

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

IN RE PELLICANO CASES

ANITA BUSCH,)	
Plaintiff,)	
)	
vs.)	Case No. BC316318
)	
ANTHONY PELLICANO,)	
ALEXANDER PROCTOR,)	
MARK ARNESON,)	
CITY OF LOS ANGELES,)	
SBC TELECOMMUNICATIONS, INC.)	
formally operating as Pacific Bell)	
Telephone Company, et al,)	
Defendants.)	

DECLARATION OF DAN E. MOLDEA

I, DAN E. MOLDEA, hereby declare as follows:

1. I am over the age of 18 years old and competent to testify as to the matters contained herein based upon my personal knowledge.
2. I make this declaration under the penalty of perjury.
3. In May 2003, I began writing a nonfiction book with Anita Busch (“Ms. Busch”) in the wake of the alleged attacks against her by Anthony Pellicano (“Mr. Pellicano”), hoping that we could get the book published, tell her important story, and make money on the back end.
4. Ms. Busch and I signed an Author Collaboration Agreement (“Collaboration Agreement”) in January 2004. Although we would share the copyright and she would have editorial control, I would be the sole author. We gave the book the working title, *A Woman at Risk* (the “Book”). In addition, we originally agreed that we would split all advances and royalties 60-40 in her favor. I would work for free on this project and receive no money until we sold our Book project to a publishing house. A true and accurate copy of this Collaboration Agreement is attached hereto as **Exhibit A**.
5. To assist in the composition of the draft proposals and draft manuscripts, Ms. Busch faxed and mailed to me no fewer than 170 single-spaced pages of detailed personal notes about how her life and career had been affected by the Pellicano investigation. These notes served as the foundation for our Book.
6. Between June 2004 and May 2005, I sent Ms. Busch four (4) clean and unmarked draft manuscripts, dated June 19, 2004, April 11, 2005, May 3, 2005, and May 10, 2005.

7. Ms. Busch provided handwritten edits for the first three (3) draft manuscripts, along with some typewritten material. However, she refused to approve the May 10, 2005, draft manuscript until I made a single change on page 230, which is the only difference between the May 10 and the final May 11, 2005, versions.
8. With my knowledge, Ms. Busch then submitted the approved 280-page May 11, 2005, draft manuscript, which consisted of chapters 1-31, to the attorneys for her civil suit, *Busch v. Pellicano, et al.* (Also, in my April 11, 2005, submission to Ms. Busch, I added a very rough first draft of chapters 32-42, which included pages 281 to 372.)
9. On May 25, 2005, Ms. Busch unilaterally halted our Book project because it supposedly conflicted with and jeopardized her civil lawsuit. She told me that her attorneys complained that our Book provided too much “free information” to the defense in her case.
10. I vigorously objected to her decision, provoking Ms. Busch to launch a smear campaign against me which continues to this day.
11. During her sworn testimony at Mr. Pellicano’s criminal trial on April 9, 2008, Ms. Busch falsely claimed that she ended her collaboration with me because I had “used” her, a charge that was reported the following day in the *New York Times*.
12. On the same day as the *New York Times* article appeared, I responded to Ms. Busch’s allegations on my personal website: <http://www.moldea.com/Busch-response.html>.
13. On August 18, 2011, I received a subpoena at my home from the lawyers for Michael Ovitz (“Mr. Ovitz”), a defendant in Ms. Busch’s civil case. I immediately called my attorney, Roger C. Simmons, and asked him to fight it. He and his associate, Jodi Lynn Foss, quickly notified Mr. Ovitz’s lawyers that we were willing to go to court to quash the subpoena.
14. In the days that followed, the subpoena was withdrawn. However, Mr. Ovitz’s attorneys sent us several non-privileged documents from the case. We refused to sign a required protective order for additional privileged materials. The non-privileged documents we did receive included Ms. Busch’s sworn depositions of April 14, July 21, and August 3, 2011.
15. I was shocked to see that Ms. Busch had provided my personal and private communications—as well as our draft proposals and the last draft manuscript of May 11, 2005—to the defense in her case without notifying me or my attorneys, even though I continue to own at least a forty-percent stake in this literary property.
16. Then, after reading Ms. Busch’s sworn testimony—which was replete with false statements about me—I decided that I had no choice but to defend myself and to respond to her allegations, point by point. I do so in this Declaration.

