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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. ) **DECLARATION OF ELIZABETH A.**  
19 BAUER PUBLISHING COMPANY ) **MCNAMARA IN SUPPORT OF THE**  
L.P., BAUER MAGAZINE L.P., ) **BAUER DEFENDANTS' MOTION**  
20 BAUER MEDIA GROUP, INC., ) **FOR PROTECTIVE ORDER AND**  
BAUER, INC., HEINRICH BAUER ) **TO COMPEL RESPONSES TO**  
21 NORTH AMERICA, INC., and DOES ) **REQUESTS FOR PRODUCTION**  
1-10, inclusive, )  
22 Defendants. ) **[DISCOVERY MATTER]**  
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  
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I, Elizabeth A. McNamara, declare and state as follows:

1. I am an attorney licensed to practice law in the State of New York, and admitted *pro hac vice* to practice before this Court. I am a partner at the law firm of Davis Wright Tremaine LLP, counsel for Defendants Bauer Publishing Company, L.P., Bauer Magazine L.P., Bauer Media Group, Inc., Bauer, Inc., and Heinrich Bauer North America, Inc. (collectively, the “Bauer Defendants”) in the above-captioned action. I submit this declaration in support of the Bauer Defendants’ Motion for a Protective Order and to Compel Responses to its Requests for Production against Plaintiff Tom Cruise. Everything contained in this declaration is based on the discovery in this case, as referenced by my citations, or my personal knowledge, except as otherwise indicated.

2. Attached hereto as Exhibit 1 is a true and correct copy of the Court’s March 8, 2013 Scheduling Order.

3. Attached hereto as Exhibit 2 is a true and correct copy of the Court’s August 1, 2013 Order Granting Joint Stipulation to Continue Discovery Cut Off and Trial.

4. Attached hereto as Exhibit 3 is a true and correct copy of Plaintiff Tom Cruise’s Third Set of Requests for Admission Propounded to Defendants with attached exhibits, served on the Bauer Defendants on September 19, 2013.

5. Attached hereto as Exhibit 4 is a true and correct copy of the Bauer Defendants’ Request for Production of Documents, Set Two, served on Plaintiff on September 25, 2013.

6. Attached hereto as Exhibit 5 is a true and correct copy of the cover of the July 30, 2012 issue of *Life & Style* and the article “Suri’s Emotional Struggle” contained therein, introduced as Exhibit 6 at the deposition of Mark McGarry.

1 7. Attached hereto as Exhibit 6 is a true and correct copy of the cover of  
2 the October 1, 2012 issue of *In Touch* and the article “Tom’s Broken Promises to  
3 Suri” contained therein, introduced as Exhibit 20 at the deposition of Mark McGarry.

4 8. Attached hereto as Exhibit 7 is a true and correct copy of the Bauer USA  
5 organizational chart as of December 2012, produced in this action by Defendants as  
6 BAUER011575 and introduced as Exhibit 155 at the deposition of Dan Wakeford.

7 9. Attached hereto as Exhibit 8 is a true and correct copy of the “Bauer  
8 Media Group: History” page of the Bauer Media Group website, available at  
9 [www.bauermedia.com/en/historie/](http://www.bauermedia.com/en/historie/).

10 10. Attached hereto as Exhibit 9 is a true and correct copy of the November  
11 23, 2012 article on [www.mercurynews.com](http://www.mercurynews.com) titled “Hicks: Tom Cruise, Suri, spend  
12 Thanksgiving together after 3 months apart.”

13 11. Attached hereto as Exhibit 10 is a true and correct copy of the relevant  
14 portions of the deposition transcript of Tom Cruise taken on September 9, 2013.

15 12. Attached hereto as Exhibit 11 is a true and correct copy of the “About  
16 Us” page of the Bauer Publishing website, available at [www.bauerpublishing.com](http://www.bauerpublishing.com).

17 13. I attest based upon my personal knowledge that the Bauer Defendants  
18 included in the electronic search of their nine custodians’ emails the search terms  
19 “Der Landser,” “Militar,” “Geschichte,” “Wissen,” “Zuerst!,” “Heinz,” “Yvonne,”  
20 “Hitler,” and “@bauermedia.com” from January 1, 2011 through October 24, 2012.  
21 None of these terms yielded any documents responsive to Cruise’s document  
22 requests.

