuild Credit has  
implemented their revised  
business plan that features their  
customers satisfaction as number  
one priority, collaborating  
effectively as a team to continue  
to improve communication within  
support department between  
customer & technician.

Consolidated  
Credit



TRUSTED  
BUSINESS  
REVIEW

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industry leader in providing credit  
counseling & debt management  
programs throughout the United  
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dedicated to client satisfaction,  
customizing programs for each  
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Consolidated Credit advises  
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commitment to Ripoff Report  
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Satisfaction Program. A program  
that benefits consumers, ensuring  
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when doing business with a  
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Credit recognized by Ripoff Report  
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service.

Exhibit 14

have not engaged in a conspiracy to murder adult entertainment performers.[/note] They do so on vividly-named sites, and employ an entire Souplantation's worth of word-salad. They recursively cite each other, or Cox's fillings, rather than citing facts or evidence. They carry all the hallmarks of pervasive mental illness – but also, and more importantly for First Amendment purposes, hyperbole, bluster, and opinion. The Ninth Circuit put this in more genteel fashion. The court explained it looks to three questions in determining whether a statement is fact or opinion –"

- (1) whether the general tenor of the entire work negates the impression that the defendant was asserting an objective fact,
- (2) whether the defendant used figurative or hyperbolic language that negates that impression, and
- (3) whether the statement in question is susceptible of being proved true or false."

Applying those factors, the Ninth Circuit noted that Cox's posts at issue were full of hyperbole and extreme language, were posted on sites with names like [obsidianfinancesucks.com](#) that predispose readers to view them with skepticism as one-sided, contain run-on stream-of-consciousness sentences that seem more like diary entries about feelings than statements of fact, and contain bizarre flights of fancy like accusations that Padrick hired a hit man to kill Cox (a common delusional theme in Cox's writings). In short, "the district court correctly found that, in the context of a non-professional website containing consistently hyperbolic language, Cox's blog posts are 'not sufficiently factual to be proved true or false.'" The Ninth Circuit therefore rejected Padrick's cross-appeal. The Ninth Circuit's opinion protecting Cox's free speech rights also protects your rights.

The ruling means that if someone sues you for something you write or say, your First Amendment protections will not turn on whether a judge views you as a "professional journalist." Rather, the same legal protections that have traditionally been applied to the New York Times will apply to you. That is a substantial comfort, particularly because many jurists are not familiar with things like blogs. The ruling also robustly protects your right to express how you feel, using vivid language, by maintaining that only provable statements of fact are defamatory, and hyperbole and rhetoric are not. So: the Ninth Circuit's opinion was a substantial victory for free speech. What was Cox doing whilst the Ninth Circuit was mulling it over? She was working diligently – some would say obsessively – to attack and undermine the free speech of others, as one would expect of a narcissistic hypocrite. **Chapter Two: Crystal Cox Gets Angry** Before I explain what Crystal Cox did in 2013 to undermine the free speech rights of others, I have to explain why she got angry enough to do it. In short: Crystal Cox is

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[Entertainment](#)  
[Electronics Co.](#)  
[Company](#)  
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card but never  
ships product Brewster, NY, 10509  
NY

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[Koepfner](#)  
[Randy rwhbmw](#)  
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Ripoff Report on  
CBS 19 - Global  
Marketing Alliance



Ripoff Report on  
ABC 15 - Smart  
Shopper



Ripoff Report - Girls  
Gone Wild

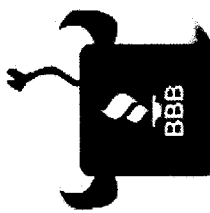


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WHAT YOU NEED TO KNOW  
ABOUT THE BBB: NOT a  
government agency as listed in  
your local phone book. Instead  
the BBB is a private non-profit /  
franchise operation. 20/20  
exposes the BBB. Hamas Terror  
Group Gets 'A' Rating - BBB is  
running a "pay for play" scheme.

mad because people called out her conduct and fought back.

- *I'm Not An Extortionist, I Just Tell People I Will Stop Bad-Mouthing Them If They Pay Me Money*

Crystal Cox is very angry that people call her an extortionist. Why would people say such a thing? Well, it's because of emails like this:

**David Aman**

From: Crystal L. Cox [cavvybrokan@yahoo.com]  
Sent: Wednesday, January 19, 2011 2:23 PM  
To: David Aman  
Subject: From Crystal L. Cox

Hello David, I hope this eMail finds you doing well. All said and done, looks like Summit boys going to Jail. and Well I don't think that Kevin acted with the Highest of Integrity.. however at this Point in my Life it is Time to Think of Me.

So I want to Let you know and Obsidian Finance that I am now offering PR Services and Search Engine Management Services starting at \$2,500 a month to promote Law Firms... Finance Companies . and to protect online reputations and promote businesses..

Please Let me know if Tontoon Topp or Obsidian Finance is interested in this service.. thanks for your time..

In Love and Light



Crystal L. Cox  
Law Practice Manager  
and Public Relations Owner.

That's an email from Crystal Cox to the lawyer for Mr. Padrick and Obsidian Finance, after she had put up many websites accusing them of criminal offenses, offering to "protect their reputation" in exchange for \$2,500 per month. Doubtless that influenced the Ninth Circuit to say this about Crystal Cox in their opinion:

*Cox apparently has a history of making similar allegations and seeking payoffs in exchange for retraction.*

One instance of interstate extortion isn't exactly a history, of course. But other people have complained of similar tactics by Cox. For instance, she sought the pro bono assistance of First Amendment badass Marc Randazza. When Randazza didn't respond quite the way she wanted, she sent him this:



Subject: from Crystal L. Cox  
 From: "Crystal L. Cox" <saavvybroker@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 Arman 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

In other words, after approaching him about a case in which she had been sued for creating defamatory blogs about people, she registered a URL in Randazza's name, told him she needed to make money, and asked if he knew anyone who needed a search engine reputation manager. Nor is Randazza the only one. The Montana Board of Realty Regulation recently recommended that Cox's real estate license be suspended. The Board explained that Cox became irate when a potential customer backed away from her, and sought to destroy his reputation online with confidential information he had provided to her as a potential broker:

*The licensee became enraged that Cain had decided not to work with her. As a result of her anger, soon after Cain severed their business relationship, the licensee began blogging about Cain and contacting Cain through both e-mail and telephone. The licensee's blogs exposed many of Cain's real estate purchase plans for his company, information which the licensee had obtained through her discussions with Cain when Cain was having her line up properties in Montana.*

And then -- in an echo of her accusations against others of hiring hit men -- she made him an offer:

*On her February 17, 2011 blog on the [www.martincain.com](http://www.martincain.com) website, the licensee posted "Montana Man Admits to Working With Martin Cain to Set Me Up. Harm me, Kill me." Exhibit 1, February 17, 2011 blog. Afterwards, the licensee deleted the February 17, 2011 blog and then sent an e-mail to Cain telling him that he*

show  
the world  
what kind of  
company  
yours is...

