

CONFORMED COPY

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12 SUPERIOR COURT OF THE STATE OF CALIFORNIA

13 FOR THE COUNTY OF LOS ANGELES

14 JUDY HUTH, an individual,

15 Plaintiff,

16 v.

17 WILLIAM HENRY COSBY, JR. a/k/a
18 BILL COSBY,

19 Defendant.

CASE NO. BC 565560
[Hon. Teresa Beaudet – Dep’t 97]
Reservation ID: 141204034626

DEFENDANT WILLIAM HENRY
COSBY, JR.’S NOTICE OF MOTION
AND MOTION FOR SANCTIONS;
MEMORANDUM OF POINTS AND
AUTHORITIES; AND DECLARATION
OF MARTIN D. SINGER

[(Proposed) Order submitted herewith]

Date: March 12, 2015
Time: 1:30 p.m.
Dept.: 97

[Complaint Filed: December 2, 2014]

22 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

23 PLEASE TAKE NOTICE that, on March 12, 2015 at 1:30 p.m., or as soon thereafter as the
24 matter may be heard, in Department 97 of the above-entitled Court, located at 111 North Hill Street,
25 Los Angeles, California, Defendant WILLIAM HENRY COSBY, JR. a/k/a BILL COSBY will and
26 hereby does move terminating sanctions and monetary sanctions of not less than \$33,295 against
27 Plaintiff JUDY HUTH and Plaintiff’s counsel Marc S. Strecker, Esq. of Strecker Law Offices, jointly
28 and severally.

CONFORMED COPY
OF ORIGINAL FILED
Los Angeles Superior Court

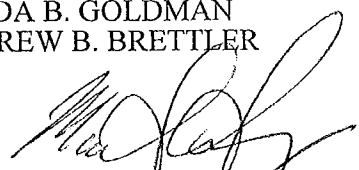
DEC 04 2014

Sherri R. Carter, Executive Officer/Clerk
By: Moses Soto, Deputy

1 This Motion is based upon this Notice, the accompanying Memorandum of Points and
2 Authorities filed herewith, the Declaration of Martin D. Singer, all other pleadings and papers on file
3 in this action, and such other documents, oral evidence or argument as may be presented before or
4 at the time of the hearing on this matter.

5
6 DATE: December 4, 2014

LAVELY & SINGER
PROFESSIONAL CORPORATION
MARTIN D. SINGER
LYNDA B. GOLDMAN
ANDREW B. BRETTLER

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8
9
10 By: 
11 MARTIN D. SINGER
12 Attorneys for Defendant
13 WILLIAM HENRY COSBY, JR. a/k/a
14 BILL COSBY
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1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I.

3 INTRODUCTION & FACTUAL BACKGROUND

4 This is a case where Plaintiff through her lawyer engaged in extortion. Approximately ten
5 years ago, Plaintiff Judy Huth unsuccessfully tried to get money from a tabloid by selling the same
6 story about Defendant Bill Cosby that is the subject of this lawsuit. Now, approximately ten years
7 later, and 40 years after the alleged incident, Plaintiff rushed to the courthouse and filed this baseless
8 time-barred lawsuit once she knew that she and her lawyer had been accused of engaging in a
9 shakedown.

10 Plaintiff's claims are absolutely false. They are also untimely. Plaintiff and her attorney
11 know that there was no legal basis to file this lawsuit. Knowing that since she disclosed her
12 allegations to a media outlet 10 years ago she cannot claim to have a repressed memory and could
13 not make such a contention to justify her belated claim, she nevertheless filed a lawsuit knowing that
14 legally she could not do so.

15 Plaintiff and her attorney have engaged in deliberate and egregious misconduct by filing an
16 outrageous, stale lawsuit asserting specious claims that have been time-barred for decades. After 40
17 years of inaction, interrupted only by Plaintiff's unsuccessful efforts to profit by selling her story to
18 the tabloids years ago, she engaged in a new opportunistic tactic to make money from events she
19 claims took place in 1974. Through her lawyer, Plaintiff made extortionate threats to Mr. Cosby
20 (through his counsel) about criminal penalties, coupled with ever-increasing demands for a six-figure
21 payday to keep quiet about her long-since-expired claims. In conversations her attorney, Marc
22 Strecker, peppered with references to "a serious crime" and purported "criminal penalties," he
23 repeatedly demanded a six figure payment for his client in increasing amounts, jumping from
24 \$100,000 to \$250,000. (Singer Decl., ¶¶ 9-10.) Plaintiff's counsel did so while refusing to provide
25 any legal basis whatsoever to justify the purported viability of four-decade-old claims that are barred
26 by applicable statutes of limitation. (Singer Decl., ¶¶ 3-4, 7-12.)

