

ORIGINAL

1 ANTHONY MICHAEL GLASSMAN (California SBN 037934)
2 STEVEN BERKOWITZ (California SBN 124051)
3 RICHELLE L. KEMLER (California SBN 232712)
4 GLASSMAN, BROWNING, SALTSMAN & JACOBS, INC.
5 360 North Bedford Drive, Suite 204
6 Beverly Hills, California 90210-5157
7 Telephone: (310) 278-5100
8 Facsimile: (310) 271-6041

ABD 10
900236
FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

Scott Tamkin
Melinda Tamkin

MAY 22 2009
John A. Clarke, Executive Officer/Clerk
By Rugena Lopez Deputy
RUGENA LOPEZ

Attorneys for Plaintiffs Scott Tamkin and Melinda Tamkin

SUPERIOR COURT OF CALIFORNIA
IN AND FOR THE COUNTY OF LOS ANGELES
CENTRAL DISTRICT

BC414332

SCOTT TAMKIN AND MELINDA
TAMKIN,

Plaintiffs,

v.

CBS CORPORATION, a Delaware
corporation; GOLDMAN SACHS CAPITAL
PARTNERS, an entity, form unknown,
JERRY BRUCKHEIMER TELEVISION,
INC., a California Corporation, SARAH
GOLDFINGER, an individual; and DOES 1-
50 inclusive,

Defendants.

Case No.

**COMPLAINT FOR
DEFAMATION/DEFAMATION PER SE
AND FALSE LIGHT INVASION OF
PRIVACY; DEMAND FOR JURY TRIAL**

GLASSMAN, BROWNING, SALTSMAN & JACOBS, INC.
360 North Bedford Drive, Suite 204
Beverly Hills, CA 90210-5157

Plaintiffs SCOTT TAMKIN and MELINDA TAMKIN ("Plaintiffs") file this Complaint
the above-named defendants, and complain and allege as follows:

COMPLAINT

Preliminary Statement

This is an action for defamation and false light invasion of privacy as a result of Defendant's
intentional and reckless conduct with respect to the writing and dissemination of a screenplay.

CITY/CASE: BC414332 LEA/REF#: 10
RECEIPT #: CCH47728035
DATE PAID: 05/22/09 10:43:21 AM
PAYMENT: \$350.00
RECEIVED:
CHECK: 350.00
CASH:
CHANGE:
CARD:

1 Defendant Goldfinger was involved in a failed real estate transaction with Plaintiffs, Scott and Melinda
2 Tamkin, she hijacked their complete names, physical characteristics, personal characteristics, marital
3 relationship, ages and professions to craft, without their knowledge or consent, an episode of the global
4 blockbuster CSI: Crime Scene Investigation. Defendant Goldfinger then proceeded to embarrass the
5 Tamkins, and potentially damage the successful business relationships they have taken years to build,
6 by creating from whole cloth characters engaged in a reckless lifestyle of sexual bondage, pornography,
7 drunkenness, marital discord, depression, financial straits, and possibly even murder.

8 Even after Defendant Goldfinger was forced to change the characters' last names at the eleventh
9 hour—for all intents and purposes an admission that she had stepped over the line—the damage was
10 clearly done because of the widespread dissemination on the internet of information linking the Tamkin
11 name to Defendant Goldfinger's hedonistic, selfish and deviant characters. As a result of the writing of
12 the screenplay, and televising of the CSI episode, numerous pernicious, obscene and degrading
13 descriptions of the Plaintiffs appear on the internet worldwide, available and reviewable by anyone
14 running a name check or background check on them. Even the most amateurish forensic internet sleuth
15 could put two and two together and figure out that Scott and Melinda Tamkins' good names and
16 reputations had been slain by Defendants' reckless and irresponsible conduct.

17 Parties

18 1. Plaintiffs Scott Tamkin and Melinda Tamkin are a married couple, in their 30's, with
19 three minor children, who are well-known and established California real estate agents (since 2001)
20 practicing and residing in Los Angeles, California. Plaintiffs have enjoyed an excellent personal and
21 professional reputation as outstanding real estate agents, parents and members of their community.

