

1 ALSCHULER GROSSMAN STEIN & KAHAN LLP  
John M. Gatti (No. 138492)  
2 Rex D. Glensy (No. 198909)  
Jonathan E. Stern (No. 222192)  
3 The Water Garden  
1620 26th Street  
4 Fourth Floor, North Tower  
Santa Monica, CA 90404-4060  
5 Telephone: 310-907-1000  
Facsimile: 310-907-2000

6 Attorneys for Plaintiff  
7 BARBRA STREISAND

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 COUNTY OF LOS ANGELES

10  
11 BARBRA STREISAND,

12 Plaintiff,

13 vs.

14 KENNETH ADELMAN, an individual;  
PICTOPIA.COM, a California  
15 corporation;, LAYER42.NET, a California  
corporation; and DOE 1 through DOE 20,  
16 inclusive.,

17 Defendants.

CASE NO. SC 077257

[HONORABLE ALLAN J. GOODMAN]

**DECLARATION OF REX D. GLENSY IN  
SUPPORT OF PLAINTIFF'S REPLY IN  
SUPPORT OF PRELIMINARY  
INJUNCTION MOTION**

**[Filed Concurrently with Reply  
Memorandum and Appendix of Non-  
California Authorities]**

Date: July 14, 2003  
Time: 1:30 p.m.  
Dept: H  
Judge: Hon. Allan J. Goodman

Complaint Filed: May, 20, 2003

1 **DECLARATION OF REX D. GLENSY**

2 I, Rex D. Glensy, declare:

3 1. I am an attorney at law licensed to practice before the Courts of the State of  
4 California and before this Court. I am an associate with the law firm of Alschuler Grossman  
5 Stein & Kahan LLP, attorney of record for Barbra Streisand. I have personal knowledge of the  
6 matters stated herein, and if called as a witness, I would and could competently testify thereto.

7 2. Attached hereto as Exhibit 20 is a true correct copy of an August 10, 1997  
8 article from the Los Angeles Times entitled "The Court Files," describing Playgirl's appeal of an  
9 order requiring the magazine to recall all copies of its issue containing nude photographs of actor  
10 Brad Pitt, and explaining that the photographs had been taken over two years earlier and, since  
11 then, published all over Europe and the Internet.

12 3. Attached hereto as Exhibit 21 is a true and correct copy of a June 14, 1997,  
13 article from E! Online entitled "Pitt Battles 'Playgirl' Over Revealing Spread" describing  
14 Playgirl's defense as consisting of its assertion that "the pictures [which violate Pitt's privacy] are  
15 two years old and have been published on the Web and in European tabloids."

16 4. Attached hereto as Exhibit 22 is a true and correct copy of an August 7,  
17 1997 article from E! Online entitled "Brad Pitt Wins Another Round Against 'Playgirl,'" which  
18 notes that Judge O'Brien of the Los Angeles Superior Court granted a preliminary injunction and  
19 "ordered a total recall of [Playgirl's] August 1997" after having already issued "a restraining  
20 order against Playgirl, preventing it from shipping any more editions to vendors."

21 5. Attached hereto as Exhibit 23 is a true and correct copy of an August 8,  
22 1997 article from the Los Angeles Time entitled "Judge Orders Recall of Magazine Over Nude  
23 Photos" noting that Judge O'Brien of the Los Angeles Superior Court "ordered the publishers of  
24 Playgirl magazine to recall its August issue" because it contained private information regarding a  
25 celebrity and "also ordered the magazine to . . . inform [vendors] that they are banned from  
26 selling or distributing [the issue]" even though counsel for Playgirl had argued that no injunction  
27 should issue because the "pictures were in the public domain long before the magazine decided to  
28

1 publish them . . . having previously been picked up by European tabloids and the Internet” and  
2 that “the magazine [had] sold out within days . . . and already had been mailed to subscribers.”

3 6. Attached hereto as Exhibit 24 is a true and correct copy of an August 8,  
4 2000 article from E! Online entitled “Aniston Sues Over Celebrity Skin,” which notes that  
5 “despite its First Amendment defense and claims that the photos were already widely published  
6 on the Net, Playgirl lost its battle” against Brad Pitt.

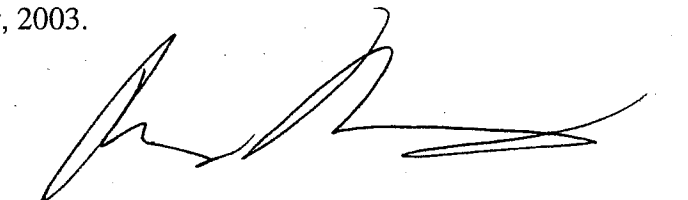
7 7. Attached hereto as Exhibit 25 is a true and correct copy of an August 21,  
8 1997 article from the Los Angeles Times entitled “The Court Files” which states that “the 2<sup>nd</sup>  
9 District Court of Appeal granted Pitt’s emergency request to enforce a Superior Court injunction  
10 issued Aug. 7 preventing further sales of the [Playgirl] magazine.”