27 Tellingly, throughout his attempts to extract a substantial unmerited payment on time-barred
28 claims, Plaintiff's attorney was unable to answer even the most basic questions about the events that

1 Plaintiff claims occurred during her alleged encounter with Mr. Cosby four decades ago. Given the
2 lack of factual basis for her claims, combined with the fact that Plaintiff's counsel could not
3 articulate any legal basis for avoiding the statute of limitations on a 40-year-old claim, and combined
4 with the fact that Plaintiff's monetary demands increased while her attorney made ominous
5 references to "criminal penalties" and an alleged "serious crime," Mr. Cosby rejected Plaintiff's
6 demand for money. (Singer Decl., ¶ 11 and Exh. "A.")

7 Once Mr. Cosby refused to capitulate to his extortionate demands and accused Ms. Huth and
8 her attorney of engaging in a shakedown, Plaintiff's counsel rushed to Court within a day to file the
9 lawsuit in an attempt to avoid the ramifications of engaging in extortion by having first tried to get
10 \$100,000 and then increasing the demand to \$250,000, while continuously refusing to provide any
11 legal justification to get around the applicable statute of limitations.¹

12 Plaintiff and her lawyer brazenly filed the Complaint while blatantly ignoring the explicit
13 statutory mandates of California Code of Civil Procedure § 340.1 which require, among other things,
14 submitting sworn Certificates of Merit by a licensed mental health practitioner who has interviewed
15 the plaintiff and by the attorney validating the suit. (California Code of Civil Procedure § 340.1(h).)
16 Plaintiff's counsel admitted within days of filing the lawsuit that he only spent an hour meeting with
17 her and that he did not know if she had ever seen a therapist or undergone any therapy for this
18 incident for which she was demanding hundreds of thousands of dollars. (See Singer Decl., ¶ 6.)
19 Moreover, Plaintiff egregiously and wilfully failed to identify Defendant Cosby only by a "Doe"
20 designation as mandated by California Code of Civil Procedure § 340.1(m).

21 First, to file an otherwise time-barred claim, Plaintiff would need to obtain a Certificate of
22 Merit by a licensed mental health practitioner who has interviewed her and who attests that in their
23 professional opinion there is a reasonable basis to believe the claims are meritorious. California
24 (Code of Civil Procedure § 340.1(h).) However, her attorney knew he could not get a Certificate of

25
26 ¹ Plaintiff also changed her story between her lawyer's demand letter and calls and Plaintiff's
27 telling of her revised tale in the Complaint in a transparent attempt to cure some of the
28 (incurable) defects precluding her claims. Initially, Plaintiff alleged that she played a drinking
game with Mr. Cosby when they met in 1974 during which both she and Mr. Cosby consumed
alcohol. When the undersigned counsel informed Mr. Strecker that Mr. Cosby is a life-long non-
drinker, Plaintiff changed her story to fit the facts, and she now alleges that she was the only one
"required" to drink. (See Singer Decl., ¶¶ 3, 8, 11; Complaint, ¶ 4.)

1 Merit even though it is required because his client did not forget about this alleged incident as
2 evidenced by the fact that she disclosed her allegations to the media a decade ago in a failed attempt
3 to get money, and also that he did not even know if she had ever been treated by a therapist.

4 Second, of utmost significance, Plaintiff is expressly prohibited under the statute from
5 identifying the Defendant by his name until she obtains permission from the Court. After waiting
6 40 years to assert her specious claims, Plaintiff outrageously rushed to court identifying Mr.
7 Cosby by name instead of by the mandatory "Doe" designation.