22 2. Plaintiffs are informed and believe and thereon allege that Defendant CBS Corporation,
23 a Delaware Corporation, is the registered trademark holder of the name, CSI and/or CSI: Crime Scene
24 Investigation ("CSI"), which is an American crime drama television series premiering on CBS since
25 2000, and a producer of CSI, including the subject CSI episode, "Deep Fried & Minty Fresh" released
26 in February 2009 ("the CSI Episode") either individually or with Goldman Sachs Capital Partners and
27 Jerry Bruckheimer Television, Inc. Plaintiffs are informed and believe and thereon allege that
28 Defendant CBS Corporation, at all pertinent times, has its principal place of business located in Los

1 Angeles, California.

2 3. Plaintiffs are informed and believe and thereon allege that Defendant Goldman Sachs Capital
3 Partners is a producer of CSI, including the CSI Episode. Plaintiffs are informed and believe and
4 thereon allege that Defendant Goldman Sachs Capital Partners, is an entity form unknown, that at all
5 pertinent times, has its principal place of business located in New York.

6 4. Plaintiffs are informed and believe and thereon allege that Defendant Jerry Bruckheimer
7 Television Inc., produced the CSI Episode. Plaintiffs are informed and believe and thereon allege that
8 Defendant Jerry Bruckheimer Television, Inc., a California corporation, at all pertinent times, has its
9 principal place of business located in Los Angeles, California. All three production defendants listed in
10 paragraphs 2-4 shall hereafter, collectively, be referred to as the "CBS defendants."

11 5. Defendant Sarah Goldfinger ("Goldfinger") is an individual who, at all pertinent times, has
12 resided in Los Angeles, California, and who is the writer or co-writer of the screenplay for the CSI
13 Episode. Goldfinger is also listed as the Consulting Producer for the CSI Episode and, Plaintiffs are
14 informed and believe and thereon allege, was employed or retained by the CBS defendants with respect
15 to writing and assisting in the production and casting for the CSI Episode as well as being a writer,
16 executive story editor, producer, supervising producer, and consulting producer for numerous other CSI
17 episodes for at least six years. Plaintiffs are informed and believe, and therefore allege on information
18 and belief, that at all times herein mentioned Goldfinger acted within the scope of her employment or
19 agency with each of the CBS defendants and, further, had her conduct approved and ratified by the
20 CBS defendants.

21 6. The true names of Defendants Does 1 through 50, inclusive, are unknown to Plaintiffs, and
22 Plaintiffs will seek leave of court to amend this Complaint to allege such names and capacities as soon
23 as they are ascertained. Plaintiffs are informed and believe, and allege on this information and belief,
24 that each of the fictitiously named defendants is responsible in some manner for the occurrences alleged
25 in this Complaint, and that Plaintiffs' damages as alleged in this Complaint were proximately caused by
26 those defendants. Whenever it is alleged that any act or omission was done or committed by any
27 specifically named defendant, Plaintiffs intend thereby to allege that the same act or omission was also
28 done and committed by each and every defendant named as a Doe, both separately and in concert or in

GLASSMAN, BROWNING, SALTSMAN & JACOBS, INC.
380 NORTH BEDFORD DRIVE, SUITE 204
BEVERLY HILLS, CA 90210-8157

1 conspiracy with the named defendants.

2 7. Plaintiffs are informed and believe, and therefore allege on information and belief, that at all
3 times herein mentioned DOES 1 through 50 acted as the authorized principals or agents of the named
4 defendants and, further, in doing the things alleged in this Complaint, were acting, or had their agents
5 act, within the course and scope of that agency and with the knowledge, consent, and ratification of
6 such defendants.

7 **FIRST CAUSE OF ACTION**
8 (Defamation and Defamation Per Se)

9 8. Plaintiffs incorporate into this cause of action all allegations contained in paragraphs 1
10 through 7 of this Complaint as though set forth fully herein.

11 9. In about 2005, Plaintiffs, in their capacity as real estate agents representing sellers of certain
12 residential property, had their client sellers enter into a purchase and sale agreement with Defendant
13 Goldfinger who, as an individual buyer, sought to purchase the subject real property. An escrow was
14 opened in connection with this real estate transaction.

15 10. As part of this real estate transaction, Goldfinger had extensive access to and contact with
16 Plaintiffs. On repeated occasions, Plaintiffs personally met with Goldfinger, held discussions with her,
17 and walked with her during inspections of the subject property. Plaintiffs sent her correspondence on
18 their letterhead, which contained their pictures, and made available to Goldfinger their work website,
19 which included their biographical information. Thereafter, Goldfinger decided against purchasing the
20 property and terminated the agreement and the escrow.

