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6 Attorneys for Plaintiff  
7 Katie Holmes

8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA

FILED  
11 MAR - 1 AM 10:21  
CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES  
BY: \_\_\_\_\_

GREENBERG GLUSKER FIELDS CLAMAN  
& MACHTINGER LLP  
1900 Avenue of the Stars, 21st Floor  
Los Angeles, California 90067-4590

10  
11 KATIE HOLMES,  
12 Plaintiff,  
13 vs.  
14 AMERICAN MEDIA, INC.,  
15 Defendant.

Case No. **CV 11-01750P (V/BKX)**  
**COMPLAINT FOR LIBEL**  
**(Jury Trial Demanded)**

16  
17  
18 Plaintiff alleges as follows:

19 1. Introduction. This action seeks damages for American Media's false,  
20 malicious and defamatory statements in Star Magazine to the effect that plaintiff is  
21 a drug addict. Plaintiff is neither a drug addict nor a drug user, and American  
22 Media knows it. Its vicious lies about plaintiff, designed to hype the sale of its  
23 sleazy tabloid magazine, were calculated to cause severe harm to plaintiff both  
24 personally and professionally.

25 This kind of wrongful and unethical conduct is nothing new to American  
26 Media. It has long followed the practice of trying to sell its trashy tabloid  
27 magazines by printing false, defamatory and embarrassing stories about celebrities,  
28 relying on the fact that, although cruelly defamed, most of them will not sue. As a

1 part of that reprehensible pattern and practice, American Media’s magazines have  
2 repeatedly printed false and defamatory statements about plaintiff and her husband,  
3 actor Tom Cruise.

4       2.     Jurisdiction. Jurisdiction in this case is based on 28 U.S.C. § 1332, in  
5 that there is diversity of citizenship. Venue is properly situated in this district, in  
6 that this is the place of plaintiff’s residence, where she primarily renders her  
7 services and where she has suffered the primary harm from defendant’s defamatory  
8 publication.

9       3.     The Parties. Plaintiff is a well known professional actress in film,  
10 stage and television. Her residence is in Los Angeles, California. Defendant  
11 (“American Media”) is a Florida corporation conducting business, in California,  
12 throughout the United States and elsewhere, as a publisher of tabloid gossip  
13 magazines, such as Star Magazine.

14       4.     On or about January 19, 2011, American Media published an issue of  
15 Star Magazine dated January 31, 2011. The cover of that magazine is attached as  
16 Exhibit “A” hereto. The story supposedly about plaintiff begins on page 42 of the  
17 magazine’s interior. It is attached as Exhibit “B” hereto.

18       5.     The cover of American Media’s magazine under the heading  
19 “BREAKING NEWS!” featured a huge photo of plaintiff. From among the  
20 hundreds of available pictures of plaintiff, American Media selected one in which  
21 plaintiff wears a sad and weary expression. Next to plaintiff’s photo, the cover  
22 proclaimed, in enormous yellow letters, “Katie DRUG SHOCKER!” Immediately  
23 over this announcement, and also next to plaintiff’s photo, were the words  
24 “ADDICTION NIGHTMARE” in bold letters set in a red box. Following “DRUG  
25 SHOCKER!” the cover said this is “The real reason she *can’t* leave Tom” and  
26 places that assertion next to a photo of plaintiff’s husband, actor Tom Cruise.

27       6.     Not only would the average reader understand the thundering  
28 pronouncements on Star Magazine’s cover to mean that plaintiff has become

1 shockingly addicted to drugs, that is what any reader would understand from those  
2 utterly false pronouncements. There is no other way to understand them. The  
3 cover even created the false impression that, but for plaintiff's nightmare drug  
4 addiction, she would "leave" her husband.

5 7. The statements on American Media's magazine cover were totally and  
6 unequivocally false and defamatory. Plaintiff is neither a drug addict nor a drug  
7 user. There is no "DRUG SHOCKER" or "ADDICTION NIGHTMARE"  
8 concerning plaintiff. She has no intention of leaving her husband, and is not  
9 prevented from doing so by any drug addiction. There is no drug addiction. Nor  
10 was there any "BREAKING NEWS" on any of those subjects. American Media's  
11 false statements are particularly hurtful, in that plaintiff and her husband are  
12 outspoken in their anti-drug views and in that they have minor children, who will  
13 be humiliated and embarrassed by these vicious lies about plaintiff.