8 Plaintiff and her lawyer filed the Complaint using Mr. Cosby's name, without a sworn
9 Certificate of Merit by a licensed mental health practitioner, and without a sworn Certificate of
10 Merit by the attorney. The fact that Paragraph 8 of the Complaint itself refers to Section 340.1
11 at the same time that the Complaint utterly fails to comply with the statute's clear mandates
12 establishes that these multiple failures to abide by the Statute's requirements were wilful and
13 intentional.

14 The bell cannot be rung. Mr. Cosby has been identified by name rather than as a "Doe"
15 as required by statute, and the prejudicial impact of Plaintiff's identifying Mr. Cosby by name in
16 this suit cannot be overstated.

17 Plaintiff and her counsel engaged in deliberate misconduct so egregious that no sanction
18 short of dismissal is appropriate. That remedy should be imposed pursuant to this Court's inherent
19 power to impose terminating sanctions. In addition, pursuant to Code of Civil Procedure
20 340.1(q), upon termination of the action in favor of Defendant, the Court should also "order a
21 party, a party's attorney, or both, to pay any reasonable expenses, including attorney's fees,
22 incurred by the defendant for whom a certificate of merit should have been filed." Upon
23 sustaining the concurrently filed Demurrer, the Court should impose monetary sanctions. (Singer
24 Decl., ¶ 14.)

25 The Court should not tolerate the blatant disregard of the explicit mandates of Section
26 340.1, which Plaintiff herself cites in her own Complaint. Unless terminating sanctions are
27 imposed, Plaintiff and her lawyer will be rewarded for ignoring the mandatory requirements of
28

1 Section 340.1 and for rushing to file this specious time-barred case after their failed attempts to
2 extort an unmerited settlement.

3 **II.**

4 **ARGUMENT**

5 **A. Mr. Cosby Is Entitled to Terminating Sanctions.**

6 California courts have inherent discretionary power to control court proceedings before the
7 court (see Code Civ. Proc. § 128, subds. (a)(4), (5)) and to dismiss claims with prejudice. (*Lyons v.*
8 *Wickhorst* (1986) 42 Cal.3d 911, 915.) Indeed, a court's inherent power to dismiss an action is
9 recognized by statute. (See Code Civ. Proc. §§ 581, subd. (m), 583.150.) Courts may exercise such
10 power to dismiss an action with prejudice "[w]hen a plaintiff's deliberate and egregious misconduct
11 in the court of litigation renders any sanction short of dismissal inadequate to protect the fairness of
12 the trial." (*Stephen Slesinger, Inc. v. Walt Disney Co.* (2007) 155 Cal.App.4th 736, 762.)

13 Here, Plaintiff and her attorney flagrantly violated the express provisions of Code section
14 340.1, which requires a plaintiff to file Certificates of Merit to corroborate her otherwise time-barred
15 claims (Code Civ. Proc. § 340.1, subds. (g) and (h).) Specifically, a plaintiff who is at least 26 years
16 old when she files an action alleging childhood sexual abuse must submit Certificates of Merit from
17 both her attorney and from a mental health practitioner who interviewed her attesting to the
18 reasonableness and meritorious nature of the plaintiff's claims. (*Id.* § 340.1, subds. (h)(1), (2).)
19 Plaintiff and her attorney did not even attempt to comply with the express provisions of section
20 340.1.

21 Plaintiff did not file the required Certificates of Merit with the Complaint because there is
22 no merit to her claim. As Plaintiff's counsel confirmed, more than nine years ago, Plaintiff
23 attempted to sell her story to the tabloids for money. (Singer Decl., ¶ 5.) Accordingly, she cannot
24 credibly claim that her injuries and/or illness were only discovered within the last three years.
25 (Compl., ¶ 8.)

26 Indeed, Plaintiff's counsel admitted that he had no idea if his client had ever even been
27 treated for her alleged injuries. (Singer Decl., ¶ 6.) In fact, he admitted that he met with his client
28

1 for only an hour before asserting her claims and demanding money to keep them quiet. *Id.* It is
2 hardly a surprise that there are no Certificates of Merit backing up this unmeritorious lawsuit.

