

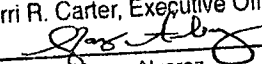
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**FILED**  
Superior Court of California  
County of Los Angeles

MAY 15 2018

Sherri R. Carter, Executive Officer/Clerk  
By  Deputy  
Nancy Alvarez

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

24 JANICE DICKINSON,

25 Plaintiff,

26 v.

27 WILLIAM H. COSBY, JR.; MARTIN D.  
28 SINGER; and DOES 1 through 100, inclusive,

Defendants.

Case No. BC 580909

[Hon. Randolph M. Hammock - Dept. 47]

**DECLARATION OF MARTIN D. SINGER  
IN SUPPORT OF SPECIAL MOTION TO  
STRIKE PLAINTIFF'S FIRST AMENDED  
COMPLAINT PURSUANT TO CODE OF  
CIVIL PROCEDURE SECTION 425.16**

Date: July 11, 2018

Time: 8:30 a.m.

Dept: 47

Reservation No. 180326300856

Complaint Filed: May 20, 2015

Case Management Conf. : July 18, 2018

ORIGINAL

1 **DECLARATION OF MARTIN D. SINGER**

2 I, Martin D. Singer, declare as follows:

3 1. I am an attorney at law duly licensed to practice before all of the Courts of the State  
4 of California and am a member of the law firm of Lavelly & Singer Professional Corporation, prior  
5 counsel to William H. Cosby, Jr., a defendant in the above-captioned action. I am also a named  
6 defendant in this action. I submit this declaration in support of the special motion to strike Plaintiff's  
7 first amended complaint, pursuant to Code of Civil Procedure § 425.16. Unless otherwise specified,  
8 I have personal knowledge of the matters set forth in this declaration.

9 2. My law firm represented Mr. Cosby from approximately 1990 until 2015. I  
10 personally represented Mr. Cosby from approximately 2005 until October 2015.

11 3. In 2002, Janice Dickinson, the plaintiff in the above-captioned action, authored a  
12 personal memoir with a ghostwriter entitled *No Lifeguard on Duty: The Accidental Life of the*  
13 *World's First Supermodel*. A true and correct copy of the relevant chapters of Ms. Dickinson's  
14 memoir is attached hereto as exhibit "A."

15 4. In her 2002 memoir, Ms. Dickinson recounted that she received an invitation to visit  
16 Mr. Cosby in Lake Tahoe in 1982 so they could discuss having her "open" for him during a show.  
17 Once in Lake Tahoe, Ms. Dickinson wrote that she had dinner with Mr. Cosby, during which they  
18 spent two hours talking about the show. According to her memoir, Mr. Cosby asked Ms. Dickinson  
19 back to his room. The memoir says that she went but stopped herself at the door, telling Mr. Cosby  
20 that she was "exhausted." Ms. Dickinson wrote that Mr. Cosby responded by "slam[ing] the door in  
21 [her] face," after which Ms. Dickinson returned to her room alone, had an alcoholic drink, "popped  
22 two Quaaludes," and went to sleep. Ms. Dickinson's memoir claimed that she flew to New York the  
23 following morning without speaking to Mr. Cosby.

24 5. The *New York Observer* reprinted that story together with an interview with  
25 Ms. Dickinson in September 2002. Therein, Ms. Dickinson confirmed that Mr. Cosby "blew her  
26 off" after she declined his invitation to enter his hotel suite. She told the interviewer, "Oh, he's so  
27  
28

1 sad.” Attached as exhibit “B” is a true and correct copy of the 2002 *New York Observer* article titled  
2 *Interview with the Vamp* published on the *Observer*’s website, www.observer.com.