14 8. Star Magazine's false and defamatory cover, with its emphatic and eye  
15 catching pronouncements of plaintiff's supposed drug addiction, was prominently  
16 displayed at many thousands of supermarket checkout counters and other retail  
17 establishments and professional offices throughout the United States and the world.  
18 The cover is an advertisement for what is supposedly reported in the magazine.  
19 The cover itself libels plaintiff, even aside from the assertions about her in the  
20 magazine. Tens of millions of people saw the false and startling assertions of  
21 plaintiff's drug addiction on Star Magazine's cover, which was intentionally  
22 designed to deceive the public, while viciously defaming plaintiff. Far more people  
23 see the covers of Star Magazine, as they pass through supermarket checkout lines or  
24 in other public locations, than actually buy or read the magazine. Only a small  
25 fraction of those people who saw the false and defamatory pronouncements about  
26 plaintiff screaming at them from Star Magazine's prominently displayed cover  
27 actually bought the magazine. Fewer still read the interior story about plaintiff  
28 buried 42 pages back in the magazine.

1           9.     Like the bogus cover, the interior “story” was surrounded by more  
2     thundering headlines falsely proclaiming plaintiff to be a drug addict. Those  
3     internal headlines began with the word “Katie” in large print followed by a  
4     headline in huge red letters screaming out once again, “DRUG SHOCKER!” and,  
5     in bold type the words, “Like a heroin addict, you want another dose” and the  
6     statement that “Katie Holmes is trapped in a cycle of addictive treatments. Friends  
7     and family are terrified, but will she ever escape?” The “story” added that plaintiff  
8     has “glazed eyes and a vacant expression,” and other headlines, in bold letters,  
9     announced “SHE ALWAYS LOOKS SO SPACEY!” and “HER CAREER IS  
10    STRUGGLING.”

11           10.    Here again, these fulminating internal headlines would be taken by the  
12    average reader, and by any reader, as asserting that, shockingly, plaintiff has turned  
13    into a hopeless drug addict and that her drug addiction has adversely affected her  
14    career and terrified her family and friends.

15           11.    American Media’s glaring headlines in the interior of its magazine  
16    were also false and defamatory. Again, plaintiff is not a drug addict or a drug user,  
17    her career is not struggling, and her family and friends are not terrified.

18           12.    Even those who actually bought Star Magazine, rather than just  
19    viewing its cover so widely and prominently on display, and even those who read  
20    as far into the magazine as page 42, were still likely to focus only on the bold and  
21    bogus headlines accompanying the story, rather than reading in detail the  
22    comparatively small print of the story that accompanied those false, attention  
23    grabbing proclamations.

24           That small print would not, of course, have even be seen by the tens of  
25    millions who only viewed the magazine cover at market checkout counters and  
26    countless retail establishments throughout the world and did not buy the magazine.  
27    Nor would that small print beginning on page 42 of the magazine have been read by  
28    most of those who actually bought it.

1           13. Nothing in the small print of American Media's interior story  
2 supported the completely false assertions blazing on the cover or in the bold interior  
3 headlines to the effect that Star Magazine has "Breaking News" that plaintiff has  
4 shockingly become addicted to drugs. In the small print of the internal story  
5 American Media did not deliver what its defamatory cover and headlines boldly  
6 promised the public. The story was not even about drugs or about plaintiff's being  
7 a drug addict. The cover not only libeled plaintiff, it was a reprehensible and  
8 deceitful trick on the public. The small print, 42 pages into the magazine, simply  
9 said that a device called an "e-meter," used in counseling sessions at the Church of  
10 Scientology, could cause a person's body to release "endorphins," which could, in  
11 turn, cause a feeling of euphoria, and that plaintiff has often held an e-meter in her  
12 hands. That is the only "story" about plaintiff in the magazine despite the blaring  
13 announcements on its cover that plaintiff is a drug addict and that it has "breaking  
14 news" of a "DRUG SHOCKER!" about plaintiff and her "ADDICTION  
15 NIGHTMARE."

