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15 Attorneys for Defendants  
16 PHILLIP C. MCGRAW, CBS TELEVISION DISTRIBUTION GROUP  
17 f/k/a/ CBS PARAMOUNT DOMESTIC TELEVISION, A DIVISION OF CBS CORP., AND  
18 PETESKI PRODUCTIONS, INC.

**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

NOV 15 2012

John A. Clarke, Executive Officer/Clerk  
By Don Brostoff, Deputy  
DON BROSTOFF

19 SUPERIOR COURT OF CALIFORNIA  
20 COUNTY OF LOS ANGELES - CENTRAL DISTRICT

21 DEEPAK KALPOE and SATISH KALPOE,  
22 Individually,

23 Plaintiffs,

24 vs.

25 PHILLIP C. MCGRAW, CBS TELEVISION  
26 DISTRIBUTION GROUP F/K/A CBS  
27 PARAMOUNT DOMESTIC TELEVISION, A  
28 DIVISION OF CBS CORP., PETESKI  
PRODUCTIONS, INC., SECURITY  
CONSULTANT SERVICES, INC., and  
Does 1-50, inclusive,

Defendants.

No. BC363201

Case Assigned for  
All Purposes to:  
Department "89"  
Judge William A. MacLaughlin, Jr.

Complaint Filed: 12/13/06  
FSC Date: April 8, 2013  
Trial Date: April 22, 2013

[PROPOSED] AMENDED ANSWER

COME NOW Defendants PHILLIP C. MCGRAW, CBS TELEVISION DISTRIBUTION  
GROUP F/K/A CBS PARAMOUNT DOMESTIC TELEVISION, PETESKI PRODUCTIONS, INC.,

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1 and SECURITY CONSULTANT SERVICES, INC. ("Defendants"), and answer the unverified First  
2 Amended Complaint for Damages ("Amended Complaint") on file herein as follows:

3 1. The First Amended Complaint in the above-entitled matter being unverified, these  
4 answering Defendants, pursuant to the provisions of Section 431.30(d) of the California Code of  
5 Civil Procedure, deny generally and specifically, each and every, all and singular, of the allegations  
6 of said First Amended Complaint, and each and every cause of action set forth therein, and the  
7 whole thereof.

8  
9 **FOR A FIRST, SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE, THE**  
10 **ANSWERING DEFENDANTS ALLEGE:**

11 2. Pursuant to Section 461 of the California Code of Civil Procedure, Defendants allege the  
12 truth of the matter charged recognizing that in this public figure defamation case the burden of  
13 proving material falsity rests with the Plaintiffs.

14 Defendants further allege mitigating circumstances pursuant to Section 461. These  
15 mitigating circumstances are set out in paragraph three, infra. In addition to those matters,  
16 Defendants are informed and believe that Plaintiffs admitted to Aruban law enforcement authorities  
17 that they had sex with Natalee Holloway ("Holloway") prior to her disappearance. Defendants are  
18 further informed and believe that Plaintiffs admitted to a third person, Joran van der Sloot and  
19 others, that they had sex with Holloway before she disappeared.

20  
21 **FOR A SECOND, SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE, THE**  
22 **ANSWERING DEFENDANTS ALLEGE:**

23 3. **Libel Proof and Mitigating Circumstances; General Reputation.** Plaintiffs Deepak  
24 Kalpoe ("Deepak") and Satish Kalpoe ("Satish") (collectively "Plaintiffs") who, along with a non-  
25 party to this proceeding, Joran van der Sloot ("van der Sloot") were the last people seen with  
26 Holloway while she was alive, complain that a September 15, 2005 television broadcast and alleged  
27 republication of that broadcast on subsequent television programs (collectively the "Broadcasts")  
28 has caused them "mental anguish, pain and suffering, shame, mortification, and injury to their

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1 reputations” and that the broadcasts have “lowered the plaintiffs in the eyes of the community,  
2 deterred third persons from associating with them, and permanently damaged them in their  
3 professions and occupations.” (Amended complaint at ¶¶ 96, 101, 110, 120, 130, 140, 152, 161, 171,  
4 181, 190, 199, 210, 220, 228, 236, 243, 250 and 256.)

