

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 12-9124 DDP(JCx)	Date	November 26, 2013
Title	Tom Cruise v. Bauer Publishing Company, L.P., et al.		

Present: The Honorable Jacqueline Chooljian, United States Magistrate Judge

Rose Petrossians	None	None
Deputy Clerk	Court Reporter / Recorder	Tape No.

Attorneys Present for Plaintiff:	Attorneys Present for Defendants:
Bertram Fields	Elizabeth A. McNamara
Aaron J. Moss	Nicolas A. Jampol

Proceedings: (IN CHAMBERS)

(1) HEARING ON DEFENDANTS’ MOTION FOR PROTECTIVE ORDER AND TO COMPEL RESPONSES TO REQUESTS FOR PRODUCTION (“DEFENDANTS’ MOTION”) AND PLAINTIFF’S MOTION TO COMPEL DEFENDANTS TO ADMIT THEY HAD NO SOURCES FOR THEIR MAGAZINE COVER HEADLINES (“PLAINTIFF’S MOTION”); (2) ORDER GRANTING IN PART AND DENYING IN PART DEFENDANTS’ MOTION (DOCKET NO. 24); AND (3) ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFF’S MOTION (DOCKET NO. 23)

Case called. Counsel stated their appearances. The Court directed the parties to comply with Fed. R. Civ. P. 5.2(a).

- I. The Court advised the parties of its tentative ruling on Defendants’ Motion and heard argument from counsel. The Court adopted its tentative ruling and, for the reasons stated on the record, granted in part and denied in part Defendants’ Motion as follows:
 - 1. As to Defendants’ Requests for Production Nos. 33-35, the Court denied Defendants’ Motion.
 - 2. As to Plaintiff’s Request for Admission Nos. 31-39, 44-45, and 52-56, the Court denied Defendants’ Motion.
 - 3. As to Plaintiff’s Request for Admission Nos. 40-43, 46-51 and 57-78, the Court granted Defendants’ Motion.
 - 4. As to Plaintiff’s Request for Admission No. 79, the Court granted in part and denied in part Defendants’ Motion and narrowed such Request for Admission to call for views espoused by Defendants only.

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5. The Court granted in part and denied in part Defendants' Motion to the extent it sought Defendants' reasonable attorneys' fees and costs incurred in bringing Defendants' Motion. The Court (a) ordered Plaintiff to pay 50% of Defendants' reasonable attorneys' fees and costs attributable to litigation of Defendants' Motion – the portion of Defendants' Motion which the Court deemed attributable to litigation of Plaintiff's Request for Admission Nos. 40-43, 46-51 and 57-72; (b) directed Defendants, within seven (7) days, to submit sufficient evidence to the Court to enable it to assess the amount and reasonableness of the fees and costs incurred in the filing of Defendants' Motion and to calculate 50% of such figure; and (c) directed Plaintiff to file any response thereto within seven (7) days of service of Defendants' submission.
- II. The Court advised the parties of its tentative ruling on Plaintiff's Motion and heard argument from counsel. The Court adopted its tentative ruling and made a further order, and, for the reasons stated on the record, granted in part and denied in part Plaintiff's Motion as follows:
1. The Court ordered Defendants to provide supplemental responses to Plaintiff's Request for Admission Nos. 22 and 23 which specify whether the headlines in issue are predicated on a statement of a source, confidential or otherwise, which included the word "abandoned" or any other word or phrase defendants view to be a synonym for "abandoned." To the extent any source for the headline used a word or phrase defendants view to be a synonym for "abandoned," defendants shall also specify such synonym.
 2. The Court ordered Defendants to provide supplemental responses to Plaintiff's Interrogatory Nos. 20 and 21 which (a) identify all non-confidential sources for the headline in issue; (b) to the extent, any source for the headlines in issue used the word "abandoned" or any other word or phrase defendants view to be a synonym for "abandoned," specify whether each such source was confidential or non-confidential; and (c) if non-confidential, identify such source.
 3. The Court ordered Defendants to supply Plaintiff with a declaration under penalty of perjury from a knowledgeable source confirming that Defendants have disclosed all documents, statements, testimony and any other evidence from all sources, confidential and non-confidential, for the statements: "Abandoned by Her Dad," and "Abandoned by Daddy." The Court further ordered that such evidence includes any sources for the proposition that Plaintiff's daughter was feeling abandoned by Plaintiff, as well as the proposition that Plaintiff actually abandoned Plaintiff's daughter and includes evidence of all other words that Defendants believe are synonymous with the word "abandoned."

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4. The Court ordered that Defendants supply the above-referenced supplemental responses and declaration to Plaintiff within fourteen (14) days.
5. The Court otherwise denied Plaintiff's Motion.

Time: 1 hour, 15 minutes

Initials of
Deputy Clerk rp