11 8. Attached hereto as Exhibit 26 is a true and correct copy of a December 22,  
12 1998 wire from the Associated Press which states that “U.S. District Judge Ronald S.W. Lew . . .  
13 barred [an Internet website] from posting any more nude photos of [Alyssa] Milano.”

14 9. Attached hereto as Exhibit 27 is a true and correct copy of a November 12,  
15 2002, article from “Wired.com” entitled “California Coast, Now Online,” in which Gabrielle  
16 Adelman, Kenneth Adelman’s wife and pilot of the helicopter from which Adelman takes his  
17 photographs notes that “a lot of the property that we [she and Adelman] are photographing, you  
18 can’t get to because it’s private property or otherwise inaccessible. We’re giving control of this  
19 information to everybody.”

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

22 Executed this 9th day of July, 2003.

23  
24 

25 Rex D. Glensy

**EXHIBIT 20**

1 of 1 DOCUMENT

Copyright 1997 Times Mirror Company  
Los Angeles Times

August 10, 1997, Sunday, Home Edition

**SECTION:** Metro; Part B; Page 1; Metro Desk**LENGTH:** 1667 words**HEADLINE:** THE COURT FILES / ANN W. O'NEILL;  
DISPUTE OVER EVA GABOR'S ESTATE APPEARS SETTLED**BYLINE:** ANN W. O'NEILL**BODY:**

All's quiet, dah-ling, as the Eva Gabor estate moves toward a final settlement, lawyers say. Such was not always the case. As recently as April, the co-trustees of the Eva Gabor Living Trust were so at odds with each other that one tried to oust the other.

Gabor set up the trust the year before she died July 4, 1995, naming as trustees her stepdaughter, Mary Gard Jameson, and longtime business manager, Raymond Katz. The death in June of sister Magda Gabor of Palm Springs left Zsa Zsa Gabor of Bel-Air the sole beneficiary of what lawyer Jeffrey Wheeler called "a very large estate."

Under terms of the settlement, Jameson, who lives in Idaho, has stepped down as a trustee after receiving her fees, while Katz remains in charge, according to Wheeler, his lawyer.

The settlement came as Superior Court Judge Gary Klausner denied Jameson's request seeking Katz's removal as trustee. In legal papers, she had questioned the business manager's arrangements with Eva Gabor regarding residuals from her 1960s television show "Green Acres" and proceeds from her wig promotions on the Home Shopping Network. Jameson alleged that Katz "displayed continued hostility and lack of cooperation" and administered the trust "as if he were the sole decision maker and answerable to no one but himself."

Wheeler acknowledged that the two trustees were "not simpatico," but defended Katz, saying he had been "very solicitous of Mary in getting things done." The lawyer said that Jameson's legal challenge was "stridently written" and that Katz is a "very, very competent and intelligent executor" who has gained Zsa Zsa Gabor's confidence.

Jameson's lawyer, Valerie Merritt of Glendale, said she couldn't discuss details of the settlement.

Once the Internal Revenue Service determines how much the estate owes in taxes, the matter will be settled, Wheeler said, adding: "We're at the mercy of the IRS."

**LIVING LARGE:** Membership had its privileges, at least as long as they paid the American Express bill. But how do you rack up a \$1.67-million tab in three months? A peek at the file in Amex's lawsuit against Death Row Records, imprisoned rap mogul Marion "Suge" Knight and the label's Encino lawyer, David Kenner, shows what it means to be living large:

Chartered jets, limos, blocks of rooms at the Four Seasons, Peninsula and other luxury hotels; shopping for cigars in Paris, shoes at Fred Segal in Beverly Hills, baubles at Cartier in New York; feasts fit for a king—\$ 1,144 at Gladstone's, \$2,700 at the Beverly Hills Hotel's restaurant and \$1,900 at a liquor store in Malibu. Shopping sprees at Bloomingdale's, Neiman Marcus, Footlocker and a big-and-tall men's shop in Las Vegas.

According to court papers filed by lawyers for Kenner and Knight, people who were not authorized to use the company's gold and platinum cards ran up the bills. Whoever, whatever, it was quite the party while it lasted. According to copies of the monthly statements in the court file, Death Row rang up \$402,000 in August 1996, \$632,500 in September and \$543,500 in October.



LexisNexis™



LexisNexis™



LexisNexis™

Los Angeles Times August 10, 1997, Sunday,

The late charge alone was \$25,700 in October.

Among the items charged were 21 rooms—at \$50 a pop—at Las Vegas' Luxor Hotel and Casino on Sept. 7, the night rap artist Tupac Shakur was shot in the BMW that Knight was driving. Shakur died of his injuries nine days later.