16           An e-meter is not a drug or a medical treatment of any kind. It is not  
17 ingested, injected or breathed. It is simply an inert device held in the hands during  
18 counseling sessions. Even if it might cause the body to produce endorphins (which  
19 is doubtful), vigorous exercise produces endorphins, and no one would call exercise  
20 a drug or an exercise regimen a "DRUG SHOCKER" or "ADDICTION  
21 NIGHTMARE." Similarly, even if it did cause the body to produce endorphins, the  
22 e-meter is by no means a "drug" and its use does not support or justify such terms  
23 as "DRUG SHOCKER," or "ADDICTION NIGHTMARE." There is not a hint in  
24 the small print of the story, as opposed to the attention grabbing cover and blaring  
25 internal headlines, that plaintiff has ever taken a drug or is suffering from any  
26 addiction, let alone a "DRUG SHOCKER" and "ADDICTION NIGHTMARE."  
27 The interior story about e-meters, 42 pages into the magazine, was totally  
28 ineffective in preventing the vast multitude of persons who saw and believed the

1 boldly asserted and totally false pronouncements on the cover of Star Magazine or  
2 even those who saw the false and glaringly bold headlines inside the magazine,  
3 from obtaining the impression that plaintiff has tragically become a drug addict and  
4 that this is “Katie’s DRUG SHOCKER!” and that she is suffering from an  
5 “ADDICTION NIGHTMARE.”

6 14. American Media’s false and defamatory statements described  
7 hereinabove constitute libel per se. Not only did its false assertions accuse plaintiff  
8 of serious criminal behavior, its false public pronouncements harm her  
9 professionally as well as personally. As a professional actress, plaintiff would  
10 become unemployable if potential employers believe that she is, or even might be,  
11 addicted to drugs, as American Media has asserted on its cover and in its headlines.  
12 Moreover, the audience for plaintiff’s films, plays and other performances would  
13 vastly diminish if she is perceived by the public to be a drug addict; and, like any  
14 performer, her compensation and her ability to command good roles are largely  
15 based on the size of her potential audience.

16 Of course, the damage to plaintiff’s personal reputation is severe in itself.  
17 American Media’s libelous assertions about plaintiff are particularly damaging on a  
18 personal level, in that plaintiff and her husband are outspokenly anti-drug and in  
19 that, given the internet, the defamatory cover and headlines will be permanently on  
20 record, available forever to everyone in the world, so that, among many millions of  
21 others, plaintiff’s children and grandchildren will someday read the false and  
22 vicious assertion that their mother and grandmother was a hopeless drug addict who  
23 wanted to leave her husband, but couldn’t because of her “nightmare addiction.”

24 15. American Media’s publication of the foregoing false and defamatory  
25 statements about plaintiff was deliberate and malicious. American Media was fully  
26 aware that its statements about plaintiff on its cover and in its internal headlines  
27 were false when it published them. Those statements were knowingly fabricated in  
28 order to sell magazines by creating the false impression that this happy, well

1 adjusted young mother has shockingly become a tortured drug addict and that, if  
2 one buys the magazine, this “addiction nightmare” would be demonstrated and  
3 discussed in the magazine’s interior. American Media does not even purport to  
4 have a source for that vicious and demonstrably false assertions. There could be no  
5 truthful source, because it never happened.

6 16. On January 20, 2011, plaintiff’s counsel sent American Media written  
7 notice, demanding that defendant retract its false assertions about her. This gave  
8 American Media an opportunity to prevent an increase in the damages it had caused  
9 plaintiff, as word spread that she has become a drug addict. A copy of plaintiff’s  
10 notice is attached hereto as Exhibit “C.” But American Media had no intention of  
11 correcting the false and damaging impression it had created or even trying to  
12 prevent an increase in the damages it had caused. On January 26, 2011, in further  
13 aggravation of its wrongful conduct, American Media “replied.” It refused to  
14 retract any part of what it had announced about plaintiff on the cover or in the  
15 internal headlines of Star Magazine. Instead, it referred only to its small print  
16 report starting on page 42 concerning plaintiff’s use of an e-meter, as if that was all  
17 Star Magazine had said about her. American Media did not even attempt to support  
18 the claims on its cover and in its headlines that plaintiff had shockingly become a  
19 drug addict. Of course, there could be no support for those bogus claims, since  
20 there were neither drugs nor addiction in her life. A copy of American Media’s  
21 evasive “reply” is attached hereto as Exhibit “D.”

22 17. As a direct and proximate result of American Media’s false and  
23 defamatory assertions, plaintiff has suffered damages, personally and  
24 professionally, in an amount as yet unknown, but which plaintiff is informed and  
25 believes and, on that ground, alleges will exceed the sum of \$50 million.

26 18. American Media’s conduct was and is willful, oppressive, malicious  
27 and fraudulent, entitling plaintiff to punitive damages. Aside from cruelly and  
28 deliberately inflicting harm on plaintiff in order to sell magazines and refusing to

1 take reasonable steps to prevent the damages from increasing, American Media  
2 falsely and fraudulently promised the public a story about plaintiff's shocking drug  
3 addiction, knowing that there was no story inside the magazine that supports the  
4 blatant lies on its cover and in its internal headlines.