Specific issues raised in Ms. Busch's depositions

17. Ms. Busch's challenge to "three days":

- a. During her April 14, 2011, sworn testimony, Ms. Busch denied the accuracy of a section I wrote in the May 11, 2005, draft manuscript, identified as Exhibit 16 in her deposition. The challenged section is found on Bates Label 1442. (Busch Depo., 63:6 – 64:4, April 14, 2011.) The May 11, 2005, draft manuscript stated in relevant part:

The next night, Anita speaks with another journalist, telling him that she should be able to confirm a really big story about Seagal and Nasso **within the next three days**. (Emphasis added.)

- b. When asked by defense counsel what was inaccurate, she challenged the wording of "within the next three days."

Ms. Busch: I spoke with another journalist, but I said that I would—that I had a—I would have probably [sic] the story very soon.

Defense counsel: So is it inaccurate, insofar as it says "within the next three days"?

Ms. Busch: Within the next three days him [sic]—the whole thing is—it's not accurate." (Busch Depo., 63:23 – 64:4, April 14, 2011.)

- c. However, the basis for the above cited portion of the manuscript was material I obtained from Ms. Busch. In or about May 2003, I received personal notes from Ms. Busch that included her handwritten edits. Specifically, Ms. Busch wrote:

That evening I tell my friend [the journalist] over the phone that I'm really, really close to "putting Seagal directly in bed with the Gambinos." [The journalist] says, "really?" I said, "yeah, I have three different ways to do it and **in three days** I should have it confirmed." (Emphasis added.)

- d. A true and accurate copy of the notes I received from Ms. Busch in or about May 2003 is attached hereto as **Exhibit B**.

- e. Based on my knowledge of Ms. Busch's handwriting, it is my opinion that all of the handwritten notes that appear on **Exhibit B** are the handwriting of Ms. Busch. Ms. Busch crossed out the words "by Sunday" and handwrote the words "in three days."

- f. The accuracy of my work is further confirmed by the fact that Ms. Busch made no changes in the May 11, 2005, draft manuscript, which she approved and submitted to her attorneys.

18. Ms. Busch's challenge to the source of the wiretapping:

- a. On April 14, 2011, Ms. Busch claimed that a sentence in the May 11, 2005, draft manuscript was in error. (Busch Depo., 143:21 – 144:13, April 14, 2011.) The challenged section appears on Bates Label 1619, Exhibit 16. It recounted that in December 2002, Ms. Busch stated that her phone lines might have been tapped, adding "that it was probably done by law enforcement, but there is a slight chance it was done by the bad guys."

- b. With regard to this alleged inaccuracy, Ms. Busch replied, “It’s close, but not completely right.”

Defense counsel: When was this?

Ms. Busch: I said it could have been done by anyone.

Defense counsel: You said it could have been done by anyone?

Ms. Busch: I said, “It’s probably law enforcement.”

Defense counsel: And what was the rest of your statement?

Ms. Busch: “It was probably law enforcement but I don’t know. I mean, it could have been done”—something like that. (Busch Depo., 144:3-13, April 14, 2011.)

- c. True and accurate copies of pages 229, 299, 300 and 309 of the April 11, 2005, draft manuscript with the edits Ms. Busch provided to me are attached hereto as pages 1-4 of **Exhibit C**, respectively.

- d. Ms. Busch’s handwritten edits were mailed to me at my home in late April 2005 and included the following addition on page 229 (**Exhibit C**, page 1):

“She explains that it **was probably done by law enforcement, but there is a slight chance it was done by the bad guys.**” (Emphasis added.)