5 As a result of the activities described below, Plaintiffs are libel proof. See Wynberg v.  
6 National Enquirer, 564 F. Supp. 924 (D.C. Cal. 1982). In addition, the activities and events  
7 described below serve to mitigate damages, if any, to Plaintiffs’ reputations. Prior to September 15,  
8 2005 (the earliest Broadcast complained of), Plaintiffs had been arrested twice and held in custody  
9 for over 36 days, on “reasonable suspicion of murder, manslaughter” and “premeditated murder and  
10 rape” of Holloway. Upon their release after the second arrest, on September 4, 2005, the  
11 international media quoted the Aruban Police Chief, Gerald Dompig, as saying about Plaintiffs: “I  
12 have a gut feeling that they’re guilty ... either it’s murder, or an accident, or rape ... but something  
13 happened, and they were surely involved.”

14 As a result of these events, Deepak admitted to Jamie Skeeters, prior to the Broadcasts, that:  
15 “I don’t have any close friends anymore. They’re all gone. Everything is empty.”

16 Holloway was last seen alive in the company of Plaintiffs late in the evening of May 29,  
17 2005 or early morning hours of May 30, 2005. When she failed to appear for a return flight to the  
18 United States on May 30, 2005, Aruban law enforcement was notified and began an investigation  
19 which quickly centered on Plaintiffs, who stated to police that they had dropped Holloway at a hotel  
20 and last saw her with two security guards. The guards – Antonius John and Abraham Jones – were  
21 arrested and questioned, but released when police learned that Plaintiffs had completely fabricated  
22 their statements about John and Jones. Plaintiffs’ attempt to shift suspicion to two men who were  
23 uninvolved in Holloway’s disappearance received substantial publicity, which adversely affected  
24 Plaintiffs’ reputation prior to the Broadcasts. When confronted with Plaintiffs’ lying behavior to  
25 law enforcement, their mother excused their conduct in a taped interview by saying: “Come on. We  
26 all lie. We all lie. As big people I know that I lie sometimes.” On June 9, 2005, Plaintiffs were  
27 arrested for the first time as suspects involved in a crime against Holloway with “reasonable  
28 suspicion of murder, manslaughter or the intentional containment with the dead as consequence.”

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1 Plaintiffs' arrest was the subject of international media publicity. Plaintiffs initially were in custody  
2 for 25 days. During their incarceration, van der Sloot told police under oath, on June 13, 2005, that  
3 "he thought the suspect Deepak Kalpoe had raped the girl and thereupon murdered her." This  
4 statement, made in the presence of four police officers, was widely reported in the press. This  
5 allegation by van der Sloot provoked an angry response from Plaintiffs who, unbeknownst to them,  
6 were being recorded by the police. In a colloquy among Deepak, Satish, and van der Sloot on or  
7 about June 29, 2006, van der Sloot said, in part, to Deepak: "You know what happened to that girl  
8 (Holloway). If you don't know then nothing has happened to her." He concludes by saying, "so f--  
9 you." On August 26, 2005, Plaintiffs were rearrested and held for nine days. Plaintiffs were asked  
10 to give DNA samples to law enforcement but refused. All of these events spawned substantial  
11 publicity. Plaintiffs remain suspects in Holloway's death through the date of filing of the instant  
12 lawsuit.

13 The pre-September 15, 2005 broadcasts and media publications include, by way of example  
14 only, the following:

15 **Suspect Confesses:** Aruba suspect makes murder confession, June 11, 2005,  
16 Caribbeannetnews.com, <http://www.caribbeannetnews.com/2005/06/13/confession.shtml> ("Police in  
17 Aruba say one of three suspects arrested in the disappearance of an Alabama teenager has confessed  
18 to killing her. Brothers Satish Kalpoe, 18, and Deepak Kalpoe, 21, and their friend, 17 year old  
19 Joran van der Sloot, were arrested, but police did not indicate which of them confessed to killing  
20 Natalee Holloway.").

