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9 Attorneys for Defendants  
BAUER PUBLISHING COMPANY, L.P., BAUER  
10 MAGAZINE L.P., BAUER MEDIA GROUP, INC.,  
BAUER, INC., and HEINRICH BAUER NORTH  
11 AMERICA, INC.

12  
13 UNITED STATES DISTRICT COURT  
14 CENTRAL DISTRICT OF CALIFORNIA  
15

16 TOM CRUISE, ) Case No. CV 12-09124 (DDP) (JCX)  
17 Plaintiff, )  
18 vs. ) **THE BAUER DEFENDANTS’**  
19 BAUER PUBLISHING COMPANY, ) **NOTICE OF MOTION FOR**  
L.P. BAUER MAGAZINE L.P., ) **PROTECTIVE ORDER AND TO**  
20 BAUER MEDIA GROUP, INC., ) **COMPEL RESPONSES TO**  
BAUER, INC., HEINRICH BAUER ) **REQUESTS FOR PRODUCTION**  
21 1-10, inclusive, ) **[DISCOVERY MATTER]**  
22 Defendants. )  
23 ) Date: November 26, 2013  
24 ) Time: 9:30 a.m.  
25 ) Fact Discovery Cut-Off: Dec. 9, 2013  
26 ) Pretrial Conference: June 2, 2014  
27 ) Trial Date: June 10, 2014  
28 )

1 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on **Tuesday, November 26, 2013, at 9:30**  
3 **a.m.**, or as soon thereafter as counsel may be heard, in the courtroom of the  
4 Honorable Jacqueline Chooljian, United States District Court Magistrate Judge,  
5 located in the United States Courthouse, Courtroom 20, 312 North Spring Street, Los  
6 Angeles, California, Defendants Bauer Publishing Company, L.P., Bauer Magazine  
7 L.P., Bauer Media Group, Inc., Bauer, Inc., and Heinrich Bauer North America, Inc.  
8 (the “Bauer Defendants”) will move this Court for:

9 (a) a protective order holding that the Bauer Defendants need not answer the  
10 disputed Requests for Admission (“RFAs”);

11 (b) an order compelling Plaintiff to respond to the Bauer Defendants’ Second  
12 Set of Requests for Production; and

13 (c) an award of the Bauer Defendants’ reasonable attorneys fees and costs  
14 incurred in bringing this Motion.

15 This motion is made on the grounds that disputed RFAs were served solely to  
16 annoy, embarrass, oppress, and generally to harass Defendants. As set forth in the  
17 *Joint Stipulation for Determination of Discovery Dispute* filed concurrently herewith,  
18 the RFAs at issue have no relevance to the claims or defenses in this action and are  
19 based entirely on an unsupported and offensive conspiracy theory.

20 This motion is further made on the grounds that Plaintiff has refused to  
21 respond to the Bauer Defendants’ Second Set of Requests for Production for no  
22 justification other than the Bauer Defendants’ refusal to respond to Plaintiff’s  
23 harassing Requests for Admission.

24 This motion is made following the exchange of correspondence and pre-filing  
25 conferences of counsel pursuant to Local Rule 37-1 that took place in September and  
26 October 2013, as set forth in detail in the *Joint Stipulation*. Despite good faith  
27 efforts, the parties were not able to resolve their discovery dispute.  
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The Bauer Defendants’ Motion is based on the parties’ *Joint Stipulation*,  
declarations and exhibits filed in support, the papers on record in this action, and  
such further evidence and argument as may be presented at the hearing.

DATED: November 5, 2013

DAVIS WRIGHT TREMAINE LLP  
ALONZO WICKERS IV  
ELIZABETH A. McNAMARA (*Of Counsel*)  
DEBORAH A. ADLER (*Of Counsel*)

By:           /s/ Elizabeth A. McNamara            
Elizabeth A. McNamara

Attorneys for Defendants  
BAUER PUBLISHING COMPANY, L.P.,  
BAUER MAGAZINE L.P., BAUER MEDIA  
GROUP, INC., BAUER, INC., and  
HEINRICH BAUER NORTH AMERICA,  
INC.