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EBay, Former Execs Must Face Bulk Of Harassment Case

By Julie Manganis

Law360 (August 13, 2025, 4:45 PM EDT) -- A Massachusetts federal judge has trimmed some defamation and damages claims brought by a pair of bloggers against online retailer eBay in a lawsuit over the company's alleged campaign of retaliation over their coverage, but will allow most of the case to proceed to trial.

In a 54-page **decision** Tuesday on motions for summary judgment by eBay, three former executives and a security contractor, U.S. District Judge Patti Saris granted an early exit from the case only to Progressive F.O.R.C.E. Concepts.

The judge found that Progressive could not have reasonably known that an employee it had placed at eBay's California headquarters was taking part in eBay's alleged months-long harassment and intimidation of the bloggers, Ina and David Steiner, whose coverage angered executives.

However, the judge found that based on the evidence so far, a reasonable jury could find that eBay and the former executives were aware of and encouraged the retaliation campaign against the pair.

The Steiners publish a website called eCommerceBytes from their home in the Boston area. In 2019, they said, they were subjected to a campaign of harassment and intimidation in response to then-eBay CEO Devin Wenig's displeasure with their coverage, which criticized the company's spending.

A group of eBay employees began stalking the Steiners, mailing them disturbing items like live insects, a mask of a bloody pig face, a funeral wreath and a book on grieving, they said. Employees of eBay also allegedly sent pornographic materials to neighbors, using David Steiner's name and the neighbor's address.

The employees also allegedly posted the couple's Natick address on Craigslist, inviting strangers to nonexistent parties; sent vulgar messages and doxxed Ina Steiner on Twitter; vandalized the fence in front of their home; followed them in their car; and, when the Steiners sought help from police, sought to undermine their credibility.

Seven eBay employees later pled guilty to criminal charges for their various roles in the scheme, and the company entered a deferred prosecution agreement and paid a \$3 million criminal penalty in 2024.

The Steiners filed the civil suit in 2021 against the company, Wenig, former communications director Steven Wymer and former vice president for global operations Wendy Jones, along with the security contractor.

Judge Saris found in her Tuesday ruling that some of the couple's defamation claims could not go forward, including some posts on Twitter, now called X, that appeared to be pure opinion, and sign-ups for various newsletters dealing with political or medical issues that were not disclosed to a third party.

Other defamation claims, however, including allegations based on Craigslist ads that might indirectly have identified the couple, can go to a jury, the judge found.

The judge also agreed to toss a negligent retention claim based on eBay's continued employment of

security director Jim Baugh, who oversaw much of the effort and later pled guilty to criminal charges, but not a negligent supervision claim. Baugh has since agreed to testify as a witness for the plaintiffs, according to the decision.

The Steiners may continue to pursue false imprisonment claims against eBay and the executives, rejecting arguments that the Steiners were free to leave their home during the weeks-long episode.

"A reasonable jury could conclude that defendants, through a pattern of surveillance and intimidation, intentionally confined plaintiffs to their home and car and that plaintiffs submitted to that coercion," Judge Saris found in denying the early win on that claim.

The company will also have to defend claims of ratification of Baugh's conduct, saying there remains a factual dispute whether Wymer minimized or condoned his conduct after being given a copy of the police report filed by the Steiners.

The judge found that the claims against Wenig, Wymer and Jones could also move forward, albeit with some limitations.

For instance, Jones may be able to argue that there's no principle establishing liability for "willful blindness" in the civil context in Massachusetts, but jurors may be able to make some inferences that she was involved based on her early statement to Baugh to "deal with the issue 'off the radar,'" Judge Saris wrote.

The judge also found that Wenig's "troubling language" in messages to subordinates "may reasonably be read as encouragement or inducement of Baugh's operation, especially given Baugh's testimony that he would not have pursued the Steiners without executive 'input.'"

Similarly, Judge Saris found, the record "brims" with evidence that a jury may interpret shows that Wymer was directing, encouraging or sanctioning the operation, including his text message stating "I want her DONE."

The judge did conclude that the Steiners had failed to support part of their damages claim, calling their estimated \$5 million for lost consulting income speculative. She said she would not decide on another challenged claim for lost value of the couple's website until she hears from their expert in a pretrial hearing.

"We are eager to present the compelling evidence outlined in Judge Saris' comprehensive decision to a Massachusetts jury," the Steiners' attorney, Andrew Finkelstein of Finkelstein Partners LLP, said in a statement. "They will determine the repercussions that eBay and their executives must face for orchestrating and executing their plan to terrorize the Steiners. Corporations are not above the law, and their executives cannot direct employees to engage in criminal activities without accountability."

Messages seeking comment from counsel for the defendants did not immediately receive responses.

The Steiners and Steiner Associates LLC/eCommerceBytes are represented by Andrew G. Finkelstein, Brian D. Acard, Kenneth B. Fromson and Lawrence D. Lissauer of Finkelstein & Partners LLP, Marc A. Diller of Diller Law LLP, Christopher R. Murphy of Scalli Murphy Law PC and Todd S. Garber of Finkelstein Blankinship Frei-Pearson & Garber LLP.

EBay is represented by Jack W. Pirozzolo, Kathryn L. Alessi, Scott T. Nonaka, David A. Goldenberg, Daniel J. Feith, Lucas Croslow and Emily A. Rose of Sidley Austin LLP.

Wenig is represented by Martin G. Weinberg of Martin G. Weinberg PC and Abbe David Lowell and Kelly A. Librera of Winston & Strawn LLP.

Wymer is represented by Caz Hashemi, Melissa Mills, Trevor Templeton and Michelle Dang of Wilson Sonsini Goodrich & Rosati PC and Lon F. Povich of Anderson & Kreiger LLP.

Jones is represented by Andrew J. O'Connor and Jesse R. Coulon of Ropes & Gray LLP.

Progressive F.O.R.C.E. Concepts LLC is represented by Kimberly Iverson and Scott D. Burke of

Morrison Mahoney LLP.

The case is Steiner et al. v. eBay Inc. et al., case number 1:21-cv-11181, in the U.S. District Court for the District of Massachusetts.

--Editing by Rich Mills.

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