21 **Kalpoes Lie to Police:** Was race a factor in Aruba arrests?, June 15, 2005, CNN.com,  
22 <http://www.cnn.com/2005/WORLD/americas/06/15/aruba.arrests/index.html> ("John [one of the  
23 security guards] told reporters Deepak Kalpoe confided to him while they were in jail together that  
24 he had lied to police. John said Kalpoe also apologized for getting him and Jones into 'that mess.'  
25 'He told me that the story about dropping the girl off at the Holiday Inn was all made up,' John  
26 said.").

27 **Kalpoes Focus of Investigation:** American Morning, CNN television broadcast, June 16,  
28 2006 ("van der Sloot, Deepak Kalpoe and his brother, Satish, are believed to be the last three people

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1 with Natalee Holloway on the night she disappeared. The brothers initially told police all three of  
2 them went to the lighthouse with Holloway, and van der Sloot was kissing her in the car. Now, it  
3 appears certainly that the focus of the investigation has narrowed to the three young men who are in  
4 custody”).

5 **van der Sloot Tells Police Deepak Raped and Murdered Holloway:** CNN television  
6 broadcast, July 26, 2005 (“Q: Joran van der Sloot said a Kalpoe brother raped her and murdered  
7 her? A: Yes, he said that of Deepak. He mentioned Deepak in that statement.”).

8 **Re-Arrest of Kalpoes: The Abrams Report,** MSNBC television broadcast, August 26, 2005  
9 (“Q: Do you have any more information on why the Kalpoe brothers were arrested today? ...A:  
10 “They do have admitted confessions of these three with regards to sexual assault”); *Aruba Re-*  
11 *Arrests Kalpoe Brothers in Holloway Case,* August 26, 2005, Associated Press, Foxnews.com,  
12 <http://www.foxnews.com/story/0,2933,166995,00.html> (“Two Surinamese brothers who had been  
13 detained and released in the Natalee Holloway case were arrested again Friday after ‘new facts and  
14 circumstances’ emerged, officials said, adding yet another twist in the mysterious disappearance of  
15 the vacationing American teenager”); Scarborough Country, MSNBC television broadcast, August  
16 26, 2005 (“We will tell you exactly what prosecutors had to say in their statement. ‘This is about  
17 the Kalpoe brothers. They are suspected of the primary criminal act of, together with other people,  
18 committing premeditated murder, alternately, together with other people, murdering somebody,  
19 more alternately, rob a person of her liberty, with fatal consequences, and they said, even more  
20 alternately, raping somebody . . . to arrest the Kalpoe brothers again, there had to be new facts and  
21 circumstances and that that is the case”); “Michelle, let me ask you, in the prosecution’s statement,  
22 it says raping and murdering somebody. Do we know that that is Natalee Holloway? A: Yes, they  
23 spelled it out explicitly for us ... yes, these arrests of the Kalpoe brothers are based on the Natalee  
24 Holloway disappearance.”); Aruba rearrests brothers on suspicion of murder, rape in Holloway  
25 case, August 27, 2005, CDNN.com, <http://www.cdn.info/news/travel/t050827.html> (“Two  
26 Surinamese brothers who had been detained and released in the Natalee Holloway case were  
27 arrested again Friday after ‘new facts and circumstances’ emerged, officials said, adding yet another  
28 twist in the mysterious disappearance of the vacationing American teenager”; “Satish and Deepak