3 6. Over time, a number of women came forward with allegations of sexual misconduct  
4 against Mr. Cosby, alleging that sexual misconduct had occurred decades earlier, with purported  
5 victims having taken no action in the intervening years. The accusations against Mr. Cosby have  
6 been the subject of widespread and continuing public interest. By November 2014, such public  
7 accusations had provoked public controversy, not only garnering significant media attention and  
8 news coverage but also sparking heated debate about Mr. Cosby and how the public should treat  
9 those, like Mr. Cosby, who are accused of sexual assault—a controversy that has continued to grow  
10 even to the present. Attached as exhibits “C” through “H” are true and correct copies of a small  
11 selection of reports concerning Mr. Cosby that illustrate the public controversy surrounding, and the  
12 public interest in, the accusations of sexual misconduct against Mr. Cosby.

13 7. On November 18, 2014, in an interview with *Entertainment Tonight*, Ms. Dickinson  
14 provided an account of her alleged 1982 evening with Mr. Cosby in Lake Tahoe that differed sharply  
15 from her 2002 memoir’s contradictory account of that same evening. In her interview,  
16 Ms. Dickinson publicly accused Mr. Cosby of having drugged and sexually assaulted her after they  
17 had dinner together in Lake Tahoe. Attached hereto as exhibits “I,” “J (on DVD),” and “K” are true  
18 and correct copies of the November 18, 2014 article published by EOnline, the video clips from  
19 Ms. Dickinson’s November 18, 2014 interview on *Entertainment Tonight*, and a transcript of that  
20 video clip, in particular reflecting the statements by Ms. Dickinson at 0:30-1:40 of the video clip,  
21 respectively.

22 8. The November 18, 2014 *Entertainment Tonight* article about Ms. Dickinson’s  
23 interview stated that Ms. Dickinson “says she tried to write about the assault in her 2002  
24 autobiography” but that Mr. “Cosby and his lawyers pressured her and the publisher [HarperCollins]  
25 to remove the details.”

26 9. I first learned about Ms. Dickinson’s interview with *Entertainment Tonight* from  
27 Mr. Cosby’s then-publicist, David Brokaw. Shortly after Ms. Dickinson’s *Entertainment Tonight*

1 interview aired on television, Mr. Brokaw contacted me regarding media inquiries he received from  
2 various outlets, including BuzzFeed News, the *New York Post*, and *Good Morning America*, that  
3 intended to publish Ms. Dickinson's allegations against Mr. Cosby and requested a comment. Not  
4 long after, other media outlets, including Reuters, *Page Six*, The Associated Press, *Huffington Post*,  
5 *The Wrap*, and *The Hollywood Reporter*, likewise indicated their intentions to publish  
6 Ms. Dickinson's accusations and requested a response before doing so. I was asked to respond to  
7 the press inquiries on Mr. Cosby's behalf.

8 10. Until Mr. Brokaw alerted me to Ms. Dickinson's interview with *Entertainment*  
9 *Tonight*, I had never before heard, seen, or read of Ms. Dickinson making her accusations against  
10 Mr. Cosby. To my knowledge, Ms. Dickinson's interview was the first time she publicly accused  
11 Mr. Cosby of sexual misconduct.

12 11. Before issuing a statement or otherwise responding to the various media outlets  
13 inquiring about Ms. Dickinson's claims, my partner, Lynda Goldman, and I conducted a thorough  
14 investigation of her allegations on November 18, 2014. Ms. Goldman has been a member of the  
15 California bar since 1985 and has worked at my firm since 1991. Ms. Goldman has worked on  
16 similar investigations with me in the past and has decades of litigation experience. I consider  
17 Ms. Goldman to be an expert in media law and defamation matters. I therefore believed I had good  
18 reason to trust Ms. Goldman's assistance with, and the information gathered through, the  
19 investigation.