As for the credit card bill, Knight and Kenner claim through their lawyers that they aren't responsible and contend that American Express broke the terms of its contract by accepting purchases by unauthorized third parties. They also previously have blamed their financial woes on their accountant, who was fired earlier this year.

The American Express case, filed in January, has bogged down while the lawyers squabble over documents concerning more than \$200,000 in bills for chartered transportation. A hearing scheduled last week was postponed indefinitely. Meanwhile, Knight is serving a nine-year state prison sentence for a probation violation. Kenner is recovering from triple bypass surgery this summer, court records show.

Death Row's lawyers, Kenner and Mark Kamerman, could not be reached for comment.

**DO THEY TAKE AMERICAN EXPRESS?:** A West Los Angeles construction company claims in a lawsuit that the Hollywood Entertainment Museum still owes about \$2.4 million for renovations completed last year.

Taslimi Construction Co. says the museum has paid only about \$450,000 on its nearly \$2.9-million contract. The museum opened last fall. The construction firm says it signed a contract with the museum in March 1996 for \$1.65-million worth of renovation work. Taslimi claims that the museum, a nonprofit corporation and the brainchild of former state Sen. David Roberti, also approved about \$1.24-million worth of extra work and failed to make payments on a \$1-million promissory note.

Taslimi's lawyer, Eric Smith, declined to comment. The museum's lawyer, Charles V. Thornton, said his clients are disputing the amount the contractor claims is owed.

The museum, on Hollywood Boulevard a block from Mann's Chinese Theatre, features exhibits such as the "bridge" from the Enterprise in the original "Star Trek" series and the bar from "Cheers."

**DIAGNOSTIC DISPUTE:** Actress Jean Simmons, who starred in such films as "Elmer Gantry," "Spartacus" and "How to Make an American Quilt," and twice was nominated for an Academy Award, claims in a lawsuit that her doctors failed to diagnose her cancer in time to save her breast.

According to the lawsuit, filed in Santa Monica Superior Court, Simmons underwent a mammogram in 1995, and was sent back for further tests, but then was told she did not have cancer. When she returned for another checkup a year later, her cancer was diagnosed.

She is accusing her physicians and the company that interpreted the mammograms of negligence that resulted in failure to detect her cancer when it "could have been treated in a more conservative manner." Her lawyers, Allan A. Sigel and Philip R. Poliner, declined comment, as did Simmons' doctors.

**NAKED APPEAL:** Brad Pitt arguably is a public figure—and a buff one at that—but as the lawyers continue to wrangle over whether his private parts are anybody's business, let us pause to consider that one of this summer's most talked-about controversies really is old nudes, er, news.

The photos were taken in April 1995 and have been published all over Europe and the Internet since then. Playgirl, which is appealing Superior Court Judge Robert H. O'Brien's order that the magazine recall and collect all remaining copies of its August edition, actually was one of the last publications to jump on the "Brad Pitt Nude!" bandwagon.

Pitt, who is not commenting these days at the advice of his lawyers, discussed the photos, his loss of privacy and the price of fame during an interview published in the October 1995 issue of US magazine.

"You know, I've always taken everything pretty lightly until we had these nude photos come out," he told the magazine. "Since then, I've been wondering about rights of privacy. They could shoot right through my keyhole . . . and I wouldn't even know it."

In his lawsuit against Playgirl, Pitt claims that the invasion of his privacy has caused him emotional distress.

The nude shots were taken as the actor and former girlfriend Gwyneth Paltrow appeared in their birthday suits over breakfast at a supposedly secluded Caribbean resort. Paltrow's father, a producer, had even warned the couple about



LexisNexis™



LexisNexis™



LexisNexis™

Los Angeles Times August 10, 1997, Sunday,

lens-wielding snoops, Pitt said in the interview.

"You know, I took all the precautions I could," he said. "We were in the most private place we could find. I mean, this man literally had to scale a mountain with this telescope on his back and end up on private property to get us like he did."

Back then, Pitt didn't seem quite so, shall we say, thin-skinned, occasionally laughing or grinning during the interview.

"Listen, ultimately it doesn't bother me," he insisted in 1995. "I mean, it all ends up in the litter box anyway."

**GRAPHIC: PHOTO:** Eva Gabor **PHOTOGRAPHER:** DOUGLAS BURROWS / Los Angeles Times

**LOAD-DATE:** December 21, 1998



LexisNexis™



LexisNexis™



LexisNexis™

**EXHIBIT 21**





## Pitt Battles "Playgirl" over Revealing Spread

by Marcus Errico

Jun 14, 1997, 6:00 PM PT

[back to story](#)

Brad Pitt might regularly parade around the movie screen in various states of undress, but that didn't keep him from going to court today to keep at least some of his parts private.