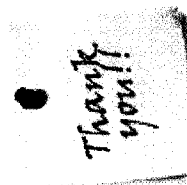
**Report**  
Corporate Advocacy  
Program

donate  
help keep this site  
free



Ripoff Report Legal Ads

Ripoff Report Legal  
Directory



Read how Ripoff Report  
saves consumers millions.

Exhibit 14



could purchase the [www.martincain.com](http://www.martincain.com) website and domain name for \$550,000.00.

Cox is incensed that people call this extortion. One of her constant refrains is that she's never been charged criminally with extortion, and therefore it's defamation, a hate crime, a criminal conspiracy, a civil rights violation, and a general abuse of her rights to offer the opinion based on these facts that she committed extortion. Of course, Cox's whole schtick is creating web sites accusing other people of a bizarre array of crimes, even though they've never been charged with any such crimes. The hypocritical contradiction is typical of an extreme narcissist.

- *I'm An Investigative Journalist, But Other Bloggers Are Just Mean*

Cox is also angry because, when some news sources suggested that she might be a free-speech hero, bloggers fought back and showed her for what she is. For instance, I wrote about how Crystal Cox registered domains in the name of Marc Randazza's wife and young daughter in retaliation for Marc's dispute with her.

**Registrant:**  
Crystal Cox

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

Many other lawbloggers – like Jordan Rushie and Scott Greenfield and Mark Bennett and Eric Turkewitz – also pointed out her conduct and explained that, whatever the merits of her case, she is a villain, not a hero. Even mainstream journalists – like David Carr at the New York Times and Kashmir Hill at Forbes – put her First Amendment claims in the context of her deranged and extortionate behavior.

As a result, a Google search for Crystal Cox's name quickly yielded stories about her bad behavior. Crystal Cox didn't like that. In her mind, only *she* is allowed to write negative things to impact someone's search engine results.

- *Marc Randazza Fights Back, Kicks a's*

Exhibit 14

Marc Randazza – who is a friend and occasional client, in addition to being a First Amendment badass – is not one to take abuse lying down. So when Cox registered a bunch of domains in his name (like marcrandazza.com and marcjohnrandazza.com) in order to bad-mouth him and sell advertisements, he fought back. The results have been very upsetting to Cox. First, Randazza filed an action with the World Intellectual Property Organization, which resolves disputes over domain names. Marc chose wisely by proceeding narrowly – he didn't seek to capture domains that were on their face critical or satirical, like marcrandazzasucks.com. Instead, he sought only to capture those domains that used his name in a way that caused confusion, on the theory that Cox registered those domains in bad faith to cause confusion and make ad revenue. Marc knew to narrow his claim like that because he's successfully defended satirical bloggers who use their targets' names in non-confusing and clearly satirical ways, like glennbeckrapedandmurderedayounggirlin1990.com. WIPO agreed, and awarded Marc several domain names that used his name in a confusing and non-satirical manner, and in the process noted that Cox registered the domains fraudulently to commit extortion:

*In any event, for purposes of the Policy the Panel finds the Respondent's intention, as reflected by the record, was never to solely provide, through her websites, speech critical of the Complainant. Rather, her objective in both registering and using the disputed names was apparently to engage in a rather sinister and tenacious scheme to extort money from the Complainant. Specifically, the Respondent first posted negative and false commentary on her websites that was intentionally calculated to injure the Complainant's on-line reputation and disrupt the Complainant's business conducted through his law firm. Thereafter, the Respondent used those sites in a manner that apparently optimized their ranking on the Google search engine in order to increase their visibility and prominence on search results yielded through a Google search of the Complainant, thus likely exacerbating the injury caused to the Complainant. Once all this occurred, the Respondent then offered her reputational management services to the Complainant through which, for a considerable fee, she would remediate the Complainant's on-line reputation by eliminating all the negative and false commentary of her own making and presumably also ceasing her use of the disputed domain names. Basically, for a price, she would undo the injury to the Complainant for which she was responsible for having created in the first place. This egregious conduct clearly constitutes bad faith under the Policy.*

But Randazza wasn't done. He sued Cox in United States District Court in the District of Nevada. In his complaint, Randazza explicitly disclaimed any intent to sue Cox for theories like defamation or infliction of emotional distress. Instead, he accused Cox of registering domains in his name in order to make money of it, in violation of his rights,

and as a pattern of extortion. He noted, for instance, one of Cox's posts titled "Marc Randazza Domain Name for Sale.. Here Kitty Kitty..." Based on that, Randazza articulated causes of action under the federal cyberpiracy and cybersquatting statutes, as well as under state right to publicity statutes. The gravamen of his claim -- and what distinguishes it from most cases of satirical websites -- is that Randazza alleged that Cox acted to extort money from him or make money through selling the domains or collecting other revenue. Randazza's suit has been successful. United States District Judge Gloria Navarro first issued a temporary restraining order against Cox locking the domains to prevent their transfer, and making this finding:

*In this case, Defendants have embarked on a campaign of cyber-extortion. Specifically, Cox sent an e-mail to Plaintiff Randazza that informed him that she had purchased and, in that same email, informed him of her "need to make money." (Pls.' Mot. for TRO, Ex. 8, ECF No. 2-10.)*

Judge Navarro later issued a preliminary injunction transferring the domains to Randazza. Judge Navarro repeated her finding that Cox was engaged in extortion:

*Here, Defendants' actions leading up to the filing of the Complaint, as well as Defendants' past behavior, as represented in Plaintiffs' reply briefing, clearly seems to indicate cyber-extortion. (See Pls.' Reply in Support of Preliminary Injunction, ECF No. 28, Ex. 1). Specifically, Defendant Cox's request for \$5 million in exchange for and her offering of "reputation management services" indicate her intent to profit from the registration of Plaintiffs' personal names as Domain Names. Defendant's post hoc attempt to explain this as a "joke" is not credible. Given the fact that the Defendant has been shown to have engaged in a pattern of cybersquatting and cyber-extortion, this Court finds that she was more likely than not, attempting to sell this domain name to the plaintiff, or to solicit a price for the domain name in excess of her out of pocket expenses related to the domain name.*

As you will see below, as a result of these rulings Cox repeatedly and frivolously sued Judge Navarro.