- e. Ms. Busch added a note by this addition in parenthesis, “(better put that in there.)”

- f. Based on my knowledge of Ms. Busch’s handwriting, it is my opinion that the handwritten edits that appear on all four pages of **Exhibit C** were made by Ms. Busch, including the handwritten notes on page 229 of the April 11, 2005, draft manuscript.

- g. I accurately, word-for-word, included the handwritten edits that Ms. Busch made on page 229 in the April 11, 2005, draft manuscript, as evidenced in **Exhibit C**.

19. Ms. Busch’s challenge to the Mercedes incident:

- a. Ms. Busch challenged the accuracy of the events I described in the May 11, 2005, manuscript about an alleged attempt to run her over with a Mercedes.

- b. Writing this account, I relied on personal notes that Ms. Busch provided to me.

- c. On July 21, 2011, Ms. Busch testified about the August 16, 2002, alleged attempt by no fewer than two men in a Mercedes to run her down on the street in front of her home. (Busch Depo., 183:7 – 184:11, July 21, 2011.) I described this incident in the May 11, 2005, manuscript, Bates Label 1537-1538, Exhibit 16.

- d. When questioned about this account, Ms. Busch challenged the accuracy of the events and stated that I would “make stuff up, just fabricate things. What I was feeling, what I was thinking. All sorts of stuff. It was—it was just a constant problem.” (Busch Depo., 184:2-5, July 21, 2011.)

- e. However, Ms. Busch provided me with personal notes about this incident, which she faxed to me on May 23, 2003. The incident involving the Mercedes is contained on pages 1 and 2 of the fax, labeled pages “45” and “46” by me, respectively.
- f. The retelling of the Mercedes incident in the May 11, 2005, manuscript—the relevant part reflected in Bates Label 1537-1538—is a completely accurate depiction of the information Ms. Busch provided me in her notes and subsequent edits.
- g. A true and accurate copy of the personal notes I received from Ms. Busch on May 23, 2003, is attached hereto as **Exhibit D**. These notes were sent to me via the fax machine of Bernie Ebbins, aka “B. Ebbins,” a close friend of Ms. Busch. I was also acquainted with Mr. Ebbins, who passed away in December 2004.
- h. The accuracy of my work is further confirmed by the fact that Ms. Busch made no changes in the May 11, 2005, draft manuscript, which she approved and submitted to her attorneys.

20. Ms. Busch and her challenges to handwritten changes:

- a. During her July 21, 2011, sworn deposition, Ms. Busch was questioned about the handwriting on Bates Labels 2036-2037, Exhibit 24. (Busch Depo., 190:3 – 194:19, July 21, 2011.) Exhibit 24 is an undated draft manuscript of which the first twenty pages are missing in the copy I received.
- b. I always provided Ms. Busch with clean typed-only draft proposals with no handwritten changes of my own.
- c. Referencing Exhibit 24, Ms. Busch claimed “Yeah, there’s [sic] a lot of inaccuracies again,” a charge she repeated without citing a specific example. (Busch Depo., 190:9-10 and 194:17-19, July 21, 2011.)
- d. Also, when asked by defense counsel whether the handwriting on Bates Label 2036 was her writing, she replied, “Some I recognize as mine. I don’t recognize some of it.” (Busch Depo., 190:25 – 191:1, July 21, 2011.)
- e. Based on my knowledge of Ms. Busch’s handwriting, it is my opinion that all of the handwriting that appears on Bates Labels 2036-2037, Exhibit 24, is the handwriting of Ms. Busch.

21. Ms. Busch’s denial of the handwritten word “only”; and Mr. Ovitz as a subject of her series for the *New York Times*

- a. During her July 21, 2011, sworn deposition, Ms. Busch was questioned about the handwritten notes on Exhibit 24, identified with Bates Label 2037. Specifically, she was asked about whether she had inserted the handwritten word “only” into the fourth paragraph of the text on that page. (Busch Depo., 194:14 – 200:12, July 21, 2011.)
- b. The relevant typed text on Bates Label 2037 stated:

Instead, she suddenly realizes that the person who hired Pellicano to attack her is the target of her series of articles for the *New York Times*, which ended on May 7, 2002, just nine days before [LAPD Detective Mark] Arneson submitted his report about Anita to Pellicano.