23 14. I attest based upon my personal knowledge that the Bauer Defendants  
24 produced more than 13,000 pages of documents in response to Plaintiff’s document  
25 requests in this case. Nothing in those 13,000 pages indicates or suggests that BMG  
26 or a member of the Bauer Family directed or influenced the Bauer Defendants’  
27 reporting on Tom Cruise or Scientology.  
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1 15. I attest based upon my personal knowledge that prior to being served  
2 with the Third Set of RFAs, the Bauer Defendants responded to 23 Requests for  
3 Admission and 21 Interrogatories in this action.

4 16. I attest based upon my personal knowledge that as of October 21, 2013,  
5 Plaintiff has deposed eight of the Bauer Defendants' nine custodians.

6 17. Attached hereto as Exhibit 12 is a true and correct copy of the Bauer  
7 Defendants' Objections and Responses to Plaintiff Tom Cruise's First Set of  
8 Interrogatories Propounded to Defendants, served on Plaintiff on August 2, 2013.

9 18. Attached hereto as Exhibit 13 is a true and correct copy of the relevant  
10 portions of the deposition transcript of Dan Wakeford taken on September 19, 2013.

11 19. Attached hereto as Exhibit 14 is a true and correct copy of the June 6,  
12 1991 article from *The Los Angeles Times* titled "In Battle Against Time,  
13 Scientologists Put Money on Ads."

14 20. Attached hereto as Exhibit 15 is a true and correct copy of pages 222  
15 through 225 of the book, "Going Clear: Scientology, Hollywood, and the Prison of  
16 Belief," by Lawrence Wright which has been nominated for the 2013 National Book  
17 Award in non-fiction.

18 21. Attached hereto as Exhibit 16 is a true and correct copy of the June 12,  
19 2008 article from *The New York Post* titled "Tom Rips 'Nazi' Diagnosis" introduced  
20 as Exhibit 105 at the deposition of Tom Cruise.

21 22. Attached hereto as Exhibit 17 is a true and correct copy of the  
22 September 18, 2012 letter from Bertram Fields to Kim Masters of *The Hollywood*  
23 *Reporter* produced in this action by Plaintiff as TC000307.

24 23. Attached hereto as Exhibit 18 is a true and correct copy of the October  
25 2012 cover story in *Vanity Fair* entitled, "What Katie Didn't Know."  
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1           24. Attached hereto as Exhibit 19 is a true and correct copy of the December  
2 14, 2012 letter from Bertram Fields to Elizabeth A. McNamara sent in connection  
3 with this action.

4           25. Attached hereto as Exhibit 20 is a true and correct copy of the December  
5 18, 2012 letter from Elizabeth A. McNamara to Bertram Fields sent in response to  
6 Mr. Fields' December 14, 2012 letter.

7           26. Attached hereto as Exhibit 21 are true and correct copies of three  
8 February 14, 2013 articles that appeared on *The Wrap* titled, "In Touch Tabloid  
9 Publisher – Mired in Tom Cruise Lawsuit – Trades in Nazis, Porn and Sometimes  
10 Both (Exclusive)," "From In Touch to 'The Fuehrer Speaks, the People Listen' – a  
11 Gallery of Bauer's Holdings," and "Tom Cruise Tabloid Trial Could Explore  
12 Publisher Bauer's Alleged 'History of Bigotry and Hatred.'"

13           27. Attached hereto as Exhibit 22 is a true and correct copy of the parties'  
14 Joint Rule 26(f) Report filed in this action on February 14, 2013.

15           28. Attached hereto as Exhibit 23 is a true and correct copy of the February  
16 14, 2013 letter from Elizabeth A. McNamara to Bertram Fields and Aaron J. Moss  
17 regarding the Joint Rule 26(f) Report and *The Wrap* articles.

18           29. Attached hereto as Exhibit 24 is a true and correct copy of the February  
19 19, 2013 letter from Aaron J. Moss to Elizabeth A. McNamara responding to her  
20 February 14, 2013 letter regarding the Joint Rule 26(f) Report and *The Wrap* articles.

21           30. Attached hereto as Exhibit 25 is a true and correct copy of an e-mail  
22 exchange between Matthew Galsor of Plaintiff's Counsel's law firm, and Frank  
23 Jordans of the Associated Press, introduced as Exhibit 104 at the deposition of  
24 Plaintiff Tom Cruise.

25           31. Attached hereto as Exhibit 26 is a true and correct copy of the  
26 September 24, 2013 meet and confer letter from Elizabeth A. McNamara to Aaron J.  
27 Moss.  
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1 32. Attached hereto as Exhibit 27 is a true and correct copy of the  
2 September 27, 2013 letter from Aaron J. Moss to Elizabeth A. McNamara responding  
3 to her September 24, 2013 meet and confer letter.