3 Significantly, the governing statute expressly mandates that any plaintiff asserting claims
4 pursuant to section 340.1, subdivision (g), must name the defendant only as a “Doe” in any pleadings
5 or papers filed in the action “until there has been a showing of corroborative fact as to the charging
6 allegations against that defendant.” (Code Civ. Proc. § 340.1, subd. (m).) Before any action can
7 proceed against the anonymous defendant, the Court must find “based solely on th[e] certificates of
8 merit, that there is reasonable and meritorious cause for the filing of the action against that
9 defendant.” (*Id.* § 340.1, subd. (j).) Here, Plaintiff named Mr. Cosby in the lawsuit rather than
10 referring to him as “John Doe,” as she was required to do under the Code until the Court had the
11 opportunity to review the certifications *in camera* and make a determination that Plaintiff could
12 proceed with a public claim against Mr. Cosby.

13 Obviously, Plaintiff and her attorney named Mr. Cosby to embarrass him, and to publicize
14 the lawsuit in an effort to put additional pressure on Mr. Cosby and no doubt to attract new potential
15 clients for Mr. Strecker. Such conduct is unconscionable and subject to discipline. (Code Civ. Proc.
16 § 340.1, subd. (k) [“A violation of this section may constitute unprofessional conduct and may be
17 the grounds for discipline against the attorney.”].)

18 That Plaintiff publicly identified Mr. Cosby as the defendant instead of naming him as a
19 “Doe” illustrates that Plaintiff and her attorney had no intention of complying with any provisions
20 of the statute now or at any time in the future. Allowing the case to proceed after amendment would
21 be inherently prejudicial to Mr. Cosby in light of Plaintiff and her attorneys’ egregious behavior.

22 Like any defendant sued where Section 340.1 is implicated, Mr. Cosby was entitled to the
23 anonymity afforded by the statutory scheme unless and until a court determined that the claim had
24 adequate merit and that disclosure of his name was permissible and appropriate. Plaintiff and her
25 lawyer engaged in egregious conduct depriving Mr. Cosby of the statute’s protections. What they
26 have done cannot be undone. Only terminating sanctions can appropriately remedy what has
27 occurred in light of their wilful conduct.

28

1 As explained in *Stephen Slesinger, Inc. v. Walt Disney Co.* (2007) 155 Cal.App.4th 736, 740,
2 “when a plaintiff’s deliberate and egregious misconduct makes any sanction other than dismissal
3 inadequate to ensure a fair trial, the trial court has inherent power to impose a terminating sanction.”
4 This is such a case. In *Slesinger*, the Court noted that it was not limiting the varieties of deliberate
5 misconduct that would justify imposing the severe terminating sanction of dismissal pursuant to the
6 court’s inherent power since “corrupt intent knows no stylistic boundaries.” (*Id.* at 764, quoting
7 *Aoude v. Mobil Oil Corp.* (1st Cir.1989) 892 F.2d 1115, 1118.) Plaintiff and her attorney
8 overstepped the boundaries of permissible conduct by wilfully failing to obtain and file mandatory
9 Certificates of Merit and by naming Mr. Cosby in the suit rather than identifying the Defendant as
10 “John Doe.” What occurred here was severe, deliberate, and egregious, and it cannot be undone.
11 No sanction short of termination is adequate.

12 If Plaintiff and her attorney are permitted to thumb their nose at the express mandates of
13 Section 340.1, they will be rewarded for their egregious wilful misconduct. Identifying Mr. Cosby
14 by name in the Complaint is an intentional act which cannot be undone. For Plaintiff and her
15 counsel to have specifically referenced Section 340.1 in the Complaint while naming Mr. Cosby
16 rather than using the required “Doe” designation, and while filing the lawsuit in the utter absence of
17 the necessary Certificates of Merit to be viewed *in camera* by the Court is wilful conduct that cannot
18 be remedied and which is so egregious and serious that imposing terminating sanctions is warranted.

19 **B. Mr. Cosby Is Entitled to Monetary Sanctions.**

20 Despite limitations on a court’s inherent authority to impose monetary sanctions against
21 parties or their counsel (see *Bauguess v. Paine* (1978) 22 Cal.3d 626, 638-39), numerous statutes and
22 court rules give California courts the power to impose monetary sanctions. In particular, the
23 California Code of Civil Procedure provides that sanctions in the form of attorneys’ fees can be
24 awarded to the prevailing defendant in an action for alleged childhood sexual abuse. (Code Civ.
25 Proc. § 340.1, subd. (q).)