The hunky actor dispatched his attorney to Los Angeles Superior Court Monday, asking a judge to yank the August issue of *Playgirl* from newsstands nationwide. The magazine, which features the actor on the cover, contains 10 unauthorized nude Pitt pics.

Pitt's lawyer, John Lavelly Jr., told Judge Robert O'Brien that the photos in the glossy were illegally snapped by a trespassing paparazzo as the Sexiest Man Alive spread out while vacationing with ex Gwyneth Paltrow in the West Indies in 1995.

Lavelly asked for a temporary restraining order that would force *Playgirl* to halt distribution of the issue and recall all copies currently on the shelves. The request was part of a lawsuit filed by the actor. He is seeking unspecified damages for invasion of privacy and infliction of emotional distress.

Playgirl's lawyers countered by saying the pictures are two years old and have been published on the Web and in European tabloids. "We did not commission or take the photographs," Kent Raygor said.

He told O'Brien the shots are "famous" and that The Nude Pictures of Brad Pitt site has received 750,000 hits since posting naked images of the actor in full-frontal glory. (Based on a quick perusal of the site's five photos, which feature the 32-year-old beefcake doing some sort of naked calisthenics on a tiled floor, we can see why Pitt wanted the restraining order.)

The judge issued his ruling this afternoon, granting Pitt a partial victory. O'Brien ordered *Playgirl* to halt distribution of the August issue, but he stopped short of calling for a complete recall, meaning all magazines now on shelves will stay there. The judge can extend the order during a July 29 hearing.

This is the second time this year *Playgirl* has gotten into trouble with celebs who prefer keeping themselves under wraps. Back in January, the magazine ticked off Antonio Banderas and his crack legal team after printing what it said was a nude photo of the actor snatched off the Internet. The Banderas camp claimed the image was a digital fabrication and threatened legal action.

Raygor wouldn't say how the magazine obtained the Pitt photos, though.

Go to [Front Door](#) | [News](#) | [Features](#) | [Gossip](#) | [Reviews](#) | [Celebs](#) | [Fun & Games](#) | [Multimedia](#) | [E! TV](#)

**EXHIBIT 22**



## Brad Pitt Wins Another Round Against "Playgirl"

by Joal Ryan

Aug 7, 1997, 6:00 PM PT

[back to story](#)

Bad nudes for *Playgirl*. A judge in Los Angeles today ordered a total recall of its August 1997 issues--issues featuring totally revealing photos of actor Brad Pitt.

But the ruling, which calls on the mag to pull its editions from newsstands (like you could find any there--the Pitt issue has been sold-out for weeks), was immediately put on hold when lawyers for *Playgirl* filed an appeal.

Still, today represented yet another court victory for Pitt against the beefcake publication. The 32-year-old movie star previously had prevailed in convincing the same judge to issue a restraining order against *Playgirl*, preventing it from shipping any more editions to vendors.

Kent Raygor, attorney for *Playgirl*, said the judge's latest ruling raised serious First Amendment concerns. He said it was the first time he could recall that a California court had gone so far as to block a publication.

Said Terry Francke, executive director of the California First Amendment Coalition: "It is deeply troubling when a court acts as a direct censor."

Pitt's attorney, John H. Lavelly Jr., could not be reached for comment.

The actor filed suit against *Playgirl* on July 14, 1997, shortly after the magazine went to press with its August 1997 issue, featuring the to-the-point cover headline: "BRAD PITT NUDE!" (The pics were surreptitiously snapped while Pitt vacationed with then-girlfriend Gwyneth Paltrow, in the West Indies in 1995.)

In court papers, the onetime Sexiest Man Alive claims his unwanted appearance in *Playgirl* caused him emotional distress and humiliation, and even "severely harmed [him] in his occupation."

The lawsuit seeks unspecified damages--plus an injunction against the magazine, keeping the issue under wraps.

Raygor says all *Playgirl* did was republish photos that had been circulating for two years in some form on the Internet and in other publications--including ones in the United Kingdom, France, Italy and the U.S.A.'s National Enquirer.

All this legal wrangling, meanwhile, has made the Brad Pitt *Playgirl* (sent to subscribers before the restraining order was put in place) an ultra-rare, ultra-valuable collectible. Issues are being traded for up to \$100.

Go to [Front Door](#) | [News](#) | [Features](#) | [Gossip](#) | [Reviews](#) | [Celebs](#) | [Fun & Games](#) |

**EXHIBIT 23**

1 of 1 DOCUMENT

Copyright 1997 Times Mirror Company  
Los Angeles Times

August 8, 1997, Friday, Home Edition

**SECTION:** Metro; Part B; Page 3; Metro Desk**LENGTH:** 774 words**HEADLINE:** JUDGE ORDERS RECALL OF MAGAZINE OVER NUDE PHOTOS;  
**MEDIA:** PLAYGIRL PLANS APPEAL DESPITE SELLING OUT ISSUE SHOWING ACTOR BRAD PITT AND FORMER GIRLFRIEND CAVORTING TOGETHER.**BYLINE:** ANN W. O'NEILL, TIMES STAFF WRITER**BODY:**

What does Brad Pitt have in common with the Ford Pinto, 32,000 flammable sweaters and cheese? All have been the subject of recalls.

