



The Plaintiff moved to Ohio at approximately the same time as the alleged defamation occurred. None of the Defendants had any way to know that Plaintiff resided in this District. Defendants targeted no statements to the residents of Ohio. Defendants could not expect that statements published in Minnesota, Missouri, or Arizona about a man they knew to live in California, put them at risk of being haled into an Ohio court.

## 2.0 Argument

### 2.1. Facts

The Plaintiff in this action, Dr. Richard Carrier describes himself as a well-known lecturer, teacher, and author of several “notable” works.<sup>2</sup> Complaint, Dkt. No. 1, p.6 at ¶¶ 18 and 19. He holds a Ph.D. in the history of philosophy and his teachings focus on secularism, atheism, and feminism. *Id.* at pp. 2-3, ¶ 4. He professes, in his complaint, to be a practicing polyamorist. *Id.* at p. 7, ¶ 24. He raises this strange fact in his complaint because it appears to be his excuse for engaging in multiple acts of sexual misconduct, the discussion of which he prefers to censor through this lawsuit.<sup>3</sup>

Dr. Carrier formerly published a blog on Freethoughtblogs Network, where he is a well-known public figure. *Id.* at p. 3, ¶ 5. He was formerly a member of the Secular Student Alliance

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<sup>2</sup> Defendants adopt these facts. As such a public figure Plaintiff must demonstrate actual malice, instead of mere negligence, to prevail on a claim of defamation. *See New York Times Co. v. Sullivan* (1964), 376 U.S. 254, 279-280 (1964); *Talley v. WHIO TV-7*, 131 Ohio App. 3d 164, 170 (Ohio Ct. App., Montgomery County 1998). “Actual malice” is “the making of a statement with knowledge that it is false, or with reckless disregard of whether it is true.” *Lothschuetz v. Carpenter*, 898 F.2d 1200, 1206 (6th Cir. 1990). The burden is significant, as “the plaintiff must demonstrate, with convincing clarity, that the defendant published the defamatory statement” with actual malice. *Great Lakes Capital, Ltd. v. Plain Dealer Publ’g Co.*, 2008-Ohio-6495, ¶26 (8th Dist.). That is, Plaintiffs must provide “clear and convincing proof,” of actual malice. *See Street v. Nat’l Broad. Co.*, 645 F.2d 1227, 1236 (6th Cir. 1981).

<sup>3</sup> Defendants pass no judgment on whatever Carrier’s sexual practices may be in the privacy of his own relationships. However, the Defendants do have a right to expect that Carrier will refrain from inappropriate activity with young students at conferences, when that is one of the clearly enumerated rules at those conferences. Ultimately, this case never would have come about, had Dr. Carrier followed these simple and reasonable rules. Carrier himself confesses to violating these rules. *See Exhibit 1*, Richard Carrier, “How to Do Wrong Right, June 5, 2015, <<http://www.richardcarrier.info/archives/7573>> (last visited December 1, 2016), at subtopic “Bad Flirting.”

Speakers' Bureau and he spoke frequently at Secular Student Alliance meetings both during his tenure on the Speakers' Bureau and after. In 2010, 2011, 2012, and 2013, Dr. Carrier lectured at Skepticon, an annual skeptic and secular convention held at various venues in Springfield, Missouri.

Each of the individual Defendants have known Dr. Carrier in one capacity or another for at least several years. During that time, each of the Defendants knew that Dr. Carrier lived in Northern California. For example, Dr. Paul Myers did not often speak to Dr. Carrier about his personal life, but knew that he lived in the San Francisco Bay Area. See **Exhibit 2**, Declaration of Paul Myers in Support of Defendants' Motion to Dismiss (hereinafter, "Myers Decl.") at p. 1, ¶ 4.

Similarly, Defendant Frank-Skiba believed Dr. Carrier had lived and was continuing to live in California. See **Exhibit 3**, Declaration of Amy Frank-Skiba in Support of Defendants' Motion to Dismiss (hereinafter, "Frank-Skiba Decl.") at p. 1, ¶ 5.

The other Defendants knew that Dr. Carrier lived in the Bay Area for a long time and they had no idea that he had any plans to relocate. Dr. Carrier and Defendant Lauren Lane were friends and he had once recommended her for an intern position with the Center of Inquiry. Dr. Carrier's return address on his letter was a Richmond, California address. See **Exhibit 4**, Declaration of Lauren Lane in Support of Defendants' Motion to Dismiss (hereinafter, "Lane Decl.") at p. 1, ¶ 4, *Exhibit A*. All other correspondence between Carrier and Lane also showed that Carrier lived in Northern California. *Id.* at *Exhibits B-D*.

Rebecca Hammond is the Director and Secretary/Treasurer of Skepticon.<sup>4</sup> All communications between Skepticon, Inc. and Dr. Carrier place him in California, including invoices to Dr. Carrier in California. See **Exhibit 5**, Declaration of Rebecca Hammond in Support of Defendants' Motion to Dismiss (hereinafter, "Hammond Decl.") at p. 2, ¶ 8, *Exhibit A*, and ¶ 9, *Exhibit B*.

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<sup>4</sup> She is expected to be Skepticon's 30(b)(6) witness.

Defendant Stephanie Zvan's testimony is the same. She knew that Dr. Carrier lived in California because that is what it said on his website. See **Exhibit 6**, Declaration of Stephanie Zvan in Support of Defendants' Motion to Dismiss (hereinafter, "Zvan Decl.") at p. 2, ¶ 6, *Exhibit A*, and ¶ 7, *Exhibit B*, and ¶ 8, *Exhibit C*. Zvan also had communications with others who know the Plaintiff, all of whom understood him to reside in California (*Id.* at ¶ 9) and communications indicating Dr. Carrier worked with Camp Quest in California. *Id.* at ¶ 10, *Exhibit D*.

Everyone who had contact with Dr. Carrier knew him as a Californian. Carrier regularly made public statements about the fact that he lived there. See Myers Decl. at pp. 1-2, ¶¶ 4-5; Frank-Skiba Decl. at p. 1, ¶ 5; Lane Decl. at pp. 1-2, ¶ 4; and Zvan Decl. at pp. 1-2, ¶ 5-10. However, the Defendants could find no pre-suit private or public statements giving any sign that Dr. Carrier intended to move from California to Ohio. None of the Defendants knew he moved to Ohio until after publishing the articles at issue in this case. See Myers Decl. at p. 2, ¶¶ 6-7; Frank-Skiba Decl. at p. 1, ¶ 5; Lane Decl. at p. 2, ¶ 5; and Zvan Decl. at p. 2, ¶ 7. Furthermore, even using the Plaintiff's methodology of conducting Google Trends® research, Dr. Carrier's reputation is primarily in his long-time-home of California. See Section 2.2.3.2 below.

## **2.2. The Plaintiff's Google Trends "Data" is Unreliable**

Plaintiff Carrier creatively, but unsuccessfully, tries to manufacture *Calder*-effects jurisdiction by providing unauthenticated printouts from "Google Trends."

Despite the fact that it is a difficult-to-read printout, the Court can see on *Exhibit 20* to Plaintiff's Complaint that Dr. Carrier claims that there were apparently a lot of Google searches for his name from Ohio. Dr. Carrier has done nothing to authenticate this supposed Google Trends search and has failed to account for how he came to these results. Carrier strangely limited this search to July 12, 2016 to August 12, 2016. This is a one-month period of time. Interestingly enough, when the same search was conducted using the same date range, from a different computer, very different results were obtained. See **Exhibit 7**, Declaration of Trey A. Rothell ("Rothell Decl."), at *Exhibit A*.

Dr. Carrier fails to explain why he believes the relevant time range for his Google searches should July 12, 2016 through August 12, 2016. Even though the Complaint was filed on the 20<sup>th</sup> of September, the Plaintiff does not explain why he only did this search for this special, specific, and non-duplicable date range. However, presumably by tailoring the search this way it seems to have given him the results he preferred at that time. Nevertheless, those results could not be duplicated by the Defendants' investigator. *See* Rothell Decl. at ¶ 7.

Additionally, by adjusting the parameters in Google Trends, we can actually get more accurate data. In searching by "Metro area" (certainly a far more reasonable metric than "sub-region") it reveals that the greatest interest in "Richard Carrier" between Plaintiff's selected days – July 12, 2016 through August 12, 2016 – was highest in San Francisco/Oakland/San Jose, with Los Angeles in second place and New York City in third. *See* Rothell Decl. at Exhibit B. No Ohio metropolitan areas come into play at all. *Id.* This is consistent with what we already know.

In searching by "Metro" area over the past five years<sup>5</sup> it reveals that the greatest interest in "Richard Carrier" over the past five years is Los Angeles, California, quickly followed by San Francisco/Oakland/San Jose, California, with New York City coming up in third place. *See* Rothell Decl. at Exhibit C.

If we search for "Richard Carrier" from the past 12 months, it flips the data and places San Francisco/Oakland/San Jose at the top of the list, with Los Angeles in second place and New York City in third. *See* Rothell Decl. at Exhibit D. If we search for the year prior to the allegedly defamatory statements from July 30, 2015 to August 1, 2016, we again come up with a spread of San Francisco/Oakland/San Jose at a score of 100, Los Angeles with a score of 61, and New York City in third with a score of 39. *See* Rothell Decl. at Exhibit E. Columbus doesn't even register.

Using the same search parameters as Plaintiff and the search term being Defendants' counsel, Marc Randazza, the "Sub Region" demonstrates that the greatest number of Google Searches came from California. *See* Rothell Decl. at Exhibit F. Meanwhile, Mr. Randazza has

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<sup>5</sup> This longer time frame certainly seems more likely to lead to statistically reliable metrics.

rarely set foot in California over the past year. Even though Mr. Randazza resides in and practices law in Nevada, and rarely visits California, it appears that if we adopt Dr. Carrier’s perspective, personal jurisdiction for any suit involving Mr. Randazza’s reputation would be proper in California, and not his home state of Nevada, where he is well-known to reside.

Finally, even if these results could be duplicated, and if they had any other indicia of reliability, how is one to know that Dr. Carrier did not fabricate these results himself? There are services available where automated searches can be purchased in order for Google Trends results to change. *See, e.g.*, **Exhibit 8**, Serpify;<sup>6</sup> **Exhibit 9**, Userator.<sup>7</sup> This is not to suggest that Plaintiffs’ counsel would have dreamed of doing so, however Mr. Carrier’s Google Trends results seem to demonstrate a very tailored unique result, which cannot be independently duplicated. However, if we search by metropolitan area rather than by some undefined “sub region,” we find exactly what all of the other evidence suggests we would find – that is, that Dr. Carrier’s reputation is most relevant exactly where we would expect: California.

### **2.3. Personal Jurisdiction**

The plaintiff bears the burden of proving personal jurisdiction. *Air Products, Inc. v. Safetech Intl., Inc.*, 503 F.3d 544, 549 (6th Cir. 2007). Determining whether personal jurisdiction exists requires two steps. *Id.* at 550; *Calphalon v. Rowlette*, 228 F.3d 718, 721 (6th Cir. 2000). First, the Court must ask whether the facts fit the state long-arm statute. *Air Products*, 503 F.3d at 550. Then, if necessary, the Court must determine if the exercise of jurisdiction meets due process. *Id.* *See also Reynolds v. International Amateur Athletic Fed’n*, 23 F.3d 1110, 1115 (6th Cir. 1994), *cert. denied*, 15 U.S. 962 (1994).

#### **2.3.1. Ohio’s Long-Arm Statute**

Ohio’s long-arm statute, Ohio Rev. Code § 2307.382, is narrower than the Due Process Clause. *Fraley v. Estate of Oeding*, 138 Ohio St. 3d 250, 257 (Ohio 2014) (“because Ohio’s long-arm statute is not coterminous with due process, even satisfaction of the long-arm statute does not

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<sup>6</sup> Available at <<http://serpify.me/>> (last accessed Dec. 1, 2016).

<sup>7</sup> Available at <<https://userator.ru/>> (last accessed Dec. 1, 2016).

justify the exercise of jurisdiction unless that exercise also comports with the defendant's constitutional right to due process.”); *Goldstein v. Christiansen*, 638 N.E.2d 541, 545, n.1 (Ohio 1994). Accordingly, for jurisdiction to be proper, the Court must first apply Ohio Re. Code § 2307.382. Under the relevant portion of the statute:

A court may exercise personal jurisdiction over a person who acts directly or by an agent, as to a cause of action arising from the person's:

- (6) Causing tortious injury in this state to any person by an act outside this state committed with the purpose of injuring persons, when he might reasonably have expected that some person would be injured thereby in this state;

### **2.3.2. § 2307.382(A)(6) Analysis**

Under Ohio Re. Code § 2307.382(A)(6), the only section of the long arm statute that could apply, the Defendants must have (1) caused a tortious injury in this state, (2) by doing something out of state with the purpose of injuring someone, (3) with the reasonable expectation that someone would be injured in Ohio. None of these elements are met.

#### **2.3.2.1. The First Two Elements Are Not Met**

Although the Plaintiff need not prove his entire case at this time, he must show that the Defendants *caused a tortious injury in this state*. They can do no such thing. In the first instance, there was no tortious injury because Defendants were reporting on facts that they reasonably believed (and continue to believe) are true. To show injury, Plaintiff will need to prove by clear and convincing evidence that the Defendants published their statements with actual malice. *See* Footnote 2, above.

Freethoughtblogs, the Secular Student Alliance, and Skepticon, have strict conduct and harassment policies, which govern their writers, speakers, and participants. For example, Skepticon's conduct policy includes an eminently reasonable prohibition on “inappropriate physical contact, unwelcome sexual attention, and any other act that may cause harm to oneself or others.” The policy also states that “[b]latant instances of racism, sexism, homophobia, or other stereotyping and harmful behaviors should be reported to conference staff immediately. ‘Yes’ means yes; ‘No’ means no; and ‘Maybe’ means no. Please accept no for an answer for any request

or activity. You are encouraged to ask for unequivocal consent for all activities during the conference. No touching other people without asking. This includes hands on knees, backs, shoulders—and hugs (ask first!).” Lane Decl. at ¶ 6.

Dr. Carrier was familiar with these standards. Indeed, in **his own words**, “*Dr. Carrier has for many years been an outspoken advocate for ethical conduct in the treatment of women and men, and an ardent defender of responsible, sex-positive feminism, and ethical non-monogamy, and as a crucial part of that advocacy, he has himself always respected anyone's stated boundaries, and would never subject anyone to harassment of any kind.*” Complaint, Dkt. No. 1, p. 7 at ¶25.

Nonetheless, by his own admission, Dr. Carrier violated the Secular Student Alliances prohibition on speakers making advances on students. See **Exhibit 1**. In May of 2015, in response to a complaint filed concerning Dr. Carrier’s behavior, the Secular Student Alliance removed Dr. Carrier from their Speaker Bureau. Complaint, Dkt. No. 1, p.17 at ¶ 52.

Defendants reasonably believed the facts they reported on were true. They reported on those facts, with no intent to harm Carrier or his reputation, but to protect his possible future victims. These are matters of public concern and are about a public figure. Therefore, even if the facts are negligently incorrect, Defendants would only be liable if Plaintiff could establish Defendants published the statements with knowledge of their falsity or a reckless disregard for the truth. See, e.g., *New York Times Co. v. Sullivan*, 376 U.S. 254 (1964); *St. Amant v. Thompson*, 390 U.S. 727 (1968). See also cases cited in Footnote 2, above.

The facts Plaintiff alleged in his Complaint simply do not meet that standard. In fact, Carrier himself published facts that support the articles. See **Exhibit 1**, Richard Carrier, “How to Do Wrong Right, June 5, 2015, <<http://www.richardcarrier.info/archives/7573>> (last visited December 1, 2016), at subtopic “Bad Flirting.” There simply is no tortious injury in this state.

#### **2.3.2.2. Reasonable Expectation of Injury in Ohio**

This element is severely lacking. Defendants did not know at all that Carrier moved to Ohio. Therefore, there could be no **reasonable expectation** that he would be injured here.



Knowledge that the Plaintiff resides in Ohio is necessary to establish a reasonable expectation of injury in the state. *See, e.g., Kauffman Racing Equip., L.L.C. v. Roberts*, 126 Ohio St. 3d 81, 2010 Ohio 2551, 930 N.E.2d 784, 792 (Ohio 2010) (“When defamatory statements regarding an Ohio plaintiff are made outside the state yet with the purpose of causing injury to the Ohio resident and there is a reasonable expectation that the purposefully inflicted injury will occur in Ohio, the requirements of R.C. 2307.382(A)(6) are satisfied.”); *Herbruck v. LaJolla Capital*, No. 19586, 2000 Ohio App. LEXIS 4668, 2000 WL 1420282, at \*3 (Ohio App. Sept. 27, 2000) (“A fair reading of the complaint and documentary materials shows that Gallison committed tortious acts (alleged as conversion, fraud, and civil conspiracy) outside Ohio, while knowing full well that the stock involved was of an Ohio corporation.”). For example, in *Thompson v. Moore*, 2009 U.S. Dist. LEXIS 95896, \*5 (N.D. Ohio Oct. 15, 2009) the Defendant sent an allegedly libelous letter to Ohio’s Attorney General – thus rendering ineffective any argument that the defendant did not actually target Ohio. *See also Specialized Mach. Hauling & Rigging, LLC v. D&L Transp., LLC*, 2009 U.S. Dist. LEXIS 37234, \*27 (S.D. Ohio Apr. 20, 2009). Of course mailing a letter to Ohio would give rise to a reasonable inference that harm could occur here. But, in this case, these Defendants published about someone they knew to be a *Californian*. Ohio was simply never on any Defendant’s radar.

To rely on Section (A)(6), the Plaintiff must show more than minimum contacts for jurisdiction to attach in a defamation case. *Reynolds v. International Amateur Athletic Federation*, 23 F.3d 1110, 1119 (6th Cir. 1994). They must show affirmative knowledge that Carrier resided here at the time of publication. Where a defendant engaged in tortious activity, “while knowing full well that the stock involved was of an Ohio corporation,” this was satisfied. *Herbruck v. Capital*, 2000 Ohio App. LEXIS 4668, \*9, 2000 WL 1420282 (Ohio Ct. App., Summit County Sept. 27, 2000); *see also Heffernan v. Options Assocs.*, 2001 Ohio App. LEXIS 2522, \*5, 2001 WL 627615 (Ohio Ct. App., Hamilton County 2001) (court acknowledged that defendant’s knowledge that a person lived in Ohio, might be evidence that a defendant might reasonably that his fraudulent activity might cause the Plaintiff harm in Ohio). However, if this element is lacking,

the long arm statute is unsatisfied. *See Kauffman Racing Equip., L.L.C. v. Roberts*, 2008-Ohio-4911, 119 Ohio St. 3d 1471, 894 N.E.2d 331.