- *I'm Mad On Behalf Of My New Friend. Or Am I?*

Finally, Cox professes to be outraged on behalf of a new friend. The friend is a man

Exhibit 14

named Elliot Bernstein. For many years, Bernstein has been asserting that he invented technology called iViewit, and that all of the companies using streaming video have stolen and infringed his rights to that technology in a vast conspiracy. I shall refrain from characterizing Bernstein and his litigation history. Let me, instead, quote from the opinion of a United States District Judge in New York dismissing one of Bernstein's cases:

*This action presents a dramatic story of intrigue, car bombing, conspiracy, video technology, and murder. In short, plaintiffs allege that hundreds of defendants engaged in a massive conspiracy to violate their civil rights and, in the process, contributed to the Enron bankruptcy and the presidency of George W. Bush. In plaintiffs' words: Plaintiffs depict a conspiratorial pattern of fraud, deceit, and misrepresentation, that runs so wide and so deep, that it tears at the very fabric, and becomes the litmus test, of what has come to be known as free commerce through inventors' rights and due process in this country, and in that the circumstances involve inventors' rights tears at the very fabric of the Democracy protected under the Constitution of the United States.*

As that Court suggests, Bernstein suggests that the violation of his intellectual property rights are intertwined with many of the most momentous events of the last few decades. For instance:

*In fact, plaintiffs suggests that the iViewit case may have distracted Justice Labarga from his work on Bush v. Gore, leading possibly to its result.*

In his various motions seeking to reverse his litigation fortunes, Bernstein brags of seeking state and federal criminal charges against a large swath of the United States Court of Appeals for the Second Circuit, the judges of which are apparently complicit in the conspiracy. And so on. You may, with caution, visit Bernstein's site and draw further conclusions. Cox transferred many of her domains to Bernstein, perhaps to protect them from judgment creditor claims by Padrick and Obsidian Finance, and perhaps to protect them from Randazza. She also now asserts that all of the bad things said about her are part of a conspiracy to prevent her from revealing the secrets she knows about the vast conspiracy Bernstein claims in his lawsuits. No. Really. So. Where did all of this anger lead Crystal Cox? To court. More accurately, to a whole bunch of courts.

**Chapter Three: Crystal Cox Sues Everybody**

In 2013, Crystal Cox embarked on a series of federal lawsuits in numerous states, all combining her grievances from the Padrick and Obsidian Finance litigation, her grievances against the journalists and bloggers who wrote unflattering things about her, her grievances against United States District Judge Gloria Navarro and the WIPO for ruling against her in Randazza's actions, some poorly expressed grievances against people who annoyed her when she lived in Montana, and the grievances of her new friend, Elliot Bernstein. I was a defendant in one of those actions, because I wrote about Cox, and therefore was classified as a conspirator. Cox sued in federal courts in Arizona, California, Florida, Illinois, Massachusetts, New Jersey, New York, Nevada, Pennsylvania, and Wisconsin. I have collected all of her complaints, and the orders dismissing them, in the appendix to this post.[note]Yes, having a post with footnotes is already ridiculous. Yes, an appendix transcends self-parody. I AM WHAT I AM.[/note] Cox's defendant list varied a bit from suit to suit[note]I am only listing Cox's 2013 lawsuits against this group of defendants on this group of bizarre claims.

Separately, Cox also sued a strange array of defendants in federal court in Montana, accusing them of being part of a vast conspiracy back in 2006 to conceal mold in a house. That suit was dismissed by the court. Cox also sued numerous realty (that's realty, not reality, obviously) organizations based on claims of conspiracy and antitrust violations. That claim was also dismissed by the court[/note], but generally it included Judge Gloria Navarro (for ruling against her), Kevin Padrick and Obsidian Finance and their lawyers, the New York Times and journalist David Carr and Forbes and journalist Kashmir Hill (for criticizing her), numerous lawbloggers who criticized her (including me) and their law firms, New York Public Radio, the World Intellectual Property Organization and several of its officials, megafirms Proskauer Rose and Greenberg Traurig (who defended against Bernstein's litigation), the Multnomah County Sheriff Office and the Sheriff and one of his deputies, the University of Montana, Warner Bros. (which, as near as I can tell, is alleged to use streaming technology stolen from Bernstein), Godaddy (for allowing courts to tell it to move domains away from her), employees of Intel and Apple (again, apparently premised on the Bernstein claims), and the Free Speech Coalition (because f\*\*k you, apparently).

Like the defendant list, Cox's list of causes of action also varied. However, her complaints include both criminal claims (which, of course, Cox cannot lawfully bring) and civil claims, and include things like criminal and civil conspiracy, conspiracy to violate civil rights, deprivation of civil rights under color of law, "all state and federal laws applying to defamation," "ALL federal and state harassment laws applicable," "all anti-discrimination laws," the Sherman Antitrust Act, violation of the Bill of Rights and the Universal Declaration of Human rights, violation of the International Covenant on Civil Rights and Political Rights, the Hate Crimes Act, abuse of process, tortious interference with contract and prospective business advantage, racketeering and RICO, malpractice, "shield laws," witness tampering, False Claims Act, Deceptive

Trade Practices and Consumer Protection Act, "all federal and state whistle blower [sic] retaliation laws," and others. It is extremely difficult to figure out what Cox says any particular person did.

As near as I can figure, Cox – whose avocation is accusing people of crimes on her blogs – is arguing that it is defamation, racketeering, hate crime, and retaliation to point out that her published emails are extortionate. She also seems to be arguing that all of the defendants, somehow, are part of the vast global conspiracy against Bernstein to steal his iViewit technology, and that she is a victim because she has crucial information about the conspiracy and people are writing mean things about her in order to suppress her crucial testimony. Or something. One thing is very clear: just as clearly as she thinks the First Amendment should protect her saying terrible (and entirely bogus) things about Kevin Padrick and Obsidian Finance, she thinks the law should prevent other people from saying negative things about her. Again: narcissistic hypocrite. Notably, as far as I can tell, Cox never served a single defendant through lawful service.

Nobody was ever required to respond. So how did the cases get dismissed? Well, rather than pay the filing fees – which, given the number of cases, would have been substantial – Cox pled poverty and asked the courts to waive the filing fees. Federal courts can do that – but the statute that allows them to do so also allows them to dismiss frivolous and abusive complaints.

The courts faced with Cox's claims have done so. Federal judges across the country have responded to Cox's claims with a mixture of bewilderment and scorn. They've called Cox's claims "fantastical and implausible."