A Superior Court judge Thursday ordered the publishers of Playgirl magazine to recall its August issue because it contains nude photographs of Pitt and his former girlfriend, lawyers for both sides said.

Although lawyers for Playgirl said the issue has sold out, they immediately appealed the ruling.

Judge Robert H. O'Brien sealed his order, which was made public by lawyers for Playgirl and Pitt.

A nationally known legal expert who specializes in 1st Amendment issues said he doubted that O'Brien's decision would withstand an appeal.

"It's Orwellian, frankly, in its implications," said attorney Douglas E. Mirell. "It is essentially secret justice."

The order, Mirell said, was "entirely unprecedented, blatantly unconstitutional and practically useless," because the magazine sold out weeks ago.

Jay Lavelly, a lawyer for Pitt, said he did not believe that publication of nude photos taken without his client's consent merited free speech protection because they were not newsworthy. Instead, he said, the magazine attempted to exploit Pitt's image.

"They could have printed those nude pictures on a coffee mug or T-shirt and it would have been the same," Lavelly said.

Playgirl's lawyer, Kent Raygor, contended that 1st Amendment issues were involved and that the ruling "censors the public's right to see information that is newsworthy and of great public interest."

Last month, O'Brien ordered Playgirl to halt distribution of its August issue featuring the cover story and headline, "Brad Pitt Nude!"

The judge's order Thursday made the earlier newsstand ban permanent and went even further, Raygor said. The photos showed Pitt and actress Gwyneth Paltrow cavorting in the nude outside a hotel bungalow on a Caribbean island two years ago.

O'Brien also ordered the magazine to recall its August issue from vendors and inform them that they are banned from selling or distributing it, the lawyers said. Raygor said the magazine sold out within days of O'Brien's first order and already had been mailed to subscribers when Pitt filed suit.

"He's issued an unenforceable order," Mirell said. "It is not the prerogative of any judge in this state to try to stuff the cat back in the bag."

Los Angeles Times August 8, 1997, Friday,

The dispute drew attention to the photographs and made the issue a hot collectors item. Already ads have appeared offering to sell copies for \$50 or more.

"Many fewer people would have become exposed, as it were, to this issue were it not for the litigation itself," Mirell said.

The court case, which includes an unresolved lawsuit that Pitt filed against the magazine, places two fundamental rights at odds: The magazine's constitutionally guaranteed right to free speech, and Pitt's right to privacy.

Lavelly argued that the photographs and accompanying story were not newsworthy. Because they were taken—apparently by a hillside paparazzo—and published without Pitt's knowledge or consent, they were an invasion of privacy and exploited his image, which is his alone to publicize, the lawyer said.

But Raygor argued on Playgirl's behalf that the magazine had not commissioned the photos and therefore had not invaded Pitt's privacy. The pictures were in the public domain long before the magazine decided to publish them, the lawyer said, having previously been picked up by European tabloids and on the Internet.

**LOAD-DATE:** December 21, 1998

**EXHIBIT 24**



## Aniston Sues Over Celebrity Skin

by Mark Armstrong

Aug 8, 2000, 2:00 PM PT

[back to story](#)

The honeymoon's over for Jennifer Aniston. Or at least for her lawyers.

Just a week after she and Brad Pitt exchanged vows, the *Friends* star has taken a cue from her paparazzi-plagued hubby and filed an invasion of privacy lawsuit against two skin mags, which published shots of her sunbathing in the buff.

The lawsuit, filed Monday in Los Angeles Superior Court, claims an overzealous stalkerazzo climbed her neighbor's eight-foot wall and, using a telephoto lens, snapped shots of the new Mrs. Pitt "reclining topless in her backyard, wearing only her panties."

The spread, first published last year in *Celebrity Skin* magazine, featured the 31-year-old actress in a bit less than her wedding gown, with the understated, yet effective, headline: "First Time Photos/*Friends* Stars X-Posed--Rachel, Monica and Phoebe Get Naked!"

Aniston is asking a judge to permanently bar Man's World Publications and Crescent Publishing Group, which publish *Celebrity Skin* and *High Society* magazines, from publishing or distributing the pics. The suit seeks unspecified damages.

Caroline Landau, general counsel for the publishers, says the company has not yet been served with the papers. "I haven't read it, so I can't comment," she says.

According to the complaint, Aniston first saw the photos last September, and her attorney John Lively sent a cease-and-desist order to the publishers. But the pics soon appeared again, in the December 1999 issue of *High Society*, featuring a full-page shot of Aniston in her panties (along with shots of her in a bathing suit in Mexico) with the headline, "Rachel Gets Raunchy/Her Shocking XXX-Rated Vacation."

