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Attorneys for Defendant
WILLIAM H. COSBY, JR.

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT**

JANICE DICKINSON,
Plaintiff.

v.

WILLIAM H. COSBY, JR.,
Defendant.

Case No. BC 580909

[Hon. Robert L. Hess – Dept. 24]

**DEFENDANT WILLIAM H. COSBY, JR.’S
REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF DEMURRER;
MEMORANDUM OF POINTS &
AUTHORITIES; DECLARATION OF
MARTIN D. SINGER**

**[Defendant’s Demurrer to Plaintiff’s
Complaint Filed Concurrently]**

Date: October 14, 2015
Time: 8:30 a.m.
Dept: 24

Complaint Filed: May 20, 2015

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3 **PRELIMINARY STATEMENT**

4 Pursuant to Evidence Code §§ 452 and 453 and California Rules of Court, Rule 3.1306(c),
5 Defendant William H. Cosby, Jr. hereby requests that, in connection with Defendant’s Demurrer
6 to Plaintiff’s Complaint, this Court take judicial notice of two documents quoted in Plaintiff
7 Janice Dickinson’s Complaint. Specifically, Defendant requests that the Court take judicial
8 notice of the following documents which are referred to and relied upon by Plaintiff in the
9 allegations set forth in Plaintiff’s Complaint (*see* Compl. ¶¶ 33-38):

- 10 1) a letter written by Martin D. Singer on November 18, 2014, attached as Exhibit A
11 to the June 21, 2015 Declaration of Martin D. Singer submitted herewith; and
12 2) a written statement issued by Martin D. Singer on November 19, 2014, attached as
13 Exhibit B to the June 21, 2015 Declaration of Martin D. Singer submitted herewith.

14 **LEGAL ARGUMENT**

15 **A. This court may in its discretion take judicial notice of documents that a plaintiff
16 quotes or relies on in her complaint**

17 The Court must consider two sources of information in adjudicating a demurrer: (1) the
18 face of the complaint, and (2) documents subject to judicial notice. Code of Civ. P. § 430.30(a).
19 *See also Blank v. Kirwan*, 39 Cal.3d 311, 318 (1985). The Court can take judicial notice of
20 “[f]acts and propositions that are not reasonably subject to dispute and are capable of immediate
21 and accurate determination by resort to sources of reasonably indisputable accuracy.” Evid. Code
22 § 452(h). Plaintiff cannot “reasonably dispute” the existence or content of the November 18,
23 2014 letter or November 19, 2014 statement published by Mr. Singer because they are referred to
24 and alleged in her Complaint as the very basis for her causes of action. (*See* Compl. ¶¶ 33-38.)

25 Furthermore, Plaintiff cannot rely on selective quotations or references in the Complaint
26 and then object to the full documents being presented to the Court. As the California Supreme
27 Court has explained, complete documents may be judicially noticed in order to “fill out or qualify
28 allegations regarding those [documents] in the complaint.” *Haggis v. City of L.A.*, 22 Cal.4th
490, 501, n.3 (2000) (citing *Pac. Employers Ins. Co. v. State*, 3 Cal.3d 573, 575, n.1 (1970)); *see*

1 also *Ingram v. Flippo*, 74 Cal.App.4th 1280, 1285 n.3 (1999) (taking judicial notice of documents
2 quoted in complaint and stating that “[s]ince the contents of the letter and media release form the
3 basis of allegations in the complaint, it is essential that we evaluate the complaint by reference to
4 these documents.”); *Marina Tenants Ass’n v. Deauville Marina Dev. Co.*, 181 Cal.App.3d 122,
5 130 (1986) (taking judicial notice of a master lease selectively referenced in the complaint);
6 *Salvaty v. Falcon Cable Television*, 165 Cal.App.3d 798, 800 n.1 (1985) (taking judicial notice
7 because “[g]iven the references to the agreement in the complaint, [Defendants] were entitled to
8 present the court with the complete document”); *Swiss Park Inc. v. City of Duarte*, 136
9 Cal.App.3d 755, 758 (1982) (“[T]he complaint alleged only parts of the redevelopment plan. The
10 trial court took judicial notice of the actual text of the plan and of the map which was part of that
11 plan. We do likewise.”).