Another said "[t]he plaintiff's complaint is 153 pages in length, is not presented in numbered paragraph form, and does not clearly state what acts of what defendants are alleged to give rise to her claims." Said another, "[a]t 153 pages, Plaintiff's Complaint is sprawling and incomprehensible. In what can only be characterized as a barrage of allegations and accusations, the Court cannot discern to which parties the individual claims are directed and on what basis the claims are brought." In Florida the District Judge discussed the bizarre nature of Cox's claims:

*The current claim is clearly baseless in light of the fact that the Complaint is comprised of conclusory allegations that are off-times fantastic or delusional, and substantiated by no facts to support the practicality of the claims. For instance, Plaintiff states that Defendant Randazza and his co-conspirators are involved in prostitution rings, client shakedowns, controlling judges, strong arming or paying*



*off media, and extreme retaliation against those who criticize Defendant Randazza. (D.E. 1-2 at p. 94). Plaintiff factually substantiates none of these claims. Plaintiff also conclusively alleges without substantiation that Defendant Judge Gloria Navarro placed Plaintiff's life in danger. Id. at p. 25.*

In Massachusetts, in an very thorough order putting Cox's claim there in the context of her nationwide campaign, the court drily noted that her complaint is "not entirely intelligible or organized." Based on their power triggered by Cox's request to proceed without paying fees, the courts have all dismissed Cox's complaints. When they have given her leave to amend, she has either failed to do so or has filed amended complaints that are just as unintelligible as the original ones. In some cases Cox has ceased communicating with the court. Courts sending mail to the post office box she provides in her pleadings have had it returned as undeliverable, even though she continues to use that post office box in recent filings. (Refusing to acknowledge or accept undesirable court mailings is a common vexatious litigant tactic.) Similarly, Randazza notes that she's playing a similar game in his suit against her – she's commenting online about the content of filings and court orders even as she ignores and fails to respond to them.

Cox's federal complaints have gone nowhere. That is unlikely to change. But they have represented an effort to suppress and retaliate against free speech by vexatious harassment of her critics. Being sued – even by a deranged person – is stressful and unsettling. Even when your speech is clearly protected by the First Amendment, like the commentary about Cox has been, it's difficult not to be chilled by frivolous lawsuits. Cox was uttering censorious demands out of one side of her mouth even as she asked the Ninth Circuit to protect her free speech out of the other side.

### **Conclusion**

Ultimately this case shows the legal system working. A judge violated the rights of an extremely distasteful and justifiably despised litigant, and the Ninth Circuit applied the First Amendment correctly to someone who, herself, abuses it at every opportunity. A disturbed pro se litigant filed a flurry of abusive and frivolous suits, which were dismissed without any defendants even having to respond. I would feel that the system was working even better if an enterprising United States Attorney somewhere prosecuted Cox for interstate extortion, but we don't always get what we want. For now, it is satisfying to know this: Crystal Cox's appeal to the Ninth Circuit produced an important ruling that defends my rights and yours, and that ironically will make it easier to defeat her nonsensical, abusive, and censorious lawsuits if anyone is ever called upon to do so.

EXHIBIT 14

**Appendix**

District of Arizona Complaint

District of Arizona Amended Complaint

District of Arizona First Dismissal

District of Arizona Final Dismissal

Northern District of California Complaint

Northern District of California Dismissal

Southern District of Florida Complaint

Southern District of Florida Dismissal

Southern District of Florida Final Dismissal

Northern District of Illinois Complaint

Northern District of Illinois Minute Order Explaining Dismissal

Northern District of Illinois Final Judgment of Dismissal

District of Massachusetts Complaint

District of Massachusetts Dismissal Order

District of Massachusetts Final Dismissal

District of Nevada Complaint

EXHIBIT 14

« Show everything

# Crystal Cox is NOT a Journalist

JUST A SAD AND DELUDED WOMAN

May 3, 2012

1 note & 6 Comments

## Good News Everybody...

You read that in the Professors Farnsworth's voice didn't you?

Sweet zombie Jesus.. What!

and that...HA!

Well yes it is good news, except for Crystal Cox that is. It seems that the universe is starting to right itself.

How you ask?

Well you just have to look at these two links that used to be owned by Crystal and now you can see that they both point to the one, the only, the man with the MAFAI ties himself (silk not leather) Marc Randazza's Legal Group.

[www.nataliarandazza.com](http://www.nataliarandazza.com)



### About the author

This blog is about Crystal L. Cox (sometimes called Reverend Crystal Cox) a deluded person who seems to think extortion attempts and defamatory websites somehow makes her into a journalist with all the protection that goes along with it.

We will show here with humor and facts that this interpretation of what a Journalist or an Investigative blogger

Exhibit 15

[www.jenniferrandazza.com](http://www.jenniferrandazza.com)

So Crystal (or should we also include a Ms Mayers with this question) does your domain name portfolio feel less bulky now? Better hang on tight, it seems it will be getting slimmer each and every day.

We aren't normally ones to gloat, but in the words of Zoidberg.

**Woop! Woop! Woop! Woop!**

Now back to your normal HypnoToad channel the lot of you. Though we will shortly be posting some huge expose's of the stupid, the mundane, the perjured, and the discombobulated, with even some history thrown in about extortion and bad manners for good measure.

We might even talk about how we ourselves are not even situated in the USA.. o\_o

Filed under Crystal Cox, extortion, good news, zoidberg, randazza

April 20, 2012

<sup>1</sup> note & 3 Comments

## A quick laugh-fest Intermission for the idiotic Crystal Cox

Due to that thing the rest of us, other than Crystal, call reality we have been sadly remiss in our duties to educate and laugh at Crystal Cox. Though it seems she and some of her weird new friends in the Batshit Crazy cave have been doing our job for us.

You see Crystal has tried to make some sort of meaning out of Righthaven,

is, is in fact a deluded fantasy of a disturbed mind, namely hers.

The authors you ask? We are anonymous, though sadly not legion

You can email us your fears and dreams (we will sell them to the highest bidder) or act like a twit with us using @TumblinCox

*Disclaimer: This is an Adult blog that might post text and images that could be classified as NSFW by some sensitive Adults*