Defendants had no knowledge that Carrier moved to Ohio.<sup>8</sup> At the time of publication, the Defendants all knew Carrier as a Californian. *See* § 2.1 *supra*. In fact, his identity with California was so long-standing and universally known that not a single one of the defendants had any clue that he had up and moved to Ohio until served with the complaint. Even the demand letters plaintiff's attorney sent did not mention that Carrier had moved to Ohio; they simply presumed that Carrier shopped around for a quality lawyer who happened to be in Ohio. In any event the letters were sent *after* the statements had been published. Complaint, Dkt. No. 1 at Exhibits 6-9. Defendants could not have reasonably expected he would be harmed in the state of Ohio, and jurisdiction fails under the Ohio's long-arm statute.

### **2.3.3. Due Process**

In addition to satisfying the forum state's long-arm statute, to survive a motion to dismiss, the Plaintiff must show that exercising personal jurisdiction would not offend due process. *Neogen Corp. v. Neo Gen Screening, Inc.*, 282 F.3d 883, 889 (6th Cir. 2002); *CompuServe, Inc. v. Patterson*, 89 F.3d 1257, 1262 (6th Cir. 1996). General jurisdiction is present only when a defendant's contacts with the forum state are substantial, continuous, and systematic. *Id.* at 418; *Perkins v. Benguet Consolidated Mining Co.*, 342 U.S. 437, 445-47 (1952). Specific jurisdiction exists when a plaintiff's cause of action arises from the defendant's contacts with the forum state. *Conti v. Pneumatic Prods. Corp.*, 977 F.2d 978, 981 (6th Cir. 1992)

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<sup>8</sup> Even if one of the corporate defendants happened to have provable institutional knowledge of Carrier's whereabouts, this could not be imputed to any members or employees of the corporate defendants. *Mohme v. Deaton*, 2006 Ohio 7042, 2006 WL 3833923, at \*3 (Ohio App. 12 Dist. 2006) ("A corporate officer may not be held liable merely by virtue of his status as a corporate officer; however, the OCSA does create a tort that imposes personal liability upon corporate officers for violations of the act performed by them in their corporate capacities."); *Ferron v. Search Cactus, L.L.C.*, No. 2:06-cv-327, 2007 U.S. Dist. LEXIS 44473, 2007 WL 1792332, at \*2 (S.D. Ohio June 19, 2007) (acknowledging rule).

### 2.3.3.1. General Jurisdiction

The Court cannot exercise general jurisdiction over Defendants. As Plaintiff alleged: “Defendant freethoughtblogs’ principal place of business is in the State of Minnesota” (*Id.* at p. 3, ¶ 5); “Defendant Myers lives in Minnesota” (*Id.* at p. 4, ¶ 7); Defendant the Orbit’s principle place of business is in Minnesota (*Id.* at p. 4., ¶ 8); “Defendant Zvan resides in Minnesota” (*Id.* at p. 5, ¶ 11); “Defendant Lane resides in the State of Missouri” (*Id.* at p. 5, ¶ 13); Defendant Skepticon is “incorporated in the State of Missouri with its principal place of business in the city of Springfield” (*Id.* at p. 5, ¶ 11); and “Defendant Frank-Skiba resides in Arizona” (*Id.* at p. 6, ¶ 15).

None of the individual Defendants has ever resided in Ohio. Myers Decl. at p. 1, ¶ 2; Lane Decl. at p. 1, ¶ 3; Zvan Decl. at p. 1, ¶ 4; and Frank-Skiba Decl. at p. 1, ¶ 4. Nor have any of them ever worked or operated a business, paid taxes, filed a lawsuit, entered a contract, or registered to vote in Ohio. Each of them have only rarely visited Ohio. Lane Decl. at ¶ 3; Meyer Decl. at p. 1, ¶ 3; Zvan Decl. at ¶ 3; and Frank-Skiba’s Decl. at p. 1, ¶ 4.

Since none of the Defendants reside in Ohio or has any systematic contacts with the state, Defendants are not subject to general personal jurisdiction of this Court.

### 2.3.3.2. Specific Jurisdiction

When it comes to due process and personal jurisdiction in a defamation case, the analysis must begin with *Calder v. Jones*, 465 U.S. 783 (1984). In that case, the Supreme Court said there was jurisdiction because:

the allegedly libelous story concerned the California activities of a California resident. It impugned the professionalism of an entertainer whose television career was centered in California. The article was drawn from California sources, and the brunt of the harm . . . was suffered in California. In sum, California is the focal point both of the story and the harm suffered.

*Id.* at 788-89.

In *Calder*, the article was published in Florida, but focused on the California entertainment industry and actress Shirley Jones who lived in California, and whom the National Enquirer knew resided in California. The article was based on California sources and the newspaper had its

highest circulation by far in California. *Calder*, 465 U.S. at 789. In *Calder*, the authors aimed their intentional actions at California. They focused on a Californian, and discussed events that took place in California. It was, by all measures, as if they looked through a long-range viewfinder at California, and fired a long-range bullet into California, striking an object in California. This made it reasonable that the defendant would reasonably anticipate being haled into court in California. *Id.* at 789.

This case is not *Calder*. First of all, the articles in question discuss Carrier's actions at conferences in locations other than Ohio. Secular Student Alliance conferences take place in various locations around the country. See **Exhibit 10**, Past Secular Student Alliance Conferences.<sup>9</sup> Skepticon occurs in Missouri. Hammond Decl. at p. 1, ¶ 6. None of the events discussed in any of the allegedly defamatory statements occurred in Ohio. See Zvan Decl. at ¶ 17; Frank-Skiba Decl. at ¶ 7. Second, the plaintiff's reputation in *Calder* was in the forum state since she lived there, and her industry (acting) was of course at ground zero in Los Angeles. In this case, Ohio is hardly known as the nerve center of polyamorous atheistic speaking and publishing. To the extent Carrier has any reputation in Ohio, it must certainly be quite new – given that he only recently moved to Ohio. At this point, it is highly unlikely that he can claim that his decades-old California reputation has somehow transformed into an Ohio interest overnight. Third, the focal point of the articles is not Ohio, but events in many different places – none of which are in Ohio. Meanwhile, in *Calder*, the focal point was clearly the forum state of California where the entertainment industry is centered. Fourth, Carrier has a nationwide (if not international) reputation that is not centered in Ohio. At the time the statements were allegedly made, Dr. Carrier had only been living in Ohio for a matter of days. Meanwhile, each of the Defendants believed Dr. Carrier remained in California. Lane Decl. at p. 1, ¶¶ 4-5; Myers Decl. at pp. 1-2, ¶¶ 5-7; Zvan at pp. 1-2, ¶¶ 5-11; and Frank-Skiba Decl. at p. 1, ¶¶ 5-6.

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<sup>9</sup> Available at <<https://secularstudents.org/conference/past>> (last accessed Dec. 1, 2016).

Accordingly, nobody could have reasonably known that the brunt of any harm (to the extent there is any) might be felt in Ohio. Even if there was foreseeability that there could be some circulation or effect in Ohio, that is not enough to create jurisdiction. *See Reynolds v. International Amateur Ath. Fed'n*, 23 F.3d 1110, 1120 (6th Cir. 1994) (identical analysis).

As in *Calphalon v. Rowlette*, 228 F.3d 718, 721 (6th Cir. 2000), these Defendants' only contact with Ohio is this suit, because "plaintiff chose to reside there." 228 F.3d at 722-23. However, it is more egregious in this case because the Plaintiff chose to reside here very recently and *long after* the parties entered any kind of relationship. To establish a constitutionally supportable nexus with the forum state, the Plaintiff cannot simply move to a new state and then choose to bring suit there against out of state defendants. *See Kulko v. Superior Court of Cal.*, 436 U.S. 84, 97 (1978) (no jurisdiction when case brought in new state after the parties' relationship began in another); *Rambo v. Am. S. Ins. Co.*, 839 F.2d 1415, 1420 (10th Cir. 1988) (contacts with forum state were the result of plaintiffs moving to a new state after the legal relationship began); *Zenergy, Inc. v. Coleman*, No. 09-cv-00381-CVE-FHM, 2009 U.S. Dist. LEXIS 99617, 2009 WL 3571314, at \*8 (N.D. Ok. Oct. 26, 2009) (noting that "[c]ourts have found no nexus between the defendants' contacts with the forum and the litigation where the plaintiff moved to the forum state after the relationship began"); *Sando v. Sando*, 1985 Ohio App. LEXIS 9606, (Ohio Ct. App. 1985) (parties entered into relationship, then plaintiff moved to Ohio).

None of these Defendants knew that this long-standing California resident had moved to Ohio at the time of publication. "And, without such knowledge, there can be no personal jurisdiction under the "effects" test, as "[k]nowledge of the plaintiff's residence is the crucial element" of express-aiming." *Pritz v. S. Cal. Edison Co.*, 2013 U.S. Dist. LEXIS 104802, \*11 (E.D. Mich. July 26, 2013) (dismissing claim where plaintiff moved to Michigan unbeknownst to the defendant).

### 2.3.3.2.1. Reasonableness

Even if the Court finds that a defendant purposefully directed actions at the forum state and that plaintiff's claims arose out of the defendants' activities in the forum, exercising jurisdiction still must be reasonable under the circumstances.

The Court examines several factors making this determination. They include: (1) the burden on the defendant to litigate in the forum state; (2) the interest of the forum state; (3) the plaintiff's interest in obtaining relief; and (4) the interest of other states in securing the most efficient resolution of the case. *CompuServe*, 89 F.3d at 1268.

Where there is no showing of express aiming, it is unreasonable to expect a party to defend himself in a state with which he has no contacts. Ohio has little interest in being the forum to resolve a dispute that arose prior to or shortly after Plaintiff moved to the state, dealing with events that took place outside of Ohio, where there are no witnesses in Ohio, where the only connection to Ohio is that the Plaintiff chose to move here.

Nothing prohibits Plaintiff from obtaining relief by suing the Defendants in their home states. At least three other states have a greater interest than Ohio in resolving these claims:

- (1) **California**, where Defendants believed Carrier lived at the time they published their allegedly defamatory statements, and where the anticipated 30(b)(6) witness for Skepticon, Inc. is physically located.
- (2) **Minnesota**, where four defendants are located. Stephanie Zvan and Paul Myers reside there, and Freethoughtblog, LLC and The Orbit have their principal places of business there.
- (3) **Missouri**, where there are two defendants. Lauren Lane resides there and Skepticon, Inc. is registered and has its principal place of business there.

Even if Defendants had expressly aimed activities toward Ohio and Plaintiff's claims arose from those contacts, it would nonetheless be unreasonable to sue these Defendants in Ohio.<sup>10</sup>

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<sup>10</sup> If Jurisdiction is found, the Defendants also intend to raise the argument that these parties are improperly joined.

#### 2.4. The Court Should Dismiss based on Improper Venue

Plaintiff alleges proper venue based on 28 U.S.C. § 1391(a)(2), stating that the Court enjoys venue under this statute because “all or a substantial portion of the events that gave rise to Plaintiff’s claims accrued within the State of Ohio, including Defendants’ express targeting of the Plaintiff in the State of Ohio, Defendants’ publication and republication of the defamatory falsehoods in the district, the damage to Plaintiff’s reputation suffered in the district, and Defendants’ tortious interference with Plaintiff’s business expectancies in the district.” Complaint, Dkt. No. 1 at ¶ 3.

Plaintiff’s reference to subsection (a)(2) is apparently a typographical error since the standard plaintiff refers to is from subsection (b)(2). Nonetheless, the facts do not support a proper finding of venue under any provision of 28 U.S.C. § 1391 which reads in relevant part:

- (b) Venue in general. A civil action may be brought in—
  - (1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located;
  - (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated; or
  - (3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court’s personal jurisdiction with respect to such action.

Venue fails under subsection (b)(1), because none of the Defendants reside in this district.

Venue fails under subsection (b)(2), because despite Plaintiffs’ unsupported allegations to the contrary, none of the events or omissions giving rise to Dr. Carrier’s claims occurred in Ohio. *See Zvan Decl.* at ¶ 17; *Frank-Skiba Decl.* at ¶ 7. Nor is any property that is the subject of the litigation situated in Ohio. For the same reasons Plaintiffs’ unsupported allegations of express targeting do not support personal jurisdiction, they can neither support venue.

Finally, venue cannot be established under subsection (b)(3) because, as discussed in detail *supra*, none of the Defendants is subject to the personal jurisdiction of the Court.

The Court should dismiss this action for improper venue.

### 3.0 Conclusion

Plaintiff failed to establish that this Court has personal jurisdiction over any of the named Defendants and therefore the Court must dismiss them from this action. Because Plaintiff cannot cure this deficiency, the Court should make the dismissal *with* prejudice. Because the Court has no personal jurisdiction over Defendants it must also (or alternatively) dismiss the Complaint based on improper venue.

Dated this 1<sup>st</sup> day of December, 2016.

Respectfully submitted,

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### **CERTIFICATE OF SERVICE**

The undersigned does hereby certify that a true and accurate copy of the foregoing was served upon all parties via CM/ECF on December 1, 2016.

/s/ Jeffrey M. Nye  
Jeffrey M. Nye (0082247)



# **EXHIBIT 1**

How to Do Wrong Right  
Richard Carrier  
June 5, 2015

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BOOKING DR. CARRIER

# How To Do Wrong Right

BY RICHARD CARRIER / ON JUNE 5, 2015 / 35 COMMENTS

After my post **last month** asking for a date the following week, many very positive and some slightly negative things transpired in result. The date went well. I chose a very lovely person who



replied to my advertisement awesomely. We hit it off very well and are now in a relationship (mutually open). Others asked me out on future dates that have happened or will. Still others were inspired by my post to strike up an exploratory correspondence from afar, and some of those encounters might become future relationships. The hostility that was generated came mostly from sexists or anti-feminists with weird hangups. Some feminists had

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problems with it but weren't hostile. I also received a lot of wonderful support.

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This post won't be about that.

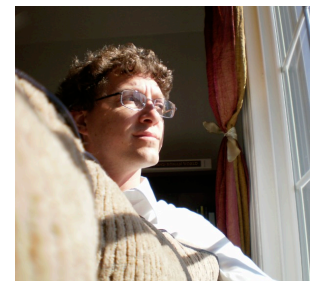
Today I'm going to bring up one particular issue that has come up many times before in my discussions with movement insiders across the spectrum. The meta-question is, how do we draw the line, or even tell the difference, between honest, open, consensual, sex-positive behavior, and behavior that should be criticized and disapproved. But within that umbrella is one particular aspect: everyone screws up from time to time; and we can't pillory the whole world. So what is a positive and constructive way to deal with correctable error, and what distinguishes that from behavior beyond the pale?

### Archives

Select Month

Of course, the **Slymepit** won't care about that distinction. Even though they insist they do, they just horribly attack and harass anyone and everyone who ever defends any standard or policy whatever. And regardless of what those of the Slymepit profess, in actual practice they are the scary, amoral nihilists of this movement. They are also beyond facts, reality, or reason. So this post is not intended to educate them. They are uneducable.

### About The Author



Who I'm writing for now, is everyone else.

## The Problem

From many conversations I've had over the years, including recently over my date post, a major issue that concerns a lot of people in the atheist movement is the risk of giving such offense as to get annihilated in public opinion. In some cases the solution to that, of course, is just not being evil. But often it's not a question of being evil, but slipping up, gaffing, saying something in ignorance, overlooking a thing, or just being correctly wrong. And with all the focus on worst cases and fallouts therefrom, less focus has been made on how to handle merely medium and minor failures well, without having to nuke the world.

Richard Carrier is the author of many books and numerous articles online and in print. His avid readers span the world from Hong Kong to Poland. With a Ph.D. in ancient history from Columbia University, he specializes in the modern philosophy of naturalism, humanism, and feminism, and the origins of Christianity and the intellectual history of Greece and Rome, with particular expertise in ancient philosophy,

For years I've encountered this from a lot of different angles as people of all ranks have spoken to me, on various occasions, about their fears and concerns. I have also heard from women who report they've sometimes had a harder time finding dates because men in the social groups they attend are afraid of offending them by asking, or even communicating interest, or even admitting to being receptive to interest, due to these same fears (and it isn't necessarily fair to say the women should do all the asking). I've also heard concerns from people who want to file complaints about real transgressions but who worry about being attacked for that. These are actually all linked.

On the one side, there are people who think having moral standards and conduct policies entails destroying anyone who transgresses them even slightly, therefore standards and policies are evil, and therefore we shouldn't have them. On the more reasonable side, there are people who completely agree we need standards and policies, but who are so scared of accidentally or thoughtlessly transgressing them that they either live under constant stress whenever speaking or behaving in public, or avoid doing so altogether. Of course, the harassers who try to drive people out of the public arena also cause this problem, and there the problem is them. Although this still concerns people who want to file complaints of misbehavior not doing so for fear of such harassment. Apart from that concern, here I mean not fear of harassers, but fallout from legitimate critics and opinion drivers.

In short, I have met a great many people who have told me they want there to be some room to err, and to apologize and make up for it, so people won't get pilloried for every slight. Ironically the Slymepit claims to be against pillorying people for every supposed slight, so they pillory people for every supposed slight. Yes, that's illogical. Welcome to the Slymepit. Hence I'm disregarding them. The issue here is rather that even the well-meaning opinion-sphere can sometimes pitchfork someone before they have a chance to mea culpa and make amends. Or that this is at least a widespread *perception*.

But it does not have to always go down as "so-and-so fucked up, outrage is publicly articulated, battle-lines are drawn-up, nothing productive results." As one organization head dealing with these complaints said to me, a better

science and technology. He is also a noted defender of scientific and moral realism, Bayesian reasoning, and historical methods.

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narrative would be, “I did this, it was a mistake, people addressed it in a proactive and positive way, and we need to both forgive mistakes and laud the people handling things like this in the right way.”

But getting from one to the other is often blocked by this fear, since to illustrate how it really can go down well (using a real case and not a speculative hypothetical) requires admitting someone did something wrong (before laying out in public how it was positively dealt with and resolved), and understandably no one wants to embarrass themselves by talking about that.

So to talk about how to make this situation better, I’m going to put my self out there, yet again, by telling you some very embarrassing things I’ve done, mistakes I’ve made and how they were resolved and what I learned from them.