21 11. Nothing about the lives of the Plaintiffs or their relationship with Goldfinger constituted a
22 public issue, was an issue of public interest, or made them "public figures" as defined by the applicable
23 law concerning free speech and defamation.

24 12. In or about 2008, Goldfinger wrote a screenplay for CSI regarding a married couple called
25 the Tamkins, containing the full names of both Scott Tamkin and Melinda Tamkin, their ages, their
26 physical descriptions, and listing their actual professions. Goldfinger submitted the screenplay to the
27 CBS defendants who approved the screenplay and decided to produce and film the CSI Episode based
28 upon Goldfinger's screenplay. The CBS defendants employed or retained Goldfinger as a writer (and

1 another writer) for the CSI Episode and, further, retained Goldfinger as a consulting producer for this
2 episode. Plaintiffs are informed and believe and thereon allege that Goldfinger assisted in the casting
3 of the actors to play the roles of the Tamkins in the CSI Episode which actors matched the physical
4 characteristics of, and strongly resembled, Plaintiffs. Information about the screenplay written by
5 Goldfinger and used for the CSI Episode, was released by the Defendants to Breakdown Services, Ltd.,
6 to create casting synopses, which Defendants should have known based on Breakdown Service's
7 custom and practice as explained in great detail on their website, made the information immediately
8 available on the internet, nationally and internationally, including in multiple languages, containing the
9 full names and identities of the Plaintiffs. Those casting synopses were used as teasers, spoilers,
10 promos, and/or discussions in reference to the CSI Episode, which helped Defendants establish an
11 interest in the Episode.

12 13. Plaintiffs are informed and believe and thereon allege that Goldfinger's screenplay included
13 depictions and descriptions of Plaintiffs which constituted false, defamatory and unprivileged
14 statements of and concerning Plaintiffs, and cast Plaintiffs in a false light to millions of CSI viewers
15 and untold millions of internet surfers who have visited obscene and pornographic web sites established
16 and linked to the CSI web site and related postings, as follows:

- 17 a. Melinda Tamkin and Scott Tamkin, regularly watch pornography, including
18 pornography involving sadomasochism and bondage;
- 19 b. Melinda Tamkin is alienated from her husband, Scott Tamkin;
- 20 c. Melinda Tamkin is depressed and suicidal;
- 21 d. Melinda Tamkin is mentally unbalanced;
- 22 e. Scott Tamkin's business is failing financially;
- 23 f. Scott Tamkin is a drunkard;
- 24 g. The Tamkins are losing their house to foreclosure;
- 25 h. The Tamkins took advantage of home buyer's during the housing boom;
- 26 i. Melinda Tamkin is depicted being graphically autopsied; and
- 27 j. Melinda Tamkin decided to commit suicide, and to manipulate the occurrence of her
28 death in such a way as to inculcate her husband as her murderer while he supposedly was engaged in

1 rough or kinky sex with her after handcuffing her to the bed posts.

2 14. Plaintiffs are informed and believe and thereon allege that just before the February 2009
3 televised release of the CSI Episode, the CBS defendants made a change to Goldfinger's screenplay
4 and to the CSI Episode, by changing the last name, Tamkin, to Tucker, although keeping the first
5 names and other identifying information about the Plaintiffs the same. The CSI Episode included
6 graphic violence scenes, images, and sexual content of and concerning Plaintiffs, including the same
7 depictions and descriptions of Plaintiffs described in paragraph 13.

8 15. According to one commentator of CSI, "CSI has often been criticized for the level and
9 gratuitousness of graphic violence, images, and sexual content. The series had numerous episodes on
10 sexual fetishism and other forms of sexual pleasure." As a result, Plaintiffs are informed and believe
11 and thereon allege that various salacious content and names of the characters of CSI episodes, including
12 the CSI Episode, are and were picked up by pornography and related pornography web sites.

13 16. Information about the screenplay written by Goldfinger and used for the CSI Episode, and
14 information about the CSI Episode, before Plaintiffs' last name was removed, was inserted or released
15 by the Defendants on the internet which resulted, in anyone running a name check or background check
16 on Plaintiffs through the internet, discovering the following false and defamatory depictions and
17 descriptions (highlighted in bold) of them, among others:

18 a. From November 11, 2008, January 4, 2009, and February 11, 2009 spoilers –
19 "SCOTT TAMKIN Mid to late 30's, this slick, attractive, **hard-drinking, extensive bondage/porn**
20 **watching** man who's been a mortgage broker since college feels **his world drop out from him during**
21 **the mortgage crisis. His clients have left him and his own house may be foreclosed on. He is a**
22 **suspect in his wife Melinda's murder.**" This spoiler has been picked up by dozens of linked and
23 nonlinked websites and search engines in numerous countries and in multiple languages.

