

1 DAVIS WRIGHT TREMAINE LLP  
2 ALONZO WICKERS IV (State Bar No. 169454)  
3 alonzowickers@dwt.com  
4 865 South Figueroa Street, 24th Floor  
5 Los Angeles, California 90017-2566  
6 Telephone: (213) 633-6800/Fax: (213) 633-6899

7 DAVIS WRIGHT TREMAINE LLP  
8 ELIZABETH A. McNAMARA (*Of Counsel*)  
9 lizmcnamara@dwt.com  
10 DEBORAH A. ADLER (*Of Counsel*)  
11 deborahadler@dwt.com  
12 1633 Broadway, 27th Floor  
13 New York, New York 10019  
14 Telephone: (212) 489-8230/Fax: (212) 489-8340

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 ) **THE BAUER DEFENDANTS'**  
26 ) **AMENDED OBJECTIONS AND**  
27 ) **RESPONSES TO PLAINTIFF TOM**  
28 ) **CRUISE'S SECOND SET OF**  
BAUER PUBLISHING COMPANY, ) **REQUESTS FOR ADMISSION**  
L.P. BAUER MAGAZINE L.P., ) **PROPOUNDED TO DEFENDANTS**  
BAUER MEDIA GROUP, INC., )  
BAUER, INC., HEINRICH BAUER )  
NORTH AMERICA, INC., and DOES )  
1-10, inclusive, )  
Defendants. )

29 PROPOUNDING PARTY: Plaintiff TOM CRUISE  
30 RESPONDING PARTY: Defendants BAUER PUBLISHING COMPANY,  
31 L.P., BAUER MAGAZINE L.P., BAUER MEDIA  
32 GROUP, INC., BAUER, INC., and HEINRICH  
33 BAUER NORTH AMERICA, INC.  
34 SET NO. Second (2)

DEFENDANTS' AMENDED RESPONSE TO SECOND SET OF REQUESTS

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 Second Set of Requests for Admission (the  
5 "Requests") as follows:

6 **GENERAL OBJECTIONS**

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

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

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

24 4. Defendants object to the Instructions, Definitions and Requests to the  
25 extent that they seek information protected from disclosure by, *inter alia*, the First  
26 Amendment of the United States Constitution, federal common law, the  
27 constitutional, statutory and common law of California, New York, and New Jersey  
28

1 and other privileges that protect the identification of, and information obtained from,  
2 confidential sources.

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

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

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

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

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

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

**RESPONSES TO REQUESTS FOR ADMISSION**

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**REQUEST FOR ADMISSION NO. 22:**

Admit that YOU did not have a source for YOUR statement that Suri Cruise was “abandoned by her dad,” as reported in YOUR JULY 30 LIFE & STYLE ARTICLE.

**RESPONSE TO REQUEST FOR ADMISSION NO. 22:**

Defendants object to this Request on the grounds that it is vague, ambiguous and assumes a particular but unstated and unadopted meaning of the opinion “abandoned.” Defendants further object to this Request on the grounds that, to the extent that the definitions of “YOU” and “YOUR” include Bauer Media Group, Inc., Bauer, Inc., and Heinrich Bauer North America, Inc., it includes improperly named defendants. Defendants further object that this Request is unintelligible as phrased. Subject to and without waiving these specific objections or the General Objections, Defendants respond as follows: Denied. A vast array of evidence, sources, and documented facts – none of which are disputed in this action – as well as common sense, supported the editors’ conclusion and opinion that Suri felt abandoned by her father’s long absences, but no confidential source used the word “abandoned.”

**REQUEST FOR ADMISSION NO. 23:**

Admit that YOU did not have a source for YOUR statement that Suri Cruise was “abandoned by Daddy,” as reported in YOUR OCTOBER 1 IN TOUCH ARTICLE.

**RESPONSE TO REQUEST FOR ADMISSION NO. 23:**

Defendants object to this Request on the grounds that it is vague, ambiguous and assumes a particular but unstated and unadopted meaning of the opinion “abandoned.” Defendants further object to this Request on the

1 grounds that, to the extent that the definitions of “YOU” and “YOUR” include  
 2 Bauer Media Group, Inc., Bauer, Inc., and Heinrich Bauer North America,  
 3 Inc., it includes improperly named defendants. Defendants further object that  
 4 this Request is unintelligible as phrased. Subject to and without waiving these  
 5 specific objections or the General Objections, Defendants respond as follows:  
 6 Denied. A vast array of evidence, sources, and documented facts – none of  
 7 which are disputed in this action – as well as common sense, supported the  
 8 editors’ conclusion and opinion that Suri felt abandoned by her father’s long  
 9 absences, but no confidential source used the word “abandoned.”

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DATED: November 4, 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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3 alonzowickers@dwt.com  
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12 MAGAZINE L.P., BAUER MEDIA GROUP, INC., BAUER,  
13 INC., and HEINRICH BAUER NORTH AMERICA, INC.

14 UNITED STATES DISTRICT COURT  
15 CENTRAL DISTRICT OF CALIFORNIA

16 TOM CRUISE, ) Case No. **CV 12-09124 (DDP) (JCX)**  
17 )  
18 Plaintiff, ) **PROOF OF SERVICE**  
19 )  
20 vs. )  
21 )  
22 BAUER PUBLISHING COMPANY, L.P. )  
23 BAUER MAGAZINE L.P., BAUER MEDIA )  
24 GROUP, INC., BAUER, INC., HEINRICH )  
25 BAUER NORTH AMERICA, INC., and )  
26 DOES 1-10, inclusive, )  
27 )  
28 Defendants. )

PROOF OF SERVICE  
DWT 22370361v1 0069628-000033

DAVIS WRIGHT TREMAINE LLP  
865 S. FIGUEROA ST, SUITE 2400  
LOS ANGELES, CALIFORNIA 90017-2566  
(213) 633-6800  
Fax: (213) 633-6899

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PROOF OF SERVICE

I, Jeremy Chase, 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 Jersey, over the age of eighteen years, and not a party to the within action. My business address is Davis Wright Tremaine LLP, 1633 Broadway, 27<sup>th</sup> Floor, New York, New York, 10019.

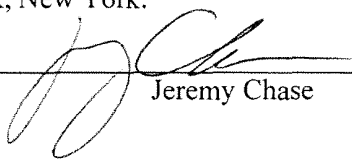
On **November 4, 2013**, I served the following documents: **THE BAUER DEFENDANTS' AMENDED OBJECTIONS AND RESPONSES TO PLAINTIFF TOM CRUISE'S SECOND SET OF REQUESTS FOR ADMISSION PROPOUNDED TO DEFENDANTS** on the interested parties in this action by placing a copy thereof enclosed in a sealed envelope addressed as follows:

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

A true and correct copy of said document was also emailed on **November 4, 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 November 4, 2013, in New York, New York.

  
\_\_\_\_\_  
Jeremy Chase

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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

[FD] Bertram Fields, Esq. Attorneys for Plaintiff  
[E] Aaron Moss, Esq. Tom Cruise  
GREENBERG GLUSKER FIELDS  
CLAMAN & MACHTINGER LLP  
1900 Avenue of the Stars, 21<sup>ST</sup> Floor  
Los Angeles, CA 90067  
(310) 553-3610

Email: AMoss@greenbergglusker.com  
BFields@ggfirm.com