26 Mr. Cosby filed a Demurrer concurrently herewith because the statute provides that a
27 plaintiff’s “failure to file certificates in accordance with this section shall be grounds for a demurrer
28 pursuant to Section 430.10.” (Code Civ. Proc. § 340.1, subd. (l); see also *Doyle v. Fenster* (1996)

1 47 Cal.App.4th 1701, 1707 [holding that certificates of merit are an “aspect of the complaint”].)
2 “Upon the favorable conclusion of the litigation with respect to any defendant for whom a certificate
3 of merit . . . should have been filed pursuant to this section, the court may, upon the motion of a
4 party . . . order a party, a party’s attorney, or both, to pay any reasonable expenses, including
5 attorney’s fees, incurred by the defendant for whom a certificate of merit should have been filed.”
6 (Code Civ. Proc. § 340.1, subd. (q).) Mr. Cosby should not have had to defend this meritless and
7 invalid action in court or in the media in light of Plaintiff’s deficient filings and unlawful disclosure
8 of Mr. Cosby’s name. Mr. Cosby has incurred in excess of \$23,295 in legal fees and costs in
9 connection with preparing the accompanying demurrer and this motion for sanctions, and anticipate
10 incurring no less than an additional \$10,000 in legal fees in connection with reply papers and a court
11 hearing. (Singer Decl., ¶ 14.) The Court should impose monetary sanctions against Plaintiff and her
12 attorney, Mr. Strecker, jointly and severally, in the amount of these attorneys’ fees and costs. Indeed,
13 the statute expressly provides for discipline against an attorney in these situations: “A violation of
14 this section may constitute unprofessional conduct and may be the grounds for discipline against the
15 attorney.” (Code Civ. Proc. § 340.1, subd. (k).)

16 **III.**

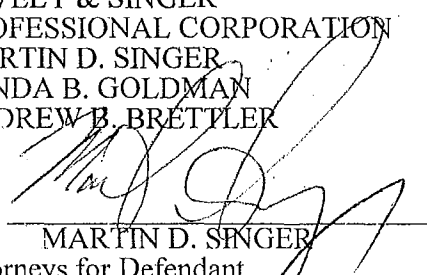
17 **CONCLUSION**

18 Based on the foregoing, Mr. Cosby respectfully requests that the Court sustain the
19 Motion, impose terminating sanctions and monetary sanctions of not less than \$33,295 (*see*
20 Singer Decl., ¶ 14), and such other or further relief as the Court may deem to be just and
21 appropriate.

22 Respectfully submitted,

23 DATE: December 4, 2014

24 LAVELY & SINGER
25 PROFESSIONAL CORPORATION
26 MARTIN D. SINGER
27 LYNDIA B. GOLDMAN
28 ANDREW B. BRETTLER

By: 
MARTIN D. SINGER
Attorneys for Defendant
WILLIAM HENRY COSBY, JR. a/k/a
BILL COSBY

DECLARATION

DECLARATION OF MARTIN D. SINGER

I, Martin D. Singer, declare as follows:

1. I am an attorney at law duly licensed to practice before all of the Courts of the State of California and am a member of the law firm Lavelly & Singer Professional Corporation, counsel of record for Defendant William Henry Cosby, Jr. herein. I have personal and first-hand knowledge of the matters set forth in this Declaration and, if called as a witness, could and would testify competently thereto under oath.