24 b. From November 11, 2008 spoiler – "MELINDA TAMKIN Mid 30's, Scott's wife,
25 she's attractive, athletic real estate agent. Unlike Scott, she didn't let the recent economic downturn
26 freak her out. **Melinda's death may have occurred during kinky sex in which she was handcuffed**
27 **to the bed.**" This spoiler has been picked up by dozens of linked and nonlinked websites and search
28 engines in numerous countries and in multiple languages.

1 c. Among the various websites referring to Plaintiffs by full name, and other
2 identifying information, based upon Defendants' marketing efforts and release of their spoilers
3 regarding the subject screenplay and the CSI Episode, are pornography, sexual bondage, and sex toy
4 sites.

5 17. At no time did either Plaintiff provide consent or authorization to any of the Defendants to
6 write about, describe, or depict them in any way, nor did Plaintiffs have knowledge, prior to March
7 2009, that Goldfinger had written about them or that Defendants would describe and depict them on the
8 internet and through television, or by any other means.

9 18. These statements and defamatory implications by Defendants have injured Plaintiffs'
10 professional reputations as real estate agents, and were in fact statements and depictions of moral
11 turpitude causing Plaintiffs to suffer great humiliation and embarrassment, in addition to the
12 considerable harm to their reputation in the community.

13 19. The fact that Defendants chose to change the last name of Plaintiffs just before broadcasting
14 CSI, establishes that they were aware, or should have been aware, that they had been describing and
15 depicting actual persons whose identities were nearly identical to that contained in the screenplay and
16 CSI Episode.

17 20. The fact that Defendants chose not to make these changes initially, and that upon making
18 last-minute changes to the Plaintiffs' last names in the subject episode they elected not to change
19 reference to Plaintiffs' first names, ages, professions, physical descriptions, or to any other identifying
20 information, establishes that they made a deliberate and presumably economic decision, based upon the
21 additional costs to them, of making further changes which departed from what had been written,
22 rehearsed, advertised, and produced depicting Plaintiffs.

23 21. Each of the statements described in paragraphs 13 and 16 (highlighted) are defamatory on
24 their face and constitute defamation per se.

25 22. Defendants knew that each of the statements and depictions set forth above were false,
26 reasonably should have known they were false, and acted maliciously or with oppression with the
27 intent, or with despicable conduct, to harm Plaintiffs in pursuit of their own agenda in writing,
28 producing and realizing the profits from the CSI Episode.

1 23. As a direct and proximate result of the above-described statements and depictions, Plaintiffs
2 have suffered and will suffer emotional distress, and have been, and continue to be, embarrassed and
3 humiliated by the false statements and implications and reasonably fear that they will be shunned,
4 avoided and subjected to ridicule.

5 24. Additionally, as a direct and proximate result of the above-described statements and
6 depictions, Plaintiffs have suffered, and may continue to suffer, significant damage to their reputation
7 and to their livelihoods in the real estate industry, particularly among those who do not know Plaintiffs
8 personally or professionally and do not know of their high ethical and moral standards. Further, as a
9 direct and proximate result of the above-described statements and depictions, Plaintiffs have suffered,
10 and may continue to suffer, significant damage to their personal reputation and the reputation of their
11 family in the community. As a result of this potential damage to their reputation, Plaintiffs' business
12 and personal relationships have been, and may continue to be adversely affected.

13 25. All of these above-described damages are in an amount which cannot presently be
14 ascertained but which Plaintiffs are informed and believes are in excess of Three Million Dollars
15 (\$3,000,000) for each plaintiff, according to proof at trial.

16 26. Defendants, and each of them, have acted with knowledge that their depictions of Plaintiffs
17 were false and with a reckless disregard of truth or falsity. Defendants' conduct was intended by them
18 to cause injury to Plaintiffs, and was despicable conduct carried on with a willful and conscious
19 disregard of the rights, reputation, and safety of Plaintiffs. As such, Plaintiffs are entitled to recover
20 punitive and exemplary damages in an amount sufficient to punish Defendants and deter them from
21 such conduct in the future.