Aniston's complaint contends that the publishers capitalized on the fact that she's never before appeared nude in a movie or photograph ("as a major selling point"), and that colorful descriptions alongside photos--like "raw" and "raunchy"--"were and are highly offensive and objectionable to plaintiff, as they would be to any reasonable person of ordinary sensibilities," the suit reads.

This should all sound vaguely familiar to her husband. With the help of Lively in 1997, Pitt filed suit against beefcake nudie mag *Playgirl* after it published a series of stripped-down photos that were snapped while he was vacationing in the West Indies with onetime girlfriend Gwyneth Paltrow in 1995. Like Aniston's suit, Lively claimed the 10 Pitt photos were taken illegally by a trespassing photog.

Despite its First Amendment defense and claims that the photos were already widely published on the Net, *Playgirl* lost its battle. A judge ordered all remaining issues of the magazine (by





11 of 26 DOCUMENTS

Copyright 1997 Times Mirror Company  
Los Angeles Times

August 21, 1997, Thursday, Home Edition

**SECTION:** Metro; Part B; Page 3; Metro Desk**LENGTH:** 1400 words**HEADLINE:** THE COURT FILES / ANN W. O'NEILL;  
DARDEN, WOMAN BATTLE OVER 3-MONTH-OLD INFANT**BYLINE:** ANN W. O'NEILL**BODY:**

Sitting through all that talk about DNA during the O.J. Simpson trial should come in handy for former prosecutor Christopher Darden, who said Wednesday that he is awaiting "verified" results of a paternity test.

In separate lawsuits filed in downtown Los Angeles and Lancaster, Darden and supermarket checker Miki Gaut are asking the court to determine whether he is the father of Tiffany Darden, who will be 3 months old Monday.

Although some men might resist having fatherhood thrust upon them by the court, Darden seems to be embracing it. He's not only taken the test, he's also asking for custody of Tiffany if the test shows she's his daughter.

"Tiffany Darden is a wonderful little baby and I want what's best for her," Darden said in a statement released by his publicist. "I have taken Tiffany into my home, my family, and my heart."

Darden filed his suit Tuesday in Los Angeles Superior Court after failed attempts to work things out quietly with the child's mother, who lives in Palmdale. A dispute over visitation apparently sparked the dueling paternity cases.

"If Mr. Darden is Tiffany's father, he wishes to raise her and believes it will be in Tiffany's best interests if he is primary custodial parent," Darden's publicist said in a prepared statement. "He wants to provide her with the moral, intellectual, ethical and ethnic guidance that he believes are in her best interests."

Gaut's lawyer, Morgan Spector, said his client is "a moral, intellectual, ethical and ethnically conscious person."

"What is this?" Spector said, in response to the Darden statement. "It's the implication that she is somehow less fit is what we resent."

He added, "Mr. Darden is attempting to take custody of a breast-feeding infant from her mother. I think that is highly inappropriate."

Paternity cases are private in California and lawyers revealed little as they rushed between closed-door court hearings in downtown Los Angeles and Lancaster, more than 60 miles apart. All court files have been sealed.

Darden, now a law professor, legal commentator and author, acknowledges "a brief friendship" last fall with Gaut. He said he paid for her medical insurance and other other expenses related to Tiffany's birth May 25 at Cedars-Sinai Medical Center.

**BEWARE THE DRAGON LADY:** The latest unhappy member of that dysfunctional family known as the Los Angeles district attorney's office is Lea Purwin D'Agostino, aka "The Dragon Lady." The tenacious Van Nuys-based prosecutor is proud of the moniker and is known for her snappy wardrobe and the warm rapport she forges with crime victims.

But it's no secret that D'Agostino has a somewhat chillier relationship with Dist. Atty. Gil Garcetti.

Accompanied by lawyer Gloria Allred,



LexisNexis™



LexisNexis™



LexisNexis™

Los Angeles Times August 21, 1997, Thursday,

D'Agostino came onto Garcetti's turf Wednesday to publicly protest being yanked off the case of alleged cross-country serial killer Glen Rogers just eight days after she'd told her bosses she'd probably won Rogers' extradition to California.

At a news conference in front of the Criminal Courts Building downtown, D'Agostino alleged that Garcetti had taken her off the potentially high-profile prosecution as a "vindictive political payback." D'Agostino has a hearing before the county Civil Service Commission on Sept. 10.

The Rogers case was all hers for the two years it appeared nothing would come of it in Los Angeles. Now that an extradition agreement seems near, the case has been reassigned to Deputy Dist. Atty. Patrick Dixon, in the downtown major crimes division.