5 American Media has long followed the pattern and practice of knowingly  
6 publishing false, defamatory and vicious stories about celebrities. It has published  
7 hundreds of such stories, all designed to make money for American Media at the  
8 expense of its victims. As a part of that malicious, fraudulent and greedy pattern  
9 and practice, American Media has, on numerous occasions, sought to increase the  
10 sales of its magazines by publishing totally false assertions about plaintiff and her  
11 husband. All of these statements were knowingly and demonstrably false and were  
12 published with a malicious knowledge of their falsity, as a means of hyping  
13 American Media's magazine sales with no regard for the cruelty inflicted upon  
14 plaintiff, her husband and their children. After receiving the notice attached as  
15 Exhibit "A," American Media published even more false and malicious stories  
16 attacking plaintiff and her husband, as if to punish them for sending that notice.

17 WHEREFORE, plaintiff prays judgment as follows:

- 18 1. For damages of \$50 million or such other and greater sum as shall be
- 19 found;
- 20 2. For punitive damages; and
- 21 3. For costs of suit and such other relief as the Court shall deem proper.

23 DATED: February 28, 2011

BERTRAM FIELDS,  
AARON J. MOSS,  
GREENBERG GLUSKER FIELDS  
CLAMAN & MACHTINGER LLP

26 By:   
27 BERTRAM FIELDS  
28 Attorneys for Plaintiff Katie Holmes



DEMAND FOR JURY TRIAL

1  
2 Plaintiff Katie Holmes hereby demands a trial by jury in the above entitled  
3 action.

4  
5 DATED: February 28, 2011

BERTRAM FIELDS,  
AARON J. MOSS,  
GREENBERG GLUSKER FIELDS  
CLAMAN & MACHTINGER LLP

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8 By:   
9 BERTRAM FIELDS  
10 Attorneys for Plaintiff Katie Holmes

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GREENBERG GLUSKER FIELDS CLAMAN  
& MACHTINGER LLP  
1900 Avenue of the Stars, 21st Floor  
Los Angeles, California 90067-4590

# **EXHIBIT A**

# Star

402 NEWS!

**ADDICTION NIGHTMARE**

# Katie DRUG SHOCKER!



Scarlett

Sandra

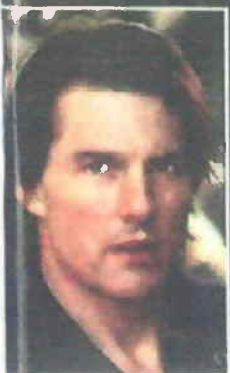
## The Bitter SHOWDOWN!

Fireworks over Ryan at the Golden Globes

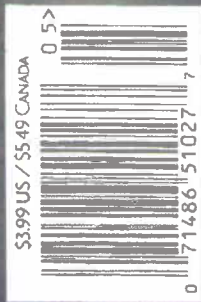


Jan. 15

## John & Kelly FEARS FOR BABY BEN



The real reason she can't leave Tom



\$3.99 US / \$5.49 CANADA

JANUARY 31, 2011



TEXAS DEPARTMENT OF PUBLIC SAFETY  
Crime Records Service  
Computerized Criminal History

## EXPOSED Bachelor Brad's CRIMINAL PAST!

## **EXHIBIT B**


Former Scientologists claim Katie Holmes is trapped in a cycle of addictive treatments. Friends and family are terrified, but will she ever escape?

# Katie DRUG SHOCKER!

**W**ITH glazed eyes and a vacant expression on her face, Katie Holmes tightly gripped the steering wheel as she drove her Mercedes-Benz through the streets of L.A. on Jan. 12, heading to the Church of Scientology Celebrity Centre once again. It was time for another dose of treatment.

Four years into Katie's marriage to Tom Cruise, 48, her involvement with the controversial Church of Scientology still raises eyebrows. Now, in a world exclusive, several former Scientologists and experts have stepped forward to make a shocking claim to *Star*: Katie's battery of Scientology treatments have an effect similar to heroin!

Although the FDA has taken the position that the "e-meter" device used in Scientology's "auditing," or



“Like a heroin addict, you want another dose.”

— former Scientologist Arnaldo Lerma tells *Star* of the e-meter

Exhibit B  
Page 11



## SHE ALWAYS LOOKS SO SPACEY!

Whether she's shopping, hanging with Suri or out to dinner with her family, the sparkle seems gone from Katie's eyes. What happened to the vibrant young lady she was pre-Tom?