These examples will involve my interactions with women, but of course the same principles apply when gender roles are reversed. I know several very sexually active women in the movement (although their concerns tend to differ). There are also many gay and bisexual men in this movement, who have also spoken to me of the same fears and conundrums, and who can also make the same mistakes. But my personal experience has been as a straight man, so that’s what my accounts will relate.

## ***What Exactly Is Creepy and Wrong?***

One thing I have heard from several other insiders, including people of some significance: they are afraid that being single or in open relationships (as many are) that they will be victimized by people generating vague reputations of their being “creepy” for things that actually aren’t. These are predominately men. And some women, although what I hear most from women in the same situation, rather, is terror at being ruthlessly slut-shamed (the female analog to men being pegged “creepy”). But the feared

effects, on their reputation, and even losing jobs or donors or other substantive things, are the same (or potentially so, hence their fear).

Slut-shaming is easier to identify and more readily pegged as unjust. But vague accusations of “being creepy” are not, because unlike being “slutty,” being “creepy” really is a bad thing. Real creepiness makes people uncomfortable and thus makes social environments uncomfortable, the exact opposite of what any social organizer wants, and certainly of what most event attendees want. I intend to describe my own slips near creep territory to illustrate what I mean.

Thus the problem with calling someone “creepy” is that it is unclear whether actual creepy behavior is being meant (e.g. hitting on someone out of the blue without earning any rapport or signal of possible interest first; or worse, doing this with a lot of different women, even after being told to stop; or constantly staring at a woman’s breasts when you talk to her; or constantly making over-sexualized jokes even when the temperature of the room gets colder after every one of them; or pawing your crotch continually when talking to a girl; all things that have actually been reported, by the way) or whether it’s something that isn’t even of the kind (e.g. someone overhears you consensually discussing sexual subjects with someone else, and reports you as “having been creepy”).

The only solution I can recommend here is that we have to disregard general accusations of creepiness. Without a specific description of a specific behavior, we can’t know whether the designation derives from legitimately creepy behavior or someone being improperly creeped out by healthy positive sexuality. And this solution has a significant bonus benefit: it forces people to talk more about just what they mean by creepiness and why, and we thus learn that people do have varied tolerances for different kinds of behaviors and we have to account for that in our policy-making and policy enforcement as well as in the way we opinionize about people.

## ***Sexual Harassment***

Sexual harassment generally means persisting after a no or a desist, or egregiously transgressing someone's boundaries, physically or conversationally, or belittling them in a sexualized way. At the extreme, this becomes stalking or actual assault.

But egregious boundary crossing can occur without touching someone. It can be in a truly outrageous instant, like asking someone you've hardly spoken to before if "they want to fuck!" (outside the context of an actual sex party); or a man having a female event staffer come to his hotel room to deliver a package and answering the door naked and winkingly joking about having sex with them (which actually happened to someone I know). Or it can be an accumulative offense of small slights, like constantly talking to someone about sex when they've indicated that subject is no longer welcome; or continually asking over-personal questions when the object of them clearly is not keen on answering them; or, as someone did to me once, repeatedly engaging in sexually suggestive banter and behavior with someone they haven't even spoken to significantly, much less queried as to their interest in such behavior.

In my case, this escalated into actual sexual assault. A woman I didn't know and had hardly spoken to became very sexually suggestive around me and over a few hours repeatedly grabbed my ass and touched other parts of my body, not only without permission, but without any reason to think she had any approval at all. I didn't want to cause trouble or start a scene, so I just tried to avoid her, and very kind conference goers helped cockblock for me (my back to walls, attendees all around me in conversation, so she couldn't get near me). But that didn't really work. The behavior continued, because I couldn't be safely corralled constantly.

Eventually, someone (I don't know who) filed a complaint about her to the conference organizers, and they took her aside and explained she was in violation of policy, what she was doing that was wrong, and that if she didn't stop she'd be expelled. She laid off. But later in the night, drunk, she yelled at me for five minutes for the crime of filing a complaint against her, because I "should have just spoken to her myself."

Of course, I didn't file a complaint against her. And I didn't want to tell her off myself, precisely because it would have caused this kind of extremely



uncomfortable scene. But I wasn't going to argue this with her, I just went diplomatic, and apologized to her until she calmed down and went away. Yes, I was apologizing to my sexual assaulter for reporting her assault. That I didn't even report. Simply because that was the fastest, easiest way to end the stress of it all and get back to enjoying the conference.

Many of my friends and girlfriends have been sexually assaulted at conferences in just the last three years. Some of those incidents far worse than mine. So it's well worth considering my case, and reflecting on how common this can be and how it isn't as easy to deal with as many people think. But there is a positive and effective way to manage it.

The conference in question had a policy in place, the staff were prepared by that policy to know what to do when this happened, and they behaved in exemplary fashion. And because of the policy, and the staff's observed seriousness in applying it, I felt comfortable that I could have had that woman expelled for confronting me like she did if I wanted to. And had she persisted, I am confident she would have been.

I won't here go into the ridiculous question of why I didn't report her to the police for what was, in fact, a crime. If you think that's what I should have done, your head is not living in the real world. The lesson I want to draw out here is that my assaulter's behavior was censurable. But the conference did what they were supposed to do. And she complied with the rules once confronted about her transgression. And I would happily accept an apology from her, and even without that, I feel no need to mention her name, unless I discovered she was still doing such things to people, in which case I probably would.

Conversely, if I learned she had cleaned up her act and knew her behavior was awful and was mortified to realize it, and was thus committed to behaving better, I would see no reason she would need to be ostracized or vilified for her transgressions. They were bad (worse than anything I've done), but correctable. If she persisted in the bad, however, then that would not be my assessment of the matter.

So we do need to allow people to admit transgressions, acknowledging why they were wrong, and an opportunity to prove they are thenceforth



committed to doing better. As long as they do those things, that is the right way to do wrong.

(This does not mean I think all victims should forgive their transgressors, even when following a good redemption formula. They can have perfectly good reasons not to. And we should accept that as reasonable.)

## ***Positive Models for Preemptive Solutions***

Before my ex-wife and I opened our marriage, I only responded to explicit advances. That made things a great deal easier, since if you never attempt a behavior, you can't ever do it wrong (thus, I never had uncertainties about consent at that stage, and never transgressed a policy or a boundary). But this isn't really a workable recommendation. If we can't ever initiate flirtation or inquiry (if we can never ask anyone out) that is not a fair restriction on human behavior. And this has been said to me by numerous people in the movement who are single or in open relationships, as part of those fear discussions I mentioned before.

Hence when we did open our marriage, now I was faced with the problem of how to re-enter the world allowed to flirt with and ask people out. And as someone very new to that, that can be a bit scary and daunting. You don't want to make people uncomfortable or cross anyone's boundaries. So how do you do it? One of the most common complaints about "conduct policies" and the "blogosphere" is that some think they don't allow any flirtation or propositioning. That they both attack and denounce all of it. This has been refuted by everyone, repeatedly, and **clearly**. So it's not really a legitimate worry. But what is a legitimate worry, for many, is uncertainty where the boundaries are: when does flirting or a romantic inquiry cross a line?

A model example of addressing that problem positively is Miri Mogilevsky's course on ethically hooking up at conferences. Early on in my open marriage I had the opportunity to attend that, and benefitted from it tremendously, at that very conference getting a good, ethically achieved

hookup with a wonderful person who is now a friend of mine and possible future date because of it, using the very things I learned from Mogilevsky's workshop about how to avoid crossing boundaries, how to properly show respect and ascertain interest, and basically not be an insensitive, entitled douche about it.

Several people who have taken Mogilevsky's workshop (which she has given at more than one conference by now) have said it should be taught at every major conference if possible. I concur. Often there is so much focus on censuring bad behavior that, inadvertently, the positive model of teaching good behavior gets under-discussed, or under-noticed even when discussed. Because Mogilevsky's class is not an abstinence course: it does not teach "don't flirt; don't hit on people." Rather, it teaches that it's entirely acceptable to flirt and hit on people, even at conferences and events, but that it has to be done ethically, and with a respectful etiquette.

It would be better if people talked to each other about that, and worked out how to draw those lines and respect them, rather than flaming out against any attempt to suggest that there are right and wrong ways to go about it. And recognizing that not everyone is an expert at this right out of the gate does require allowing them to screw up. Provided they handle that correctly. And for that, we can learn from examples. Here are mine.

## ***My Failures***

Between being a total ask-everyone-out, boundary-ignoring douchebag, and being a never-even-flirt-much-less-ask monk, is an area of uncertainty, where one can cross a line into douche without realizing it, or one might not be sure where that line is. Mistakes are therefore going to happen. People will fuck up.

What makes the difference we should care about is not whether someone never makes a mistake, but how we and they react to that mistake. I allow people to fuck up. They just have to acknowledge what they did, apologize for it, make it clear they understand why it was wrong, and show real

commitment to not making that same error again, a commitment to being better.

And it is generally only the failure to do that that earns enduring censure in our community. What is sad is that it's so rare for someone to admit an error and correct it. We need to see more of that. And we should encourage it with some measure of positive reinforcement, to alleviate the fear so many in this movement feel of not being given a chance to.

Again, what several movement insiders have told me, is that they fear a reason why so few people admit to an error and make amends, the thing they should be doing (and thus doing wrong the right way), is that they get vilified and pilloried and condemned even when they do. That's not necessarily true (it's hard to find examples of that actually happening), but it's perceived to be true. And some have suggested to me that a reason that is, is that there is so much focus on the worst cases, and on the negative and the bad, and too little on positive cases, models we can examine and emulate of how to handle error correctly and well, so that people have the opportunity to do wrong rightly, and therefore will feel safer admitting an error and fixing it.

So I'm going to break this impasse by simply discussing the times I fucked up. And I don't mean relationship gaffes (we all have those of course). But things that matter to event conduct policy and professional judgment.

Of course, this isn't the best test of the concept I want to convey, because I've never done anything so egregious as sexually assaulting someone, or continually ogling or lunging for their breasts, or just point blank hitting on someone I've barely spoken to. Although I think many of those things are correctable, too, in the same way. Rape, maybe not so much. But I won't be answering that question here. I'm talking now about lower level fuckups.

In my own case, I strive to do things right, following a good etiquette, with consideration of others. But like I expect anyone does, I do stumble at that occasionally, and those failures always haunt me. Importantly, all those experiences were educational. I learned from them. I cared about them. And I improved my behavior in result.

So can you.

## ***Bad Flirting***

My worst flirtation mistakes, by far, were two.

One happened at an unofficial afterparty to an event I spoke at. A woman and I comfortably discussed many subjects and occasionally, at her interest, open relationships and sexual interests, for a couple of hours. Her level of flirtation with me was unclear, and I didn't know how to query that well, so I asked her if I could make an inappropriate remark, she said yes, and I commented on the sexiness of her legs. I got the distinct impression this embarrassed her and made her uncomfortable, and I felt immediately awful about it. I apologized, and she insisted it was fine, but as that's often what someone in her position would say (remember, I even apologized to my sexual assaulter!), I still count it a transgression, something I shouldn't have done.

Lessons learned:

Match someone's level of flirtation and make only slight elevations, don't take larger steps like that without a clear signal that it's welcome. Small moves, ensure small errors; small errors are easier to apologize for and dial back from. So you can bump into someone's boundary without pushing uncomfortably past it, and thus learn where it is and stay away from it. And this is not always about policies. My remark was wrong, even though it didn't transgress any policy (I technically had her permission, and we'd been discussing sexual subjects happily and getting on well). So it's not always about skirting the borders of an existing policy. You can care about how you make people feel regardless.

My second bad flirtation mistake affords all the same lessons. It occurred when a woman agreed to come back to my room to continue a long and exciting conversation (yes, long and exciting conversations with women happens a lot!), and we had explicitly discussed our mutual sexual interest and what might happen, but she expressed considerable nervousness and

uncertainty about her own interest or desires, which I took as a good signal not to assume anything would happen.

But later, in the course of our talking, I briefly touched her hair and shoulder without asking, and it was clear that that made her very uncomfortable. And then I felt awful. It is commonly the case that flirtation moves by small degrees of innocent touching, but in this case, the circumstances considered, I am now certain I should have asked first. I immediately backed off and told her I wouldn't do anything like that again. We continued enjoyably talking for yet a long time more and we ended the night platonically and on good terms, she even told me why she was conflicted about any possible sexual pursuit. But still. I was in the wrong. And I still feel awful about it.

Lessons learned:

Consider the context. Adjust to who you're with. Apologize and back off if you misread them.

I think we can be okay with you doing wrong like that when you respond in the right way like that. Just endeavor to have learned from it and do better afterward.

## ***Bad Come Ons***

Of by far my three worst "hit ons" in my life, two involved longtime friends in complicated situations not at any event or conference, and thus belong more in the realm of private relations than event and conference policy. I asked too bluntly and provocatively and insufficiently sensitive to context. But still in those two cases I think I behaved awfully, and apologized, and made sure I understood what I did wrong (it was different in each case), and have since striven never to do that again. I think this falls well into the category of mistakes nearly everyone has made in their relationships throughout their life. So you can probably think of your own examples to draw lessons from, too.

But one of those three worst was a professional error. And it's instructive both as to why it's bad, and how such fuckups can be handled positively and constructively.

At an afterparty at a pub after a sponsored event that had an event policy against making sexual advances, after having engaged in fascinating and intense conversation with a woman for hours, I badly misread her fascination with the subject as flirtatious interest in me, and I told her that I'd like to make a pass at her. She was confused and taken aback by that, was definitely not interested, and I immediately realized I'd crossed a line with her. I was worried I had made her uncomfortable. I immediately apologized. She continued on her own interest to engage me in excellent conversation for several hours more and everything turned out well, but still. I should not have said that to her.

Once again I felt really awful about it because I got the definite impression I had made her uncomfortable, and that's not how I should be making people feel who come to events. The more so if she gets that all the time (since I'm not the only man she's going to meet at these things). But in this case in particular, I shouldn't have allowed the ambiguity of where we were to imply the event policy didn't apply. The sponsors had an obligation to make sure they weren't complicit in causing this kind of discomfort. And responsibility for helping them with that starts with men like me. (And women like me.)

## ***A Positive Model for Resolution***

Event-wise, I think that's the worst thing I've done. Yet what ensued presents a good model of what can result, which no one who makes a mistake like that should fear.

First, someone who oversaw my pass reported it as a complaint to the sponsor (as right they should have). The sponsor then privately contacted me to tell me this and why it was wrong and that if I didn't comply with

policy in future I shouldn't accept engagements with them (as right they should say). To which I replied:

“

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*Thank you. I did express interest in [redacted] at an after event. And I recognized she did not appreciate that, and I apologized to her at the time. If she does want any further apology, I will definitely provide her one, so do relay that if that's the case. But I don't want to bother her by contacting her any further without her consent. I definitely felt bad about it. I thought the interest was mutual and I was very wrong. I won't be doing that in future.*

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And that was considered an adequate resolution. Obviously contingent on my making good on my promises, which I have. Which doesn't mean I now don't ever make passes at women, but that I do so only within policy wherever I am, and even when allowed I'm aiming for a better read of their receptiveness first.

The lessons others can take from this are:

- You don't have to be terrified of a policy violation of yours being reported, provided it is of a nature that you can apologize for and commit to not repeating.
- You can admit to a mistake, make the necessary corrections and commitments, and be forgiven. The sky doesn't have to fall.
- You can also *report* a conduct violation without being attacked for it or victim-blamed or gaslighted, and you can see it resolved well rather than become a stressful disaster in your life.

The most professional sponsors and organizations will deal with these matters privately (if you don't force them to do otherwise). I am choosing to discuss this incident publicly, of my own volition (and with the permission of all involved, provided I protect their privacy, which I think is reasonable of them to ask). Had I not discussed it publicly just now, it would have stayed a private matter. And as I am privy to a lot of weird things in this movement, I know for a fact this has happened many times before, with many other persons of note, under several major national and local organizations. You just never hear about it, precisely because it's dealt with in exactly this way. As it should be.

The end result was a positive improvement in my behavior, a positive improvement in the sponsor's management of events, and a positive model for everyone of how to do wrong right.

Everyone assumes errors result in name-and-shame and an exploding blogosphere. What they don't realize is that most groups and organizations are not doing that, but handling matters discretely, professionally, and with an aim to a positive resolution. All the time. That you don't see it is precisely because of that. So I think people should know that this is what goes on, and how these things are handled positively and productively, so that you don't think the only course of events is the awful public one that everyone is afraid of.

## ***Conclusion***

Of course, sometimes offenses are beyond the pale. Within the past year a friend of mine was recently subjected to a violent attempted rape at a conference. She chose not to say anything, for very sound reasons that are her own (sadly, because she would be far too easy to slut-shame in a manner that would greatly harm her and people she loved; and she already escaped the situation capably enough). So no organization was ever involved. But an organization that did try to keep that quiet while also continuing to support the perp would probably not be commendable. Likewise cads who never remedy their misbehavior.



But most transgressions are not that severe. They are relatively small and correctable. Even my sexual assault, the worst case I discussed here. I am fine with that being handled privately and staying that way, provided my assaulter doesn't keep repeating the behavior with others. And apart from one, albeit less assaulty, error, she heeded the desist request when her policy violation was pointed out to her. Overall it was handled well and ended well. Although one "don't do" to take away from that case is, don't complain to someone who complains about something you did. Leave them alone. Especially if what they reported is that you were harassing them. And organizations, if that happens and the complainant tells you they want that person gone, for re-violating the policy, get them gone.

If you want to challenge the facts, do so to the relevant authority as your middleman (in this case, the conference organizers), not to the complainant. Because yes, false complaints happen. At one conference recently (not one I was at), a false rape accusation was made against a man, which was repudiated by the alleged victim herself coming forward to say she never made any such accusation, her jealous ex had, and that no such incident ever occurred. That's unusual. But when what was reported is what you actually did, regardless of whether you think it was right or wrong, own up to it. As to whether it violates a policy, that's entirely at the discretion of the policy enforcer (the event, conference, or sponsoring organization).

Once you've conceded you violated a policy or some moral or etiquette, apologize for doing so, express your knowledge of what was wrong about it, and commit to not repeating it. Good organizations (and there are many in this movement) will respect that, and handle the matter privately, and work toward a good resolution. And as long as everyone follows protocol toward a good resolution, these organizations also protect the identity and privacy of both parties.