- c. However, after the handwritten edits for this paragraph, the text read—with the handwritten edits bracketed in bold lettering:

Instead, she suddenly realizes that the [**only**] person who [**could have**] hired Pellicano to attack her is the [**subject**] of her series of articles for the *New York Times*, which ended on May 7, 2002, just nine days before Arneson submitted his report about Anita to Pellicano. (Emphasis added.)
Bates Label 2066

- d. Confronted with these specific changes by defense counsel, Ms. Busch declared—even in view of what appeared to be her own edits—“Yeah, it’s not accurate.” (Busch Depo., 195:6, July 21, 2011.)
- e. When defense counsel asked why, she replied “Because there was [sic] so many people that it could have been. I didn’t know who it was.” (Busch Depo., 195:8-9, July 21, 2011.)
- f. At all times, I understood that Mr. Ovitz was “the subject of [Ms. Busch’s] series of articles for the *New York Times*.”
- g. Ms. Busch was asked by defense counsel, “So when you made the change and you put ‘could have,’ which you said are your words, why did you do that?”

Ms. Busch: Well, a lot of stuff was inaccurate. And quite frankly, there was stuff that I wouldn’t even look at that he did that was completely fabricated and inaccurate.

Defense counsel: You wrote the words “could have,” correct?

Ms. Busch: Yeah, he could have. 100 people could have at that point.

Defense counsel: Why did you write “could have”?

Ms. Busch: Because anybody could have at that point.

Defense counsel: But you didn’t write the word “only”?

Ms. Busch: It doesn’t look like my writing, no.

Defense counsel: Is it possible it was you?

Ms. Busch: No.

Defense counsel: So—

Ms. Busch: Because that’s not what I thought.

Defense counsel: So it is your sworn testimony today you did not write the word “only”?

Ms. Busch: Yeah. It’s not what I thought.

Defense counsel: Just focus on my question.

Ms. Busch: No, it doesn't look like my handwriting. And I wouldn't have thought that. I wouldn't have put that in there.

Defense counsel: Okay. So in other words, you did not write the word "only," that is not your handwriting?

Ms. Busch: No. I mean, I wouldn't have done it.

Defense counsel: Do you know whose handwriting it is?

Ms. Busch: It's probably Dan's. (Busch Depo., 195:25 – 197:7, July 21, 2011.)

- h. Under intense questioning from pages 198:5 – 200:12 of her sworn testimony and amidst her continuing denials, Ms. Busch also tried to cast suspicion for this one-word change on her sister and David Robb. She also left open the possibility that the change was made by John Connolly, whom she said "was the co-writer of the book." (Busch Depo., 198:18-20 and 199:13-14, July 21, 2011.)
 - i. Consequently, the issue of who had handwritten the word "only" remained unresolved by the end of her sworn deposition.
 - j. However, based on my knowledge of Ms. Busch's handwriting, it is my opinion that all of the handwritten edits that appear on Bates Label 2037, Exhibit 24—including the word "only"—were made by Ms. Busch.
 - k. Additionally, I have located a draft proposal that was written after Exhibit 24—as evidenced by Ms. Busch's own handwritten edits.
 - l. Ms. Busch faxed these handwritten edits to me on February 15, 2005. Her fax number, "3239394001," is at the top of the page, along with her initials, "AB."
 - m. A true and accurate copy of fax-page 11 of Ms. Busch's corrections is attached hereto as **Exhibit E**.
 - n. The original text of **Exhibit E** stated:

Instead, she suddenly realizes that the **only** person who hired Pellicano to attack her was the **subject** of her series of articles for the *New York Times*. . . . (Emphasis added.)