**BEFORE TOM**

Exhibit B

Page 12

## HER CAREER IS STRUGGLING

"I worked as hard as I could, because I loved her," Katie says of playing the part of Jacqueline Kennedy while filming the History Channel's miniseries *The Kennedys*. Unfortunately, that wasn't enough. The History Channel decided not to air the film, and since Showtime recently passed as well, it seems unlikely the film will be seen by U.S. audiences. "Katie is disappointed and embarrassed," a source tells *Star*. "She worked really hard to get that role, and now it's come to nothing."



**CANCELED!**

*The Kennedys*

counseling sessions, serves no medical purpose, former Scientologists tell *Star* that it gives subjects a temporary feeling of euphoria, followed by a crash and a craving for more.

As subjects being audited hold metal cans connected to the device, "The e-meter emits a low-level electric charge

that goes to the brain," explains former Scientologist and engineering student Arnaldo Lerma. "In response to that stressful stimulation, the body releases endorphins, hormones that cause a pain-killing, mood-elevating effect."

David Touretzky, a researcher at Carnegie Mellon University's Center for

the Neural Basis of Cognition, says that auditing may also spark an endorphin release in another way. "One hypothesis is that there is an endorphin bump caused by the focused attention of the auditor," Touretzky tells *Star*. "It's socially rewarding."

Either way, for Katie and thousands of other Scientologists, those endorphins can be a natural drug, Dr. Gregory A. Smith, a California addiction expert who is president of the L.A.-based Comprehensive Pain Relief Group, tells *Star*. "Endorphins are natural painkillers in the brain that block pain receptors from within the body exactly the same way drugs like morphine kill pain from an external source," Dr. Smith explains.

"So when you stimulate endorphin activity within the brain, you are doing the exact same thing as taking morphine or other opiates, such as heroin or opium. That feeling of a natural high can become addictive."

### THE HIGHS AND LOWS

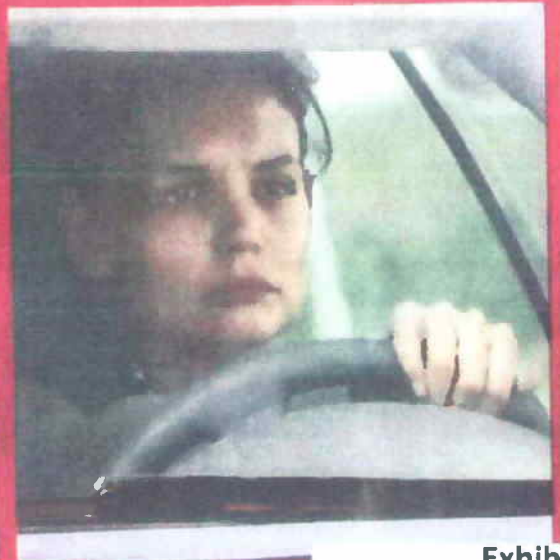
"For me, it was like taking a Percocet," ex-Scientologist Lerma tells *Star* of his experience using the e-meter. "There was euphoria. I'd get out of a session and go, 'Wow, this is cool!' The room seemed brighter. My pupils would dilate a little bit. But then there would be a sag effect after, a hangover of sorts."

Since the body's endorphin levels have been depleted, says Lerma, "Like a heroin addict, you want another dose, only it's a dose of auditing."

Former Scientologist Amy Scobee, who was Tom's assistant for a brief time when he was married to **Nicole Kidman**, had

## TIME FOR MORE TREATMENTS!

Shortly after leaving Tom in Vancouver and arriving home in L.A., Katie headed to the Scientology Centre



Jan. 12

“Katie’s family and friends are really worried about her.”