12 This permissive judicial notice becomes mandatory if a party requests it, gives “each
13 adverse party sufficient notice,” and furnishes the court with “sufficient information to enable it
14 to take judicial notice of the matter.” Evid. Code § 453. That requirement is satisfied herein.

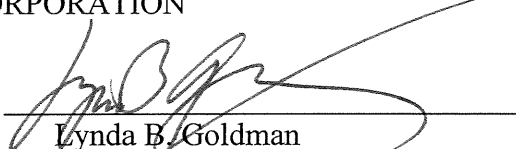
15 **CONCLUSION**

16 For the reasons set forth above, Defendant respectfully requests that the Court take
17 judicial notice of the November 18, 2014 letter and the November 19, 2014 statement in
18 connection with Defendant’s Demurrer to Plaintiff’s Complaint.

19 DATED: June 22, 2015

PATTERSON BELKNAP WEBB & TYLER LLP
Robert P. LoBue (*pro hac* application pending)

LAVELY & SINGER PROFESSIONAL
CORPORATION

21
22
23 By 
24 Lynda B. Goldman
25 Attorneys for Defendant
26 WILLIAM H. COSBY, JR.
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DECLARATION OF MARTIN D. SINGER

I, Martin D. Singer, declare as follows:

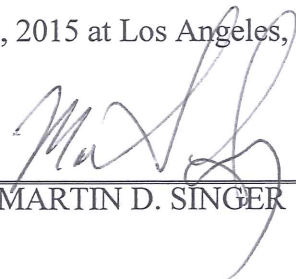
1. I am an attorney at law duly licensed to practice before all of the Courts of the State of California and am a member of the law firm of Lavelly & Singer Professional Corporation, attorneys for William H. Cosby, Jr., Defendant in the above-captioned action. I submit this declaration in support of Defendant's Request for Judicial Notice in connection with Defendant's Demurrer to Plaintiff Janice Dickinson's Complaint. I have personal knowledge of the matters set forth in this declaration.

2. On November 18, 2014, I drafted and sent a privileged pre-litigation demand letter to Tom Cibrowski, Senior Executive Producer of *GMA*. Attached hereto as Exhibit A is a true and correct copy of my November 18, 2014 letter to Mr. Cibrowski. I sent similar letters to several other media entities on the same date.

3. On November 19, 2014, I drafted and sent a statement to the press echoing the statements set forth in the pre-litigation demand letter I sent the previous day. Attached hereto as Exhibit B is a true and correct copy of my November 19, 2014 statement.

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

Executed this 27 day of June, 2015 at Los Angeles, California.



MARTIN D. SINGER

EXHIBIT A

LAVELY & SINGER

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ATTORNEYS AT LAW

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DAVID B. JONELIS
ZEV F. RABEN-
JONATHAN M. KLEIN

ALLISON S. HART
HENRY L. SELF, III
OF COUNSEL

* ALSO ADMITTED IN NY
* ALSO ADMITTED IN NY AND NJ

November 18, 2014

CONFIDENTIAL LEGAL NOTICE
PUBLICATION OR DISSEMINATION IS PROHIBITED

VIA EMAIL: Tom.Cibrowski@abc.com

Tom Cibrowski
Senior Executive Producer
Good Morning America
ABCNEWS.com
77 West 66th Street, 15th Floor
New York, New York 10023

Re: **Bill Cosby / Janice Dickinson, et al.**

Dear Mr. Cibrowski:

We are litigation counsel to Bill Cosby. We are writing regarding the planned *Good Morning America* segment interviewing Janice Dickinson regarding the false and outlandish claims she made about Mr. Cosby in an *Entertainment Tonight* interview, asserting that he raped her in 1982 (the "Story"). That Story is fabricated and is an outrageous defamatory lie. In the past, Ms. Dickinson repeatedly confirmed, both in her own book and in an interview she gave to the *New York Observer* in 2002, that back in 1982 my client "blew her off" after dinner because she did not sleep with him. Her new Story claiming that she had been sexually assaulted is a defamatory fabrication, and she is attempting to justify this new false Story with yet another fabrication, claiming that Mr. Cosby and his lawyers had supposedly pressured her publisher to remove the sexual assault story from her 2002 book. That never happened, just like the alleged rape never happened. Prior to broadcasting any interview of Ms. Dickinson concerning my client, you should contact Harper Collins to confirm that Ms. Dickinson is lying.

Neither Mr. Cosby nor any of his attorneys were ever told by Harper Collins that Ms. Dickinson had supposedly planned to write that he had sexually assaulted her, and neither Mr. Cosby nor any of his representatives ever communication with the publisher about any alleged rape or sexual assault story planned for the book. You can and should confirm those facts with Harper Collins. Because you can confirm with independent sources the falsity of the claim that my client's lawyers allegedly pressured the publisher to kill the story, it would be extremely reckless to rely on anything Ms. Dickinson has to say about Mr. Cosby since the story about the publisher is patently false.

Good Morning America

Re: Bill Cosby / Janice Dickinson, et al.

November 18, 2014

Page 2

Ms. Dickinson completely fabricated the Story of alleged rape. In a transparent effort to justify the glaring contradiction between her new rape claim and what she wrote in her book and what she told to the *New York Observer* in her September 9, 2002 interview "*Interview With a Vamp*,"¹ she also manufactured the story that my client and my client's lawyers pressured her publisher to take the purported rape story out of her 2002 book. If you contact Harper Collins, the publisher will undoubtedly confirm that Mr. Cosby and his lawyers were never told that Ms. Dickinson claimed she had been raped and intended to write about it in her book. The first Mr. Cosby and his lawyers ever heard of Ms. Dickinson's specious rape allegation was not back in 2002, it was now, in Ms. Dickinson's *Entertainment Tonight* interview, a dozen years after Ms. Dickinson's book was published, a dozen years after she confirmed to the *New York Observer* what she wrote in her book, and more than 30 years after their dinner in Lake Tahoe.

Prior to publication of Ms. Dickinson's book, her publisher sent the pages about Mr. Cosby to his publicist, who responded "good luck." There was no mention of rape or sexual assault whatsoever. Nobody tried to kill any sexual assault or rape story. These facts can be confirmed with the publisher. If you proceed with the planned segment with Janice Dickinson and if you disseminate her Story when you can check the facts with independent sources at Harper Collins who will provide you with facts demonstrating that the Story is false and fabricated, you will be acting recklessly and with Constitutional malice.

It would be extraordinarily reckless to disseminate this highly defamatory Story when Ms. Dickinson herself told an entirely different story in her book, when she confirmed that same entirely different story in an interview with the *New York Observer* a dozen years ago, when you may independently confirm with her publisher the falsity of her new assertion that my client's lawyers supposedly pressured Harper Collins to delete the alleged rape story from her book, and when her new allegation of rape was made for the first time only now, when it appears that she seeking publicity to bolster her fading career.

More than three decades have passed since the 1982 Lake Tahoe dinner described in Ms. Dickinson's book about how she was *not* intimate with my client, and a dozen years have passed since her book came out and she confirmed that same story to the media. You can easily confirm that the manufactured story that my client's lawyers pressured the publisher to take the rape story out of the book is utterly fabricated. Since at a minimum Ms. Dickinson fabricated the assertion my client's lawyers pressured the publisher more than a decade ago to take out the sexual assault story — a story we heard now for the first time — it would be reckless to rely on Ms. Dickinson in this matter.

¹ <<http://observer.com/2002/09/interview-with-the-vamp/>>

Good Morning America

Re: Bill Cosby / Janice Dickinson, et al.