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1 Kalpoe were arrested on suspicion of involvement, with unidentified 'other people,' in premeditated  
2 murder and rape, Aruba's prosecutor's office said in a statement"; "According to content found on  
3 websites associated with rape/murder suspects Satish Kalpoe, Joran van der Sloot and Deepak  
4 Kalpoe, they were involved in gang rape, pornography and abuse of young local and tourist girls";  
5 "We haven't been told why, but I think it's obvious," Natalee's stepmother, Robin Holloway, said  
6 by phone from Meridian, Miss. "We've known all along they had something to do with Natalee's  
7 disappearance"); Suspect brothers re-arrested in Aruba, August 29, 2005, Caribbeannetnews.com,  
8 <http://www.caribbeannetnews.com/2005/08/29/brothers.shtml> ("Two brothers, Satish and Deepak  
9 Kalpoe ... were re-arrested on Friday based on new evidence ... the duo were rearrested based on  
10 suspicion of being involved with other people in what was termed as premeditated murder and rape  
11 ... a police source has told Caribbean Net News that the authorities have had statements from some  
12 young women linking the Kalpoe brothers and van der Sloot to alleged rape, and other offences.").

13 In addition to the substantial publicity that preceded the broadcasts, the media has continued  
14 to report on Plaintiffs. For example, America's Most Wanted ("AMW") aired a program dedicated  
15 to the recovery of missing children. In a posting on January 12, 2007, AMW shared a photograph of  
16 Plaintiffs and van der Sloot, quoting Chief Dompig as saying he has a "gut feeling that they're  
17 guilty" and noting that Plaintiffs are still under investigation.

18 All of these news reports and the fact of the Plaintiffs' arrest, incarceration and their status as  
19 suspects serves to mitigate any damages allegedly suffered by them in this case and bars or reduces  
20 their right to recover any damages against these answering Defendants.

21  
22 **FOR A THIRD, SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE, THE**  
23 **ANSWERING DEFENDANTS ALLEGE:**

24 **4. Failure to Demand Correction.** Under California Civil Code Section 48(a), Plaintiffs  
25 were required to demand a correction within 20 days after learning of the Broadcasts at issue herein.  
26 Plaintiffs wholly failed to do so and the limiting provisions of section 48(a) are therefore applicable  
27 to this case.  
28

1                   **FOR A FOURTH, SEPARATE AND DISTINCT ALTERNATIVE DEFENSE, THE**  
2   **ANSWERING DEFENDANTS ALLEGE:**

3           **5. Public Figure.** Plaintiffs are limited purpose public figures with respect to their  
4 involvement in the disappearance and death of Holloway and accordingly, under the First  
5 Amendment to the United States Constitution, as well as Article I Section 2(a) of the California  
6 Constitution, cannot recover in this case unless they prove by clear and convincing evidence that the  
7 statements complained of by them are: (i) false, and (ii) made by Defendants with "actual malice" as  
8 that term is defined in public figure libel cases.

9  
10                   **FOR A FIFTH, SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE, THE**  
11   **ANSWERING DEFENDANTS ALLEGE:**

12           **6. Punitive Damages.** Punitive damages are not available for the following reasons: (i) This  
13 is a case brought by public figure Plaintiffs against media defendants on a matter of public concern  
14 that is, the circumstances concerning the disappearance and death of Holloway. Accordingly,  
15 punitive damages would be unconstitutional under the First Amendment to the United States  
16 Constitution, absent clear and convincing evidence of "actual malice," and under Article I Section  
17 2(a) would be unconstitutional absent clear and convincing evidence of "actual malice" and  
18 "common law malice," which malice is denied by Defendants; (ii) Under California Civil Code  
19 Section 48 (a) (4) (d), punitive damages may only be awarded upon a showing of both "actual  
20 malice" and "common law malice," which malice is denied by Defendants; (iii) Under California  
21 Civil Code Section 3294, punitive damages may be awarded only upon a showing of oppression,  
22 fraud or malice by clear and convincing evidence, which evidence is denied by Defendants; and (iv)  
23 The award of punitive damages on any showing would be unconstitutional. Any recovery of  
24 punitive or exemplary damages by Plaintiffs in this civil lawsuit would constitute the imposition of a  
25 criminal fine or penalty without the substantive or procedural safeguards guaranteed by the Fifth  
26 and Fourteenth Amendments to the United States Constitution. Any such award of punitive or  
27 exemplary damages in this case would amount to nothing less than a denial to Defendants of due  
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1 process and equal protection of the laws as are guaranteed under the United States and California  
2 Constitutions.