— an insider tells *Star*

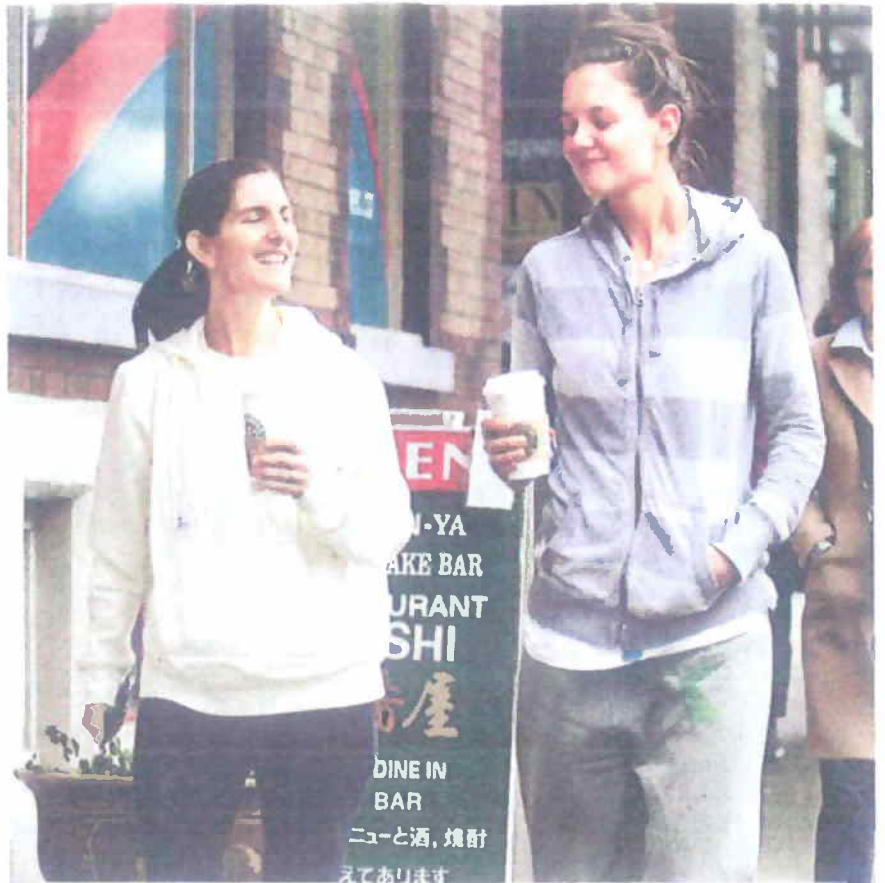
a similar experience. “I always wanted to do more and more auditing,” Scobee tells *Star*. “After sessions, I was convinced that something was wrong with me, and auditing was the only thing that helped. I thought that I needed more.”

Even celebrity Scientologist John Travolta has admitted to hooking up to the e-meter daily, saying, “I’m always totally refreshed by it.” And now, sources claim, the Scientologists are pushing to keep Katie, 32, in a similar cycle of use.

#### TAKING HER MEDICINE

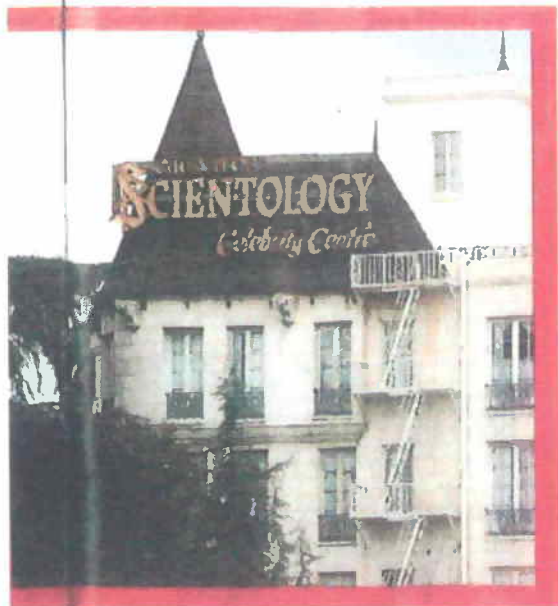
“Katie looks desperately unhappy,” one insider tells *Star*. “Tom’s instinct is always to turn to Scientology for more auditing.” He even bought an e-meter for their Beverly Hills pad, a source says, so she can get a boost — 24/7. But it doesn’t look like that’s helping.

That was clear during Katie’s recent visit to Tom’s *Mission: Impossible IV* set



## KATIE’S SCIENTOLOGY CARETAKERS

Even outside of the Scientology Centre, church members keep a close eye on Katie — including Tom’s sister Cass (above, on Jan. 7)! “Cass lives with Tom and Katie in their Beverly Hills mansion, and she’s attached at the hip to Katie,” says a source. “Tom trusts her to report back to him on what’s going on with Katie. And Katie is lonely, and besides, does she really have a choice?”



in Vancouver: As she arrived on Jan. 8 with daughter Suri, says a source. “She seemed really spaced out and had a dazed look on her face. She seemed depressed and out of it.” And just a few days later, when she returned home to L.A., it was right back to the Scientology Centre for more sessions.