November 18, 2014

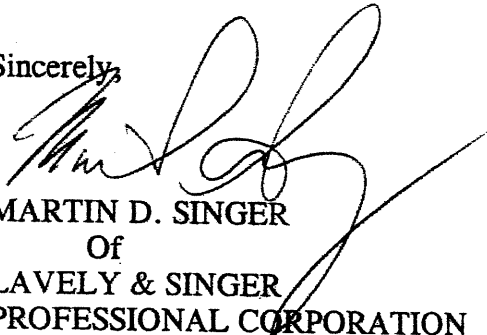
Page 3

Ms. Dickinson's new assertion that she was raped by my client back in 1982 is belied by her own words, which completely contradict her current fabrications. We caution you in the strongest possible terms to refrain from disseminating the outrageous false Story. If *Good Morning America* proceeds with its planned segment with Ms. Dickinson and recklessly disseminates it instead of checking available information demonstrating its falsity, all those involved will be exposed to very substantial liability.

You proceed at your peril.

This does not constitute a complete or exhaustive statement of all of my client's rights or claims. Nothing stated herein is intended as, nor should it be deemed to constitute a waiver or relinquishment, of any of my client's rights or remedies, whether legal or equitable, all of which are hereby expressly reserved. This letter is a confidential legal communication and is not for publication.

Sincerely,



MARTIN D. SINGER
Of
LAVELY & SINGER
PROFESSIONAL CORPORATION

MDS/lbg

cc: Greg Macek, Principal Counsel, ABC, Inc. (via email)
Mr. William H. Cosby
John Schmitt, Esq. (via email)
Mr. David Brokaw (via email)
Lynda B. Goldman, Esq.

EXHIBIT B

STATEMENT OF MARTIN D. SINGER

ATTORNEY FOR BILL COSBY

Janice Dickinson's story accusing Bill Cosby of rape is a lie. There is a glaring contradiction between what she is claiming now for the first time and what she wrote in her own book and what she told the media back in 2002. Ms. Dickinson did an interview with the *New York Observer* in September 2002 entitled "Interview With a Vamp" completely contradicting her new story about Mr. Cosby. That interview a dozen years ago said "she didn't want to go to bed with him and he blew her off." Her publisher Harper Collins can confirm that no attorney representing Mr. Cosby tried to kill the alleged rape story (since there was no such story) or tried to prevent her from saying whatever she wanted about Bill Cosby in her book. The only story she gave 12 years ago to the media and in her autobiography was that she refused to sleep with Mr. Cosby and he blew her off. Documentary proof and Ms. Dickinson's own words show that her new story about something she now claims happened back in 1982 is a fabricated lie.

###

Martin D. Singer

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1013A(3) C.C.P. Revised 5/1/88

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 2049 Century Park East, Suite 2400, Los Angeles, California 90067-2906.

On the date listed below, I served the foregoing document described as:

**DEFENDANT WILLIAM H. COSBY, JR.'S REQUEST FOR
JUDICIAL NOTICE IN SUPPORT OF DEMURRER; MEMORANDUM
OF POINTS & AUTHORITIES; DECLARATION OF MARTIN D. SINGER**

[Defendant's Demurrer to Plaintiff's Complaint Filed Concurrently]

on the interested parties in this action by placing:
 a true and correct copy -OR- the original document
thereof enclosed in sealed envelopes addressed as follows:

Lisa Bloom, Esq.
Nadia Taghizadeh, Esq.
THE BLOOM FIRM
20700 Ventura Blvd., Suite 301
Woodland Hills, California 91364
TEL: (818) 914-7314
FAX: (866) 852-5666
EMAIL: *Lisa@TheBloomFirm.com*
Nadia@TheBloomFirm.com

Attorneys for Plaintiff:
JANICE DICKINSON

BY MAIL:

- I deposited such envelope in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid.
- As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed **June 22, 2015**, at Los Angeles, California.

ORIGINAL SIGNED

H. Hancock