3  
4 **FOR A SIXTH, SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE, THE**  
5 **ANSWERING DEFENDANTS ALLEGE:**

6 7. **Opinion.** Under the First Amendment to the United States Constitution, Article I Section  
7 2(a) of the California Constitution and the Common Law, an opinion cannot be actionable, and  
8 under the totality of the circumstances, some or all of the complained of statements are non-  
9 actionable opinions.

10  
11 **FOR A SEVENTH, SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE, THE**  
12 **ANSWERING DEFENDANTS ALLEGE:**

13 8. **Proximate Cause/Contribution.** That the incident described in the First Amended  
14 Complain on file herein, and the damages or injuries, if any, sustained by Plaintiffs, were directly  
15 and proximately caused and/or contributed to by the wrongful, improper, careless and negligent  
16 manner in which Plaintiffs conducted themselves and their activities at, near and about the time and  
17 place of the happening of said incident, which conduct on the part of Plaintiffs shall serve to bar or  
18 proportionately reduce recovery herein.

19  
20 **FOR AN EIGHTH, SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE, THE**  
21 **ANSWERING DEFENDANTS ALLEGE:**

22 9. **Failure to State a Claim.** That the First Amended Complaint on file herein, and each and  
23 every cause of action set forth therein, fails to state facts sufficient to constitute a cause of action  
24 against these answering Defendants.

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1                   **FOR A NINTH, SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE, THE**  
2   **ANSWERING DEFENDANTS ALLEGE:**

3           **10. Assumption of the Risk.** Plaintiffs, by their own acts and conduct at the time of the  
4 alleged incident on the premises specified in the First Amended Complaint with full appreciation of  
5 the particular risks involved, nevertheless knowingly and voluntarily assumed the risks and hazards  
6 of the incident complained of and the damages, if any, sustained by Plaintiffs were caused by their  
7 own acts and conduct on the date alleged in the Plaintiffs' First Amended Complaint.  
8

9                   **FOR A TENTH, SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE, THE**  
10   **ANSWERING DEFENDANTS ALLEGE:**

11           **11. Contributory Misconduct.** Plaintiffs were guilty of contributory, willful misconduct in  
12 and about the matters complained of and that the aforesaid misconduct on Plaintiffs' part  
13 proximately contributed to the happening of the incident and damage, if any, sustained thereby.  
14

15                   **FOR AN ELEVENTH, SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE, THE**  
16   **ANSWERING DEFENDANTS ALLEGE:**

17           **12. Failure to Mitigate.** Plaintiffs have failed to act reasonably to mitigate the injuries, if  
18 any, and damages, if any, that are alleged in the First Amended Complaint. Such failure to mitigate  
19 on the part of Plaintiffs bars or reduces their right to recover any damages against these answering  
20 Defendants.  
21

22                   **FOR A TWELFTH, SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE, THE**  
23   **ANSWERING DEFENDANTS ALLEGE:**

24           **13. Absence of Fraud or Malice.** Defendants assert the protection of California Civil Code  
25 Sections 3294 and 3295 and contend that there was no advance knowledge or conscious disregard,  
26 authorization, ratification or act of oppression, fraud or malice on the part of Defendants, and  
27 therefore Plaintiffs are not entitled to punitive damages.  
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1 **FOR A THIRTEENTH, SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE, THE**  
2 **ANSWERING DEFENDANTS ALLEGE:**

3 14. **Good Faith.** Any acts committed by Jamie Skeeters at the time of the alleged incident  
4 were committed in the exercise of good faith and were not done with any malicious intent to harm  
5 or injure Plaintiffs and were done by Defendants without any feeling of hatred, malice or ill will for  
6 Plaintiffs.