22 SECOND CAUSE OF ACTION

23 (False Light Invasion of Privacy)

24 27. Plaintiffs incorporate into this cause of action all allegations contained in paragraphs 1
25 through 26 of this Complaint as though set forth fully herein.

26 28. Defendants, through the above-described written script, spoilers, teasers and
27 advertisements, CSI Episode, and insertions or releases placed on the internet by the Defendants,
28

1 including the defamatory content and depiction of same, gave publicity to matters concerning Plaintiffs
2 that unreasonably places them in a false light and violates their right of privacy.

3 29. The false light in which Plaintiffs have been placed would be highly offensive to a
4 reasonable person.

5 30. Defendants knew of the falsity of the publicized matter and the false light in which
6 Plaintiffs would be placed and/or acted with reckless disregard for the truth or falsity of the publicized
7 matter and the false light in which Plaintiffs would be placed.

8 31. As a direct and proximate result of the above-described statements and depictions, Plaintiffs
9 have suffered and will suffer emotional distress, and have been, and continue to be, embarrassed and
10 humiliated by the false statements and implications and reasonably fear that they will be shunned,
11 avoided and subjected to ridicule.

12 32. Additionally, as a direct and proximate result of the above-described statements and
13 depictions, Plaintiffs have suffered, and may continue to suffer, significant damage to their reputation
14 and to their livelihoods in the real estate industry, particularly among those who do not know Plaintiffs
15 personally or professionally and do not know of their high ethical and moral standards. Further, as a
16 direct and proximate result of the above-described statements and depictions, Plaintiffs have suffered,
17 and may continue to suffer, significant damage to their personal reputation and the reputation of their
18 family in the community. As a result of this potential damage to their reputation, Plaintiffs' business
19 and personal relationships have been, and may continue to be adversely affected.

20 33. All of these above-described damages are in an amount which cannot presently be
21 ascertained but which Plaintiffs are informed and believe are in excess of Three Million Dollars
22 (\$3,000,000) for each plaintiff, according to proof at trial.

23 34. Defendants, and each of them, have acted with knowledge that their depictions of Plaintiffs
24 were false and with a reckless disregard of truth or falsity. Defendants' conduct was intended by them
25 to cause injury to Plaintiffs, and was despicable conduct carried on with a willful and conscious
26 disregard of the rights, reputation, and safety of Plaintiffs. As such, Plaintiffs are entitled to recover
27 punitive and exemplary damages in an amount sufficient to punish Defendants and deter them from
28 such conduct in the future.

1 WHEREFORE, Plaintiffs pray for judgment against Defendants as follows:

- 2 1. For general damages according to proof at trial, but not less than three million dollars
3 (\$3,000,000) for each plaintiff;
- 4 2. For special damages arising from the loss of business and business opportunities,
5 according to proof at trial;
- 6 3. For presumed damages;
- 7 4. For exemplary and punitive damages;
- 8 5. For costs of suit incurred herein; and
- 9 6. For such other and further relief as the Court deems just and proper.

10
11 DATED: May 21, 2009

GLASSMAN, BROWNING, SALTSMAN & JACOBS, INC.

12
13 By: 

14 ANTHONY MICHAEL GLASSMAN
15 Attorneys for Plaintiffs Scott Tamkin
16 and Melinda Tamkin
17
18
19
20
21
22
23
24
25
26
27
28

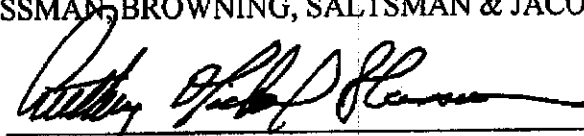
DEMAND FOR JURY TRIAL

Plaintiffs, Scott and Melinda Tamkin hereby demand trial by jury.

DATED: May 21, 2009

GLASSMAN, BROWNING, SALTSMAN & JACOBS, INC.