- o. The words "only" and "subject" had now been typed into the draft proposal—just as Ms. Busch had directed earlier on Bates Label 2037.
 - p. Another key change made by Ms. Busch on **Exhibit E** also makes it clear that this February 15, 2005, draft proposal was written after the undated draft proposal, Exhibit 24:

* In **Exhibit E**, Ms. Busch re-added the handwritten words "could have," in the sentence which now read as corrected, "Instead, she suddenly realizes that the **only** person who **could have** hired Pellicano to attack her was the **subject** of her series of articles for the *New York Times*." (Emphasis added.)

* In another handwritten note next to “could have,” Ms. Busch wrote, “**already corrected this once before.**” (Emphasis added.)

- q. Based on my knowledge of Ms. Busch’s handwriting, it is my opinion that all of the handwriting that appears on **Exhibit E** is the handwriting of Ms. Busch—with the exception of the second use of the word “former,” which I wrote for clarification purposes in the last sentence of the fifth full paragraph of **Exhibit E**.
- r. In addition, continuing to explain her belief that “only” Mr. Ovitz could have been the person who hired Pellicano to attack her, Ms. Busch sent me her handwritten edits to the April 11, 2005, draft manuscript.
- s. A true and accurate copy of page 299 of the edits Ms. Busch sent to me in late April 2005 is attached hereto as page 2 of **Exhibit C**.
- t. On page 2 of **Exhibit C**, in the midst of a discussion about her June 12, 2003, conversation with FBI Special Agent Tom Ballard on page 299, Ms. Busch made the following handwritten addition:

It could **only** have been Michael Ovitz. He would have been the **only** one interested in me at that time. (Emphasis added.)

- u. Based on my knowledge of Ms. Busch’s handwriting, it is my opinion that all of the handwriting that appears on **Exhibit C** is the handwriting of Ms. Busch. Specifically, I recognize the handwriting on page 2 of **Exhibit C** that states, “It could only have been Michael Ovitz,” as belonging to Ms. Busch.

22. Ms. Busch’s denial of her knowledge of “Mister X”:

- a. In each instance of her sworn testimony, Ms. Busch repeatedly denied that she knew “Mister X” to be a reference to Mr. Ovitz, the target of her 2002 series of articles in the *New York Times*.
- b. However, to me, there is no doubt that Ms. Busch knew and understood that “Mr. X” was a specific reference to Mr. Ovitz.
- c. Ms. Busch’s claims to the contrary, which include allegations that I wrote inaccurate information, are untrue.
- d. During her July 21, 2011, sworn deposition, Ms. Busch was asked whether she knew the identity of “Mr. X.” (Busch Depo., 200:13-16, July 21, 2011.) The question referenced a sentence on Exhibit 24, identified with Bates Label 2037, which stated: “The man who threatened her must be [***]Mister X], and she identifies him to the FBI.”
- e. Ms. Busch made no changes to this sentence in the undated draft proposal, Bates Label 2037, Exhibit 24.
- f. Even though Ms. Busch allowed the above statement to remain uncorrected, she attacked the accuracy of my wording, testifying:

* [H]e'd just write stuff as he saw fit. He'd put stuff in my mind that wasn't there. He would come up with incredible fabrications that were just—it was like, where did he come up with this stuff? (Busch Depo., 201:4-8, July 21, 2011.)

* No, I mean the whole thing was bad. You don't understand. You would have had to have experienced it and then talked to him and then come—and then find out what came back, and it's just like—some of it was—it was just unbelievably bad. Badly—inaccuracies. There's [sic] inaccuracies throughout the whole thing. (Busch Depo., 202:6-12, July 21, 2011.)