The handling of such cases, which in my case was invisible until now, is a good example of doing the right thing that people worried about slip-ups don't have to fear. As a leader in the sponsoring group I later discussed this incident with said, "It's an example of a pro-the-right-thing discussion to counter so many negative-you're-doing-it-wrong conversations" that organizations often find themselves targeted by, which is demoralizing

when their good handling of things gets overlooked, which is easy to do, when doing it right means doing it privately.

If we laud this procedure of positive resolution for mistakes, several good things can result:

People can be less stressed out and fearful of making a mistake. Just remember my first point: keep your moves in small stages, so that if any one move you make crosses a line, it's not so far across that line as to be difficult to apologize for and come back from. Otherwise, don't be afraid of being privately called out for a fuckup, just admit it, apologize for it, and make any relevant amends, including committing to not repeating it.

People can be less stressed out and fearful of complaining about something done to them (or someone they know). Anyone who finds themselves in an uncomfortable situation should realize they can take action and get support, that a horrible backlash against them isn't the only alternative to silence. Because victims of transgressions also worry about how they will be treated if they file a complaint. Organizations that handle these cases like in my case, help alleviate that worry. You will be safe. Your identity will be protected. And you can get the right thing to happen.

And finally, people can also start to see the difference between what really is the wrong way to do wrong, and what is the right way, the correctable and amendable way. To sum that up, the right way to do wrong, vs. the wrong way to do wrong:

- Small moves vs. large (which is, among other things, keeping your sense of entitlement in check).
- Respond to feedback and adjust your behavior, if it's unjustly making people uncomfortable.
- Own up to to a mistake, apologize, and do what's necessary to remedy it, including taking seriously the need of not doing it again.

- Support and cooperate with organizations and policies that handle these cases with sensible discretion and that seek a positive resolution for everyone concerned.

This then allows a conversation about what is okay and what's not, and why, and what's the best way to deal with either. It allows people to flirt and hook up. But also allows room to make mistakes and fix them, without giving anyone a free pass, but also without blowing up the world. And it makes every event more comfortable to be at or organization to work for. Even for someone harmed or made uncomfortable by a policy violation, because they can also feel they can get it resolved positively without being vilified either. We can all participate in realizing that.

And that all makes for a better world.

-:-

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EPISTEMOLOGY WITHOUT

THE HISTORICITY OF PAUL THE

INSURMOUNTABLE REGRESS OR

APOSTLE

FALLACIOUS CIRCULARITY

# 35 comments

MARSHALL ERIKSEN • JUNE 5, 2015, 7:00

AM

[Stock trolling remark deleted; as this is a *repeat offense*, also banned; see *comments policy*—RC]

REPLY



BRIAN PANSKY • JUNE 5, 2015, 7:36 AM

“

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*Often there is so much focus on censuring bad behavior that, inadvertently, the positive model of teaching good behavior gets under-discussed, or under-noticed even when discussed. Because Mogilevsky's class is not an abstinence course: it does not teach “don't flirt; don't hit on people.” Rather, it teaches that it's entirely acceptable to flirt and hit on people, even at conferences and events, but that it has to be done ethically, and with a respectful etiquette.*

---

Mm hmm, important! I've seen random people on the internet complain about this being under-discussed. Also some people (like **this angry-at-feminists commenter** I saw at Dr. Nerdlove) have seemingly somehow gotten something like an “abstinence only” message. Either way, it causes them the difficulties you point out here:

“

---

*Between being a total ask-everyone-out, boundary-ignoring douchebag, and being a never-even-flirt-much-less-ask monk, is an area of uncertainty, where one can cross a line into douche without realizing it, or **one might not be sure where that line is.***

---

Or (as in **my case** not long ago) some people might not realize what flirting is even for. That it is even something they should be doing. Here's **another commenter**:

“

---

*actually... until very recently, i had no idea about what flirting really meant. Not just that, but i believed that people just talked on and on until magically, nobody knows how, they ended up making out/having sex/marrying/whatever.*

*I had no idea about \*escalation\*. I had no idea that you have to show sexual interest to make things happen. I thought they just happened \*somehow\*.*

---

I can relate to that. I think it was actually **some of your previous writing** on the subject of flirting that started to clue me in there! Which is odd because I had years ago read **that Zvan article** about flirting, but somehow my interest in flirting was only briefly increased by it...

#### REPLY

---



**RICHARD CARRIER • JUNE**

**5, 2015, 10:46 AM**

I have been wondering about that. I was thinking about doing a post on flirting, but I kept thinking that would be so basic surely everyone would be like “yes, we know;

boring.” But if it is commonly the case that people don’t know what flirting is for (it is not just for hooking up), what it is (it’s physical and intellectual), or how to do it (the “flirtation ladder”), then maybe such a post is worth doing. I’ll think more on it.



**STEVOR • JUNE 5, 2015, 8:45 AM**

Yes. Well writ.

**REPLY**

---

**ASH • JUNE 5, 2015, 10:11 AM**

I haven’t always been an atheist and you have taught me in this article the wonderful value of turning the other cheek.(\*)

(\* ) Well, except for that one experience of yours, of course.

**REPLY**

---



**RICHARD CARRIER • JUNE**

**5, 2015, 11:27 AM**

Sorry, I am missing the point. The dots aren’t connecting for me! Do feel free to explain.

**HYATT GRPRRL • JUNE 5, 2015, 11:50 AM**



*At an afterparty at a pub after a sponsored event that had an event policy against making sexual advances, after having engaged in fascinating and intense conversation with a woman for hours, I badly misread her fascination with the subject as flirtatious interest in me, and I told her that I'd like to make a pass at her. She was confused and taken aback by that, was definitely not interested...*

---

And you think it is unfair to label you a creep?!

Even though you changed course upon receiving a clear negative reaction, your behavior prior to abandoning your pickup attempt practically constitutes the *definition* of “creepy.”

**1. You sexualized a conversation that was about something else.** This alone justifies the label “creepy.” Only creeps do this with people they just met. In fact, this is likely one of the most common complaints about creeps.

**2. Worse, you sexualized the conversation with a *proposition*.** You didn't just bring up sex out of the blue, you did it in the form of an unwelcome sexual advance. And it's not clear that it was only a *verbal* sexual advance, and not a physical one, because...

**3. Your violation was so obvious that “someone who oversaw” it felt compelled to report it.** “Oversaw?” Very strange choice of word given that “overheard” would be more consistent with your claim that you only *spoke* your unwelcome sexual advance. I think anyone would be suspicious that there might be more to this story. “Oversaw?” This isn't even a common use of that word (which usually means “supervised”). Were you and your victim using sign language?



**4. Even now, you fail to acknowledge potential harm you wrongly inflicted on your victim.** The person whom you propositioned (in a way that could apparently somehow be *seen* as well as heard) probably thought she had your respect and was being engaged in conversation as an equal. Because of what you did, she may always doubt that was true. But you only say that you were worried that you made her “uncomfortable,” with no apparent awareness of how badly a high-status person such as yourself can *wound* somebody by suddenly seeing them as a sexual opportunity when the previous conversation was non-sexual. This kind of self-esteem-damaging pain is so commonly inflicted on women that I wonder how you could be unaware of it.

(POSSIBLE BONUS CREEPY POINTS: **This was obviously quite possibly a student event.** Are there atheist organizations other than the Secular Student Alliance with a policy against any and all sexual advances by speakers? I do know that you have taken a public stand against SSA’s “speakers may not seduce students” policy. If you plan to continue attempting to seduce students at SSA events, you should know: A young woman student can be particularly hurt by discovering that an older, higher-status man’s interest in her may be sexual as opposed to intellectual. Even if your victim wasn’t a student, your violating behavior can still cause the same harm. And the harm is not merely “discomfort.” Discomfort passes quickly. Self-doubt, not so much. As a law student, I have been the victim of this. It sucks.)

While you deserve the cookie you are asking for by admitting your wrongdoing and publicly apologizing to your victim, I think that you also deserve the label “creepy.” You were only called on your behavior because it violated a written policy (at most events it would not), but what you did was creepy even if not in violation of a written policy.

I have to wonder — has the “creepy” label been following you around since you have been picking up women at conferences? Did you worry that this story about you crossing boundaries to the point that you were officially warned was going to come out? Is that why you (and you alone among FtB bloggers, as far as I know) are on a campaign to “disregard general accusations of creepiness”?

“

---

*The only solution I can recommend here is that we have to disregard general accusations of creepiness. Without a specific description of a specific behavior, we can't know whether the designation derives from legitimately creepy behavior or someone being improperly creeped out by healthy positive sexuality.*

---

In this case, I think we have “a specific description of a specific behavior.” You were creepy.

And labeling victimizers such as yourself as “creeps” is one of the few ways that women in the atheist community have of censuring creepy behavior when it doesn't violate the letter of a policy. You criticized Michael Shermer for “skirt-chasing” and labeled him a “sleaze.” While the behavior you have confessed so far does not rise to the level of Shermer's alleged behavior (which he denies), it certainly rises to the level of “creepy.”

Even knowing that you responded to the official warning by pledging to the event organizers that you would not commit the violation again at their future events, I would still warn other women to avoid you. It's still not clear that you understand what you did wrong.

REPLY

---



RICHARD CARRIER • JUNE

5, 2015, 4:20 PM



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*Even though you changed course upon receiving a clear negative reaction, your behavior prior to abandoning your pickup attempt practically constitutes the definition of “creepy.”*

---

So you agree we shouldn't do that. Excellent!  
That was my point, too.

As to whether any of this is “creepy,” I already pointed out that cases like this compel people “to talk more about just what **they** mean by creepiness and why, and we thus learn that people do have **varied tolerances** for different kinds of behaviors and **we have to account for that** in our policy-making and policy enforcement as well as in the way we opinionize about people.” So different people will mean different things by that. And place a different importance to it. So the word itself has very little utility. Exactly as I mentioned.

Whatever your own threshold is for assigning the word (which will differ from other people's), comparing this act with "hitting on someone out of the blue without earning any rapport or signal of possible interest first; or worse, doing this with a lot of different women, even after being told to stop; or constantly staring at a woman's breasts when you talk to her; or constantly making over-sexualized jokes even when the temperature of the room gets colder after every one of them; or pawing your crotch continually when talking to a girl" obviously doesn't make sense.

If we can't broach the subject of dating before anyone brings up the subject of dating, no one could ever ask anyone out.

So the moral question is how do we broach the subject of dating comfortably.

This was an example of not doing that.

Which indeed, no one should repeat.

“

---

*Your violation was so obvious that "someone who oversaw" it felt compelled to report it. "Oversaw?" Very strange choice of word given that "overheard" would be more consistent with your claim that you only spoke your unwelcome sexual advance.*

---

You seem to have a delusional need to invent things not in evidence.

They oversaw the conversation. Just like you oversee a hearing or a lecture or a meeting. Overhear implies you only heard it, out of view. Oversaw means you were in the conversation and saw the interaction (including body language). In fact there was no physical interaction in that instance. As described.

Your other speculations are similarly idle.

“

---

*Even now, you fail to acknowledge potential harm you wrongly inflicted on your victim.*

---

Turning all women who are asked out into “victims” seems kind of feminazi-ish. Doesn’t it? Is that how you see women?

“

---

*But you only say that you were worried that you made her “uncomfortable,” with no apparent awareness of how badly a high-status person such as yourself can wound somebody by suddenly seeing them as a sexual opportunity when the previous conversation was non-*

*sexual. This kind of self-esteem-damaging pain is so commonly inflicted on women that I wonder how you could be unaware of it.*

---

More turning all women into victims.

Wanting to date someone victimizes and wounds them?

Maybe you don't know that relationship interests consist of more than just sex? But love and companionship and intimacy? Or that wanting to date someone might indicate admiration for them?

Certainly, let's not make others uncomfortable if we can avoid it. But let's not turn discomfort into mortal wounding. That's the kind of slippery slope hysteria we expect from Christians.

The point of getting to know someone first is to know whether you are interested in them as a person. Asking someone out you know nothing about might sexualize them (since what else could you be going on to evaluate them but appearance?), but asking someone out whom you've gotten to know for several hours is kind of how dating works. We just have to be more attentive to comfort level.



*You criticized Michael Shermer for  
“skirt-chasing” and labeled him a  
“sleaze.”*

---

**Not for doing anything I have done.** If you  
can’t tell the difference, you have a serious and  
dangerous problem to address.

And yet Shermer could indeed apologize for his  
mistakes and recognize they were wrong and  
not repeat them. That’s my point.

Except maybe for the rape.

“

---

*I would still warn other women to  
avoid you. It’s still not clear that you  
understand what you did wrong.*

---

Certainly. Just direct them to this article. Then  
they can judge for themselves.

Indeed, that could even make life easier for me.  
Then those who are interested in me might  
realize they can say so up front. The rest, by  
making no moves indicating such, won’t have  
to worry about my hitting on them.

See how easy that works?

STEERSMAN • JUNE 5, 2015, 12:23 PM

Well, I can at least certainly see some merit in the idea of asking “how do we draw the line, or even tell the difference, between honest, open, consensual, sex-positive behavior, and behavior that should be criticized and disapproved”. And it can certainly be extended to other topics and issues. Although the answers, in most if not all cases, tend to depend on certain value judgements which in their nature tend to be somewhat subjective, to be based on some inductive “leaps of faith” from various unproven assumptions.

However, this looks like a rather odious case of tarring all for the sins of a few, hardly anything to justify any claim to reason, logic, or skepticism:

“

---

*Of course, the Slymepit won't care about that distinction. Even though they insist they do, they just horribly attack and harass anyone and everyone who ever defends any standard or policy whatever. And regardless of what those of the Slymepit profess, in actual practice they are the scary, amoral nihilists of this movement. They are also beyond facts, reality, or reason. So this post is not intended to educate them. They are uneducable.*

---

Why don't y'all just declare all of us “SlymePitters” as “suppressive persons”, and hang out your shingles as Scientologists?



REPLY

---



RICHARD CARRIER • JUNE

5, 2015, 4:30 PM

**The facts really speak for themselves.**

STEERSMAN • JUNE 5, 2015,

5:23 PM

Your twisting of them certainly does. Condemning all those who post in the SlymePit for the comments of the few – without actually addressing the substance of all comments – seems the very definition of bigotry and stereotyping, a process that encompasses racism and sexism. And, on the question of substance, you may wish to reflect on something of some cogency said by a great man, a self-styled one in any case:



---

*I find that when people take offense at insults and ridicule, sometimes they are right to, but often they are relying in their judgment on mistaken assumptions, or are merely in the thrall of unjustified taboos (or are being insincere: claiming offense is a common tactic used in an attempt to silence, or shame or intimidate into*

*silence, someone who says things you don't like).*

---



**RICHARD CARRIER • JUNE**

**5, 2015, 6:05 PM**

The few?

Christ you're delusional.

Six links documenting dozens of Slymepit individuals acting with no opposition, and even support and coordination, from others at the Slymepit.

That's who you are affiliated with. If you don't like how that looks, I'm not the one to be complaining to.

**ABEAR • JUNE 5, 2015, 12:44 PM**

“

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*I won't here go into the ridiculous question of why I didn't report her to the police for what was, in fact, a crime. If you think that's what I should have done, your head is not living in the real world. The lesson I want to draw out here is that my assaulter's behavior was censurable. But the conference did what they were*

*supposed to do. And she complied with the rules once confronted about her transgression. And I would happily accept an apology from her, and even without that, I feel no need to mention her name, unless I discovered she was still doing such things to people, in which case I probably would.*

---

Don't you feel some responsibility to name this woman at least to warn other men about her? It sounds like she didn't get the message if she confronted you angrily afterward.

If you say men don't need protection from sexually predatory women than I say you are a sexist. I have been raped several times by women that have dragged me off to bed and had their way with me when I was too drunk to give consent, and I now feel guilty about not warning other men about them.

#### REPLY

---



**RICHARD CARRIER • JUNE**

**5, 2015, 4:48 PM**

That's terrible. Certainly warn people about *them*.

But someone who just grabs ass, we don't need to drag ourselves (or anyone) through the expensive and miserable legal system just to get them to realize it's wrong, and by all accounts she got the message (she did not confront me arguing she wasn't wrong; she

confronted me arguing I should have told her first; her behavior, stopped).

EJW • JUNE 5, 2015, 1:44 PM

“

---

*But if it is commonly the case that people don't know what flirting is for (it is not just for hooking up), what it is (it's physical and intellectual), or how to do it (the "flirtation ladder"),*

---

I don't know how common it is, but I can tell you that I don't understand any of this. I know that flirting exists, but not how to do it or how to tell if it's being done toward me (as opposed to someone just being friendly. As a result, I'm one of these men:

“

---

*I have also heard from women who report they've sometimes had a harder time finding dates because men in the social groups they attend are afraid of offending them by asking, or even communicating interest, or even admitting to being receptive to interest, due to these same fears.*

---

I don't know how to judge interest or tell when a woman might be receptive to expressions of my interest, or how to express my

interest in a clear but non-offensive way. I deal with this by . . . well, by “being a never-even-flirt-much-less-ask monk.” I’m pushing 40 and still waiting for my first romantic relationship.

## REPLY

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**RICHARD CARRIER • JUNE**

**5, 2015, 4:59 PM**

I agree that’s unfortunate. It would be nice if our society taught people basic skills like this (Mogilevsky’s class, for example, is certainly good for this in a way Pick Up Artist classes are not, but sadly the latter are far more ubiquitous).

Of course to an extent successful flirting and inquiring requires building on a foundation of basic social and emotional skills that would help us to have in all aspects of life not just this. And that’s a separate skillset all of its own, which can be acquired from therapists who specialize in it (although without socialized medicine, that’s expensive, but I don’t know what can substitute other than practicing in more permissive environments, like speed dating and building up hours in non-date related social interaction skills).

So I can’t speak to that. I can only post about how one builds on those basic skills specifically for flirting and inquiring. And even then only as a middling expert, not a grandmaster. But I may write something on it in future. For starters

others have primed the subject **here** and (by converse point) **here**.

DRKEN • JUNE 5, 2015, 3:31 PM

@Ricard #2:

Don't assume everybody has the same information/skills you do. The opposition has put forth the message that sexual harassment policies mean that if the person you're trying to flirt with is uninterested, you'll find yourself facing harassment charges. Since the vast majority of single people live with the virtual certainty that the majority of their attempts to have sex will meet with failure, throw in a zero-tolerance policy and you can see how scary that makes sexual harassment policies seem. Especially for those unsure of their own social skills. There needs to be a counterargument that shows that sexual harassment policies aren't the end of flirtation and fun. I look forward to reading your posts so I have something to show people who argue against harassment policies.

