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15 Attorneys for Defendants
16 BAUER PUBLISHING COMPANY, L.P., BAUER
17 MAGAZINE L.P., BAUER MEDIA GROUP, INC.,
18 BAUER, INC., and HEINRICH BAUER NORTH
19 AMERICA, INC.

20 UNITED STATES DISTRICT COURT
21 CENTRAL DISTRICT OF CALIFORNIA

22 TOM CRUISE,)
23 Plaintiff,) Case No. CV 12-09124 (DDP) (JCX)
24 vs.)
25 BAUER PUBLISHING COMPANY,) **THE BAUER DEFENDANTS'**
26 L.P. BAUER MAGAZINE L.P.,) **OBJECTIONS AND RESPONSES TO**
27 BAUER MEDIA GROUP, INC.,) **PLAINTIFF TOM CRUISE'S THIRD**
28 BAUER, INC., HEINRICH BAUER) **SET OF INTERROGATORIES**
1-10, inclusive,) **PROPOUNDED TO DEFENDANTS**
Defendants.)

23 PROPOUNDING PARTY: Plaintiff TOM CRUISE
24 RESPONDING PARTY: Defendants BAUER PUBLISHING COMPANY,
25 L.P., BAUER MAGAZINE L.P., BAUER MEDIA
26 GROUP, INC., BAUER, INC., and HEINRICH
27 BAUER NORTH AMERICA, INC.
28 SET NO. Three (3)

1 Defendants Bauer Publishing Company, L.P., Bauer Magazine L.P., Bauer
2 Media Group, Inc., Bauer, Inc., and Heinrich Bauer North America, Inc.
3 (collectively, “Defendants”) by their undersigned attorneys Davis Wright Tremaine
4 LLP, hereby respond to Plaintiff’s Third Set of Interrogatories (the “Interrogatories”)
5 as follows:

6 **GENERAL OBJECTIONS**

7 1. These general objections are applicable to each specific Interrogatory
8 and are incorporated by this reference into each answer, response, and objection
9 thereto.

10 2. Defendants object to the Instructions, Definitions, and Interrogatories to
11 the extent that they seek to impose obligations beyond the scope permitted by the
12 Federal Rules of Civil Procedure or the Local Civil Rules of the Central District of
13 California and/or impose obligations on Defendants not imposed by the Federal
14 Rules of Civil Procedure or by the Local Civil Rules of the Central District of
15 California.

16 3. Defendants object to the Instructions, Definitions and Interrogatories to
17 the extent that they seek disclosure of information, communications, and/or
18 documents protected by the attorney-client privilege, attorney work-product doctrine
19 or any other applicable privilege, doctrine, or immunity. To the extent that any
20 request may be construed as seeking such privileged or protected information,
21 Defendants hereby claim such privilege and invoke such protection. The fact that
22 Defendants do not specifically object to an individual request on the ground that it
23 seeks such privileged or protected information or documents shall not be deemed a
24 waiver of the protection afforded by the attorney-client privilege, the attorney work-
25 product doctrine, or any other applicable privilege or protection.

26 4. Defendants object to the Instructions, Definitions and Interrogatories to
27 the extent that they seek information protected from disclosure by, *inter alia*, the
28 First Amendment of the United States Constitution, federal common law, the

1 constitutional, statutory and common law of California, New York, and New Jersey
2 and other privileges that protect the identification of, and information obtained from,
3 confidential sources.

4 5. Defendants object to the Interrogatories to the extent that they seek
5 information irrelevant to the subject matter of this action and not reasonably
6 calculated to lead to the discovery of admissible evidence.

7 6. Defendants object to the Interrogatories to the extent that they are
8 duplicative of other discovery served by Plaintiff on Defendants.

9 7. Defendants object to the definition of "YOU," "YOUR," and "YOURS"
10 as overbroad, irrelevant to the subject matter of this action and not reasonably
11 calculated to lead to the discovery of admissible evidence.