“Katie’s family and friends are really worried about her,” an insider reveals to *Star*. “She’s changed a lot since getting together with Tom and joining Scientology. She has mood swings and doesn’t seem to have the love for life she once did. No one seems to be able to get through to her with their concerns about the church.”

“Scientology is a mind-control cult,” Scobee, author of the Scientology exposé *Scientology: Abuse at the Top*, claims. “They want you to be obedient and compliant and robotically following every

single thing they tell you to do. And the e-meter is part of how they do that.”

But one day, those around her hope, Katie will break free. “I work with an organization that helps Scientologists who leave the church ease back into normal society,” says Lerma. “And every day I hope I’ll get the call that Katie finally decided to leave.”

— MELISSA CRONIN, TIM PLANT, JENNIFER PEARSON & LYNN ALLISON ★

Celeb Sightings!  
Hot Gossip!

**Star**  
WANTS  
THE SCOOP!

tips@starr  
800-6

Exhibit B  
Page 14



## **EXHIBIT C**

Aaron J. Moss  
D: 310.785.6814  
F: 310.201.2314  
AMoss@GreenbergGlusker.com  
File Number: 16233-00001

January 20, 2011

**Via U.S. Mail, Facsimile and Email**

Michael J. Antonello  
Vice President, General Counsel  
American Media, Inc.  
1000 American Media Way  
Boca Raton, FL 33464-1000  
[mantonello@amilink.com](mailto:mantonello@amilink.com)  
FAX (212) 743-6639  
FAX (561) 989-1224

Re: Tom Cruise and Katie Holmes - Star Magazine

Dear Mr. Antonello:

As you know, this firm represents Tom Cruise and Katie Holmes.

I am writing with regard to your January 31, 2011 issue of *Star Magazine*, which contains the most defamatory, harmful, and damaging falsehoods that your tabloid has ever printed about Ms. Holmes.

Your cover boldly proclaims in huge letters that it contains a “Katie DRUG SHOCKER” and “ADDICTION NIGHTMARE” and “The real reason she *can't* leave Tom.” In your story, you repeat the words “DRUG SHOCKER” in even bigger, bolder type, and claim that Katie Holmes is “trapped in a cycle of addictive treatments” that have “an effect similar to heroin.”

There is no “drug shocker.” There is no “addiction nightmare.” Indeed, the story buried inside the magazine does not quote a single source as saying that Ms. Holmes is either on “drugs” or “addicted” to anything. She is not. Contrary to the suggestion on your cover and caption, no source has opined that Ms. Holmes is addicted to anything, let alone drugs, or that this addiction is the “real reason she *can't* leave Tom.” Of course, the average reader will simply look at the headlines on the cover and draw the conclusion (which is patently false) that Ms. Holmes is addicted to heroin or morphine.

This case is precisely on point with *Kaelin v. Globe Communications Corp.*, 162 F.3d 1036 (9th Cir. 1998), a decision of which I know you are aware. In that case, the Ninth Circuit

held that the caption on the front cover “COPS THINK KATO DID IT!” falsely insinuated that the police believed Kaelin committed the murders of Nicole Brown Simpson and Ronald Goldman. The Court rejected *Globe*’s argument that this false insinuation would be cured if the story buried inside were not defamatory. As the Court held, headlines are not “liability free zones.” The average supermarket shopper will see these headlines about Ms. Holmes and assume she is a drug addict. Indeed, this is a much *worse* case for American Media than *Kaelin*. There, the tabloid cover also stated (albeit in much smaller print) that Kaelin “fears they want him for perjury.” The *Globe* unsuccessfully argued that this “clarification” necessarily dispelled the effect of the “COPS THINK KATO DID IT” headline. Here, on the other hand, the headlines “Katie DRUG SHOCKER” and “ADDICTION NIGHTMARE” are not “cleared up” by any other statements on the cover.

According to the Church of Scientology, what your supposed “sources” have said about the e-meter is also completely false. But even if we take your statements at face value, they only serve to prove the defamatory nature of *Star*’s headlines and captions. Even if the physiological reaction to the e-meter *were* a release of endorphins, the same endorphin release could be achieved after simple exercise. Will you next week be claiming that the fact that celebrities exercise regularly constitutes a “DRUG SHOCKER” or that they are suffering an “ADDICTION NIGHTMARE”? The patent absurdity of your statements is manifest, and, together with the total lack of connection between the headlines and the actual content of the article or alleged statements of your “sources,” demonstrates actual malice on *Star*’s behalf. See *Globe, supra* (“This is not a case where *Globe* relied in good faith on information that turned out to be false. It is undisputed that *Globe* never believed Kaelin to be a suspect in the murders”).