**REPLY**

---



**RICHARD CARRIER • JUNE**

**5, 2015, 5:02 PM**

“The opposition has put forth the message that sexual harassment policies mean that if the person you're trying to flirt with is uninterested, you'll find yourself facing harassment charges.” — Right. When in reality, almost no policy defines merely that as harassment, and the ones that could be

interpreted to, usually have discretionary judgment clauses that account for this (whereby all a “harassment charge” produces is a verbal request from organizers not to do that again, which can be embarrassing, but hardly ruins anyone’s life).

I SWEAR I'M NOT AN IMPOSTER • JUNE 5,

2015, 4:01 PM

As someone who can’t tell the difference between friendliness and interest because kids are monsters, this was mildly helpful. I still think flirting without intent is at best a deliberate misrepresentation, and it’s abusive when directed at people who were bullied or ignored for the entirety of their social development. If you’re communicating ambiguously you increase the risk of an innocent mistake. This doesn’t absolve them of responsibility if they try to jump over the line into you pants, but, to mix metaphors, you may have led them to believe that baseball is played clockwise and so fault is shared, however it may be distributed, like if you turn on your hazards but the lights are burnt out on one side of the car.

I understand there is a need for plausible deniability given normative baggage, but it was created and is perpetuated by shitlords. An article about flirting would probably just boil my impotent rage from being denied the priors. Even if I asked my therapist to focus on the anxiety instead of the depression for a while, fixing neurochemistry doesn’t magically impart years of skill development so I’d just be out and making mistakes instead of in and not. There’s no real solution to this on the scale that groups operate. I certainly don’t disagree with the choice, after all nobody shows up at the social anxiatrics’ convention, but it still burns even though fixing (especially accidental) harassment is

feasible and paying for bullied adults get the help we need isn't.

(line barrelers-through are a third circle on the venn diagram)

(if my UID is looks suspicious: I used a google login back in the day (like six weeks ago?) but the screener still associated that email address even though google killed the accounts service.)

**REPLY**

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**RICHARD CARRIER • JUNE**

**11, 2015, 12:11 AM**

I don't know what "flirting without intent" is.  
Or what flirting has to do with "people who were bullied."

The issues you don't clearly describe sound like issues indeed to raise with your therapist.

**ALEXIA GABOR • JUNE 6, 2015, 12:21 AM**

What compelled you to write a 5500 word essay trying to convince people you're not a creep? Who are you trying to convince us or yourself?

**REPLY**

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**RICHARD CARRIER • JUNE**

**6, 2015, 12:55 PM**



The purpose of the essay is explained in plain English in the introduction to the essay, and confirmed in the conclusion.

*You* are the one who is obsessing over the issue of creepiness.

*I* was writing to help my friends and colleagues and peers in this community make the community a better place and improve their mutual enjoyment of it without excess fears or worries. Because they asked me too.



**PEN • JUNE 7, 2015, 12:46 AM**

One thing which may contribute to people's fears is that when an issue becomes public you can virtually guarantee that every apology will be labelled a 'notpology' anyway, especially by anyone who already dislikes that person or their views – and there always are some. Some of the arguments made are certainly in bad faith, whether the makers of them fully realize it or not. They are no longer about any harm done, corrections in behavior needed, or even discussion of what is or isn't acceptable. They are all about social posturing, one-upmanship, and the advancement of unrelated causes.

**REPLY**

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**RICHARD CARRIER • JUNE 7,  
2015, 12:51 PM**

That's a perception. Not the reality so far as I've seen. There have been several instances of

accepted and praised apologies in the movement. (One cannot expect people not to remain wary. But that's what proving yourself with subsequent behavior is for.)



**JACK RAWLINSON • JUNE 7, 2015, 8:01 AM**

Just as I enjoyed picturing how different the reaction from the usual FtB suspects would have been had your original “bat signal” post been written by, say, Michael Shermer or Thunderfoot, I must admit I’m having a good old chuckle thinking about how quickly the term “mansplaining” might have been deployed had this over-extended exercise in self-justification also been produced by one of The Great Uneducable.

#### REPLY

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**RICHARD CARRIER • JUNE 7, 2015, 12:56 PM**

Only because serial harassers who never apologize, writing about how to apologize and the importance of apologizing, *would* be a joke.

Since I am not a member of a harassment cabal and haven’t engaged in or supported public harassment and vilification and bile-throwing, no comparable joke emerges here.

(Meanwhile, “mansplaining” only applies to a man talking down to a woman. My article is man-to-man. So that word doesn’t even make sense in this context.)

IDGAF • JUNE 7, 2015, 8:05 PM

It's not your relationship status or 'creepiness' that people can't or won't parse, it's the honesty. It scares the shit out of people.

**REPLY**

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POLISHSALAMI • JUNE 8, 2015, 2:44 AM

Wouldn't it be better to change the sleazy (yes, sleazy) pick-up culture that exists on the conference circuit? Given that the sexual activities of a particular German-American skeptic have created a total meltdown in the A/S communities, wouldn't the best option be to make conferences a sex-free zone?

**REPLY**

---



**RICHARD CARRIER • JUNE**

**9, 2015, 9:18 AM**

Because no one wants that. The movement loves the sex positive culture of conferences. Indeed, that's one of the best things about it.

The problem isn't sex (only prudes handwring over that). The problem is conducting oneself with etiquette and respect and less of a sense of entitlement or disregard.



**DAMION REINHARDT** • JUNE 8, 2015, 10:46

AM

“...they just horribly attack and harass anyone and everyone who ever defends any standard or policy whatever.”

Oddly enough, I cannot find any SlymePit attacks or harassment against Ron Lindsay or Russell Blackford for defending CFI’s anti-harassment policy.

<http://skeptic-ink.tumblr.com/post/47526924795/i-support-the-cfi-conduct-policy-russell>

**REPLY**

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**RICHARD CARRIER** • JUNE

9, 2015, 9:39 AM

They don’t mention or defend that fact either. They pretend that didn’t happen. Because those two guys are sexist dudebros, so they won’t badmouth them.



**DAMION REINHARDT** • JUNE

9, 2015, 1:19 PM

So you admit they don’t “horribly attack and harass anyone and everyone” who defends conference policies, only those who don’t have a sexist dudebro exemption?



**RICHARD CARRIER • JUNE**

**10, 2015, 9:56 PM**

I have not harassed anyone.

Do you think I inundate people's email with insults and porn of them fucking goats or something? Or that I have endorsed or verbally high-fived doing that?

Writing one's opinion up on their own blog is not harassment. Actual *harassment* is harassment. And positively endorsing or reacting to that harassment is being pro harassment. Notably, you won't ever find any instance of my doing either.

If you haven't figured that out by now, you have a problem.

**SARAH SANDERSON • JUNE 9, 2015, 6:30**

**PM**

Hi Richard,

The mistakes that you talk about making don't seem like a big deal at all. There is certainly no reason to beat yourself up over them. Minor misunderstandings are a part of human social interaction. It sounds like you have nothing to apologize for.

You did say some things that really concern me though. You mention that several of your friends and girlfriends have been sexually assaulted at conferences in the last three years. As a woman that attends atheist conferences, this statement troubles me. I know that it has been more than three years since the

problems of misogyny and harassment were brought to light in our community. I know that just about every conference of note has a sexual harassment policy now. I also know that you only speak at the conferences that are inclusive and welcoming to women, like Skepticon. Yet apparently women are still in grave danger of being sexually assaulted at these conferences. Which conferences are these sexual assaults happening at? Please name names. I want to only attend conferences where I know I will be safe.

**REPLY**

---



**RICHARD CARRIER • JUNE**

**10, 2015, 11:36 PM**

This can happen to you anywhere. Just as in life generally. “What country can I go live in where I won’t get assaulted?” is not a useful question, either. But “Which country will I be *less* likely to be assaulted in?” is. And so far we have been successful in improving things on that measure at all major conventions I am aware of, to the point that the only improvements we can further make are (a) to continue advocating a culture that does not respect men who behave that way and (b) that supports victims and not perpetrators. This does not require believing every claim made (as I mention). But it does require not dismissing every claim simply because it was made by a woman.

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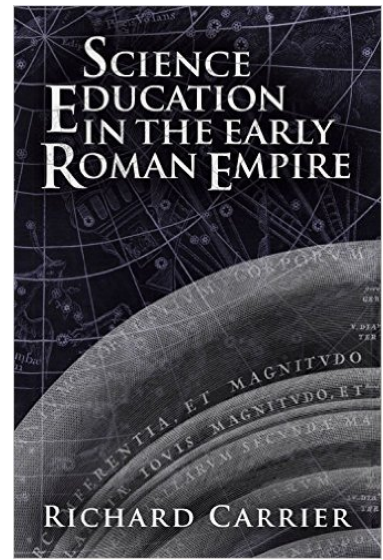
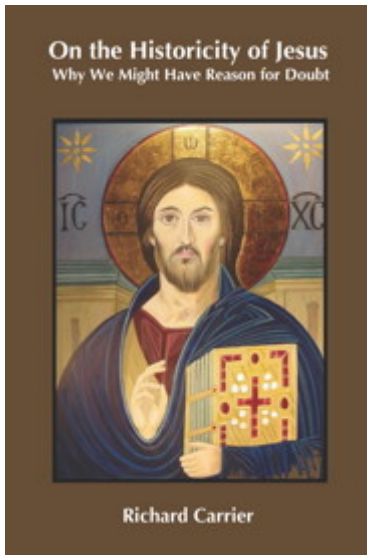
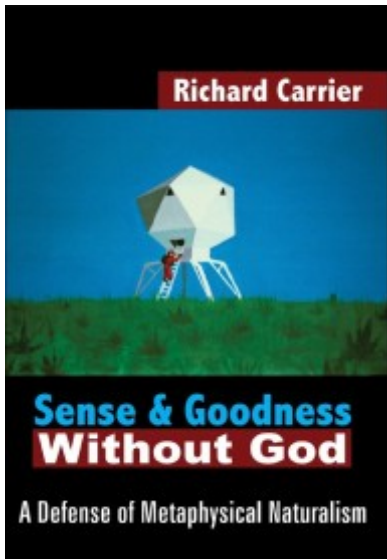
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# **EXHIBIT 2**

Myers Declaration

THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

<b>DR. RICHARD CARRIER,</b>	:	Case No. 2:16-cv-00906-MHW-EPD
	:	
Plaintiff,	:	Judge Michael H. Watson
	:	
v.	:	
	:	
<b>FREETHOUGHTBLOGS NETWORK,</b>	:	
<b>PAUL Z. MYERS, PH.D., THE ORBIT,</b>	:	
<b>STEPHANIE ZVAN, SKEPTICON, INC.,</b>	:	
<b>LAUREN LANE, and AMY FRANK-</b>	:	
<b>SKIBA,</b>	:	
	:	
Defendants.	:	

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**DECLARATION OF PAUL Z. MYERS**

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I, Paul Z. Myers, Ph.D. declare:

1. I am over 18 years of age and have first-hand knowledge of the facts set forth herein, and if called as a witness could and would testify competently thereto.
2. I have never resided, worked, or operated a business in Ohio. I have never sued anyone in any court in Ohio. I have never registered to vote in Ohio. I have never owned a checking account or paid taxes in Ohio.
3. The only time I recall visiting Ohio was August 2009.
4. I never spoke with Richard Carrier much about his personal life. From a few things he said in the past, I have a vague recollection that he lived in the San Francisco Bay Area.
5. On June 15, 2016, I learned that he had moved because he mentioned it in an e-mail to me. However, the e-mail was vague and did not mention where he had moved from, where he moved to, or why he was moving. A copy of the entire e-mail is attached hereto as **EXHIBIT A**. I did not know him to have any professional connections to the

state of Ohio and could never have guessed that was where he had moved to. I knew nothing about any connections he might have in Ohio except that he'd been having some conflicts with the Secular Student Alliance, which is based in Ohio. I can't see how that would have made Ohio an attractive place for him to move to.

6. The first time I could have possibly suspected that Dr. Carrier had moved to Ohio, was on July 29, 2016, when I received the cease and desist letter from his lawyer which was attached to the Complaint as Exhibit 6. Even then, I only knew that Dr. Carrier's lawyer was in Ohio. Nothing in the cease and desist letter informed me otherwise.

7. The only time I concretely learned that Dr. Carrier was living in Ohio was upon reading a copy of the Complaint in this case.

8. I am one of the founders of freethoughtblogs.com, which is an open platform for freethought writers. Freethoughtblogs is collection of skeptics and critics of dogma and authoritarianism. The site is mainly informational and is designed to encourage independent thinking and individual autonomy.

9. Freethoughtblogs is a Delaware corporation. I serve as the organization's CEO and its principle place of business in in Minneapolis, Minnesota. The organization's CFO, Ed Brayton, lives in Michigan and that is where the organization's bank account is.

10. Freethought blogs does not own or lease property in Ohio. It does not have a bank account in Ohio. It has no employees in Ohio.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: 29 Nov 2016



\_\_\_\_\_  
Paul Z. Myers, Ph.D.

**EXHIBIT A**

Email Dated June 15, 2016

**Subject:**FYL...

**Date:**Wed, 15 Jun 2016 21:08:10 -0400

**From:**Richard Carrier <[richard.carrier@icloud.com](mailto:richard.carrier@icloud.com)>

**To:**PZ Myers <[pzmyers@gmail.com](mailto:pzmyers@gmail.com)>

I'm sorry I have been pretty silent and out of contact as I've been away from things on an arduous move and working. But since this is breaking, I wanted you to have a heads up:

<http://freethoughtblogs.com/carrier/archives/10267>

# **EXHIBIT 3**

Frank-Skiba Declaration

**THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>DR. RICHARD CARRIER,</b>	:	Case No. 2:16-cv-00906-MHW-EPD
	:	
Plaintiff,	:	Judge Michael H. Watson
	:	
v.	:	
	:	
<b>FREETHOUGHTBLOGS NETWORK,</b>	:	
<b>PAUL Z. MYERS, PH.D., THE ORBIT,</b>	:	
<b>STEPHANIE ZVAN, SKEPTICON, INC.,</b>	:	
<b>LAUREN LANE, and AMY FRANK-</b>	:	
<b>SKIBA,</b>	:	
	:	
Defendants.	:	

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**DECLARATION OF AMY FRANK-SKIBA**

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I, Amy Frank-Skiba declare:

1. I am over 18 years of age and have first-hand knowledge of the facts set forth herein, and if called as a witness could and would testify competently thereto.
2. I have never lived or worked in Ohio. I have never sued anyone in any court in Ohio.
3. I have never owned a checking account or paid taxes in Ohio.
4. I have only visited Ohio several times as a minor, briefly in 2010, and again in 2015 for a weekend conference.
5. At the time, I published the Facebook post at issue in this action, I believed Defendant Richard Carrier was living in the state of California.
6. I did not learn Carrier was living in Ohio until June 15, 2016.
7. The Secular Student Alliance incident Stephanie Zvan refers to in paragraph 17(b) of her declaration took place in Tempe, Arizona.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: 12/1/2016

DocuSigned by:  
*Amy Frank-Skiba*  
7A19B25A0B93481...

---

Amy Frank-Skiba



# **EXHIBIT 4**

Lane Declaration

THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

<b>DR. RICHARD CARRIER,</b>	:	Case No. 2:16-cv-00906-MHW-EPD
	:	
Plaintiff,	:	Judge Michael H. Watson
	:	
v.	:	
	:	
<b>FREETHOUGHTBLOGS NETWORK,</b>	:	
<b>PAUL Z. MYERS, PH.D., THE ORBIT,</b>	:	
<b>STEPHANIE ZVAN, SKEPTICON, INC.,</b>	:	
<b>LAUREN LANE, and AMY FRANK-</b>	:	
<b>SKIBA,</b>	:	
	:	
Defendants.	:	

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DECLARATION OF LAUREN LANE

---

I, Lauren Lane declare:

1. I am over 18 years of age and have first-hand knowledge of the facts set forth herein, and if called as a witness could and would testify competently thereto.

2. I have never resided, worked, or operated a business in Ohio. I have never sued anyone in any court in Ohio. I have never registered to vote in Ohio. I have never owned a checking account or paid taxes in Ohio.

3. The only time I recall visiting Ohio was to attend the Secular Student Alliance Conferences in 2011 (as a speaker), 2013 (as a speaker), and 2014 (as an attendee).

4. On June 20, 2016, when Skepticon published the statements at issue in this action on its website, I believed Defendant Richard Carrier was living in the state of California. This belief was based on various documents I had seen over the years including the following:

- A letter from Richard Carrier recommending me for an internship with the Center of Inquiry Internship, including his address in Richmond, California. **EXHIBIT A.**
- An invoice regarding Dr. Carrier’s books with the delivery address as Richmond, California. **EXHIBIT B.**

- Skepticon 6 Speaker Travel Information Spreadsheet indicating Richard Carrier would be traveling from either Oakland airport or San Francisco Airport.

**EXHIBIT C.**

- Skepticon Check log indicating a check for Richard Carrier would be sent to him at an address in Richmond, California. **EXHIBIT D.**

- A spreadsheet of blogs identifying Richard Carrier's location as Oakland, California at page 3, line 5. **EXHIBIT E.**

- An e-mail trail discussing a letter sent to an incorrect address. The letter from Richard Carrier contains a return address located in Richmond, California.

**EXHIBIT F.**

5. I did not learn Richard Carrier was living in Ohio until July 14, 2016. Prior to that I believed he was still living in California.

6. Skepticon, like many of the organizations related to the atheist/secular/skeptic communities has strict conduct and harassment policies, which govern writers, speakers, and participants. Skepticon's conduct policy includes a prohibition on "inappropriate physical contact, unwelcome sexual attention, and any other act that may cause harm to oneself or others." The policy also states that "[b]latant instances of racism, sexism, homophobia, or other stereotyping and harmful behaviors should be reported to conference staff immediately. 'Yes' means yes; 'No' means no; and 'Maybe' means no. Please accept no for an answer for any request or activity. You are encouraged to ask for unequivocal consent for all activities during the conference. No touching other people without asking. This includes hands on knees, backs, shoulders—and hugs (ask first!)."

Pursuant to the laws of the United States, I declare under penalty of perjury the foregoing is true and correct.

Dated: 11/29/2016

DocuSigned by:  
*Lauren Lane*  
7F308C225E394F2...