12 8. Defendants further object to the definition of "YOU," "YOUR," and
13 "YOURS," on the grounds that, to the extent it includes Bauer Media Group, Inc.,
14 Bauer, Inc. and Heinrich Bauer North America, Inc., it includes improperly named
15 defendants.

16 9. Defendants object to the Interrogatories to the extent that they fail to
17 include any limitation by relevant time period and are therefore overbroad, irrelevant
18 to the subject matter of this action and not reasonably calculated to lead to the
19 discovery of admissible evidence.

20 10. These responses are based upon the facts and information now known to
21 Defendants as well as its present analysis of the case, and may not in any way be
22 deemed to be an admission or representation that further facts, documents, or
23 witnesses having knowledge relevant to the subject matter of a discovery request do
24 not exist. Without in any way undertaking an obligation to do so, Defendants reserve
25 the right to alter, supplement, amend, or otherwise modify these responses in any
26 way at any time, in light of facts revealed through discovery and further
27 investigation. Without in any way undertaking an obligation to do so, Defendants
28

1 reserve the right to provide further or different information in response to these
2 requests.

3 **SPECIFIC OBJECTIONS AND RESPONSES TO INTERROGATORIES**

4
5 **INTERROGATORY NO. 22:**

6 If YOUR response to Plaintiff's Requests for Admission (concurrently served
7 on YOU) is anything other than an unqualified admission, please state all facts upon
8 which YOU base each such response.

9 **RESPONSE TO INTERROGATORY NO. 22:**

10 Defendant objects to this Interrogatory on the grounds that it overbroad and
11 unduly burdensome. Defendant further objects to this Interrogatory to the extent that
12 it seeks information not relevant to the subject matter of the pending litigation or
13 reasonably calculated to lead to the discovery of admissible evidence. Defendants
14 further object to this Interrogatory on the grounds that it is duplicative of other
15 Interrogatories previously propounded. Defendants further object to this
16 Interrogatory on the ground and to the extent that it seeks information protected from
17 disclosure by the attorney-client privilege, the work product doctrine, and any other
18 applicable privileges. Defendants further object to this Interrogatory on the grounds
19 that, to the extent that the definitions of "YOU" and "YOUR" include Bauer Media
20 Group, Inc., Bauer, Inc., and Heinrich Bauer North America, Inc., it includes
21 improperly named defendants. Defendants incorporate herein all objections set forth
22 with respect to the applicable Request for Admission in its Responses to Plaintiffs'
23 Third Set of Requests for Admission.

24 Subject to the foregoing General and Specific objections, Defendants respond
25 as follows:
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1 | Request No. 24:

2 | A vast array of documentary evidence, deposition testimony, and documented
 3 | facts – none of which are disputed in this action – as well as common sense, all of
 4 | which are equally available to the Plaintiff as the Defendants, supported the editors’
 5 | conclusion and opinion that Cruise had become an absentee father, who for extended
 6 | periods of time was being more like an uncle than a father, electing to work, travel on
 7 | vacation, socialize or see his other children instead of visiting his daughter and that
 8 | as a consequence Suri felt abandoned by her father’s long absences, particularly
 9 | during the emotional struggle surrounding her parents’ divorce. As just
 10 | representative evidence of these facts, *see, e.g.*, BAUER011681, BAUER004296,
 11 | BAUER011771, BAUER002052, BAUER001477, BAUER004736, BAUER000774,
 12 | BAUER003769, BAUER003770. No confidential source used the word
 13 | “abandoned,” but that conclusion logically flowed from all the undisputed facts
 14 | available.