2. This Declaration is filed in support of Defendant's Motion seeking the imposition of both monetary and terminating sanctions due to Plaintiff's egregious filing of a time-barred Complaint which specifically acknowledges the mandatory statutory requirements of California Code of Civil Procedure § 340.1 while brazenly failing to comply with those statutory mandates which require, among other things, submitting sworn Certificates of Merit by a licensed mental health practitioner who interviewed the plaintiff and by the attorney validating the suit, and identifying the defendant only by a "Doe" designation "until there has been a showing of corroborative fact as to the charging allegations against that defendant." (California Code of Civil Procedure § 340.1(m).) No Certificates of Merit were obtained or filed with the Complaint as required by section 340.1(m). Moreover, Mr. Cosby was identified by name in the Complaint rather than being referred to only by a "Doe" designation as required by section 340.1(m). As set forth in the Motion, the Complaint alleging time-barred claims based on purported events of 40 years ago was filed for improper purposes following a series of unsuccessful extortionate demands by Plaintiff for payment of hundreds of thousands of dollars. In view of the severity of this egregious misconduct, the imposition of terminating sanctions and monetary sanctions pursuant to Code of Civil Procedure section 340.1(q) is appropriate.

3. In a letter to Mr. Cosby's long-time attorney, John P. Schmitt, Marc S. Strecker stated that he represents a woman whom he identified only as "Judith," claiming that she had allegedly been sexually abused by Mr. Cosby in 1974 when she was 15 years old. That letter contained numerous specious and inflammatory allegations about Mr. Cosby, including certain of the allegations underpinning Judith's purported claims which are obviously false, such as the

1 claim that she engaged in a drinking game with Mr. Cosby in which they both consumed beers; it
2 is well known and easily verifiable, that Mr. Cosby is a life-long non-drinker. The letter claimed
3 that his client allegedly sustained psychological damage and mental anguish which allegedly
4 caused significant problems throughout her life since the incident. Significantly, that letter
5 contained no legal justification at all for the potential assertion of any legal claim 40 years after
6 the alleged 1974 incident, yet it ominously warned that Mr. Strecker would proceed with
7 enforcing Judith's legal rights if Mr. Cosby did not "do the right thing by Judith" and if Mr.
8 Strecker was not contacted by 5:00 p.m. on November 21, 2014.

9 4. On November 21, 2014, Mr. Schmitt and I had a telephone conversation with Mr.
10 Strecker. During that telephone conversation, Mr. Strecker repeatedly refused to provide any
11 legal justification or argument whatsoever to explain why his client's 40-year-old claims were
12 not time-barred. Nevertheless, he communicated to us that in exchange for a substantial payment
13 from Mr. Cosby, his client would not pursue criminal charges or civil claims or disclose her story
14 to the media.

15 5. Significantly, during my telephone conversation with Mr. Strecker on November
16 21, 2014, he admitted that his client, Judith, had attempted to sell her story to a national tabloid
17 almost 10 years ago. Moreover, during that telephone conversation, Mr. Strecker admitted that
18 his client had no repressed memory, as confirmed by the fact that she tried to sell her story to the
19 tabloids almost a decade ago.

20 6. During that conversation on November 21, 2014, Mr. Strecker admitted that he
21 had met with his client for only one hour. Mr. Strecker also admitted that he had no idea whether
22 his client had obtained any therapy or had ever been treated by a therapist at all in the past 40
23 years.

24 7. During the telephone conversation of November 21, 2014, Mr. Strecker demanded
25 that his client be paid a substantial sum of money. Mr. Strecker stated during that telephone
26 conversation that filing a lawsuit "obviously would be a matter of public record" and my client
27 should "put this matter behind both of them" as supposedly his "client has no desire to go
28 public." However, he refused to explain the legal basis justifying the request that his client be

1 paid money for a 40-year-old claim.

2 8. During my telephone conversation with Mr. Strecker on November 21, 2014, he
3 again asserted, as he had in his letter, that my client consumed alcohol during a drinking game in
4 1974, and that he allegedly drank three (3) beers.

5 9. On November 25, 2014, Mr. Schmitt and I had another telephone conversation
6 with Mr. Strecker. During that conversation Mr. Strecker said that "there are criminal penalties"
7 for the conduct his client claimed occurred in 1974, and he demanded money to "compensate"
8 her and keep her claims quiet. During that telephone conversation, Mr. Strecker again refused to
9 provide any legal justification whatsoever justifying how his client could assert a legal claim
10 against Mr. Cosby 40 years after the events Mr. Strecker's client claimed occurred. During this
11 November 25, 2014 conversation, Mr. Strecker stated that my client had engaged in "a serious
12 crime." He also stated that his client wanted \$100,000.