By:


ANTHONY MICHAEL GLASSMAN
Attorneys for Plaintiffs, Scott and Melinda Tamkin

GLASSMAN, BROWNING, SALTSMAN & JACOBS, INC.
360 NORTH BEDFORD DRIVE, SUITE 204
BEVERLY HILLS, CA 90210-5157

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

Anthony Michael Glassman (SBN 037934)
Richelle L. Kemler (SBN 232712)
Glassman, Browning, Saltsman & Jacobs, Inc.
360 N. Bedford Drive, Suite 204
Beverly Hills, CA 90210

TELEPHONE NO.: (310) 278-5100 FAX NO.: (310) 271-6041

ATTORNEY FOR (Name): Plaintiffs, Scott and Melinda Tamkin

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

STREET ADDRESS: 111 N. Hill Street

MAILING ADDRESS:

CITY AND ZIP CODE: Los Angeles, CA 90012

BRANCH NAME: Central

CASE NAME: Scott and Melinda Tamkin v. CBS, Goldman Sachs Capital Partners, Jerry Bruckheimer Television, Inc., Sarah Goldfinger et al

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

MAY 27 2009

John A. Clarke, Executive Officer/Clerk
RUGENA LOPEZ Deputy

CIVIL CASE COVER SHEET
[X] Unlimited (Amount demanded exceeds \$25,000)
[] Limited (Amount demanded is \$25,000 or less)

Complex Case Designation
[] Counter [] Joinder
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER: BC414332

JUDGE:

DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort

- [] Auto (22)
[] Uninsured motorist (46)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

- [] Asbestos (04)
[] Product liability (24)
[] Medical malpractice (45)
[] Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort

- [] Business tort/unfair business practice (07)
[] Civil rights (08)
[X] Defamation (13)
[] Fraud (16)
[] Intellectual property (19)
[] Professional negligence (25)
[] Other non-PI/PD/WD tort (35)

Employment

- [] Wrongful termination (36)
[] Other employment (15)

Contract

- [] Breach of contract/warranty (06)
[] Rule 3.740 collections (09)
[] Other collections (09)
[] Insurance coverage (18)
[] Other contract (37)

Real Property

- [] Eminent domain/Inverse condemnation (14)
[] Wrongful eviction (33)
[] Other real property (26)

Unlawful Detainer

- [] Commercial (31)
[] Residential (32)
[] Drugs (38)

Judicial Review

- [] Asset forfeiture (05)
[] Petition re: arbitration award (11)
[] Writ of mandate (02)
[] Other judicial review (39)

Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)

- [] Antitrust/Trade regulation (03)
[] Construction defect (10)
[] Mass tort (40)
[] Securities litigation (28)
[] Environmental/Toxic tort (30)
[] Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment

- [] Enforcement of judgment (20)

Miscellaneous Civil Complaint

- [] RICO (27)
[] Other complaint (not specified above) (42)

Miscellaneous Civil Petition

- [] Partnership and corporate governance (21)
[] Other petition (not specified above) (43)

2. This case [] is [X] is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- a. [] Large number of separately represented parties d. [] Large number of witnesses
b. [] Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. [] Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
c. [] Substantial amount of documentary evidence f. [] Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. [X] monetary b. [] nonmonetary; declaratory or injunctive relief c. [X] punitive

4. Number of causes of action (specify): 2

5. This case [] is [X] is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: May 21, 2009

Richelle L. Kemler

(TYPE OR PRINT NAME)

Richelle L. Kemler (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
File this cover sheet in addition to any cover sheet required by local court rule.
If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability (*not asbestos or toxic/environmental*) (24)
Medical Malpractice (45)
Medical Malpractice—Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (*not medical or legal*)
Other Non-PI/PD/WD Tort (35)
Employment
Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease
Contract (*not unlawful detainer or wrongful eviction*)
Contract/Warranty Breach—Seller Plaintiff (*not fraud or negligence*)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case—Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage (*not provisionally complex*) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)
Unlawful Detainer
Commercial (31)
Residential (32)
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ—Administrative Mandamus
Writ—Mandamus on Limited Court Case Matter
Writ—Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal—Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment (*non-domestic relations*)
Sister State Judgment
Administrative Agency Award (*not unpaid taxes*)
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint (*not specified above*) (42)
Declaratory Relief Only
Injunctive Relief Only (*non-harassment*)
Mechanics Lien
Other Commercial Complaint Case (*non-tort/non-complex*)
Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (*not specified above*) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief from Late Claim
Other Civil Petition

SHORT TITLE: **Tamkin v. CBS**

CASE NUMBER **BC414832**

CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION (CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)

This form is required pursuant to LASC Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? YES CLASS ACTION? YES LIMITED CASE? YES TIME ESTIMATED FOR TRIAL 7 HOURS/ DAYS

Item II. Select the correct district and courthouse location (4 steps – If you checked "Limited Case", skip to Item III, Pg. 4):

Step 1: After first completing the Civil Case Cover Sheet Form, find the main civil case cover sheet heading for your case in the left margin below, and, to the right in Column A, the Civil Case Cover Sheet case type you selected.

