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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA

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11 TOM CRUISE,

12 Plaintiff,

13 v.

14 BAUER PUBLISHING COMPANY  
15 L.P., BAUER MAGAZINE L.P.,  
16 BAUER MEDIA GROUP, INC.,  
17 BAUER, INC., HEINRICH BAUER  
NORTH AMERICA, INC. and DOES  
1-10, inclusive,

18 Defendants.

Case No. CV12-09124 DDP (JCx)

*Assigned To: Hon. Dean D. Pregerson  
Hon. Mag. Jacqueline Chooljian*

**DISCOVERY MATTER**

**PLAINTIFF TOM CRUISE'S  
NOTICE OF MOTION TO COMPEL  
DEFENDANTS TO ADMIT THEY  
HAD NO SOURCES FOR THEIR  
MAGAZINE COVER HEADLINES;  
OR, IN THE ALTERNATIVE, TO  
COMPEL DEFENDANTS TO  
REVEAL THOSE SOURCES AND,  
UPON REFUSAL, FOR A "NO  
SOURCE" PRESUMPTION**

[Joint Stipulation; Declarations of Tom  
Cruise and Aaron J. Moss; and Proposed  
Order filed concurrently]

Date: November 26, 2013  
Time: 9:30 a.m.  
Crt Rm: 20

Action filed: October 24, 2012  
Fact Discovery Cut-Off: Dec. 9, 2013  
Pretrial Conference: June 2, 2014  
Trial Date: June 10, 2014

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1 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

2  
3 **PLEASE TAKE NOTICE** that on Tuesday, November 26, 2013, at 9:30  
4 a.m., or as soon thereafter as counsel may be heard, in the courtroom of the  
5 Honorable Jacqueline Chooljian, United States District Court Magistrate Judge,  
6 located in the United States Courthouse, Courtroom 20, 312 North Spring Street,  
7 Los Angeles, California, plaintiff Tom Cruise (“Plaintiff”) will appear and move  
8 this court for an order compelling defendants Bauer Publishing Company L.P.,  
9 Bauer Magazine L.P., Bauer Media Group, Inc., Bauer Inc., and Heinrich Bauer  
10 North America, Inc. (collectively, “Bauer”) to admit that it had no confidential  
11 sources for its cover headlines that Suri Cruise was “abandoned by her dad” and  
12 “abandoned by daddy,” or, in the alternative, for an order compelling Defendants to  
13 reveal those sources. Plaintiff seeks an additional order that, insofar as Bauer  
14 refuses to reveal its sources within 10 days of the Court’s Order compelling such  
15 disclosure, it shall be conclusively established for purposes of this action that Bauer  
16 had no such sources, and for the jury to be instructed to this effect.

17 This motion is made pursuant to Federal Rule of Civil Procedure 37 and  
18 Central District Local Rule 37-2, on the grounds that Plaintiff served Bauer with  
19 Requests for Admission requesting that Bauer admit that it had no sources for its  
20 statements that Suri Cruise was “abandoned by her dad” (as published in July 2012)  
21 or “abandoned by her daddy” (as published in September 2012). Bauer refused to  
22 admit these requests. However, in concurrently served interrogatories, when asked  
23 to identify these sources, Bauer refused to answer. Consistent with this position,  
24 Bauer has instructed its witnesses to refuse to identify their confidential sources at  
25 their depositions. As discussed in his motion, Plaintiff is entitled to the withheld  
26 information in order to establish, among other things, that Bauer did not in fact  
27 have sources for these statements, which will demonstrate that Bauer acted with  
28 “actual malice” when it published its defamatory statements about Plaintiff.

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1 This Motion is based upon this Notice, the accompanying Joint Stipulation in  
2 connection with Cruise’s Motion to Compel, the Declarations of Tom Cruise and  
3 Aaron J. Moss and exhibits thereto, and all of the records, pleadings and papers on  
4 file in this action, and such further oral and documentary evidence as may be  
5 presented at the hearing on this Motion.

6  
7 DATED: November \_\_\_\_, 2013

GREENBERG GLUSKER FIELDS  
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10 By: /s/ Aaron J. Moss  
11 AARON J. MOSS (SBN 190625)  
12 Attorneys for Plaintiff TOM CRUISE  
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