Ask us anything, Submit some facts

Search

### Blog Tools

Archive

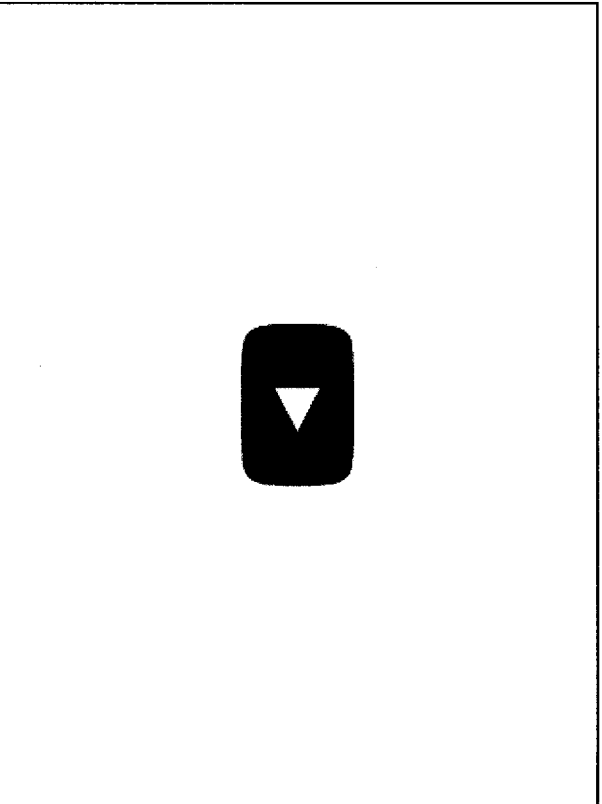
RSS

Exhibit 15

Steve Gibson (CEO of Righthaven), Stephens Media, Todd Kincannon, and Marc Randazza, by linking them all together in some sort of weird conspiracy involving Porn, the Las Vegas Review-Journal (A newspaper), Magical Hocus Pocus, knpr (a radio station), and the Illuminati. Or was that Lizard aliens? (who can understand Monica Foster's weirdness)

All this weirdness can be found on Crystal's own blogs which we wont link to anymore from here since all that is doing is giving her more revenue for her link farms thereby enabling her to keep up with her vilifying and extorting ways.

For anyone who has never heard of Righthaven (you lucky people) these links referring to court cases that the EFF and Randazza Group were a part of against Righthaven should help you understand why the following video is by everyone on the planet to Crystal Cox and her army of nucking futters.



Crystal we suggest that you click on this link for the full 10hour experience of what the world is doing whenever they read your delusions.

Filed under Crystal Cox, Crazy, extortion, illuminati, Monic Foster, righthaven

April 10, 2012

1 note & 3 Comments

## Is Crystal in serious need of a learning experience?

As we stated in our last post, "it's time to get serious" so lets get serious!

You all thought we weren't serious didn't you? Seriously? Ha! that will teach you.

Talking about teaching, or in all seriousness typing about it, ok ok.. we hear the groans.. we will stop this serious business of typing 'serious' every three words. ~~Seriously~~

Back to teaching. Would anyone like to know of a learning experience that might be about to be given to Crystal Cox? No? Right.. you.. yes you behind the bikesheds... stand still laddie! oops sorry we had a Pink Floyd - The Wall moment there.

For you other nice students who will be having pudding. We invite you to sit back, open your minds, and listen to this lesson of life.

As most people understand you are never too old or too young to learn, life itself is a learning experience, whether it is a cruel one or an enjoyable one full of wonder we leave to the student to understand. Though in Crystal's case the lesson on not attempting to extort, intimidate nor interfere with a witness has seemingly not been taught, or if it has it must of slipped through the cracks of her DERP (Deluded & Erratic Reality Distortion) Field.

See there is a well known common sense law that is part of United States Code - Title 18 (Crimes and Criminal Procedure) that states that "Tampering with a Witness, Victim, or Informant" is a Federal crime punishable by up to 20 years in jail, which means students, that Crystal may (and we think

Exhibit 15

Crystal's definition of may would be correct here) be placed into playground detention for a while.

Below the fold is a long drawn out, and shall we say seriously (yes... ok ok) boring though informative reasoning of why we here at CrystalsTumblingCox think it is way past time that the School of Life's Principal becomes involved (ie: those scary dudes and dudessess who sit at a bench and bring down punishments on the naughty boys and girls)

Read more ...

Filed under Crystal Cox, 18USC1512, Witness, Extortion, teaching, life, delusion

April 8, 2012

0 notes & No comments

## Crystal Cox is serious now...

Yes readers, it has come to our attention through serious Deep Digging that Crystal Cox, that woman who even Goddess's think is a complete and utter Loon has decided..

Wait for it..

To get Serious.

Serious you ask? SeRiOuS even!!!! Seriously deluded? seriously in touch with her brain? seriously in need of psychological help?

No. She has decided after figuring out that dead people too are fair game to stop the shenanigans (WTF!)

"The sexual yammer, threats to my kneecaps, lies about me, and all the



hate rising up through the lies of Marc Randazza, well I will trust that the Great Spirit is watching over me there. **I will no longer engage.** However, I will now include Marc Randazza in my investigations”

Yes we Know, making sense is not her forte, so check it out for yourself, and remember CrystalsTumblingCox is not responsible for any and all injuries you may suffer from looking at her post here.

So what are we going to do about all this serious stuff.

Well



Yes, we will begin to get all serious. Though don't worry, I'm sure it won't be much different, you see there is serious, then there is Yahoo Serious.

And seeing as it is a Sunday, and there are Easter eggs to seriously consume we hereby declare Monday to be serious day.

Though in no way will we even consider explaining let alone thinking about what her "sexual yammer" is..

Seriously!

Filed under Crystal Cox, serious, Marc Randazza, Advice Goddess

April 8, 2012

0 notes & 5 Comments

## Captain Obvious tells it like it is... obviously

It seems that Captain Obvious himself has come out of retirement [h/t to Joe\_pullen].

He, that sees all and knows all that is common and obvious, has once again heard the cries of the sane and heeded the call to once again take up what to him is quite obvious and explain to the world that Crystal Cox is, in his words

"[a] Bat-shit crazy Blogger of BullShit, defamer of the innocent, Reverend of the Ridiculous"

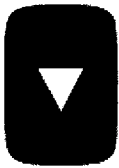
Not only that but because this is the 21st century, he has graciously made a HD multimedia presentation of awesomeness.

We recommend that you click the full screen [ ] icon to get the full awesomeness, and once you watch it once, watch it again to keep pausing and read what will be obvious to everyone that Crystal is just another wannabee nutter with an attachment problem and narcissism trait who just wants to be immortalized.

Exhibit 15

She will be, though even Captain Obvious would agree that it is not going to be in the way she wants it to be. Oh well, it's obvious when you think about it.

[http://www.youtube.com/watch?v=gyeeB5\\_bhD4](http://www.youtube.com/watch?v=gyeeB5_bhD4)



Filed under Captain Obvious, Crystal Cox, video, extortion, defamer, Narcissism

April 7, 2012

1 note & 2 Comments

## Combating "Bad" Speech with More Speech - On The Media

Marc Randazza in a heartfelt and eloquent interview with On The Media states what this strange, and in some ways ironic for a First Amendment Lawyer, situation with Crystal Cox and her weird "google bomb" type

strategy of (in our opinion) intimidation/harassment/extortion has caused for him, his wife, and his daughter and the internal struggle he has had to go through to deal with it all.