- g. "Mister X" was my name for Mr. Ovitz in this particular case. Each time the term "Mister X" was used, I knew that Ms. Busch understood it to refer to Mr. Ovitz.
- h. I placed three asterisks in front of this bracketed code name as a signal to Ms. Busch to decide how she wanted to identify him.
- i. Ms. Busch was familiar with my technique of using three asterisks (*** to indicate that she needed to check a fact or passage. Among other places, this technique appears on Bates Label 2037 (Exhibit 24), Bates Label 2038 (Exhibit 29) and Bates Label 2039 (Exhibit 30).
- j. Defense counsel also directly asked Ms. Busch why she did not make any corrections or comments about the sentence in the final paragraph of 2037, "Anita rummages through her old files and is now absolutely convinced: [*** Mister X] was behind the attacks against her." (Busch Depo. 234:7-10, July 21, 2011.)
- k. Ms. Busch explained that she did not make any corrections because:

[I]t had Mr. X. It didn't make any sense who Mr. X was. It's like, Mr. X, who is that? . . . He just threw that in. He would do that sometimes, he would just throw in stuff. (Busch Depo., 235:5-11, July 21, 2011.)
- l. Defense counsel continued to question Ms. Busch about this issue:

Defense counsel: By the way, we looked at several documents, including Exhibits 24 and 29 and 30 that were excerpts of the manuscript that mentioned Mr. X. Do you know—you've made clear, it's your testimony, you didn't know who that was?

Ms. Busch: I didn't.

Defense counsel: Do you have any understanding whether Dan Moldea knew who that was?

Ms. Busch: No. He was looking for one of the high profile people to be—he was kind of like wanting to sensationalize the book the whole time. (Busch Depo., 254:16 – 255:3, July 21, 2011.)
- m. Based on my knowledge of Ms. Busch's handwriting, it is my opinion that all of the handwriting that appears on Bates Label 2037 (Exhibit 24), 2038 (Exhibit 29) and 2039 (Exhibit 30) is the handwriting of Ms. Busch.
- n. Yet, despite all of her corrections to Bates Label 2037 (Exhibit 24), 2038 (Exhibit 29) and 2039 (Exhibit 30), Ms. Busch made no edits to and included no comments about my references to "Mister X."

o. Further, on February 15, 2005, I received **Exhibit E**, part of a subsequent draft proposal, from Ms. Busch, which makes it even clearer that she knew that I was referring to Mr. Ovitz when I wrote about “Mister X.”

p. In **Exhibit E**, I wrote in the original text:

Instead, she suddenly realizes that the only person who hired Pellicano to attack her was the subject of her series of articles for the *New York Times*, which ended on May 7, 2002, just nine days before Arneson submitted his report about Anita to Pellicano.

q. On **Exhibit E**, Ms. Busch underscored the words “attack her was the subject of her series of articles for the *New York Times*. . .” and then handwrote the question, “Why use (‘Mr. X’) when you just identify him to the world here?”

r. Ms. Busch placed the parenthesis around “Mr. X.”

s. In the sentence Ms. Busch commented on, I had not referenced “Mister X.” I understood that Ms. Busch was asking me why I would use “Mister X” as a code name for Mr. Ovitz if I was going to reveal his identity anyway by referring to him as the “subject of her series of articles for the *New York Times*.”

23. **Ms. Busch’s denial of facts related to Bernard Weinraub:**

a. Ms. Busch testified that my account that the FBI told her in 2003 that her writing partner for the *New York Times* series about Mr. Ovitz, Bernard Weinraub, was also a target of Pellicano was “inaccurate.”

b. However, Ms. Busch reported to me—through her personal notes—that in June 2003, FBI Special Agent Tom Ballard told her that Pellicano also targeted Mr. Weinraub.

c. During her July 21, 2011, sworn deposition, Ms. Busch was questioned about the section that begins “Chapter 36” on Bates Label 2037, Exhibit 24, the undated draft proposal. (Busch Depo. 230:14 – 231:22, July 21, 2011.)

d. The relevant section stated:

The FBI reveals to her that *New York Times* reporter Bernard Weinraub, Anita’s partner for the series had also been targeted by Pellicano although he was never actually threatened—wiretapped, perhaps, but not threatened.

