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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.

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