D'Agostino contended that Garcetti took the Rogers case from her to nip her own political ambitions in the bud and to get even with her for supporting his political opponents in last year's election. Garcetti squeaked by with a 5,000-vote runoff victory over Norwalk prosecutor John Lynch.

Besides Allred, the prosecutor was supported by Jan Baxter, the mother of Van Nuys murder victim Sandra Gallagher, whose strangulation murder is believed to have begun Rogers' rampage.

"I am outraged to say the least," Baxter said. "Mr. Garcetti, won't you for once forget your personal agenda? Leave politics out of it. Do what's right! Please restore the one prosecutor in whom I have confidence in this case."

Rogers, 35, was sentenced last month to die in Florida's electric chair for the stabbing murder of Tina Marie Cribbs, a woman he met in a Florida bar.

Garcetti would not comment. His office released a statement saying, "The Glen Rogers case went through the normal evaluation process that is applied to all major cases within the district attorney's office."

**BRAD PITT EXPOSED:** It may be one of the best-kept secrets in Los Angeles: A California appeals court has reinstated the recall of the August issue of Playgirl, which contains nude photos of actor Brad Pitt taken during a Caribbean vacation two years ago.

The 2nd District Court of Appeal granted Pitt's emergency request to enforce a Superior Court injunction issued Aug. 7 preventing further sales of the magazine, which Playgirl says already has sold out and become a collector's item.

Playgirl lawyer Kent Raygor said the magazine has notified its distributors not to sell the August issue anymore. But, he added, the September issue is already on most newsstands.

Pitt's lawyers argued that Playgirl's appeal was "spurious" and intended to subvert the recall. If the appeals court did not act, attorney Jay Laveley argued, Playgirl would "have succeeded in its plan to reap huge profits from the sale of its magazine flaunting unauthorized and illegal photographs of Pitt."

Playgirl's lawyers have until tomorrow to file their legal objections. The magazine maintains that it no longer has control over any unsold August issues that might exist, and that Pitt's request for a recall came too late.

The legal maneuvering has highlighted a classic clash of fundamental rights.

Pitt says his privacy has been invaded and his value as a celebrity exploited. Playgirl says that it was Pitt who chose "to parade around in the nude." The courts, by ordering a recall of the publication, are encroaching on Playgirl's constitutionally guaranteed right to free speech, attorney Raygor contends.

**GRAPHIC: PHOTO:** From left, prosecutor Lea Purwin D'Agostino, Jan Baxter, whose daughter was a murder victim, and attorney Gloria Allred. **PHOTOGRAPHER:** KEN HIVELY/ Los Angeles Times **PHOTO:** (Valley Edition, B1) **CUSTODY SUIT:** In separate lawsuits, former prosecutor Christopher Darden, above, and supermarket checker Miki Gaut are asking the court to determine whether he is the father of a baby girl. B1

**LOAD-DATE:** December 21, 1998



LexisNexis™



LexisNexis™



LexisNexis™

**EXHIBIT 26**

## 2 of 22 DOCUMENTS

The Associated Press State &amp; Local Wire

The materials in the AP file were compiled by The Associated Press. These materials may not be republished without the express written consent of The Associated Press.

December 22, 1998, Tuesday, BC cycle

**SECTION:** State and Regional**LENGTH:** 235 words**HEADLINE:** \$230,000 awarded to actress over Internet nude photos**DATELINE:** LOS ANGELES**BODY:**

A federal judge awarded \$230,000 to actress Alyssa Milano after she sued an Internet site for posting nude photos of her.

U.S. District Judge Ronald S.W. Lew on Tuesday issued a default judgment against John F. Lindgren, who does business as nudecelebrity.com, an Internet site that boasts of having 1,000 nude photos of actresses such as Alicia Silverstone and Yasmine Bleeth.

A default judgment means Lindgren didn't respond to the actress' lawsuit.

The judge also barred Lindgren, 21, from posting any more nude photos of Ms. Milano and ordered him to pay \$8,200 in attorney's fees.

Late Tuesday, Ms. Milano's name was not found on the web site.

Lindgren, 21, could not be located for comment. There was no telephone listing for him in Minnesota, which the lawsuit says is his home.

Lindgren was one of four web site owners that Ms. Milano sued in April, said the actress' lawyer Mitchell Kamarck. One online purveyor already has settled and another is negotiating a settlement, he added.

A message left for Kamarck after business hours wasn't immediately returned.

Ms. Milano starred on "Who's the Boss" opposite Tony Danza for eight seasons and left "Melrose Place" last season to star in the WB network series "Charmed."

She is one of several celebrities, including Brad Pitt and Leonardo DiCaprio, who has filed suits to keep nude photos from appearing in magazines or web sites.