Moreover, contrary to the headline which promises “[t]he real reason [Ms. Holmes] *can*’t leave Tom,” nothing in the story contains any information whatsoever about Ms. Holmes leaving Mr. Cruise, or even suggests that she is considering leaving Mr. Cruise. Again, the headlines are simply made up to sell magazines.

In addition, your article describes former Scientologist Amy Scobee as “Tom’s assistant for a brief time when he was married to Nicole Kidman,” presumably in an attempt to suggest that Ms. Scobee has inside information about the Cruise family. In fact, Ms. Scobee was never employed by Mr. Cruise or his family (as an assistant or otherwise), and has never even met Mr. Cruise.

To make matters worse, no one from *Star* even bothered to check your “facts” with Ms. Holmes or her representatives before publishing, as is customarily done by ethical publications. Obviously, you were aware that such a check would have put you on explicit written notice that your story was complete garbage.

Simply stated, each and every aspect of your story is blatantly and provably false, defamatory and malicious. By placing false and misleading headlines on your cover in order to

Michael J. Antonello  
January 20, 2011  
Page 3

induce people to buy the trash inside, you have caused serious and irreparable damage to our clients.

This is not the first time. American Media has followed a pattern and practice of trying to sell its magazines by featuring false, defamatory and malicious stories about Mr. and Ms. Cruise.

Accordingly, we hereby demand that you immediately retract each and every assertion in your story and on your cover, with a prominence at least equal to that given the original story. By doing so, by trying to lessen the harm you have caused the Cruises, you may limit repetition of your false and defamatory story and reduce the damages for which you will be responsible.

Sincerely,



Aaron J. Moss

AJM/jgg

cc: Bertram Fields

Exhibit C  
Page 17

GreenbergGlusker.com

## **EXHIBIT D**



**Cameron Stracher**

*Senior Media Counsel*

Email: cstracher@amilink.com

January 26, 2011

NATIONAL ENQUIRER

STAR

GLOBE

EXAMINER

SUN

MIRA!

SHAPE

NATURAL HEALTH

FIT PREGNANCY

MUSCLE & FITNESS HERS

MEN'S FITNESS

MUSCLE & FITNESS

FLEX

COUNTRY WEEKLY

AMI MINI-MAGS/DIGESTS

DISTRIBUTION SERVICES INC.

**Via Facsimile and Email**  
**310 201-2314**  
**amos@GreenbergGlusker.com**

Aaron J. Moss, Esq.  
Greenberg Glusker Fields Claman & Machtinger, LLP  
1900 Avenue of the Stars  
21st Floor  
Los Angeles, CA 90067

Re: Tom Cruise and Katie Holmes

Dear Mr. Moss:

I write in response to your letter to Michael Antonello dated January 20, 2011, regarding an article that appeared in the January 31, 2011, issue of *Star* magazine (the "article"). You claim that certain statements in the article are false and defamatory, and you demand an immediate retraction of the article. With all due respect, *Star* declines your demand.

First, the article does not state, as you assert, that "Ms. Holmes is addicted to heroin or morphine." Instead, quoting a former Scientologist, the article reports that the "e-meter" device used by Scientologists "emits a low-level electric charge that goes to the brain. . . . In response to that stressful stimulation, the body releases endorphins, hormones that cause a pain-killing, mood-elevating effect." Another explanation of the e-meter's effect is offered by a scientist at Carnegie Mellon who hypothesizes that "there is an endorphin bump caused by the focused attention of the [e-meter] auditor." "Either way," the article reports truthfully, "endorphins can be a natural drug."

Even if the above statements were capable of being proved false, however, which *Star* does not concede, it is not defamatory to state that a person is addicted to the "feeling of a natural high." Indeed, as you acknowledge, some people are "addicted" to the pleasure they receive from exercising. Surely you would not claim such a statement was defamatory.

**Exhibit D**  
**Page 18**



For these reasons, however, *Star* respectfully declines your demand for a retraction. In deference to your clients' concerns, however, the article will be removed from *Star's* website and will not be republished.

Very truly yours,

Cameron Stracher

cc: Mike Antonello  
Candace Trunzo

- SHAPE
- GLOBE
- EXAMINER
- SUN
- NATURAL HEALTH
- FIT PREGNANCY
- MUSCLE & FITNESS HERS
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