Step 2: Check one Superior Court type of action in Column B below which best describes the nature of this case.

Step 3: In Column C, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Los Angeles Superior Court Local Rule 2.0.

Applicable Reasons for Choosing Courthouse Location (See Column C below)

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. Class Actions must be filed in the County Courthouse, Central District. 2. May be filed in Central (Other county, or no Bodily Injury/Property Damage). 3. Location where cause of action arose. 4. Location where bodily injury, death or damage occurred. 5. Location where performance required or defendant resides. | <ol style="list-style-type: none"> 6. Location of property or permanently garaged vehicle. 7. Location where petitioner resides. 8. Location wherein defendant/respondent functions wholly. 9. Location where one or more of the parties reside. 10. Location of Labor Commissioner Office. |
|---|--|

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1., 2., 4.
Other Personal Injury/Property Damage/Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage	2.
		<input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons	1., 2., 4.
<input type="checkbox"/> A7240 Other Professional Health Care Malpractice		1., 2., 4.	
Non-Personal Injury/Property Damage/Wrongful Death Tort	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1., 2., 4.
		<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1., 2., 4.
		<input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress	1., 2., 3.
		<input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 2., 3.
	Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
	Defamation (13)	<input checked="" type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.

SHORT TITLE: Tamkin v. CBS		CASE NUMBER
A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice	1., 2., 3.
	<input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3.
Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2., 3.
Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case	1., 2., 3.
	<input type="checkbox"/> A6109 Labor Commissioner Appeals	10.
Breach of Contract/Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not Unlawful Detainer or wrongful eviction)	2., 5.
	<input type="checkbox"/> A6008 Contract/Warranty Breach - Seller Plaintiff (no fraud/negligence)	2., 5.
	<input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud)	1., 2., 5.
	<input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	1., 2., 5.
Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff	2., 5., 6.
	<input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5.
Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud	1., 2., 3., 5.
	<input type="checkbox"/> A6031 Tortious Interference	1., 2., 3., 5.
	<input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 8.
Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2.
Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure	2., 6.
	<input type="checkbox"/> A6032 Quiet Title	2., 6.
	<input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6.
Unlawful Detainer - Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer - Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer - Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.
Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.

SHORT TITLE: Tamkin v. CBS

CASE NUMBER

Judicial Review (Cont'd.)

Provisionally Complex
LitigationEnforcement
of JudgmentMiscellaneous Civil
Complaints

Miscellaneous Civil Petitions

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.
Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ / Judicial Review	2., 8.
Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.
Construction Defect (10)	<input type="checkbox"/> A6007 Construction defect	1., 2., 3.
Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.
Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.
Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.
Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9.
RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.
Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8. 2., 8. 1., 2., 8. 1., 2., 8.
Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2., 3., 9. 2., 3., 9. 2., 3., 9. 2. 2., 7. 2., 3., 4., 8. 2., 9.

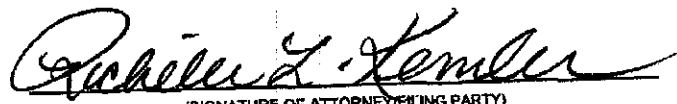
SHORT TITLE: Tamkin v. CBS	CASE NUMBER
-----------------------------------	-------------

Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: CHECK THE NUMBER UNDER COLUMN C WHICH APPLIES IN THIS CASE <input type="checkbox"/> 1. <input checked="" type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.			ADDRESS: 7800 Beverly Blvd. #207
CITY: Los Angeles	STATE: CA	ZIP CODE: 90036	Defamatory statements were disseminated throughout Los Angeles County and the world via a television broadcast and the internet.

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Stanley Mosk courthouse in the Central District of the Los Angeles Superior Court (Code Civ. Proc., § 392 et seq., and LASC Local Rule 2.0, subds. (b), (c) and (d)).

Dated: May 21, 2009


 (SIGNATURE OF ATTORNEY/FILING PARTY)
 Richelle L. Kemler

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet form CM-010.
4. Complete Addendum to Civil Case Cover Sheet form LACIV 109 (Rev 01/07), LASC Approved 03-04.
5. Payment in full of the filing fee, unless fees have been waived.
6. Signed order appointing the Guardian ad Litem, JC form FL-935, if the plaintiff or petitioner is a minor under 18 years of age, or if required by Court.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.