e. Ms. Busch called this passage “inaccurate” (Busch Depo., 230:25 – 231:22, July 21, 2011.)

f. However, the conversation I reported between Ms. Busch and FBI Special Agent Ballard about Mr. Weinraub was based on the personal notes she had given me.

g. True and correct copies of pages 8-10 of the personal notes provided to me by Ms. Busch in or about June 2003 are attached hereto as **Exhibit F**.

h. After receiving these notes, I handwrote the numbers on the top right hand corner of the pages of **Exhibit F**. Pages 8-10 of the personal notes correspond to pages 1-3 of

Exhibit F, respectively. (I also placed the two handwritten question marks that appear on **Exhibit F**, page 2.)

i. During her July 21, 2011, sworn testimony Ms. Busch was asked how she found out “that Bernie Weinraub’s background was also searched by Arneson.” (Busch Depo. 223:12-14, July 21, 2011.)

j. In response, Ms. Busch stated under oath:

That came out, I guess, in the trial. I mean, in the—it was in the indictments. It was in the indictments is [sic] when I found it out. (Busch Depo., 223:15-17, July 21, 2011.)

k. When asked to confirm that this was in 2006, Ms. Busch replied, “Yes.” (Busch Depo., 223:18-22, July 21, 2011.)

l. Ms. Busch was further questioned by defense counsel about when the FBI revealed to her, according to the undated draft proposal (Exhibit 24), that Mr. Weinraub had been targeted by Mr. Pellicano.

Defense counsel: When did the FBI reveal that to you?

Ms. Busch: They never revealed that to me. That’s not accurate.

Defense counsel: Okay. And that’s—and indeed you put in—you have the word “inaccurate” as well next to it?

Ms. Busch: Yeah, I mean, this was all made up. It was just what he thought might have happened. It just didn’t happen.

Defense counsel: And you told him it was inaccurate?

Ms. Busch: Yeah, it didn’t happen.

Defense counsel: Where it says, “The FBI reveals,” next to that there’s a line and you say, “No. No can do on this one. Sorry.”

Ms. Busch: Yep.

Defense counsel: Do you remember why you said that?

Ms. Busch: Because it’s totally inaccurate. It’s completely inaccurate. It didn’t happen.

Defense counsel: Was there any other reason you didn’t want to reveal anything in respect to aspects of this book, other than whether it was accurate or not?

Ms. Busch: There was nothing to reveal. It wasn’t accurate. (Busch Depo. 230:24 – 231:22.)

m. However, on page 3 of **Exhibit F**, Ms. Busch recounted her June 12, 2003, conversation with FBI Special Agent Ballard. Specifically, Ms. Busch wrote in her personal notes:

Ballard then asks me if I know some names. I don’t know any of them. **He asks the name of my writing partner at NYT. It’s Weinraub. He said can you spell that? I do. He says, “that’s a positive ID.”** I’m shell shocked at this moment. I say nothing. I pull off the road. I just sit there. **If Bernie Weinraub is on that list, which it appears that he is, then it is definitely Ovitz.**

I feel whiplashed. My thinking was only one way on this . . . then boom, I'm thrown across the room. I get home and call my counselor. I need to see her. We schedule an appt. (Emphasis added.)

- n. Based on the personal notes sent to me by Ms. Busch, as evidenced by **Exhibit F**, she knew that Bernard Weinraub had also been targeted by Mr. Pellicano on June 12, 2003.
 - o. Based on this fact, Ms. Busch reported on page 3 of **Exhibit F** that “If Bernie Weinraub is on that list, which it appears that he is, then it is definitely Ovitz.”