**LOAD-DATE:** December 23, 1998

LexisNexis™



LexisNexis™



LexisNexis™

**EXHIBIT 27**

**WIRED NEWS**

Text Size: A A A A

**California Coast, Now Online** By Kendra Mayfield **Story location:** <http://www.wired.com/news/technology/0,1282,56213,00.html>*02:00 AM Nov. 12, 2002 PT*

Equipped with a digital camera, an Apple PowerBook and a Robinson R-44 helicopter, Kenneth Adelman and his wife are taking high-resolution pictures of every mile of the California coastline, 500 feet at a time.

These detailed images are posted on the Internet as part of the California Coastal Records Project, an aerial photographic survey intended to create a permanent record of the state's 1,100-mile coastline as it is today.

The photographs record every beach, landmark and high-rise development on the coast -- from the Golden Gate Bridge to the Los Angeles airport.

"We're documenting the coast and how it's changing," Adelman said.

The site, which launched three weeks ago, is drawing both praise and criticism. Environmental activists say the website is an invaluable tool for coastal protection.

"Those pictures are worth more than hundreds of legal arguments," said Mark Massara, director of the Sierra Club's California Coastal Campaign. "They tell incredible stories about the coast, about spectacular coastal resources and spectacular coastal blunders."

So far, the website has more than 8,000 images. The database will eventually include more than 12,000 images.

Visitors can look up a photograph at a specific location by clicking on a detailed map or entering longitude and latitude.

Adelman originally wanted to use film to shoot the coastline. But the cost of the film and processing, as well as the problem of indexing, filing and retrieving 10,000 slides, was too daunting.

With the advent of affordable high-resolution digital cameras, Adelman decided to forgo film.

"Finally the technology got to a point where it matched the capabilities of the aircraft," he said.

A Nikon D1X digital camera is connected to an Apple PowerBook laptop and to the helicopter's GPS receiver. Every three seconds, the equipment records a picture with the exact longitude, latitude and altitude of the helicopter in each image file.

Adelman, who founded TGV Software and Network Alchemy and sold the companies to Cisco Systems and Nokia, respectively, during the dot-com boom, funded the project himself. Proceeds from the commercial rights to the photographs will be donated to coastal conservation groups.

Adelman and his wife Gabrielle -- who pilots the helicopter -- didn't envision all of the potential uses of the database when they conceived the project.

The husband-and-wife team has since received requests from geologists who want to use the site to study erosion, and from search-and-rescue groups that want to use the aerial survey for patrolling beach areas. The site has drawn over 200,000 visitors since it launched three weeks ago.

"We really didn't anticipate this kind of reaction," Adelman said.

"We never envisioned how powerful a conservation tool (these photos) would be," agreed the Sierra Club's Massara.

The images help Coastal Commission enforcement staff identify illicit activity that threatens the coast, such as building illegal sea walls. Massara has used the photos as evidence in more than 10 suspected cases of Coastal Act violations in the past two weeks.

"No development proposal should ever be considered ... from here on out, without consulting these photographs," Massara said.

As the helicopter pilot, Gabrielle Adelman routinely witnesses coastal mismanagement and abuse from the air.

"Other people are beginning to see what you can see from the air, for the first time," she said. "As people get better informed about (the coastline), they might be interested in conserving it more.

"A lot of the property that we're photographing, you can't get to because it's private property or otherwise inaccessible. We're giving control of this information to everybody."

But critics say the site could threaten property owners' rights.



While the project may not raise immediate legal concerns, it may raise ethical concerns, said Howard Johnson, an attorney with the Pacific Legal Foundation.

The project has already prompted concern from coastal owners who don't want their backyards to be photographed. The idea that the project "might encourage vigilante or bounty hunter mentality is disturbing, and it raises Big Brother Orwellian concerns," Johnson said.

Critics say the California Coastal Commission is overstepping its bounds by targeting individual property owners, instead of addressing broader environmental problems.

"The real problem is that an agency with a record of trying to micromanage people's use of property might be more empowered by this project," Johnson said.

But supporters insist that the project will only encourage the public to monitor coastal protection efforts more closely.

"There is no invasion of privacy," Massara said. "There is a compelling public interest to know what's happening with our coastal resources. For people who aren't violating the Coastal Act, there's nothing whatsoever to worry about."

"A lot of developers are upset because previously it was very hard for them to get convicted," Adelman said. "They're upset because we've provided evidence. We're not the first ones to make these photos available. We're the first ones to make them available free to the public."

Adelman will re-photograph portions of the coastline every few years. He has also received requests to shoot the entire coast for the United States and Mexico.

"We hope that this has demonstrated in real life what two people did in their off-time in a couple months," said Gabrielle Adelman. "We hope that people will take this model and do more of it to improve visual access."



---

**Wired News:** Staff | Contact Us | Advertising

We are translated daily into Spanish, Portuguese, and Japanese

© Copyright 2003, Lycos, Inc. All Rights Reserved.

Your use of this website constitutes acceptance of the Lycos **Privacy Policy** and **Terms & Conditions**