\_\_\_\_\_  
Lauren Lane

**EXHIBIT A**

Letter of Recommendation

15 April 2010

To the selection officer or committee  
for the Center for Inquiry Internship:

I became acquainted with Lauren Lane two years ago when I was a speaker for Scepticon in 2008 at MSU (Springfield, Missouri) and Lauren was an event organizer. It was so successful it has become a famous annual event. I saw her in action again at Scepticon II in 2009, which was more ambitious and even more successful. I saw Lauren play a vital role in making both events operate with consummate success. Thanks to her and her colleagues, Scepticon III is on track for this November and will be even bigger and better. I watched this experience lead her from a major in art to a passionate interest in pursuing a degree in Nonprofit Administration. She's a full-on convert to the cause.

One of my ongoing complaints with national freethought organizations has been a lack of touch with the modern youth and youth culture and how to get them passionately involved. Lauren is ideally suited to change that. Not only is she a part of that culture and knows it well, she has directly participated in and observed effective campus event and group organization, and understands the methods and importance of generating enthusiasm and retention and continuity in secular campus groups, issues I often discuss with campus event organizers like her, and with her I had many conversations about it. I can honestly say she gave me hope for the future. I've also personally seen her in action and can vouch for the fact that she has natural charisma and is fearless in public and can approach and communicate with anyone. Lauren can also manage complex events well, from stage operations to cocktail parties, and having seen many events badly run, I and other speakers were amazed at how smoothly the Scepticons have operated, despite being entirely conceived, promoted, and run by college students. And as an author I have a particular amazement of my own: every year I bring more books to sell, expecting to return home with unsold stock, and Lauren manages to move every last unit. At no event but hers have I ever sold fifty books in one go. Even her art degree has been an asset in the creation of promotional materials.

It's time the 21st century freethought movement saw a rise in women leaders, with the charm, know-how, passion, and professionalism to get them noticed and influential. Lauren Lane is the most promising candidate I have yet met in my twenty years of involvement in the cause. She would benefit immensely from the experience and connections your internship will provide, more even I expect than other applicants. She has a long term vision, and the talent to realize it. All she needs is broader experience. For all these reasons I strongly recommend Lauren for this position.



Dr. Richard C. Carrier

www.richardcarrier.info  
rcarrier@infidels.org  
(510) 932-9536  
936 Wilson Ave.  
Richmond, CA 94805

(author of *Sense and Goodness without God* and *Not the Impossible Faith*, contributing author for *The Empty Tomb* and *The Christian Delusion*, and editor emeritus of The Secular Web [www.infidels.org](http://www.infidels.org))

**EXHIBIT B**

Invoice

# SKEPTICON, INC

# INVOICE

710 W Greenwood  
Springfield, MO 65807

13-May-2014  
Invoice #2334889

info@skepticon.org  
rebekah@skepticon.org

**Att: Dr. Richard Carrier**  
**Skepticon Merchandise Reconciliation**

Dear Dr. Richard Carrier,

Please find below an updated invoice for the books currently in Skepticon's inventory. Per our email, we are renegotiating to a \$0.00 balance for 15 units of Proving History. We have agreed to bill only for \$100.00 in shipping and \$50.00 in labor. Any shipping costs for labor, materials, shipping, and insurance over the amount of \$150.00 will be paid by Skepticon at the time of shipping. An additional \$100.00 is added for various shipping and credit card expenses for the prior year.

Many thanks,  
Rebekah  
Skepticon Organizer

#	Item Description	Quantity	Unit price (\$)	Total (\$)
1	Invoice #2334889 Total for Proving History	1	301.70	301.70
2	Renegotiated invoice amount	1	-301.70	-301.70
3	Shipping & Handling	1	150.00	150.00
4	Sundry expenses for 2013 Fiscal Year	1	100.00	100.00
5				-
6				-
7				-
8				-
<b>Subtotal</b>				<b>250.00</b>
<b>Sales Tax (0%)</b>				<b>0.00</b>
<b>Total</b>				<b>250.00</b>

Please make payment at your earliest convenience, and do not hesitate to contact me with any questions. Payment terms: to be received within 30 days. On receipt of a check or money order for \$250.00 we will ship the following units:

Why I am not a Christian: 32  
Sense and Goodness Without God: 66  
Proving History: 15

To:  
Richard Carrier  
936 Wilson Ave.  
Richmond, CA 94805-1351

*paid in full  
check #1715  
\$250.00 received  
6/2/14  
Rebekah*

**EXHIBIT C**

Spreadsheet



**EXHIBIT D**

Check Log

**EXHIBIT E**

Spreadsheet

**EXHIBIT F**

Emails

11/22/2016

Gmail - Re: Skepticon Mailing Address?



Lauren Lane &lt;lane722@gmail.com&gt;

**Re: Skepticon Mailing Address?**

12 messages

**Richard Carrier** <rcarrier@infidels.org>  
 To: Rebekah Elder <rebekah@skepticon.org>  
 Cc: Lauren Lane <lane722@gmail.com>

Tue, May 27, 2014 at 4:46 PM

The invoice you sent me had this address for you:

SKEPTICON, INC  
 710 W Greenwood  
 Springfield, MO 65807

But the check I sent to that address was just returned as "no such number / unable to forward."

Is that a misprint? Is there some other address I should send it to?

On May 13, 2014, at 5:43 PM, Rebekah Elder <rebekah@skepticon.org> wrote:

> I think that is very fair, thank you. I also think the idea for a binder of physical copies of documents is a great idea. I'm slowly getting the team organized, but that would certainly make the inevitable transition to the next generation of Skepticon organizers a little easier.  
 >  
 > I've updated Invoice #2334889 to show \$250.00. Please make the check out to Skepticon. I will not ship anything until at least Monday the 26th, but I can delay shipping a little longer than that if you'd prefer. I also appreciate you not getting robbed!  
 >  
 > Rebekah  
 > Skepticon Organizer

--  
 Richard C. Carrier, Ph.D.  
<http://www.richardcarrier.info>

**Rebekah Elder** <rebekah@skepticon.org>  
 To: Richard Carrier <rcarrier@infidels.org>, Lauren Lane <lane722@gmail.com>

Thu, May 29, 2014 at 12:39 PM

Not having seen the envelop I couldn't say if it's addressed incorrectly. I literally own the home at 710 W Greenwood, Springfield, MO 65807, so I can assure you that there is an address 710.

We can give you another address, you can try again to 710 W Greenwood, or at this point it may just be easier to make a "donation" through our PayPal account. I'd prefer mailing, since we'd have to pay service charges, but it's busy than nothing.

Thoughts, Lauren?

On May 28, 2014 9:09 PM, "Richard Carrier" <rcarrier@infidels.org> wrote:

When they write "no such number" they mean there is no address 710. Is the location marked incorrectly? Or the street name wrong on my envelope? Just changing the name of address won't solve the problem they claim to be having. I want to make sure it gets through. Is there maybe a different address altogether I could try?

On May 27, 2014, at 6:26 PM, Rebekah Elder <rebekah@skepticon.org> wrote:

> No, that's the correct address. I've seen problems where there was an issue because someone put "East Greenwood", as that's a valid address in Springfield as well, but you have it perfectly. That's strange. I guess you could just address the envelope to me directly. My last name is Elder.  
 >

> I'll let you know as soon as we've received it. After I receive it, are we all clear to ship the books?  
 >

> Rebekah

[Quoted text hidden]

**Lauren Lane** <lane722@gmail.com>  
 To: Rebekah Elder <rebekah@skepticon.org>  
 Cc: Richard Carrier <rcarrier@infidels.org>

Thu, May 29, 2014 at 1:43 PM

It is very strange that this envelope would not make it to us when we have never had a problem with anything else (merchandise, sponsorships, etc.) being delivered to this address at any point in the past.

If you like, you can send us the money through paypal to our [info@skepticon.org](mailto:info@skepticon.org) email address or use one of our donate buttons, which might be faster at this point. I think we're all ready to move on and resolve this.

11/22/2016

Gmail - Re: Skepticon Mailing Address?

I am starting to lose patience here and am beginning to feel that Skepticon's good nature is being abused.

Lauren  
[Quoted text hidden]

Richard Carrier <rcarrier@infidels.org>  
To: Lauren Lane <lane722@gmail.com>  
Cc: Rebekah Elder <rebekah@skepticon.org>

Fri, May 30, 2014 at 4:50 PM

On May 29, 2014, at 11:43 AM, Lauren Lane <lane722@gmail.com> wrote:

It is very strange that this envelope would not make it to us when we have never had a problem with anything else (merchandise, sponsorships, etc.) being delivered to this address at any point in the past.

If you like, you can send us the money through paypal to our [info@skepticon.org](mailto:info@skepticon.org) email address or use one of our donate buttons, which might be faster at this point. I think we're all ready to move on and resolve this.

I am starting to lose patience here and am beginning to feel that Skepticon's good nature is being abused.

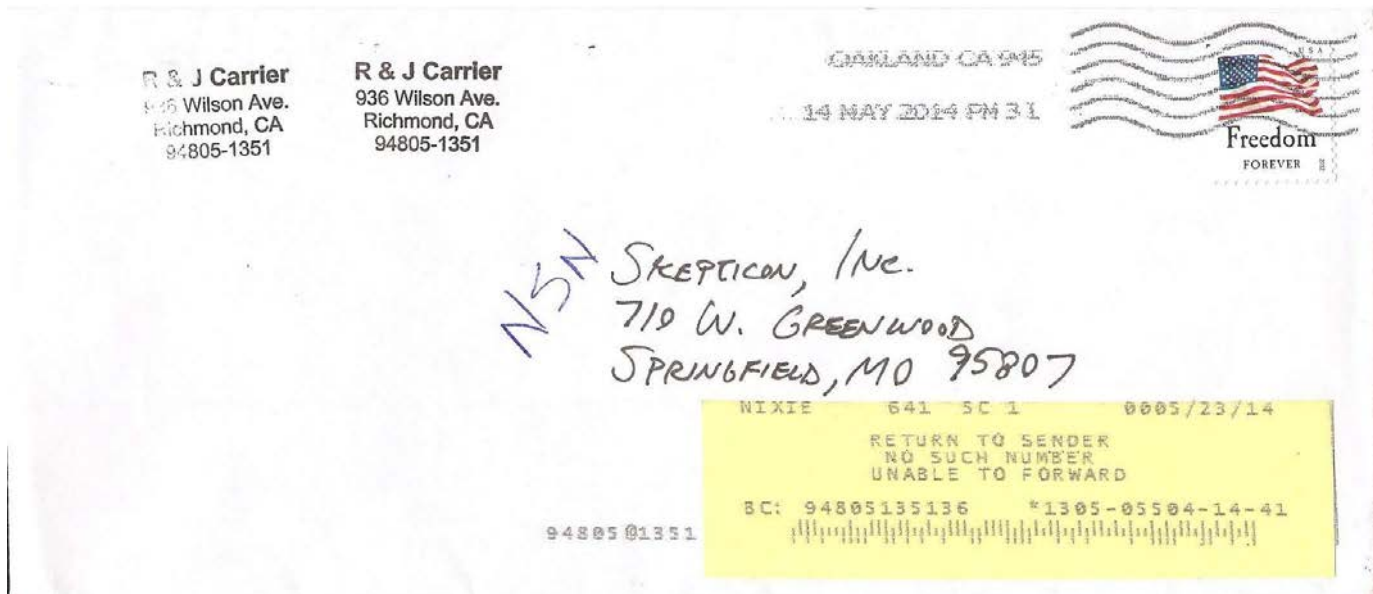
Lauren

I'm not sure what you mean. See attached if you are not sure what I mean.

Although looking at it again, I suspect they must have mistook the zero for a nine. I'll see if that's it and try again with a cleaner script.

I'm just trying to get the check to you.

--  
Richard C. Carrier, Ph.D.  
<http://www.richardcarrier.info>



Lauren Lane <lane722@gmail.com>  
To: Richard Carrier <rcarrier@infidels.org>  
Cc: Rebekah Elder <rebekah@skepticon.org>

Fri, May 30, 2014 at 5:11 PM

Dude. It's gotta be your crazy doctor-like handwriting. Do you make your 0's backwards? WITCHCRAFT.

I'm just sick of this whole book situation, I feel like we've been talking about them for an eternityyy

P.s, the Zip Code is 65807 not 95807  
[Quoted text hidden]

Richard Carrier <rcarrier@infidels.org>  
To: Lauren Lane <lane722@gmail.com>  
Cc: Rebekah Elder <rebekah@skepticon.org>

Fri, May 30, 2014 at 5:27 PM

On May 30, 2014, at 3:11 PM, Lauren Lane <lane722@gmail.com> wrote:

11/22/2016

Gmail - Re: Skepticon Mailing Address?

> Dude. It's gotta be your crazy doctor-like handwriting. Do you make your 0's backwards? WITCHCRAFT.  
>  
> I'm just sick of this whole book situation, I feel like we've been talking about them for an eternityyy

Hey, you are in the Big Time now, boss. That entails hours and hours of annoying businessy stuff with various vendors and clients and venues and whatnot. The price of success. It will only get worse from here. ;-)

(Although we are nearly done with this laborious action item; nearly...remember, we still have to negotiate a contract for the stock-and-sale for this November...)

> P.s. the Zip Code is 65807 not 95807

Zing! That might be the thing.

Fixed. It will go out tomorrow!  
[Quoted text hidden]

---

**Rebekah Elder** <rebekah@skepticon.org>  
To: Richard Carrier <rcarrier@infidels.org>, Lauren Lane <lane722@gmail.com>

Sun, Jun 8, 2014 at 7:31 PM

Good news, everyone!  
The check was received and deposited, and we shipped the books with a copy of the invoice. I signed off on the invoice to indicate that it was paid in full. (and put it in my new merchandise notebook!) The estimated delivery date is 6/11/14 and your tracking number with FedEx is 780005187974. Due to the contents and their value, we decided to have it held for delivery at the FedEx location closest to you so that you can pick it up at your leisure and we don't have to worry about them sitting in the rain.

The FedEx Office is:  
9989 San Pablo  
El Cerrito, CA 94530

They'll call you at [510-932-9536](tel:510-932-9536) as soon as it's there. I'm told you'll generally have about a week or so to pick it up.

Rebekah  
Skepticon Organizer  
[Quoted text hidden]

---

**Richard Carrier** <rcarrier@infidels.org>  
To: Rebekah Elder <rebekah@skepticon.org>  
Cc: Lauren Lane <lane722@gmail.com>

Mon, Jun 9, 2014 at 9:30 PM

Thank you. That pickup arrangement won't be a problem.  
[Quoted text hidden]

---

**Richard Carrier** <rcarrier@infidels.org>  
To: Rebekah Elder <rebekah@skepticon.org>  
Cc: Lauren Lane <lane722@gmail.com>

Thu, Jun 12, 2014 at 10:56 AM

Everything received. Thank you.

On Jun 8, 2014, at 5:31 PM, Rebekah Elder <rebekah@skepticon.org> wrote:

> Good news, everyone!  
> The check was received and deposited, and we shipped the books with a copy of the invoice. I signed off on the invoice to indicate that it was paid in full. (and put it in my new merchandise notebook!) The estimated delivery date is 6/11/14 and your tracking number with FedEx is 780005187974. Due to the contents and their value, we decided to have it held for delivery at the FedEx location closest to you so that you can pick it up at your leisure and we don't have to worry about them sitting in the rain.  
>  
> The FedEx Office is:  
> 9989 San Pablo  
> El Cerrito, CA 94530  
>  
> They'll call you at [510-932-9536](tel:510-932-9536) as soon as it's there. I'm told you'll generally have about a week or so to pick it up.  
>  
> Rebekah  
> Skepticon Organizer

[Quoted text hidden]

---

**Richard Carrier** <rcarrier@infidels.org>  
To: Rebekah Elder <rebekah@skepticon.org>  
Cc: Lauren Lane <lane722@gmail.com>

Thu, Jun 12, 2014 at 11:04 AM



# **EXHIBIT 5**

Hammond Declaration





year. The link on the website redirects to shopify.com which does the payment processing and order fulfilment. Individuals can also make donations to Skepticon through the website.

7. From 2013 through 2016 approximately 80 individuals from Ohio attended Skepticon out of a total of 3,737 attendees or approximately 2%. During those same years Skepticon sold approximately nine shirts to residents of Ohio.

8. During the years Dr. Carrier spoke at Skepticon conferences the organization collected money from Dr. Carrier’s book sales at the conference and forwarded those funds to Dr. Carrier in California. I obtained a copy of an email between Dr. Carrier and a Skepticon volunteer demonstrates that the organization sent funds to Dr. Carrier in California. This e-mail is part of Skepticon’s corporate records. A true and correct copy of that e-mail is attached hereto as **EXHIBIT A**.

9. I have also attached an invoice from Skepticon to Richard Carrier identifying his address in Richmond, California. This invoice is also part of Skepticon’s corporate records. **EXHIBIT B**.

10. As an institution, Skepticon has not communicated with Dr. Carrier since 2014 except for receiving his donation and registration for Skepticon 8 in 2015. Neither of those communications contained his address.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: 11/30/2016

DocuSigned by:  
*Rebecca Hammond*  
C23FE0208EB2426...

\_\_\_\_\_  
Rebecca Hammond,  
Director/Secretary/Treasurer  
Skepticon, Inc.

**EXHIBIT A**

Email

From: **Rebekah Elder** <[rebekah@skepticon.org](mailto:rebekah@skepticon.org)>  
Date: Tue, Nov 22, 2016 at 8:00 AM  
Subject: Fwd: Skepticon Inventory  
To: Rebecca Hammond <[rebecca@skepticon.org](mailto:rebecca@skepticon.org)>

----- Forwarded message -----

From: **Rebekah Elder** <[rebekah@skepticon.org](mailto:rebekah@skepticon.org)>  
Date: Thu, May 8, 2014 at 9:04 PM  
Subject: Re: Skepticon Inventory  
To: Richard Carrier <[rcarrier@infidels.org](mailto:rcarrier@infidels.org)>, Lauren Lane <[lane722@gmail.com](mailto:lane722@gmail.com)>

Richard,

Thanks for your patience with us while I took another count. After reviewing over invoices and the physical copies of the books in our possession I've reached several conclusions. Firstly, the final book count as of 5/8/14 is as follows:

Why I am not a Christian: 32  
Sense and Goodness Without God: 66  
Proving History: 15 (initially, one of the books was not stored with the others)  
Not the Impossible Faith: 0

Secondly, the reason why I initially stated that Skepticon owned some of the books, specifically "Proving History", is because I have an invoice, receipt of payment, and copy of the Skepticon check paid to Prometheus Books for the original 40 units on sale at Skepticon 5. I have attached these documents in a .pdf for your viewing. The email exchanges were all between yourself, Floyd, and Jeff. If you need me to forward any of them for your review, please let me know, but I have included dates so they should be easy to locate.