7  
8 **FOR A FOURTEENTH, SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE, THE**  
9 **ANSWERING DEFENDANTS ALLEGE:**

10 15. **No Substantial Factor.** That the negligence, if any, or the conduct of Defendants  
11 (which allegation is made for the purpose of this pleading only and shall not constitute an  
12 admission) was not a substantial factor in bringing about Plaintiffs' alleged injuries or damages, and  
13 therefore was not a contributing or proximate cause thereof.

14  
15 **FOR A FIFTEENTH, SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE, THE**  
16 **ANSWERING DEFENDANTS ALLEGE:**

17 16. **Failure to State a Claim for Punitive Damages.** Answering Defendants allege that the  
18 Amended Complaint, and each and every cause of action or count contained therein, does not state a  
19 claim for punitive damages against the answering Defendants.

20  
21 **FOR A SIXTEENTH, SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE, THE**  
22 **ANSWERING DEFENDANTS ALLEGE:**

23 17. **No Malicious Intent.** That the incident/incidents complained of in Plaintiffs' First  
24 Amended Complaint was/were not done, if they were done at all, with any malicious intent to harm  
25 or injure Plaintiffs.

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1 **FOR A SEVENTEENTH, SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE, THE**  
2 **ANSWERING DEFENDANTS ALLEGE:**

3 18. **No Misrepresentation.** That the answering Defendants neither intentionally nor  
4 negligently misrepresented any material fact to Plaintiffs herein; to the extent any such  
5 misrepresentation allegedly occurred, and none is admitted, Plaintiffs failed to justifiably rely upon  
6 same.

7  
8 **FOR AN EIGHTEENTH, SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE, THE**  
9 **ANSWERING DEFENDANTS ALLEGE:**

10 19. **No Conspiracy.** That the answering Defendants neither intentionally nor negligently  
11 conspired or agreed amongst themselves or any other Defendants, to mislead, deprive or harm  
12 Plaintiffs in any capacity. Further, there was no agreement by and amongst Defendants or their  
13 agents and employees, to commit a wrongful act.

14  
15 **FOR A NINETEENTH, SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE, THE**  
16 **ANSWERING DEFENDANTS ALLEGE:**

17 20. **Truth.** The statements alleged in the First Amended Complaint to have been published  
18 by the answering Defendants were true when made, although in this case Plaintiffs have the burden  
19 of proving falsity.

20  
21 **FOR A TWENTIETH, SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE, THE**  
22 **ANSWERING DEFENDANTS ALLEGE:**

23 21. **Public and Newsworthy Events of Public Interest and Public Concern.** Plaintiffs'  
24 claims are barred, in whole or in part, because the Broadcasts commented on public and newsworthy  
25 events and controversies of public interest and public concern.

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1 **FOR A TWENTY-FIRST, SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE, THE**  
2 **ANSWERING DEFENDANTS ALLEGE:**

3 22. **No Use for Advertising or Trade.** Plaintiffs' claims are barred because the use of  
4 Plaintiffs' names or likenesses is not a misappropriation for advertising or trade.  
5

6 **FOR A TWENTY-SECOND, SEPARATE AND DISTICNT AFFIRMATIVE DEFENSE,**  
7 **THE ANSWERING DEFENDANTS ALLEGE:**

8 23. **Statute of Limitations.** That the Third Cause of Action, Fourth Cause of Action, Fifth  
9 Cause of Action, Sixth Cause of Action, Seventh Cause of Action, Eighth Cause of Action, Ninth  
10 Cause of Action, Tenth Cause of Action, Eleventh Cause of Action, Twelfth Cause of Action,  
11 Thirteenth Cause of Action, Fourteenth Cause of Action, Fifteenth Cause of Action, Sixteenth  
12 Cause of Action, Seventeenth Cause of Action and Eighteenth Cause of Action of the First  
13 Amended Complaint are barred by the applicable one year statute of limitations set forth in  
14 California Code of Civil Procedure, section 340, subdivision (c) and were never intended to be  
15 included as part of the Tolling Agreement executed by the parties to this lawsuit and attached to the  
16 First Amended Complaint as Exhibit A.