20 12. The investigation that Ms. Goldman and I conducted took into account information  
21 that included (but was not limited to) the following considerations:

22 13. First, I reviewed both the transcript and video recording of Ms. Dickinson's interview  
23 with *Entertainment Tonight* as well as the *Entertainment Tonight* article describing what  
24 Ms. Dickinson said during her interview. I was shocked to learn that Ms. Dickinson was reportedly  
25 claiming that Mr. Cosby and his lawyers pressured her and her publisher to remove the details of her  
26 accusation from the 2002 memoir because I knew that we had never done so. I also read and  
27 reviewed large portions from Ms. Dickinson's 2002 memoir and read the 2002 *New York Observer*  
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1 article, comparing them to Ms. Dickinson's reported statements to *Entertainment Tonight*. Based on  
2 my review, I believed that Ms. Dickinson's account of the alleged 1982 incident with Mr. Cosby in  
3 Lake Tahoe was wildly inconsistent and contradictory with her different account of that same  
4 evening to *Entertainment Tonight*.

5 14. Second, contrary to Ms. Dickinson's reported assertion to *Entertainment Tonight* that  
6 Mr. "Cosby and his lawyers pressured her and the publisher [HarperCollins] to remove the details"  
7 from her 2002 memoir, I knew that I had not previously communicated with anyone at  
8 HarperCollins to pressure the publisher to omit the sexual assault allegations from Ms. Dickinson's  
9 book. I inquired of other attorneys at my firm to determine whether anyone contacted the book  
10 publisher on behalf of Mr. Cosby and learned that no one had done so at any time. Likewise, I  
11 checked with Mr. Cosby's transaction attorney, John Schmitt, and confirmed that no one from  
12 HarperCollins ever contacted him, or Mr. Cosby directly, about Ms. Dickinson's 2002 memoir.  
13 Indeed, prior to the publication of Ms. Dickinson's memoir, HarperCollins sent Mr. Brokaw copies  
14 of the pages from Ms. Dickinson's book that referred to Mr. Cosby. Nowhere on those pages did  
15 Ms. Dickinson refer to an alleged rape or sexual assault. Accordingly, I believed that HarperCollins  
16 could confirm that neither Mr. Cosby nor any of his lawyers pressured Dickinson's publisher to  
17 remove any details about the alleged 1982 Lake Tahoe incident from Dickinson's 2002 memoir  
18 because there was no need for anyone to do so given that the rape allegations were not a part of the  
19 draft memoir.

20 15. Third, I was aware that Ms. Dickinson had a reputation for dishonesty.

21 16. For example, as I explained above, I read and reviewed large portions of  
22 Ms. Dickinson's 2002 memoir. In doing so, I observed that Ms. Dickinson acknowledged in her  
23 2002 memoir that she had lied about a range of subjects throughout her life. For example, the 2002  
24 memoir conceded that Dickinson lied to get jobs, lied to her then-husband about whether she had sex  
25 with another man, and told lies to police and hospital staff that may have resulted in the death of her  
26 father. (See, e.g., exh. "A," at pp. 18, 103-105, 230-235, 239-241; Dickinson, *No Lifeguard on*  
27 *Duty* (2002) pp. 18, 103-105, 230-235, 239-241.)

1 17. Moreover, I instructed Ms. Goldman and others in my office to conduct online  
2 research into Ms. Dickinson. They quickly brought to my attention a long list of publications that  
3 included reports about her substance abuse problems, mental lapses, and propensity for lying. I took  
4 note of reports wherein Ms. Dickinson publicly described herself as a substance abuser prone to loss  
5 of memory, and a liar. In my subjective view, these reports further confirmed for me that Dickinson  
6 had a reputation for dishonesty and unreliability. The following reports are among those I reviewed  
7 as part of my investigation into Ms. Dickinson's allegations to *Entertainment Tonight* before issuing  
8 the statements in question, and they were among the materials I considered in my subjective  
9 assessment of whether Ms. Dickinson's allegations were a fabricated lie:

10 a. an article that describes Ms. Dickinson as a "giant liar" and "emotionally  
11 unstable," [http://www.zap2it.com/blogs/premierwatch\\_janice\\_dickinson\\_modeling\\_agency-](http://www.zap2it.com/blogs/premierwatch_janice_dickinson_modeling_agency-2007-12)  
12 2007-12, a true and correct copy of which is attached at exhibit "L" to this declaration;

13 b. an article in which one of Ms. Dickinson's fellow rehab patients describes her  
14 as a "pathological liar," and says that "no one in therapy believed her real life stories," *see*  
15 [http://www.drugtreatmentcentersminneapolis.com/janice-dickinson-called-a-pathological-](http://www.drugtreatmentcentersminneapolis.com/janice-dickinson-called-a-pathological-liar/)  
16 [liar/](http://www.drugtreatmentcentersminneapolis.com/janice-dickinson-called-a-pathological-liar/), a true and correct copy of which is attached as exhibit "M" to this declaration;

17 c. attached as exhibits "N" (on DVD) and "O" to this declaration is a video clip  
18 in which Ms. Dickinson admits to lying to other people as well as to herself, *see*  
19 <https://www.youtube.com/watch?v=nb8ukzWxsEw>, and a transcript of the video clip, and in  
20 particular reflecting the foregoing statements by Ms. Dickinson at 4:50-5:10 of the video;

21 d. attached as exhibits "P" and "Q" to this declaration is an HNL interview by  
22 Dr. Drew titled "Recovering celeb addicts, reformed liars" in which Ms. Dickinson admits  
23 that she grew up with a mental illness that caused her to lie, *see*  
24 <http://www.hlnyv.com/video/2011/07/28/recovering-celeb-addicts-reformed-liars>, and a  
25 transcript of the interview, in particular reflecting the foregoing statements at 0:30-1:25 of  
26 the video; and

1 e. an interview of Ms. Dickinson published by the *Daily Mail* on its website  
2 titled "Janice Dickinson: 'My life of sex, drugs and plastic surgery,'" in which  
3 Ms. Dickinson admits that she could not remember many of her sexual encounters when she  
4 was a model because "[w]e were all so high," see  
5 [http://www.dailymail.co.uk/tvshowbiz/article-493792/Janice-Dickinson-My-life-sex-drugs-](http://www.dailymail.co.uk/tvshowbiz/article-493792/Janice-Dickinson-My-life-sex-drugs-plastic-surgery.html)  
6 [plastic-surgery.html](http://www.dailymail.co.uk/tvshowbiz/article-493792/Janice-Dickinson-My-life-sex-drugs-plastic-surgery.html), a true and correct copy of which is attached as exhibit "R" to this  
7 declaration.

8 f. Although copies of the foregoing articles were printed recently for purposes of  
9 being attached as exhibits to this declaration, they are true and correct copies of the same  
10 articles that I took note of when my partner Ms. Goldman and I were conducting this  
11 investigation on November 18, 2014.