My understanding of the merchandise transactions since 2012 for all of your books is based off of our internal documents, receipts, and email chains since you were unable to provide the invoices from your own accounts. My research is as follows:

*- We sent sent 59 units of "Why I Am Not a Christian" to Prometheus Books by accident (per email of December 12, 2011) but that seems to be resolved in the unit count as of 2014.*

*- The math for "Sense and Goodness Without God" seems to be caused by the specific dates of each count and some possible miscommunication. Floyd quoted via email that we had 69 units of Sense and Goodness as of August 18, 2013 and that we had sold 8 the year prior. We sold 3 more at SK6, bringing the total to 66. Your count appears to have subtracted those 8 sold at Skepticon FIVE from the Skepticon SIX inventory, bringing the number down by 8 twice. I was unable to find an accurate count from Skepticon 4 so I can do nothing more than hypothesize why our count and your count*

vary.

- As of August 20, 2013 your count for "Proving History" was at 28 units. Those were the 28 units that you had sent to Skepticon at that point in time. We had 8 books already in our ossession. Those were the aforementioned units that Skepticon owned, so they were never remanded back to Prometheus Books as was previously communicated to you by Jeff. The current 15 units are those that remain of your 28 books.

-On 12/29/13 Jeff wrote a check to Prometheus Books (\$307.20 #1619) for our copies, and sent you a check (\$388.35 #1618) for what he determined to be the correct amount for sales on your copies. On January 6, 2013, Jeff did another accounting on the books at your behest and sent you a check (dated 1/8/13, \$384.22 #1620) for the sales on the units that we actually owned. While I agree that he did need to inform you of additional book sales, I do not agree with his decision to pay an additional \$384.22. As you can see in the following chart, we sent you \$25 for taxi + \$747.57 for books. The correct amount for the books you owned would have been \$445.87.

Title	Start ing Stoc k	Amo unt Sold	Am t Gift ed	End ing Amt	Pri ce	Tota l Inco me	Promet heus price to us	Total to Promet heus	Rich ard Char ges	Tota l to Rich ard	CC Cha rge	CC cha rge / ord er	# of CC purch ases	Tot al Fe e	Tota l to Rich ard after CC
Provin g Hisor y	40	32	0	8	25	800	15.4	492.8	9.6	307. 2	2.75	0.68 75	8	5.5	301. 7
Why I am not a Christi an	58	9	1	48	10	90	0	0	10	90	2.75	0.27 5	3	0.8 25	89.1 75
Sense and Goodn ess	77	8	0	69	20	160	0	0	20	160	2.75	0.55	2	1.1	158. 9
Not the Impos sible Faith	10	10	0	0	20	200	0	0	20	200	2.75	0.55	4	2.2	197. 8
<b>Total</b>	185	59	1	125	75	1250	15.4	492.8	59.6	757. 2	11	2.06 25	17	9.6 25	747. 575

Finally, there has been enough miscommunication and poor record keeping on both sides that the Skepticon Team has decided to take action and reevaluate the way we handle our speaker merchandise. We are operated entirely via unpaid volunteers and occasionally the right hand does not know what the left hand is doing. To this end, we have created a new Merchandise Policy which you can view here: <http://skepticon.org/policy/>

The summary of the policy is that we are no longer going to store merchandise between events.

Because we are in possession of your books and you are inadvertently in possession of our donor's money, we have decided the most fair way for both parties to resolve this will be to ship the books back to you at our expense and invoice you for the \$301.70 that you were accidentally sent on sales for units of Proving History that Skepticon owned.

As I'd mentioned a few days ago, this time of year is fairly tight financially for Skepticon because it's "so far away" that most people don't feel a need to donate. The \$301.70 is crucial to our operating costs, and would have been given to us exclusively by donors in good faith in 2013. We will ship 32 units of "Why I am not a Christian", 66 units of "Sense and Goodness Without God" and 15 units of "Proving History" to you at 936 Wilson Ave. Richmond CA 94805-1351 as soon as possible. Please remit payment of \$301.70 to Skepticon at 710 W. Greenwood, Springfield, MO 65807.

We appreciate your help getting this resolved quickly so we can move forward.

Thanks,  
Rebekah

**EXHIBIT B**

Invoice

# SKEPTICON, INC

# INVOICE

710 W Greenwood  
Springfield, MO 65807

13-May-2014  
Invoice #2334889

info@skepticon.org  
rebekah@skepticon.org

**Att: Dr. Richard Carrier**  
**Skepticon Merchandise Reconciliation**

Dear Dr. Richard Carrier,

Please find below an updated invoice for the books currently in Skepticon's inventory. Per our email, we are renegotiating to a \$0.00 balance for 15 units of Proving History. We have agreed to bill only for \$100.00 in shipping and \$50.00 in labor. Any shipping costs for labor, materials, shipping, and insurance over the amount of \$150.00 will be paid by Skepticon at the time of shipping. An additional \$100.00 is added for various shipping and credit card expenses for the prior year.

Many thanks,  
Rebekah  
Skepticon Organizer

#	Item Description	Quantity	Unit price (\$)	Total (\$)
1	Invoice #2334889 Total for Proving History	1	301.70	301.70
2	Renegotiated invoice amount	1	-301.70	-301.70
3	Shipping & Handling	1	150.00	150.00
4	Sundry expenses for 2013 Fiscal Year	1	100.00	100.00
5				-
6				-
7				-
8				-
<b>Subtotal</b>				<b>250.00</b>
<b>Sales Tax (0%)</b>				<b>0.00</b>
<b>Total</b>				<b>250.00</b>

Please make payment at your earliest convenience, and do not hesitate to contact me with any questions. Payment terms: to be received within 30 days. On receipt of a check or money order for \$250.00 we will ship the following units:

Why I am not a Christian: 32  
Sense and Goodness Without God: 66  
Proving History: 15

To:  
Richard Carrier  
936 Wilson Ave.  
Richmond, CA 94805-1351

*paid in full  
check #1715  
\$250.00 received  
6/2/14  
Rebekah*



# **EXHIBIT 6**

Zvan Declaration



6. I recall that in connection with discussing speaking fees, Dr. Carrier advertised on his website that he lived in Northern California. When I checked the historical iterations of his website in preparing this declaration, I learned that this statement appeared on his website at least as recently as March 2016. A true and correct copy of the page as it appeared on March 22, 2016 according to the website archive.org is attached hereto as **EXHIBIT A**. Although the article suggests booking Dr. Carrier for speaking engagements “at least three months in advance, and preferably six months or more,” there is no mention that he would be moving from California.

7. There is also a widely-read article in which Dr. Carrier used his website to solicit a date. Again, this post mentioned living near Sacramento California. This article was published on richardcarrier.info on April 25, 2015. I have attached a true and correct copy hereto as **EXHIBIT B**.

8. Dr. Carrier also mentioned living and working in California in a July 8, 2011 post complaining about Amazon’s policy of charging sales tax to California residents. I have attached a true and correct copy of that post hereto as **EXHIBIT C**.

9. My belief that Dr. Carrier lived in California was also based on conversations I had with Orbit blogger Greta Christina, who lived in the San Francisco Bay Area and socialized with Dr. Carrier in the area, and also Heina Dadabhoj, who lives in Southern California but saw Dr. Carrier at events within the state of California.

10. I also believed Dr. Carrier lived in California because he worked with the head of Camp Quest in California. I learned this from the e-mail attached hereto as **EXHIBIT D**.

11. The first information I received that indicated Dr. Carrier may have moved to Ohio, was the fact that the lawyer who sent me the July 26, 2016 cease and desist letter attached to the Complaint as Exhibit 7 had an Ohio address. However, I did not know for certain that Dr. Carrier had moved to Ohio until I was served a copy of the Summons and Complaint in this matter.

12. I am part of a group of writer/contributor to a website located at the domain <the-orbit.net> which is a collective of social justice oriented bloggers.

13. The Orbit, which has only been in existence since March of 2016 has no formal structure. The focus of the website is on distributing information.

14. The Orbit is hosted on Amazon cloud servers.

15. The Orbit is not incorporated or otherwise organized in Ohio. It does not own any bank accounts or own and real property in Ohio.

16. The domain <the-orbit.net> was registered from within the State of Minnesota. Any funds held on behalf of the Orbit are held in a Minnesota bank account.

17. I am familiar with the allegations against Dr. Carrier, including the incidents I reported on in my article. There are six in total.

- a. One occurred at Skepticon in Missouri;
- b. One occurred after a Secular Student Alliance event at a location unknown to me;
- c. An incident that Dr. Carrier blogged about which took place at a location unknown to me;
- d. Incidents that occurred mostly through e-mail between Dr. Carrier when he was living in California and a woman who was also living in California;
- e. Incidents that occurred partially at a party in California and partially through e-mail between Dr. Carrier when he was living in California and a woman living in Minnesota; and
- f. The incident I referred to in my Facebook post which occurred in California.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: 12/1/2016

DocuSigned by:  
*Stephanie Zvan*  
5A330A285FF04F8...

Stephanie Zvan

**EXHIBIT A**

Webpage

INTERNET ARCHIVE  
**Wayback Machine**  
52 captures  
21 Sep 08 - 27 Aug 16

http://www.richardcarrier.info/speaking.html

Go

FEB MAR APR  
22  
2015 2016 2017

## Booking Dr. Carrier

Unfortunately due to the increasing demands of work and income I can no longer speak for free. For any speaking engagement I usually require travel & lodging, a \$300 honorarium, and an opportunity to sell my books at your event. If you want to do a teleconference, I charge only \$150 (per hour), and no expenses. I also teach regular [courses online](#) for considerably less, though not live.

But here are some additional options and things to know...

- **The largest expense is always transportation.**

I live in California, an hour or two drive from the Sacramento, Oakland, San Jose, and San Francisco airports (and that's in order of proximity to me). Often the lowest expense is lodging. I prefer a nonsmoking room at any reasonable establishment. But if you can find volunteers to take me in, all I need is a warm bed and a hot shower. Be aware that I do sometimes travel with a girlfriend (though that requires no additional expense, it should be acceptable to anyone hosting me). If instead of flying you would like me to drive to you in my own car, I am happy to, but depending on circumstances I may have to charge 50 cents a mile (counting the distance only once, not round-trip). For any engagement (virtual or actual) I am also often unavailable, as my calendar fills quickly, so arrangements should be made at least three months in advance, and preferably six months or more. [Contact me](#) for negotiating a date and other essentials. You can also check my [Events Calendar](#) for availability.

- **How you can get me for less money.**

If you team up several organizations for a single joint event, or more, even over multiple nearby cities, you can reduce my fee and split costs as well. I am willing to stay several days for multiple events. You will have to board me for those extra nights, but you might also be able to split the airfare. Additionally, if I book more than one event in the same tour area my honorarium drops to \$200 per event (instead of \$300 for a single event). Informal events are always free (e.g. dinner parties, meet-and-greets, etc., where I don't have to give a formal speech or organize a workshop, etc.; ideal for fundraisers and membership drives). Just feed me copious amounts of alcohol. To give you an idea of how this can work, I once spoke at a university, the costs of which were split three ways by the campus freethought group and two different academic departments that were interested in the subject of my talk. On another occasion I spoke to two separate atheist community groups in cities near each other on different but proximate days, a



- **Values clause.**

I will not speak at events run by organizations hostile to my values. I must feel comfortable that you agree with promoting reasonableness, compassion, and integrity, and opposing sexism, racism, homophobia, and transphobia. I might make occasional exceptions for debates (e.g. if co-organized by an organization in line with my values) and interfaith venues (e.g. sincere efforts at seeking mutual participation & understanding).

- **If you've already booked me.**

If you've already booked me for an event and just need bios or photos see my [Publicity](#) page. If I have confirmed for the event, you have permission to use those materials however needed.

- **What topics I can speak on.**

If you do want to book me, please tell me what topics you want me to speak on. Find out what your group or audience is most keen to hear. I've delivered many public speeches to religious and freethought groups around the country since 1998.

I lecture on **critical thinking, historical method, the philosophy of naturalism, the intersection of humanism and feminism or polyamory, and ancient history**, especially **ancient science, technology, and religion**, and **the origins of Christianity**.

For an idea of where I've spoken recently (or soon will), and on what subjects, see my blog [[old](#) and [new](#)] and my [books](#). For other ideas browse my whole [website](#). For video and audio recordings of some of my past events see my [A/V Page](#).

But the following topics are my forte:

**General:**

- Ancient Roman science, technology, philosophy, and religion
- The philosophy of naturalism and the importance of naturalism as a worldview
- My experience with feminism, polyamory, or other social justice causes
- Historical method and what makes for a good historian
- Arguments for and against the resurrection of Jesus or the existence of God
- Christian apologetics and the skills and tactics of debate

**Specific:**

INTERNET ARCHIVE  
Wayback Machine

52 captures  
21 Sep 08 - 27 Aug 16

Go

FEB MAR APR  
2015 2016 2017  
22

- Hitler's religious beliefs (my research [for GSR](#))
- The value of philosophy
- Critical thinking and/or Bayes' Theorem

I'm also willing to participate in formal debates. See my [Debate Requirements](#) page. You may also hire me for writing, consultation, teaching or research, but for that I'm expensive and rarely available.

**If you want to discuss booking me for any event or assignment please [contact me](#) by phone or text, especially if urgent. Although I prefer to communicate by email several months in advance.**

[About](#) • [Home](#) • [Contact](#)

The Official Website of Richard Carrier, Ph.D.  
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**EXHIBIT B**

Article

VIDEOS

WRITINGS



ABOUT

GET BOOKS

TAKE CLASSES

HOW TO HELP

BOOKING DR. CARRIER

# Looking for a Date Middle of May

BY RICHARD CARRIER / ON APRIL 29, 2015 / 200 COMMENTS

So, this is experimental. I'd like to go on a date in May. And for the first time, I'm going to try a bat signal: putting a call out on my blog. I don't know anyone else who has tried doing that, so I have no precedent to work from as to etiquette or even arguments for or against doing it. So I'm just going to do it and see what happens and document and assess. If you know anyone who might have an interest in dating me, let them know. If you might have an interest, read on.



- I'll start by making sure anyone considering this is up to speed. **I am polyamorous.** I currently have

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*Categories*

many girlfriends. All I consider my friends. Some are just occasional lovers. Some I am more involved with. They are also polyamorous, or near enough (not all of them identify that way, but all of them enjoy open relationships). And I will always have relationships with them, as long as they'll have me in their life.

- Many different things can be meant by the following terms, but just for the present purpose, if by a primary relationship is meant someone you live with or just about as good as live with, a secondary as someone you date regularly, and a tertiary as someone you date occasionally, all my relationships are tertiary, but only because of geography. I live just below Sacramento, California, where the rents are cheap, which means, where no one wants to live. And I'm unlikely to move anytime soon. So relationships with me, at best, are likely to be tertiary—long distance chatting with occasional being together throughout the year. Even so, I always take such friendships seriously.
- In person I am always very frank and open about myself and my life and wishes and feelings, and I prefer people be that way with me, although I fully understand most people aren't as fully comfortable doing that as I am.
- I travel North America *a lot*. So far, particularly to Southern California and Ohio. But I range far and wide in my adventures.

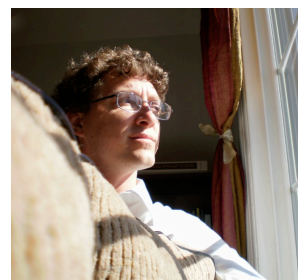
The rest you can find out by **googling me** (along with your preferred keywords). Or checking out my body of **writing** (even the writings of my enemies). But really, **my religious status is obvious. As are my politics.**

Select Category ▾

## Archives

Select Month ▾

## About The Author



Richard Carrier is the author of many books and numerous articles online and in print. His avid readers span the world from Hong Kong to Poland. With a Ph.D. in ancient history from Columbia University, he specializes in the modern philosophy of naturalism, humanism, and feminism, and the origins of Christianity and the intellectual history of Greece and Rome, with particular expertise in ancient philosophy,

**And social views.** I'm 0.5 on the **Kinsey scale**. Not heavy into kink (but get along well with people who are). I have an unusual fetish or two but don't expect any of my partners to share them. **I'm pro sex worker**, and though I personally find strip clubs and brothels uninteresting at best (uncomfortable at worst), I like partners who are or who have been sex workers. I also like women who have or pursue a lot of partners or who love to boast of their sexual exploits, especially over wine or whiskey or equivalent. I'm not going to get all butt-hurt or angsty over how high **Your Number** is. It very much has the opposite effect on me.

--

Okay. So if all *that* hasn't scared you away, read on. Otherwise, #RCIPNFY. Richard Carrier is probably not for you.

This May I will be in the Los Angeles area. I shall be spending time with several of my girlfriends, and family. But there is a hole in my schedule due to a date having fallen through, and I'm looking for someone to go on a date with then. It requires your taking at least one day off work (if you work a regular week). I'll be free between noon the Wednesday of May 13th to noon the Friday of May 15th.

Within that window I'm flexible, but here is the date I had in mind: I was originally going to take someone really excited by the opportunity to see the **Dead Sea Scrolls**, which are now on display at the California Science Center, and that is still my plan, especially as the same museum has the **Endeavor**, plus tons of other cool science stuff, from **aerospace** to **biospace**. We could definitely spend hours there if not a whole day.

I am also planning to have a hotel room, and am comfortable sharing it platonically. Certainly I would enjoy sharing it non-platonically, but I don't expect it. I can't believe (even though I know) there are still guys who assume the other shit buys them sex, thus necessitating I say this: if you are going to have sex with me, it has to be because it's fun and you want to, not because it's something you owe me. On the same understanding, if you have a place for me to crash in town (platonically or not), and are happy to have me over to spare me the cost of hiring a room, that would be lovely.

science and technology. He is also a noted defender of scientific and moral realism, Bayesian reasoning, and historical methods.

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Enter your email address to subscribe to this blog and receive notifications of new posts by email.

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And yes, if you are poly or open and live with a partner or two, I'm comfortable with that as well.

This also means you don't have to live in the LA area to join me for this. If you can get to LA, and don't mind sharing a room (at my expense), the opportunity remains.

But I can probably only fit one woman's company into my visit. And just as for you I'm sure, I'm only likely to say yes to someone who sparks something for me, and that's too subjective and idiosyncratic to predict or define. So for both reasons, please don't take a no badly. But if you want to at least inquire, please message me on **Facebook** ... or **email** if you are still that old school (hey, I can't complain, I still have a flip phone...well, and an iPad...it's a foot in both worlds for me). Just remember, it's an unfair advantage you knowing a lot about me and what I look like, and I not knowing the same, so please do remedy that information disparity, at least a little, first thing. I would very much appreciate it.