17 **WHEREFORE**, the answering Defendants pray:

- 18 1) Plaintiffs take nothing by way of Plaintiffs' unverified First Amended Complaint on file  
19 herein as against these answering Defendant;  
20 2) The answering Defendants be dismissed and awarded costs of suit incurred herein;  
21 3) Plaintiffs' recovery against the answering Defendants, if any, be diminished by an amount  
22 equal to the degree of negligence attributable to other persons; and,

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4) The Court grant such other and further relief as it deems just and proper.

Dated: September \_\_\_\_\_, 2012

**FORD, WALKER, HAGGERTY & BEHAR**

By:

*[Signature]*  
WILLIAM C. HAGGERTY

**JACKSON WALKER, L.L.P**

By:

*[Signature]* *with permission*  
CHARLES L. BABCOCK, IV  
NANCY W. HAMILTON

ATTORNEYS FOR DEFENDANTS  
PHILLIP C. MCGRAW, CBS TELEVISION  
DISTRIBUTION GROUP f/k/a/ CBS  
PARAMOUNT DOMESTIC TELEVISION, A  
DIVISION OF CBS CORP., AND  
PETESKI PRODUCTIONS, INC.

06M\09\032\Pleadings\pl (proposed amended answer).doc

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11/16/2012

1 PROOF OF SERVICE  
2 Kalpoe v. McGraw, et al.  
3 06M09 032

3 STATE OF CALIFORNIA )  
4 ) ss.  
5 COUNTY OF LOS ANGELES )

6 I am employed in the aforesaid county; I am over the age of eighteen years and not a party to  
7 the within entitled action; my business address is: One World Trade Center, Twenty-Seventh Floor,  
8 Long Beach, California 90831-2700

9 On September 14, 2012, I served the within: NOTICE OF MOTION; MOTION FOR  
10 LEAVE TO AMEND ANSWER; MEMORANDUM OF POINTS AND AUTHORITIES;  
11 DECLARATION OF CHARLES L. BABCOCK, IV; [PROPOSED] FIRST AMENDED ANSWER  
12 on the interested parties in said action,

13 SEE ATTACHED SERVICE LIST

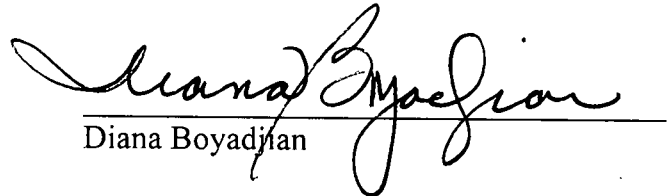
14  (BY MAIL) I am readily familiar with the firm's practice of collecting and processing of  
15 documents and correspondence for mailing with the United States Postal Service. Under that  
16 practice, on the above date the envelope was sealed and placed for collection and mailing following  
17 the ordinary business practices of our office. This results in the envelope being delivered to the  
18 United States Postal Service that same day, with postage thereon fully prepaid.

19  (BY FACSIMILE) Via facsimile from machine number (562) 590-3546, I transmitted by  
20 facsimile machine true copies of the foregoing described document on the attorneys of record in this  
21 action at the facsimile machine telephone numbers shown, pursuant to California Rules of Court,  
22 Rule 2009(i).

23  (BY ELECTRONIC SERVICE) I caused such document to be Electronically Served on all  
24 parties for the above-entitled case. This service complies with CCP § 1010.6. The file transmission  
25 was reported as complete and a copy of the "Filing Receipt" page will be maintained with the  
26 original document in our office.

27 Executed on September 14, 2012, at Long Beach, California.

28 I declare under penalty of perjury under the laws of the State of California that the above is  
true and correct.

  
Diana Boyadjian

11/16/2012

1 Kristina M. Beck  
2 William J. Cremer  
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