13 10. I had a further telephone conversation with Mr. Strecker on November 26, 2014.
14 During this conversation, for the first time he provided me with his client's surname, Huth. Mr.
15 Strecker increased his financial demand from \$100,000 and demanded that his client be paid
16 \$250,000 in exchange for his client refraining from pursuing criminal or legal claims or going to
17 the media with her claims. He stated that for the \$250,000, "you'll get anything you want."

18 11. Attached hereto as Exhibit "A" is a true and correct copy of my letter to Mr.
19 Strecker dated December 1, 2014. That letter confirms my prior conversations with Mr. Strecker
20 and rejects his client's demand for money. It also confirms that Mr. Strecker had continued to
21 refuse to provide any legal basis for the assertion of time-barred claims based on alleged events
22 of 40 years ago. It also points out that contrary to his assertions that Mr. Cosby drank three (3)
23 beers during an alleged drinking game with Mr. Strecker's client, Mr. Cosby is a life-long
24 non-drinker.

25 12. Mr. Strecker tried to backtrack from statements that he had made to Mr. Schmitt
26 and me in telephone calls we had with him by sending a responsive email to my December 1
27 letter (Exhibit "A"). In response, I sent a letter to Mr. Strecker dated December 2, 2014, a true
28 and correct copy which is attached hereto as Exhibit "B." That letter confirms that

1 notwithstanding repeated requests that he do so, Mr. Strecker continued to refuse to provide any
2 legal basis to justify the demand that his client be paid hundreds of thousands of dollars for 40-
3 year-old claims barred by applicable statutes of limitation. It also reconfirms Mr. Strecker's
4 admission that his client had no repressed memory justifying her delayed assertion of claims
5 inasmuch as she tried to sell her story to the tabloids approximately a decade ago.

6 13. Plaintiff's Complaint in this action was filed on December 2, 2014. In the
7 Complaint, Mr. Cosby is identified as a defendant by name rather than a "Doe" designation being
8 used as required by Code of Civil Procedure § 340.1(m). The Complaint was also filed without a
9 Certificate of Merit by a licensed mental health practitioner who interviewed the plaintiff, and
10 without a Certificate of Merit by the attorney. Yet, the Complaint itself specifically refers to
11 Code of Civil Procedure § 340.1 at page 2, paragraph 8, thereby indicating that Plaintiff's
12 counsel is well aware of that statute and its requirements and that the egregious failure to comply
13 with those requirements was wilful.

14 14. Mr. Cosby has incurred in excess of \$23,295 in attorneys's fees in connection
15 with the preparation of the Motion for Sanctions and accompanying Demurrer. This is
16 comprised of legal fees expended in excess of the following on these matters: 6.5 hours at my
17 hourly rate of \$850, totaling \$5,525; 14.6 hours at Lynda B. Goldman's hourly rate of \$625,
18 totaling \$9,125; and 18.2 hours at Andrew B. Brettler's hourly rate of \$475, totaling \$8,645. We
19 also anticipate incurring legal fees of no less than \$10,000 in preparation of Reply papers and
20 attending a court hearing, for total fees of \$33,295.

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

23 Executed this 4th day of December, 2014, at Los Angeles, California.

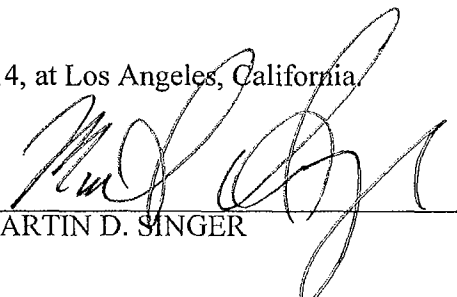
24
25 
26 MARTIN D. SINGER
27
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EXHIBIT A

LAVELY & SINGER

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EVAN N. SPIEGEL

TODD S. EAGAN*
ANDREW B. BRETTLER*
DAVID B. JONELIS
ZEV F. RABEN*
JONATHAN M. KLEIN

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

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

December 1, 2014

VIA EMAIL: mstrecker@streckerlaw.com

Marc S. Strecker, Esq.
Strecker Law Offices
2600 Michelson Drive
Suite 1700
Irvine, CA 92612

Re: Bill Cosby / Judith Huth
Our File No.: 980-50

Dear Mr. Strecker:

Your demand for money from Mr. Cosby is rejected.