Okay. Bat signal engaged!

Now it only remains to see what happens.

-:-

*The only comments that will be published at this site are comments submitted by my [Patreon subscribers](#) and by anyone who or whose work I discuss in the article commented on (and please identify yourself so I know that). But anyone may [email me](#) about errors of fact requiring correction. Most other communications will be ignored.*

*You can support or show your appreciation for my work with a one time donation through [PayPal](#) or by becoming a regular [Patron](#) (for even just a dollar a post, and you only pay for substantive articles, not news and announcements). You can also follow me on [Twitter](#) or [Facebook](#). I publish on many subjects*

*including philosophy, ancient history, critical thinking, counter-apologetics, and social issues, including politics, feminism, and polyamory. Patrons may also message me on Patreon to make requests and recommendations for articles and topics to cover (or cover more often) or to pose questions for answering on my blog.*

*For more ways to support or benefit from my work, from taking my online classes to buying my books in any format, see [How to Help](#).*

---

**Share this:**



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**KATHERINE CROSS ON TONE**

**POLICING**

---

**DEBATE COURSE STARTS**

**TOMORROW!**

---

## *200 comments*

JOE • APRIL 29, 2015, 6:25 AM

[Stock trolling remark deleted—RC]

**REPLY**

---

**EXHIBIT C**

Blog Post

[More](#) [Next Blog»](#)[Create Blog](#) [Sign In](#)[Upgrade to Google+ for free](#) to publicly recommend this.

## Richard Car

Announcing appearances, publications, and occasional thoughts on natural philosophy and ancient history by philosopher, historian, and author Richard Carrier.

FRIDAY, JULY 08, 2011

### Amazon Dumps Us

Now that California has signed into law a tax reform that counts internet business associations as establishing legal "[nexus](#)" for state taxes to apply, Amazon has dumped all of its California internet sales associates. That means I can no longer earn a commission on referring you to Amazon to buy my books, or other books that I think are worth reading (which I had been doing in my [Richard Carrier Recommendations](#) Amazon store, with my top recommendations in history and philosophy, as well as my favorite films and novels). This isn't because it costs Amazon anything (sales taxes are paid by the customer, not Amazon), but solely because Amazon wants to maintain it's edge in price competition with other vendors (like Barnes & Noble, which, having brick-and-mortar stores in California, already had nexus and thus was already paying California sales taxes on its internet sales).



I think that's lame. Amazon is actually going to lose a lot of business and market share to Barnes & Noble and other vendors, as Amazon's 10,000 abandoned sales associates in California switch to the competition, which I doubt is worth the tiny advantage they can offer in pricing. But there's nothing I can do about that. Except dump Amazon in return and associate with Barnes & Noble. Notably this switch has occurred in many other

### About Me



[Richard Carrier](#)  
California, United States

Writer of books & articles. Internet Infidel. Natural philosopher. Ph.D. in Greco-Roman intellectual history. Married. Coast Guard veteran. Graduate of Berkeley & Columbia. Not a frog.

[View my complete profile](#)

### Alert!

This blog has been discontinued. I have moved to [Freethought Blogs](#). Hop on over there to see what's new and subscribe to my new blog feed!

### Carrier Recommends

[Carrier's Official Website](#)  
[Naturalism as a Worldview](#)  
[Books & Videos](#)  
[Empty Tomb FAQs](#)  
[The Secular Web](#)

### Archives

- ▶ [2016](#) (1)
- ▼ [2011](#) (39)
  - ▶ [November 2011](#) (1)



states, due to similar laws passing all over (it's why the Secular Web was forced to switch to Barnes & Noble over a year ago). Even Texas forced Amazon to close a warehouse there after sticking them with a massive back-dated tax bill. And it seems apparent already that Amazon is actually starting to lose market share in the online book market, just when it had started to dominate there. If Amazon recognizes this grave error and comes back to California, I'll switch back to them, because I think Amazon is a superior service organization in every other way. But until then, I have relaunched my bookstore with links to Barnes & Noble, and will continue hereafter hyperlinking all books I recommend on my blog to Barnes & Noble.



So if you want to help support me, please don't be afraid to complete your purchases through Barnes & Noble when using my links and bookstore. Note that my commission comes out of their end, not yours, so you don't pay any more buying

through me. You pay exactly the same as if you came to Barnes & Noble yourself, so the fact that I get a kickback is purely a bonus result of buying from them when you click through me. With Amazon, the income I earned from this was small, but enough to buy a few books every month on the cheap (at Amazon!), and that's how I will likely use my Barnes & Noble money, too.

I can't afford the labor to go through my last 150+ blog entries and rewrite the URLs of all book links from Amazon to Barnes & Noble, so old blogs will still point to Amazon, and I just won't get any commission from those referrals. But I have updated all my permanent links (in the template and margins of my blog, and on my official website) and have created a new Richard

- ▶ [October 2011](#) (4)
- ▶ [September 2011](#) (3)
- ▶ [August 2011](#) (3)
- ▼ [July 2011](#) (3)
  - [The End of Christianity Atheist Film Festival Amazon Dumps Us](#)
- ▶ [June 2011](#) (3)
- ▶ [May 2011](#) (2)
- ▶ [April 2011](#) (1)
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**Carrier Recommends** bookstore, all linked up and ready to go. If you haven't perused that before, please do (I've also made a few additions). I apologize for the inconvenience of having to buy through B&N. But I sincerely thank you for all your support. Enjoy!

Posted by Richard Carrier at [10:53 AM](#)

Labels: [about](#), [Amazon](#)

**politics** (14) **publications** (18) [Quantum Mechanics](#) (1) [radio](#) (11) **replies** (20) [resurrection](#) (5) [Santa Claus](#) (1) [science](#) (7) [semantics](#) (4) [supernatural](#) (3) [Taoism](#) (1) [time](#) (1) [UFOs](#) (1) **updates** (15) [Vetrazzo](#) (2) **video** (12) [W.L. Craig](#) (4) [women](#) (3) [Yockey](#) (1)

### 6 comments:



**[curious cuber](#) said...**

Shit. My wish list on Amazon is HUGE! But if possible I will try to purchase through your B&N connection.

[July 08, 2011 5:36 PM](#)



**[Cameron](#) said...**

Why not place blame on the state government for passing the law? Amazon is merely reacting to it.

[July 08, 2011 7:09 PM](#)



**[Pikemann Urge](#) said...**

Slightly off-topic, but one of Amazon's mistakes was ditching their superior branding (of being 'Earth's biggest bookstore'). When your brand loses focus, it loses sales.

[July 09, 2011 2:57 AM](#)



**[Richard Carrier](#) said...**

**Cameron said...** *Why not place blame on the state government for passing the law? Amazon is merely reacting to it.*

Because the state law was correct and ought to have been passed (which is why similar laws are passing in states all over the country). It closed a loophole being exploited unfairly. Amazon should be paying sales tax on sales in states where it has nexus, just like everyone else. It's unfair otherwise, as then Amazon can avoid taxes its competitors can't.

Indeed, *Amazon isn't the one who has to pay the tax*. It simply has to collect the tax from Californians who buy on their site. So it's not even like it affects Amazon's bottom line. Their *only* reason for avoiding it is to try and get an edge in price competition.

Which in effect is cheating: companies in California have to pay the tax; so Amazon wants to "bootleg" goods into California to avoid that tax and thus get an unfair advantage. That's what this is, bootlegging. Alexander Hamilton made it his mission to fight bootlegging in every form, even establishing the Coast Guard as the first standing U.S. armed force specifically to combat it, and this fight was one of the primary concerns of all the Founding Fathers (contrary to idiots who think they were anti-tax).

This modern "mail order" bootlegging has since been tolerated in law on the grounds that it is unconstitutional for one state to force a company in another state to pay taxes on mail order goods (this was not the founders' intent, it's just an accidental byproduct of the commerce clause, which puts all interstate commerce in the jurisdiction of the federal government--so the federal government can tax interstate commerce, but the states themselves cannot).

So the workaround developed nationwide over the last two centuries has been that "nexus" removes the commerce clause provision from play, since taxes are then levied on the company *in the state they are in*. The way to abuse the commerce clause to avoid this fair taxation is to then have no established business reps in the state, thus preventing the state from enforcing its own tax laws.

The federal government could have remedied this absurd situation, but as we all know they rarely do what's right, they usually do what corporations like Amazon pay them to do, so they've sat on their asses, while states try to fend for themselves and close all the loopholes they constitutionally can. California is actually a latecomer to this trend.

Amazon is simply being a douchebag about it.

July 15, 2011 1:22 PM

Joe-sf said...

Would it be possible for you to use Powell's. It's privately owned and a great bookstore. I used to live in Portland and I try to buy from them whenever I can.

Anyway, just wondering.

July 22, 2011 6:20 PM

Richard Carrier said...

Do they have an online sales affiliate program?

August 04, 2011 11:38 AM

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**EXHIBIT D**

Email



Stephanie Zvan <stephanie.zvan@gmail.com>

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## Camp Quest and FtBCon

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**Richard Carrier** <rcarrier@infidels.org>  
Reply-To: FreeThoughtBlogs@googlegroups.com  
To: FreeThoughtBlogs@googlegroups.com

Sat, Jan 25, 2014 at 4:10 PM

I'll take it.

(Dave and I have worked together many times.)

But I don't see any open spots. Are you sure we want to force them in somewhere as a concurrent session? If yes, then I would slot them against Jewish atheism (6pm Central Saturday). Is that kosher? (Sorry, pun half-intended)

If I get the greenlight to take this, I will create and populate the Event and Lanyrd pages, and put it on the spreadsheet (although that's starting to become obsolete).

Good?

On Saturday, January 25, 2014 1:54:46 PM UTC-8, stephanie.zvan wrote:

Dude, you're more booked than I am. You can have it if no one else wants it, but don't burn yourself out.

On Sat, Jan 25, 2014 at 3:47 PM, Jason Thibeault <ja...@lousycanuck.ca> wrote:

I'll take this, but I'll need to set up a slot for him.

On Sat, Jan 25, 2014 at 3:33 PM, Stephanie Zvan <stephan...@gmail.com> wrote:

This looks essentially ready to go when we assign it a host. Is anyone excited by it and have some time? There are a couple of slots I could fit it into, but my schedule is getting pretty full. That is, I'll take it if no one else does, but I'm hoping someone less busy will.

----- Forwarded message -----

From: **David Diskin (CQW)** <david...@campquest.org>  
Date: Sat, Jan 25, 2014 at 3:26 PM  
Subject: Camp Quest and FtBCon  
To: stephan...@gmail.com

Stephanie,

Hello! I'm the president of Camp Quest West (California).

I skimmed through the speakers that Richard recently posted, and didn't see anyone there from Camp Quest.

I'd be happy to speak for a while about CQ and what we do, and/or answer questions. I can show photos/videos from prior years, talk about our curriculum, etc. I've given many similar talks to local organizations, campuses, and meetups.

If you think that's something that would be of benefit to FtBCon, and if someone isn't already talking about CQ, please let me know.

I've looked at my schedule and am available in the evenings (PST) of Jan 31, Feb 1, and all day on Feb 2.

Thanks so much,

-David Diskin

President, Camp Quest West

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[Quoted text hidden]

# **EXHIBIT 7**

Rothell Declaration



**THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>DR. RICHARD CARRIER,</b>	:	Case No. 2:16-cv-00906-MHW-EPD
	:	
Plaintiff,	:	Judge Michael H. Watson
	:	
v.	:	
	:	
<b>FREETHOUGHTBLOGS NETWORK,</b>	:	
<b>PAUL Z. MYERS, PH.D., THE ORBIT,</b>	:	
<b>STEPHANIE ZVAN, SKEPTICON, INC.,</b>	:	
<b>LAUREN LANE, and AMY FRANK-</b>	:	
<b>SKIBA,</b>	:	
	:	
Defendants.	:	

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**DECLARATION OF TREY A. ROTHELL**

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I, Trey A. Rothell, declare:

1. I am over 18 years of age and have never been convicted of a crime involving fraud or dishonesty. I am employed as a paralegal for Randazza Legal Group, PLLC. I have first-hand knowledge of the facts set forth herein, and if called as a witness, could and would testify competently thereto.

2. At all times relevant to this declaration, I accessed the Internet using an Apple MacBook Air laptop running the Mac OS Sierra operating system and Google Chrome web browser.

3. At all times relevant to this declaration, I accessed the Internet while physically located at the offices of Randazza Legal Group, PLLC, 4035 S. El Capitan Way, Las Vegas, NV 89147.

...

...

**Exhibit 1**

4. At approximately 11:17 AM Pacific Time on December 1, 2016, I accessed the URL <<http://www.richardcarrier.info/archives/7573>> through the web browser on my computer.

5. I observed an article entitled “How to Do Wrong Right,” which was attributed to Richard Carrier.

6. The date of the post was listed as June 5, 2015.

7. I printed a copy of the web page that I observed to a PDF.

8. A true and correct copy of the web page as I observed it on December 1, 2016 is attached to Defendant’s Motion to Dismiss as **Exhibit 1**.

**Exhibit A**

9. On December 1, 2016, I accessed the PACER docket for this case and downloaded a copy of Document Number 1-20 in this matter, which is Exhibit 20 to Plaintiff’s Complaint. I observed that the page appeared to be a printout of a Google Trends search result using the search term “richard carrier”, the location set as “United States”, the date range “7/12/16-8/12/16”, “All categories”, and the search type set as “Web Search”. The Subregion displayed appear to be Google Trends’ state-by-state breakdown.

10. I attempted to recreate the results by inputting the search parameters in ¶ 9 above into the Google Trends page on my computer.

11. Although I inputted exactly what I observed at Exhibit 20 to the Complaint into the Google Trends web page, I was unable to recreate what appears at Exhibit 20.

12. Rather than Ohio being the number one Subregion, I observed that Illinois was displayed as the number one Subregion for that time period.

13. I created a PDF image of the web page as I observed it by utilizing the Google Chrome extension “Awesome Screenshot,” which creates a true image capture of a web page while retaining the formatting of the web page’s visible elements.

14. A true and correct image of the web page as I observed it on December 1, 2016 is attached to this declaration as Exhibit A.

**Exhibit B**

15. In addition to viewing subregions in Google Trends by state, Google Trends allows users to view interest in the search term by metropolitan area.

16. On December 1, 2016, I ran a Google Trends search using the search term “richard carrier” between July 12, 2016 through August 12, 2016, and prompted the page to display interest by metropolitan area.

17. I created a PDF image of the web page as I observed it by utilizing the Google Chrome extension “Awesome Screenshot.”

18. A true and correct image of the web page as I observed it on December 1, 2016 is attached to this declaration as Exhibit B.

**Exhibit C**

19. On December 1, 2016, I ran a Google Trends search using the search term “richard carrier” over the past 5 years, and prompted the page to display interest by metropolitan area.

20. I observed that the top metropolitan area for the search term “was “Los Angeles CA”, the second most-interested region was “San Francisco-Oakland-San Jose CA”, and the third most-interested region was “New York NY”.

21. I created a PDF image of the web page as I observed it by utilizing the Google Chrome extension “Awesome Screenshot.”

22. A true and correct image of the web page as I observed it on December 1, 2016 is attached to this declaration as Exhibit C.

...  
...  
...

**Exhibit D**

23. On December 1, 2016, I ran a Google Trends search using the search term “richard carrier” over the past 12 months, and prompted the page to display interest by metropolitan area.

24. I observed that the top most-interested metropolitan area for the search term was “San Francisco-Oakland-San Jose CA”, the second most-interested metro area was “New York NY”, and the third was “Los Angeles CA.”

25. I created a PDF image of the web page as I observed it by utilizing the Google Chrome extension “Awesome Screenshot.”

26. A true and correct image of the web page as I observed it on December 1, 2016 is attached to this declaration as Exhibit D.

**Exhibit E**

27. On December 1, 2016, I ran a Google Trends search using the search term “richard carrier” over between the dates July 30, 2015 to August 1, 2016, and prompted the page to display interest by metropolitan area.

28. I observed that the top most-interested metropolitan area for the search term was “San Francisco-Oakland-San Jose CA”, the second most-interested metro area was “New York NY”, and the third was “Los Angeles CA.”

29. I created a PDF image of the web page as I observed it by utilizing the Google Chrome extension “Awesome Screenshot.”

30. A true and correct image of the web page as I observed it on December 1, 2016 is attached to this declaration as Exhibit E.

**Exhibit F**

31. On December 1, 2016, I ran a Google Trends search using the search term “marc randazza” over between the dates July 12, 2016 to August 12, 2016, and prompted the page to display interest by state.

32. I observed that the top-most interested subregion for the search term was the State of California. I created a PDF image of the web page as I observed it by utilizing the Google Chrome extension “Awesome Screenshot.”

33. A true and correct image of the web page as I observed it on December 1, 2016 is attached to this declaration as Exhibit F.

### **Exhibit 8**

34. On December 1, 2016 at approximately 4:01 PM Pacific time, I accessed the URL <http://serpify.me/> using the web browser on my computer.

35. I observed a web page for the service Serpify, which allows its users to game search engines by using remotely controlled computers to search certain keywords on a designated search engine and access certain websites.

36. Serpify charges its users for this service.

37. I printed a copy of the web page that I observed to a PDF.

38. A true and correct copy of the web page as I observed it on December 1, 2016 is attached to Defendant’s Motion to Dismiss as **Exhibit 8**.

### **Exhibit 9**

39. On December 1, 2016 at approximately 4:02 PM Pacific time, I accessed the URL <https://userator.ru/> using the web browser on my computer.

40. I observed a web page for the service Userator, which allows its users to game search engines by using remotely controlled computers to search certain keywords on a designated search engine and access certain websites.

41. Userator charges its users for this service.

42. I printed a copy of the web page that I observed to a PDF.

43. A true and correct copy of the web page as I observed it on December 1, 2016 is attached to Defendant’s Motion to Dismiss as **Exhibit 9**.

**Exhibit 10**

44. On December 1, 2016 at approximately 1:54 PM Pacific time, I accessed the URL <<https://secularstudents.org/conference/past>> using the web browser on my computer.

45. I observed a web page entitled “Past Secular Student Alliance Conferences.”

46. I printed a copy of the web page that I observed to a PDF.

47. A true and correct copy of the web page as I observed it on December 1, 2016 is attached to Defendant’s Motion to Dismiss as **Exhibit 10**.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: December 1, 2016.



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Trey A. Rothell