Play the 8 minute long embedded audio below or head on over to On The Media to hear, embed, or download it .

In the interest of equity you can also read Crystal Cox's incoherent post in response on her ,one of many pages, here .

It seems that Crystal now considers herself BatShit crazy too, and part of a Radio network of BatShit crazies. We definitely wont be arguing with that.

Filed under Marc Randazza, Free Speech, On The Media, Crystal Cox

April 6, 2012

0 notes & 2 Comments

## Crystal Cox is victimising us with her excluding ways

After much angst, debate, and argument (mostly over who's turn it is to buy drinks) we have come to the understanding that we are not worthy of Crystal Cox's craziness.

You see, no matter how hard we have tried, the amount of time and effort we have placed into every investigative Dig Deep story we have posted here it is still not enough for Crystal. She demands like Oliver, more... more digging, more deeper probing, more investigate blogging more more More and even

Exhibit 14

mOfE.

Why do we know this dear readers, because she refuses to acknowledge that CrystalsTumblingCox is part of the Cliques of Normals Secretly Performing Insidious Rituals Aimed at Controlling You (C.O.N.P.I.R.A.C.Y), and we are not the only ones.

Jordan Rushie a lawyer of diversity, adventurism, insomnia, and awesome beards who seems as normal as anyone else - though he does thinks Ken would look good as scully \*blink\*. He has discovered that he too, like us is not part of this clique and has written of his melancholy in a deep and moving post.

Jordan, we feel your pain. We empathize. We the victims of Crystal's bullying behavior excluding us from her insane ramblings must band together to stop it.

How do we do this? Do we ignore it, do we take action under proposed anti-bully laws (sadly we are not in Arizona so that wont work)?.

What about education? Education! Yes Education and letting the sunshine out is the ONLY way to treat this travesty of exclusion.

To that end, after the fold, we have posted at great expense an educational prose explaining for Crystal, and anyone else with a penchant for tinfoil what a Conspiracy is and how to spot them.

Like Jordan, we need to be included, we might not have Scully's looks, or Mulder's hair, or even the Smoking Man's grating voice, sarcasm and disdain, though we will, may FSM guide us, be The Lone Gunmen.

Read more ...

Filed under conspiracy, Crystal Cox, education, bullying, exclusion

Exhibit 15

April 5, 2012

1 note & 2 Comments

## Breaking News: May defined as Must, dictionaries explode everywhere

The word **may** to us, is full of meaning, full of a sense of possibilities and opportunities with it's tiny and cute 3 letter combination of; *m* that is found starting words like mom, music, mirth and mischief; *a* found in the vowels of the English language itself therefore a hAppy letter full of mirth and mischief (the Greeks even call it the beginning letter); *y* why indeed is this letter the source of Crystal's scorn since it is an affirmative letter of Yes and Yo and even found within funny sayings; but to Crystal Cox this word is wrong, and seems to now be beholden to what she considers reality.

Crystal you see good readers has taken this word, this word with it's many and varied uses of historical, legal, and cultural significance and decided instead that *may* now means hence and forthwith MUST.

Why do we state this travesty of etymological proportions.

Well Crystal has once again helped define what to any reasonable, semi-intelligent, or even semi-illiterate person this word means, as the complete and bleeding opposite of what it actually should be.

In her latest treatise on why she is more equal than anyone else and why the world must Respect Her *Authoritat*! we notice the following at the misnamed website of "Investigative Blogger" [and here we thought Ethics Complaint was irony incarnate]

[<http://www.investigativeblogger.com/2012/04/crystal-cox-extortion-charges.html>]

Here is the Disclaimer in this Email Thread Regarding the

EXHIBIT 15



Communication, Privileged Communication Between Crystal Cox  
Defendant in Her Pro Se Capacity and Opposing Counsel David Aman,  
Tonkon Torp Law Firm.

"The information contained in this e-mail message **may be privileged, confidential, and protected from disclosure**. If you are **not the intended recipient, any dissemination, distribution, or copying is strictly prohibited**. .... If you think you have received this e-mail message in error, please e-mail the sender at [davida@tonkon.com](mailto:davida@tonkon.com)"

This misled me, deceived me, in my Pro Se Capacity, that along with the fact that the lawsuit had already been filed, a cease and desist already sent and I was responding to David Aman, Attorney for the Plaintiff CONTACTING ME.

[sadly all formatting and cognitive dissonance has not been changed ]

Can you see it? The destruction, the horror, the pain that *may* now endures, when someone of Crystals highly investigative blogging caliber shows the world that she and she alone can tell that **may = must** and **must = ! may**.

One day soon, in the not too distant future Crystal herself will have need of this word, but sadly in her universe no body will understand what "MustDay Mustday Mustday" means and she will drown in her own self indulgent and egotistical swill.

We might help, though only it seems in the month of May, or is that Must now?

Filed under may, Crystal Cox, stupidity, must, etymology, extortion

April 5, 2012

0 notes & 4 Comments

Exhibit 15

# Lesbians, Match.com and Marc Randazza

What?

Yes that was our exact exclamation, part of it anyway, the rest was "The FUUUUUUCK!" when we found whilst surfing the tubes and Digging Deep, as one does, this actually not bad site dealing with Lesbian issues called "Out Lesbian" that is owned by, you guessed it, the Dig Derp herself Crystal Cox.

Now you might be asking, What is our issue with lesbians.

Nothing, we don't care if someone is Lesbian, Bisexual, Gay, Hetrosexual, Transexual, black, white, yellow, or purple polka dotted with trisexual tentacles, though that would be strange - but awesome. The reason we bring this to your attention is Crystal Cox in her infinite batshit craziness has basically destroyed the whole site for her personal Ego trip and to confront the demons in her head that keep whispering that Marc Randazza is her sworn enemy and must be destroyed by using bad capitalization.

Yes you guessed it the top post which takes up two pages is all about Marc. Don't bother reading it, it's the same post on countless other sites we have all seen, and will again, and again, and ad inf--fuckin-nitem.

Why would you do this Crystal, is it not enough that you are bringing the Legal and Technology fraternities down upon you, you now have to bring Lesbians into your madness?

