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7 TOM CRUISE

8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA

10  
11 TOM CRUISE,

12 Plaintiff,

13 v.

14 BAUER COMPANY L.P., BAUER  
15 MAGAZINE L.P., BAUER MEDIA  
16 GROUP, INC., BAUER, INC.,  
17 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**

**DECLARATION OF AARON J.  
MOSS IN SUPPORT OF  
PLAINTIFF'S OPPOSITION TO  
DEFENDANTS' MOTION FOR  
PROTECTIVE ORDER AND TO  
COMPEL RESPONSES TO  
REQUESTS FOR PRODUCTION**

[Declaration of Matt Galsor and  
[Proposed] Order filed concurrently  
herewith]

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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**DECLARATION OF AARON J. MOSS**

I, Aaron J. Moss, declare and state as follows:

1. I am a partner at the law firm of Greenberg Glusker Fields Claman & Machtinger LLP, counsel of record in this action for plaintiff Tom Cruise (“Plaintiff”). I am licensed to practice law in the State of California and am admitted to practice in the United States District Court for the Central District of California. I make this declaration in support of Plaintiff’s Opposition to Motion for Protective Order and to Compel Responses to Requests for Production. The following facts are of my own personal knowledge and if called as a witness I could and would competently testify thereto under oath.

2. Attached hereto as **Exhibit A** is a true and correct copy of the cover and inside article about Tom and Suri Cruise from the July 30, 2012 issue of *Life & Style Weekly*, marked as Deposition Exhibit 6. The cover includes the headline “SURI IN TEARS: ABANDONED BY HER DAD.”

3. Attached hereto as **Exhibit B** is a true and correct copy of the cover and inside article about Tom and Suri Cruise from the October 1, 2012 issue of *In Touch Weekly*, marked as Deposition Exhibit 20. The cover includes the headline “ABANDONED BY DADDY.”

4. Attached hereto as **Exhibit C** is a true and correct copy of an email chain dated September 15, 2012 from Dan Wakeford at Bauer to Jared Shapiro produced by Bauer during discovery, bates numbered BAUER009105 and marked as Deposition Exhibit 146. In the email, Mr. Wakeford wrote “Let’s amp this up and get some ex scientologists to speculate more. We have one right? Saying Suri cd [sic] possibly be branded a weaker being or whatever they call it.”

5. Attached as **Exhibit D** is a true and correct copy of a “Story Sheet” dated July 16, 2012 from Dan Jewel to Kathy Campbell produced by Bauer during discovery, bates numbered BAUER000815 and marked as Deposition Exhibit 51.

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1           6. Attached hereto as **Exhibit E** is a true and correct copy of the cover  
2 and inside article about Tom and Suri Cruise from the July 30, 2012 issue of *In*  
3 *Touch Weekly*, marked as Deposition Exhibit 72. The cover includes the headline  
4 “TOM’S SECRET PLANS FOR SURI: He let Katie win custody, but Tom hatches  
5 a devious plot to use his vast fortune & ‘Scientology brainwashing’ to control his 6-  
6 year old.”

7           7. Attached as **Exhibit F** is a true and correct copy of a “Story Sheet”  
8 dated September 12, 2012 from Dan Jewel to Kathy Campbell produced by Bauer  
9 during discovery, bates numbered BAUER000933 and marked as Deposition  
10 Exhibit 62.

11           8. Attached as **Exhibit G** is a true and correct copy of an email dated  
12 July 16, 2012 from Jared Shapiro at Bauer to Rachel Biermann produced by Bauer  
13 during discovery, bates numbered BAUER001413 and marked as Deposition  
14 Exhibit 143. The subject line of the email is “a few things to get for Tomkat,” and  
15 the body includes “The idea that Tom could use his Scientology expertise and  
16 power to brainwash to manipulate Suri” and “That he’d use his vast knowledge of  
17 power to try and control Katie. Do we think one of our ex sci-ti peeps could say all  
18 of this?”

19           9. Attached as **Exhibit H** is a true and correct copy of an email dated  
20 July 16, 2012 from Jared Shapiro at Bauer to various individuals at Bauer produced  
21 by Bauer during discovery, bates numbered BAUER004356 and marked as  
22 Deposition Exhibit 160. Mr. Shapiro wrote “I think we have to find someone who  
23 acknowledges it’s all a form of brainwashing? I feel like that term has been thrown  
24 around so much, and since we are using it (possibly as a word on the cover) we may  
25 need to find an ex sc-ti who will say it?”

26           10. Attached as **Exhibit I** is a true and correct copy of an email chain  
27 between Terri White at Bauer to Dan Jewel produced by Bauer during discovery,  
28 bates numbered BAUER002675 and marked as Deposition Exhibit 76. The email

1 contains a transcript of an interview with Brian Canup, a former Scientologist. At  
2 the top of the chain, Ms. White wrote “No, it’s dead confusing. Having him  
3 [referring to Mr. Cruise] in the simple villain role is better.”

4 11. Attached as **Exhibit J** is a true and correct copy of an email chain  
5 between Mark McGarry at Bauer to Alison Gaylin produced by Bauer during  
6 discovery, bates numbered BAUER000177 and marked as Deposition Exhibit 30.  
7 The email contains the transcript of an interview with Brian Canup, a former  
8 Scientologist. At the top of the chain, Mr. McGarry wrote “yeah, skip. We would  
9 get sued if we said he was turning his back on suri because she’s not scientology.”

10 12. Attached as **Exhibit K** is a true and correct copy of the cover and  
11 inside article about Tom and Suri Cruise from the December 10, 2012 issue of *In*  
12 *Touch Weekly*, marked as Deposition Exhibit 145. The cover includes the headlines:  
13 “Leaving Scientology for Suri?” and “Did Tom Choose His Child Over His  
14 Church?”

15 13. On September 19, 2013, I deposed Dan Wakeford in this action. A  
16 transcript of Mr. Wakeford’s deposition has been prepared and provided to my  
17 office by the court reporter who transcribed the deposition. Attached hereto as  
18 **Exhibit L** is a true and correct copy of excerpts from Mr. Wakeford’s deposition  
19 transcript.

20  
21 I declare under penalty of perjury under the laws of the United States of  
22 America that the foregoing is true and correct.

23  
24 Executed on November 4, 2013 at Los Angeles, California.

25  
26 /s/ Aaron J. Moss  
27 \_\_\_\_\_  
28

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