12 18. Fourth, I had personal knowledge of what I believed to be Ms. Dickinson's  
13 dishonesty, drawn from my prior experiences dealing with Ms. Dickinson in connection with other  
14 unrelated, legal matters. For instance, in or about 1994, I represented actor Sylvester Stallone in  
15 connection with a claim by Ms. Dickinson that he was the father of her child. During her pregnancy,  
16 I had numerous communications with Ms. Dickinson. She was adamant that Mr. Stallone was  
17 "definitely" the father and insisted that she had no relationships with any other men leading up to the  
18 time period that she got pregnant. Based on these statements Mr. Stallone initially believed he was  
19 the father of the child and was present for the birth. When the baby did not look like Mr. Stallone,  
20 the decision was made to conduct a paternity test. When the initial paternity test results came back  
21 indicating that Mr. Stallone was not the baby's father, Ms. Dickinson accused me of doctoring the  
22 results, which I never did. Ms. Dickinson did not hesitate to falsely accuse me of tampering with the  
23 test results. To satisfy Ms. Dickinson, we conducted two additional paternity blood tests, which all  
24 confirmed that Mr. Stallone was not the father. These results demonstrated that not only had Ms.  
25 Dickinson made numerous false statements about Mr. Stallone being the baby's father, she also lied  
26 when she claimed that she did not have sex with anyone else leading up to her pregnancy. Despite  
27 the outcome of the three paternity tests, Ms. Dickinson still insisted that Mr. Stallone was the baby's  
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1 father, and she went as far as to threaten to sue anyone who publicly stated that Mr. Stallone was not  
2 the father of her child. Attached hereto as exhibit "S" is a true and correct copy of an article titled  
3 "Sly, Me and Our Baby," published in the Australian tabloid *New Idea*, dated September 7, 1994, in  
4 which Ms. Dickinson "threaten[ed] to sue the 'scum' who claim her little girl is not Sylvester  
5 Stallone's love child." It took Ms. Dickinson nearly a year before she finally admitted that  
6 Mr. Stallone was not the father of her child. On or about June 12, 1995, Ms. Dickinson filed a  
7 complaint against Mr. Stallone in this court to "establish non-paternity," to remove Mr. Stallone's  
8 name from the child's birth certificate, and to change the child's legal surname. Attached hereto as  
9 exhibit "T" is a true and correct copy of Ms. Dickinson's complaint. The parties stipulated to the  
10 requested relief and the court entered judgment of non-paternity on August 21, 1995. Attached  
11 hereto as exhibit "U" is a true and correct copy of the stipulated judgment. Ultimately, it became  
12 known that Ms. Dickinson's ex-boyfriend, Michael Birnbaum, was the father of her child. Based on  
13 Ms. Dickinson's false statements and baseless threats in light of scientific evidence disproving her  
14 claim that Mr. Stallone was the father of her child, I subjectively believed that Ms. Dickinson lied in  
15 connection with the paternity matter.

16         19. Finally, on November 18, 2014—before issuing a statement or responding to any  
17 inquiries from the media about Ms. Dickinson's allegations to *Entertainment Tonight*—I discussed  
18 her allegations to *Entertainment Tonight* directly with Mr. Cosby and with his transactional attorney,  
19 Mr. Schmitt. Because Mr. Cosby has declined to waive the attorney-client privilege, I believe that I  
20 am prevented by law from disclosing the substance of those conversations with Messrs. Cosby and  
21 Schmitt.

22         20. I have been practicing law for more than 40 years. It is my general practice to ensure  
23 that any correspondence or press statement that I issue on behalf of a client is approved by the client  
24 before it is transmitted to the intended recipient or recipients, which includes confirming with the  
25 client the veracity of the correspondence's or statement's substance.

26         21. Based on my investigation, including my conversations with Mr. Cosby and his other  
27 counsel, I reasonably concluded that Ms. Dickinson's sexual assault accusation against Mr. Cosby,  
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1 as well as the reported assertion that Mr. Cosby and his lawyers pressured Ms. Dickinson and her  
2 publisher to remove that accusation from her 2002 memoir, was a defamatory lie fabricated by  
3 Ms. Dickinson. I honestly believed this to be the case, and did not entertain any subjective doubts  
4 about my conclusion.

5         22. On the evening of November 18, 2014, the *Hollywood Reporter* published an online  
6 story, entitled “Janice Dickinson Accuses Bill Cosby of Sexual Assault,” that reported on Ms.  
7 Dickinson’s interview with *Entertainment Tonight*. It reported Ms. Dickinson as claiming that she  
8 tried to write about the alleged assault in her 2002 memoir but that Mr. Cosby and his legal team  
9 demanded that her publisher HarperCollins remove the passage from the memoir. A true and correct  
10 copy of that *Hollywood Reporter* story is attached as exhibit “V.”