Oh for those wondering about match.com, that's an interesting story, but we will allow Crystal herself to tell it in a video found

*[warring: CrystalsTumblingCox takes no responsibility for outbreaks of laughter, headaches, or other maladies that may occur from watching the following video - you have been forewarned]*

here

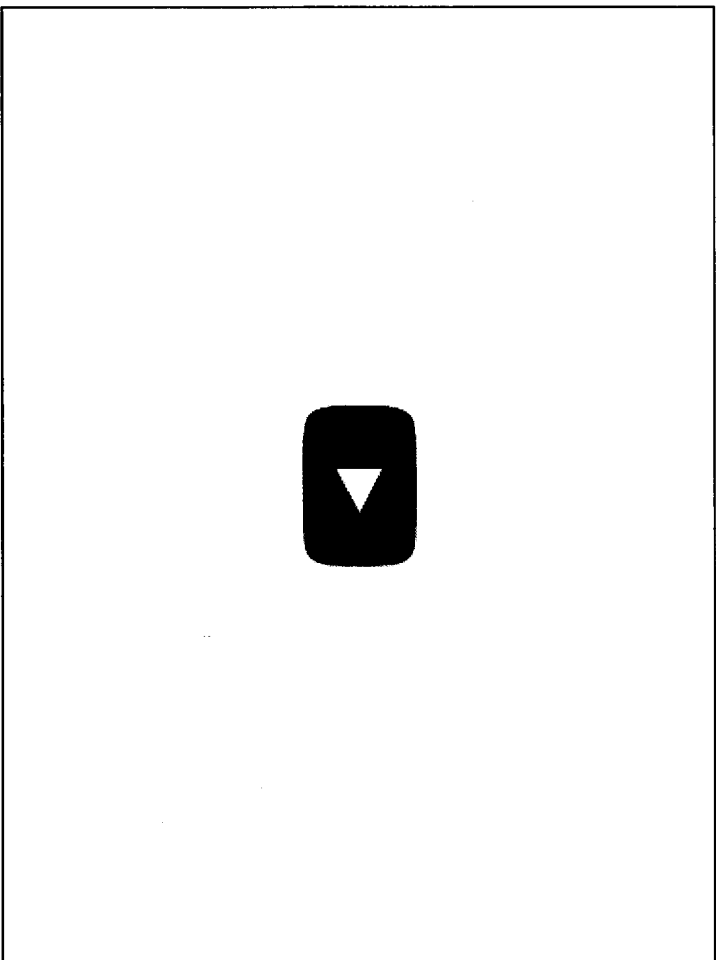
and also on Out Lesbian (down right hand side) as well.

[Read more ...](#)

Filed under Crystal Cox, Lesbian, match making, Marc Randazza, Crazyiness, extortion

April 4, 2012

1 note & No comments



**Insanity by Oingo Boingo.**

Quite apt we think

Filed under Insanity, Crystal Cox, Oingo Boingo, video

Exhibit 15

## A Blogger Not Like Us (Update)

According to the Courthouse News, the judgment of \$2.5 million against Crystal Cox has withstood a motion for a new trial, championed by some of the bigger guns in blawgosphere, Eugene Volokh and the Electronic Frontier Foundation. While the law in the case may be problematic, the decision itself reflects one of the most fundamental and common problems with developing law: It's based on the outlier.

Remember when the Virginia Bar Association found that Horace Hunter's blog would require an advertising disclaimer? Many shook their heads in dismay, as the free speech hero was smacked. But then, Horace Hunter didn't have a blog. Sure, he called it a blog. Sure, the Virginia bar called it a blog. But it was no blog, and it had nothing to do with what others in the blawgosphere did. It was nothing more than blatant advertising masquerading as a blog.

Same for Crystal Cox. She calls herself an "investigative blogger." If she called herself a "savior," she would have a better chance of being Jesus. I won't link to her because there's nothing she's ever written that deserves to see the light of day. She's a blight on the internet, an affront to any person who has the slightest concern about the insanity that appears regularly in a google search. She is not like us.

Anyone with a keyboard and internet access can claim to be a blogger. There is no test for character and fitness. Or sanity.

Aside from representing herself at trial, which certainly didn't help matters, and without reference to the utterly bizarre and wholly unfounded allegations she claimed, there's a special twist that needs to be understood.

"[T]he uncontroverted evidence at trial was that after receiving a demand to stop posting what plaintiffs believed to be false and defamatory materials 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," Hernandez wrote.

"The suggestion was that defendant offered to repair the very damage she caused for a small but tasteful monthly fee. This feature,

Exhibit 16

along with the absence of other media features, led me to conclude that defendant was not media."

How many blogger do you know who stay up all night buying websites with other people's names on them, write the craziest crap they can dream up and then try to get the victims to pay to take the crap down? Good work if you can get it, right? Well, not for most of us.

District Judge Marco Hernandez included a lot of language in his decision that strikes fear in the hearts of legitimate bloggers, diminishing the role they play and the protection they deserve. He tried to correct some of his language in his denial of the motion for a new trial.

The judge clarified his position on the media status of bloggers, which was an issue that made this case a cause célèbre among some free-speech advocates.

"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," Hernandez wrote.

The judge said he focused on lack of evidence that would establish Cox as a member of the media.

If you've ever read anything Cox published, you too would conclude that she is most definitely not a member of the media. She's not a member of the blogosphere. Whatever she is a member of, you wouldn't want to join.

Comparatively speaking, Horace Hunter, self-promoter that he was, is at least a rational, sane person, if somewhat disingenuous in his claim that he speaks for the blawgosphere when he posts self-aggrandizing stories about himself and his greater glory. Crystal Cox speaks for Crystal Cox. She's about a million miles away from anything you will ever see in the blawgosphere, even the absolute worst, most puffy crap that's become the mainstay of legal marketing.

While the legal reasoning upon which Judge Hernandez based his decision may present a host of problems for bloggers in general, it only matters when totally separated from the facts of the case, the nightmarish content appearing on dozens of websites created by Crystal Cox to scream crazily in the night about whoever became her latest obsession. It has nothing to do with us. Cox is not a first amendment hero. Cox's case will never come back to bite any legitimate blogger in the butt.

Exhibit 16

It should come as no surprise that our rights are often tested by the worst among us. Cox, however, is not the worst among us, but not among us at all. Don't fear this decision. It's got nothing to do with bloggers. She is not like us.

I applaud the fight by Gene and EFF for the issues of law at stake. As for Cox, she got what she deserved.

**Update:** If you need all the gory details, Marc Randazza spells it out in chapter and verse. It's not merely ugly, but truly quite disgusting. This is a bad story of bad things that can happen on the internet. Bad, bad, bad.

This entry was posted in Uncategorized on March 30, 2012 [<http://blog.simplejustice.us/2012/03/30/a-blogger-not-like-us-update/>] by SHG.

16 comments on "A Blogger Not Like Us (Update)"

Ja

March 31, 2012 at 4:28 am

I haven't read this case so I can't say this is the best case to have chosen for this fight, but the issues that have been coming to a head because of existing state and proposed federal shield laws simply must be addressed, and addressed soon.