In our several conversations, you have repeatedly asserted that a crime was committed, but you have been unable to answer the most basic questions about the events your client claims to have occurred four decades ago. Moreover, certain of the allegations underpinning your purported claims are obviously false. For example, your client claims that she engaged in a drinking game with Mr. Cosby in which they both consumed three beers. It is well-known, and easily verifiable, that Mr. Cosby is a life-long non-drinker. You also stated several times that Mr. Cosby coached your client to claim she was 19 years old in order to be served drinks at the Playboy mansion. The drinking age in California at the time was 21, not 18. Finally, you have said on a number of occasions that your client does not wish to have her claims publicized. However, in response to a question from me, you admitted that she had unsuccessfully attempted to sell her story to a national tabloid almost 10 years ago.

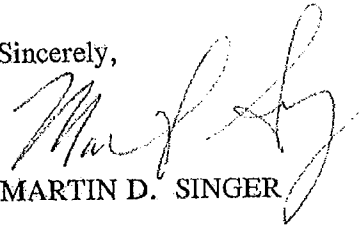
You have also been unwilling, and we believe you are unable, to provide any legal argument that any of her claims would not be time barred. Nevertheless, you have told me that in exchange for a substantial payment from Mr. Cosby, your client will not pursue criminal charges or civil claims or disclose her story to the media.

We have heard your protestations that you and your client are not engaged in a shakedown. However, given the above, it appears that that is exactly what is happening here.

Marc S. Strecker, Esq.
Re: Bill Cosby/Judith Huth
December 1, 2014
Page 2

Our client reserves all rights against you and your client. This does not constitute a complete or exhaustive statement of all of my client's rights or claims. Nothing stated herein is intended as, nor should it be deemed to constitute a waiver or relinquishment, of any of my client's rights or remedies, whether legal or equitable.

Sincerely,



MARTIN D. SINGER

cc: John P. Schmitt, Esq.

EXHIBIT B

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HENRY L. SELF, III
OF COUNSEL

² ALSO ADMITTED IN NY
¹ ALSO ADMITTED IN NY AND NJ

December 2, 2014

VIA EMAIL: mstrecker@streckerlaw.com

Marc S. Strecker, Esq.
Strecker Law Offices
2600 Michelson Drive, Suite 1700
Irvine, CA 92612

Re: Bill Cosby / Judith Huth
Our File No.: 980-50

Dear Mr. Strecker:

There is nothing false in my December 1, 2014 letter.

Moreover, notwithstanding my repeated requests, you failed to provide any legal basis whatsoever to justify the demand that your client be paid hundreds of thousands of dollars to resolve a 40-year-old claim that has long been time-barred by applicable statutes of limitation. This is especially clear in this matter, since you admitted your client had no repressed memory when she tried to sell her story to the tabloids almost a decade ago. There would be no reason for you to refuse to inform me of your legal theory supporting a four-decade extension of the statute of limitation if such a theory existed. The fact that you have not proffered any legal justification at all for the six figure settlement demand on a time-barred claim speaks volumes.

I stand by what I said in my prior correspondence.

All rights reserved.

Sincerely,


MARTIN D. SINGER

cc: John P. Schmitt, Esq.

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

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

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

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

**DEFENDANT WILLIAM HENRY COSBY, JR'S NOTICE OF
MOTION AND MOTION FOR SANCTIONS; MEMORANDUM OF
POINTS AND AUTHORITIES; AND DECLARATION OF MARTIN D. SINGER**

[(Proposed) Order submitted herewith]

on the interested parties in this action by placing:

☒ a true and correct copy -OR- ☐ the original document
thereof enclosed in sealed envelopes addressed as follows:

Marc S. Strecker, Esq.

Attorneys for Plaintiff:

Strecker Law Offices

2600 Michelson Drive, Suite 1700

Judy Huth

Irvine, CA 92612

Tel: (949) 852-3600

☒ **BY MAIL:**

☐ I deposited such envelope in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid.

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

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed December 4, 2014 at Los Angeles, California.

H. Hancock