11         23. On the evening of November 18, 2014—after completing my investigation, learning  
12 about the *Hollywood Reporter*’s story reporting on Ms. Dickinson’s interview with *Entertainment*  
13 *Tonight*, and having received several other comment request emails from media outlets that intended  
14 to publish Ms. Dickinson accusations—I drafted and sent a pre-litigation demand letter to Tom  
15 Cibrowski, the Senior Executive Producer of *Good Morning America*. In that letter, I identified  
16 myself as Mr. Cosby’s litigation counsel, explained that the claims Ms. Dickinson had made in the  
17 *Entertainment Tonight* interview were fabricated and a defamatory lie, disclosed the basis for why I  
18 believed this to be the case, warned of the legal consequences of publishing the claims, and  
19 demanded that *Good Morning America* refrain from disseminating the claims. I further advised  
20 Mr. Cibrowski that *Good Morning America* would risk litigation if it ran the story without checking  
21 the facts. Since ABC broadcasts *Good Morning America*, this pre-litigation demand letter to  
22 Mr. Cibrowski, was also sent to Greg Macek, Principal Counsel, ABC, Inc., via email. Attached  
23 hereto as exhibit “W” is a true and correct copy of my November 18, 2014 letter to Mr. Cibrowski.

24         24. That same evening, after sending that pre-litigation demand letter to Mr. Cibrowski of  
25 *Good Morning America*, I also sent nearly identical confidential legal demand letters to various other  
26 media outlets, including BuzzFeed News, Reuters, *Page Six*, The Associated Press, *Huffington Post*,  
27 *The Wrap*, and *The Hollywood Reporter*. I did not send a pre-litigation demand letter to  
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1 *Entertainment Tonight*. Rather, I sent pre-litigation demand letters only to media outlets that I was  
2 aware had expressed the intent to publish Ms. Dickinson's accusations, and requested a response  
3 before doing so, to (a) place those media outlets on notice of the falsity of Ms. Dickinson's  
4 allegations to *Entertainment Tonight* and (b) advise them that they would be exposed to civil  
5 litigation should they fail to adhere to the letter's demand. Attached hereto as exhibits "X" through  
6 "Z" and exhibits "AA" through "DD" are a true and correct copies of my legal demand  
7 letters to these outlets.

8         25. All of these pre-litigation demand letters were sent in serious contemplation of  
9 imminent litigation and with a good faith believe that Mr. Cosby had viable legal claims, as  
10 referenced in the pre-litigation demand letters. I identified the letters as "confidential legal notices,"  
11 and warned the recipients that any dissemination thereof was prohibited. In the opening line of these  
12 letters, I identified myself as Mr. Cosby's "litigation counsel" and explained why the media outlets  
13 should not publish Ms. Dickinson's false and defamatory allegations against Mr. Cosby.  
14 Additionally, each of the letters contained legal arguments stating, for example, that by publishing  
15 Ms. Dickinson's claims, the media organizations would be "acting recklessly and with constitutional  
16 malice." I also wrote, "If you recklessly publish the Story instead of checking readily available  
17 information demonstrating its falsity, all those involved will be exposed to very substantial liability."  
18 I closed each letter by reserving all of Mr. Cosby's legal rights and remedies.

19         26. Ultimately, Mr. Cosby did not file suit. However, at the time that I sent these letters  
20 on November 18, 2014, I reasonably believed that Mr. Cosby was seriously contemplating litigation,  
21 in good faith, against the media outlets should they publish these allegations against him. Because  
22 Mr. Cosby has refused to waive the attorney-client privilege, I believe that I am not able to disclose  
23 the basis for my good faith belief that Mr. Cosby was seriously contemplating imminent litigation in  
24 good faith.

25         27. By late 2014, accusations of sexual misconduct against Mr. Cosby had already  
26 become the subject of widespread and continuing public interest. Ms. Dickinson's allegations to  
27 *Entertainment Tonight* fueled the fire, sparking an even greater frenzy of interest. On the morning of  
28