4 33. I attest based upon my personal knowledge that the parties held a  
5 telephonic meet and confer on October 4, 2013, after which the parties exchanged a  
6 series of e-mails related to the meet and confer on October 4, 2013, October 7, 2013,  
7 October 10, 2013, and October 11, 2013.

8 34. Attached hereto as Exhibit 28 is a true and correct copy of the  
9 September 13, 2013 Press Release by Bauer Media Group entitled “Independent  
10 Expert Opinion Confirms Lawfulness of *Der Landser* – Bauer Media is Nevertheless  
11 Ceasing Its Publication.”

12 35. Attached hereto as Exhibit 29 is a true and correct copy of the online  
13 table of contents for *The Tampa Bay Times* investigative series “Inside Scientology”  
14 that has run from February 2009 to the present day, as well as the June 21, 2009  
15 article, “Scientology: The Truth Rundown, Part 1 of 3,” the June 22, 2009 article,  
16 “Scientology: Ecclesiastical Justice, Part 3 of 3,” the June 12, 2010 article, “No Kids  
17 Allowed,” and the February 9, 2012 article “Ex-Clearwater Scientology officer  
18 Debbie Cook testified she was put in ‘The Hole,’ abused for weeks.”

19 36. Attached hereto as Exhibit 30 is a true and correct copy of the March 6,  
20 2010 article in *The New York Times* titled “Defectors Say Church of Scientology  
21 Hides Abuse.”

22 37. Attached hereto as Exhibit 31 is a true and correct copy of the February  
23 14, 2011 article in *The New Yorker* by Lawrence Wright titled, “The Apostate: Paul  
24 Haggis vs. the Church of Scientology.”

25 38. Attached hereto as Exhibit 32 is a true and correct copy of the July 4,  
26 2012 article in *The Hollywood Reporter* titled “Katie Holmes ‘Biggest Nightmare’ in  
27 Scientology History, Say Experts.”  
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1 39. Attached hereto as Exhibit 33 is a true and correct copy of the July 6,  
2 2012 article on *The Huffington Post* titled “Tom Cruise: Will He Be Forced to  
3 Choose Between Scientology and Suri.”

4 40. Attached hereto as Exhibit 34 is a true and correct copy of the July 10,  
5 2012 article on *Radar Online* titled “Ex-Scientologist: Tom Cruise Chose Religion  
6 Over His Daughter With Katie Holmes.”

7 41. Attached hereto as Exhibit 35 is a true and correct copy of the July 18,  
8 2012 article in *The New York Post* titled “Tom’s 1<sup>st</sup> ‘Divorce’ Visit To Suri”  
9 produced in this action by Plaintiff as TC000718.

10 42. Attached hereto as Exhibit 36 is a true and correct copy of the July 27,  
11 2012 article in *The Hollywood Reporter* titled, “Tom Cruise and Suri: Scientology’s  
12 Heartbreaking Double Standard?”

13 43. Attached hereto as Exhibit 37 is a true and correct copy of the cover of  
14 *People Magazine*’s July 30, 2012 issue featuring the headline “Tom’s Shattered  
15 World,” and the article on the inside of the magazine titled “Tom’s Private Struggle”  
16 produced in this action by Plaintiff as TC000740-43.

17 44. Attached hereto as Exhibit 38 is a true and correct copy of the  
18 September 5, 2012 article on [www.usmagazine.com](http://www.usmagazine.com) titled “How Scientologists  
19 Reportedly Turned Isabella, Connor Cruise Against Mom Nicole Kidman.”

20 45. Attached hereto as Exhibit 39 is a true and correct copy of the  
21 September 19, 2012 article on *The Huffington Post* titled “Tom Cruise Scientology  
22 Backlash: How the Actor May Deal With Fallout.”

23 46. Attached hereto as Exhibit 40 is a true and correct copy of the cover of  
24 the July 16, 2012 issue of *US Weekly*.

25 47. Attached hereto as Exhibit 41 is a true and correct copy of the cover of  
26 the July 16, 2012 issue of *People Magazine*.  
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48. Attached hereto as Exhibit 42 is a true and correct copy of the cover of the July 23, 2012 issue of *Us Weekly*.

49. Attached hereto as Exhibit 43 is a true and correct copy of the cover of the July 23, 2012 issue of *People Magazine*.

50. Attached hereto as Exhibit 44 is a true and correct copy of the cover of the July 23, 2012 issue of *Star*.

51. Attached hereto as Exhibit 45 is a true and correct copy of the July 13, 2012 article in *The New York Times* titled "A Calculated Breakup."

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this declaration was executed in New York, New York on October 21, 2013.

  
ELIZABETH A. McNAMARA