15 |
16 | Request No. 25:

17 | Defendants objected to this Request, on the grounds that it is vague and
 18 | ambiguous and seeks irrelevant information because Defendants never published that
 19 | Tom Cruise had put Suri completely out of his life or no longer wanted to be
 20 | involved in Suri’s life; nor was that a reasonable implication in context of the
 21 | Articles and all other articles published by Defendants before and after the Articles.
 22 | The July 30, 2012 issue of *Life & Style* reports among other things, that “she hasn’t
 23 | seen her Dad in a month,” and “to Suri [Tom’s] just Daddy who’s always given her
 24 | hugs and unconditional love”; the October 1, 2012 issue of *In Touch Weekly* reports
 25 | that “an insider insists that dad and daughter ‘are very close and speak every day’”
 26 | and that after the divorce Tom made an “effort to bond with Suri;” but, multiple
 27 | sources and undisputed facts and evidence showed that at the same time seeing his
 28 | daughter did not appear to be a “priority” given that “he has the means. He could

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Request No. 90:

The Bauer Defendants do not require the approval of Yvonne Bauer or a representative of the Bauer family to settle this case.

DATED: October 24, 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.

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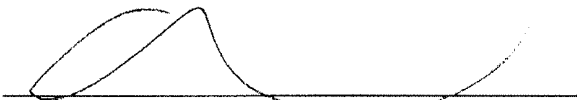
VERIFICATION

I have read the foregoing **THE BAUER DEFENDANTS' OBJECTIONS AND RESPONSES TO PLAINTIFF TOM CRUISE'S THIRD SET OF INTERROGATORIES PROPOUNDED TO DEFENDANTS** and know its contents.

I am an Editor-in-Chief for Bauer Publishing Company, L.P. and Bauer Magazine, L.P., parties to this action, and am authorized to make this Verification for and on their behalf. With respect to those matters as to which I have personal knowledge, I affirm that such facts are true and correct. With respect to all other matters contained in the Responses, I am informed and believe that the matters stated therein are true and correct.

Executed on this 24th day of October, 2013, at Englewood Cliffs, New Jersey.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.


Dan Wakeford

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18 INC., and HEINRICH BAUER NORTH AMERICA, INC.

19 UNITED STATES DISTRICT COURT
20 CENTRAL DISTRICT OF CALIFORNIA

21 TOM CRUISE,) Case No. CV 12-09124 (DDP) (JCX)
22)
23 Plaintiff,) **PROOF OF SERVICE**
24)
25 vs.)
26)
27 BAUER PUBLISHING COMPANY, L.P.)
28 BAUER MAGAZINE L.P., BAUER MEDIA)
GROUP, INC., BAUER, INC., HEINRICH)
BAUER NORTH AMERICA, INC., and)
DOES 1-10, inclusive,)
Defendants.)

PROOF OF SERVICE
DWT 22370361v1 0069628-000033

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PROOF OF SERVICE

I, Linda Moschetti, declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

I am a resident of the State of New York, over the age of eighteen years, and not a party to the within action. My business address is Davis Wright Tremaine LLP, 1633 Broadway, 27th Floor, New York, New York, 10019.

On **October 24, 2013**, I served the following documents: **THE BAUER DEFENDANTS' OBJECTIONS AND RESPONSES TO PLAINTIFF TOM CRUISE'S THIRD SET OF INTERROGATORIES PROPOUNDED TO DEFENDANTS** on the interested parties in this action by placing a copy thereof enclosed in a sealed envelope addressed as follows:

Bertram Fields, Esq.
Aaron Moss, Esq.
GREENBERG GLUSKER FIELDS CLAMAN & MACHTINGER LLP
1900 Avenue of the Stars, 21ST Floor
Los Angeles, CA 90067
(310) 553-3610

A true and correct copy of said document was also emailed on **October 24, 2013**.

I am readily familiar with my firm's practice for collection and processing of correspondence for delivery in the manner indicated above, to with, that correspondence will be deposited for collection in the above-described manner this same day in the ordinary course of business.

Executed on October 24, 2013, in New York, New York.



LINDA MOSCHETTI

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SERVICE LIST

Key: [M] Delivery by Mail	[FD] Delivery by Federal Express	[H] Delivery by Hand
[F] Delivery by Facsimile	[FM] Delivery by Facsimile and Mail	[E] Delivery by Email

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