As a journalist, the more I've seen the less in support I am of the federal shield law. It already is carving out its media elites and it not only hasn't passed, at the present moment, it is dead in the water – it died last year.

I am a purest and feel that as hard as it is, journalists need to continue to fight on First Amendment and common law grounds when, for example, they are served with subpoenas and so on. I say that having been served myself without the benefit of a shield law in my career, many years ago.

A shield law would have been such a relief had there been one in the state where I was working back then, but the price of that comfort is high I believe.

Press are increasingly being viewed as credentialled or not and the shield laws are creating a quasi-licensed class. Since it is so neat and tidy, state and local agencies are more than happy to model other kinds of access gates based on it.

It is carving out privileges for some and dampening freedom of speech for everyone else.

Honestly, the issue is so crucial and reaching such a crisis state that if this Cox case lays out the issue in a way that these

lawyers feel provides them solid ground for action then it simply must be done regardless of the character of this web-based hit artist Cox.

Within the journalism community this has been bubbling beneath the surface. Most journalism organizations support passage of a federal shield law, but the show of force is deceiving. In those organizations are dissenters and among them are some of the most veteran journalists, journalists in fact who were engaged in First Amendment battles years ago that led to the first state shield laws.

Organizations like SPJ, RCFP and PEN all support passage of a federal shield law

I'd like to believe that the press can be trusted not to accept excessive privileges but they can't. They are not as smart a group as you would think. They are taking them hand over fist as fast as they are handed out and rather than standing by ordinary people as they are supposed to, they are abandoning them as fast as they can. They are just selling out as fast as they can.

So, hard won reprieve for subpoenaed press members, won on the acknowledgement of the service to the public that news is, is being molded into a privileged and licensed class who are more than happy to sit in public meetings the public has been locked out of, sit in court hearings that members of the public have been kicked out of and accept privileged access to public items that the public has been newly denied access to. I have seen it first hand. The press is not being cautious, they are not being shy, they are ignorant, oblivious and reveling in it, like pigs at a trough.

SHG

March 31, 2012 at 9:17 am

While an interesting comment, it's not at all appropriate for this post. This is about the underlying matter, not a generic soap box to express tangential views on the general topic. The point of this post is that the Crystal Cox case, and what she's done, has nothing whatsoever to do with journalism or blogging.

Jordan

March 31, 2012 at 2:41 pm

Tell you what, I have a modest proposal for you...

If you pay me \$2500 a month, I will stop saying untrue stuff about you, your wife, and your children on my blog. Because it's a "blog", anything I say is protected under the First Amendment, as I am an "investigative journalist."

Exhibit 16



Do we have a deal?

Is kind of thing that really "journalism?" Is it worthy of any protection?

I don't think so.

Marc J. Randazza

March 31, 2012 at 5:55 pm

Don't forget that bad facts make bad law.

Having someone like Cox carry this flag creates a great risk of an adverse decision that cuts against our free speech rights. Part of taking an appellate case is thinking about that.

I'm not saying just that she's unsavory. So are lots of free speech litigants. But, the facts of this particular case are tailor made for a decision that may hurt us.

William Ballough

April 1, 2012 at 4:20 pm

Without making a judgment on the facts of this particular controversy, I have observed that the tactics of individuals claiming to be stock bloggers, who employ the their "blogs" solely to drive down the price of particular stocks they have shorted or pump the value of stocks they are long in, appear similar to those alleged here. Individuals claiming their blogs accurately for tell the subsequent price of a stock have been successfully prosecuted by the SEC.

Ja

April 2, 2012 at 1:44 am

Didn't Judge Hernandez lay out the seven criteria defining a journalist for this case?

And Jorden, members of the press should just fight case by case, the way they did before state shield laws. Cox would lose in either case.

Exhibit 16

Courts have never ruled that publications are immune from libel and it's never been legal to shake someone down.

How am I off point?

SHG

April 2, 2012 at 9:11 am

My point (and I suspect Jordan's) is that the Cox decision is so tainted by her actual conduct as to bring it far outside the law as will be applied to either legitimate bloggers or journalists, and this an outlier. Bad facts make bad law, but no discussion of shield laws can involve Cox, as her conduct is so outrageous, so off-the-law, that there is nothing about this case that applies to anyone else.

In other words, this is only about Cox, not legitimate journalists or bloggers, and the two shall never meet. I wouldn't give her even the veneer of legitimacy by having a serious discussion involving her conduct.

SHG

April 2, 2012 at 9:35 am

It is deeply disappointing to all readers that you aren't making a judgment on the facts of this particular controversy. Nothing matters more.

Ja

April 2, 2012 at 10:55 pm

I mention the shield laws because they generated certain formulas and vocabulary about "legitimate" media, "journalists," bloggers etc., and I find the distinctions are used all the time when there is no need and it is harmful.

She is a press, just like the wire-tapping, police-bribing criminal enterprises run by Rupert Murdoch are presses. We're not him either.

I am not her because I am not a shakedown artist who is, well, all over the place.

And I am not Murdoch because I don't commits crimes in my work.

But when I publish a blog or stories for the media I am a member of the press. She is part of a free press, Murdoch is part of a free press. The NYT is part of a free press. Wikileaks is in fact, a publisher, absolutely. These distinctions are not useful. The term media — I don't agree with your definition of "media." Media is just another word for press. And I further do indeed believe it is important to reflect on these definitions. It isn't minor — there are ramifications to how we think about these things.

Exhibit 16

Ja

April 2, 2012 at 10:59 pm

My typos don't help my credibility, especially when I claim I am not "all over the place."

No excuses, I really tend not to proofread comments and that's the truth. It's a bad habit. My original post, when I was tired, is in a convoluted voice. I am aware of it. Not proud of it. I'll turn over a new leaf.

Thanks for the debate on this case.

SHG

April 2, 2012 at 11:08 pm

I appreciate your view, but Cox is not you, me or even Murdoch. She isn't press. People who intentionally create blogs for the (1) purpose of posting false and defamatory information against their "enemies" and (2) to subsequently try to extort protection money from them, are not press. Just because they have keyboards does not make them press. She contributes nothing to the marketplace of information or ideas. She is a blight. There is good press, bad press, and people who have nothing to do with the press. She falls into the last category.

Let's have this discussion on an appropriate post. This just isn't the one.

SHG

April 2, 2012 at 11:10 pm

I have a firm rule that typos are not counted against anyone, so don't fret. We're informal around here about such things.

Advice Goddess Blog

April 8, 2012 at 6:24 am

### **“More Speech Is The Best Cure For Bad Speech”**

Marc J. Randazza is my legal knight in shining armor for how he came to my defense...

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Exhibit 16