24. Ms. Busch’s challenge to my account of her 2003 summer vacation:

- a. Ms. Busch claims that my account of her summer vacation was inaccurate.
- b. However, my account of Ms. Busch’s summer vacation was based on personal notes she faxed to me on April 27, 2004.
- c. During her July 21, 2011, sworn deposition, Ms. Busch was questioned about a section on Bates Label 2038, Exhibit 29, of the undated draft proposal. (Busch Depo., 240:19 – 242:2, July 21, 2011.)
- d. Exhibit 29 states:

Anita goes to her therapist, who tells her that she has a classic case of “post-traumatic stress disorder.” She tells Anita to take a vacation. With the permission of her newspaper, Anita spends much of the next month visiting family and friends throughout the United States.

- e. In the text of Exhibit 29, Ms. Busch made only one edit, crossing out the phrase, “With the permission of her newspaper.” But that was not what she contested in her sworn deposition.

- f. When asked if she went “on the road,” as stated in Exhibit 29, Ms. Busch testified:

No. I wasn’t on the road. I flew to my brother’s house [in Texas] and that’s it. So it’s inaccurate. The whole thing—this whole page is bad, quite frankly. At some point just hand back the page. . . . I traveled to one place and back. (Busch Depo., 241:17-25, July 21, 2011.)

- g. However, on April 27, 2004, Ms. Busch faxed me her personal notes about the month of July 2003. This document included the fax number of Ms. Busch, “3239394001,” and her initials “AB” which are at the top of the page.

- h. A true and accurate copy of page 1 of the above referenced fax I received from Ms. Busch is attached hereto as **Exhibit G**.

- i. In **Exhibit G**, Ms. Busch wrote:

Pellicano’s trial was supposed to be July 8. I know it has been postponed. **By this time, I’ve visited with my brother John and his family and have gone to my Aunt’s in Wisconsin. While I’m there, I find out about a movie shooting there, Mr. 3000. I’m invited to go to the set. I call two editors at the paper to find out if they want a story because if so, I’ll stay and not drive back to Chicago.**

They don't get back to me. I drive to Chicago. Two days later, I call the paper again. It is the last ditch effort to get a story into the paper for them. We discuss it. Kinsey Lowe calls me back promptly and says yes. I call the airlines. It's impossible at this point to get back there without a huge expense.

I call the paper back and say that I can't do it. It was too late in finding out. Sorry.

Instead of flying home, I head back to my brother's in Texas to surprise my nephew for his birthday. (Emphasis added.)

j. **Exhibit G** was the basis for the events I wrote about in the undated draft proposal, Exhibit 29.

k. To summarize, Ms. Busch claimed in her sworn testimony that my description of her summer vacation was inaccurate, testifying that she had made a trip to "one place" to visit her brother and then immediately returned home. However, according to her personal notes, she had visited Texas, Wisconsin, Chicago, and then back to Texas before returning to Los Angeles.

25. **Ms. Busch's denial that "ED" is a specific reference to Mr. Ovitz:**

- a. Ms. Busch claimed in her sworn testimony that "ED" is a generic code name for "evil doers."
- b. However, it was always my understanding that "ED" was a direct reference to Mr. Ovitz, and that Ms. Busch created and used the term "ED" in her writings to refer specifically and only to Mr. Ovitz.
- c. During her July 21, 2011, deposition, Ms. Busch was questioned about an email I sent to her and David Robb on January 19, 2006. (Busch Depo., 256:21 – 258:23, July 21, 2011.) The email is identified with Bates Label 1876, Exhibit 32.
- d. Even though I did not receive a copy of this email from defense counsel, I did have the referenced document in my personal files.
- e. Specifically, Ms. Busch was asked by defense counsel about my reference to "ED" in the following passage:

FYI: Jules knows that **ED was probably behind the first attack on you**--because John Connolly told him two years ago after he broke from us. Remember that nightmare? You and I have been through a lot together. (Busch Depo., 257:9-17, July 21, 2011.) (Emphasis added.)

- f. Ms. Busch replied in her sworn testimony: "Capital E, capital D was a generic term for evildoers, because [President George W.] Bush had used evildoers. So it was kind of a full compilation for evildoers." (Busch Depo., 257:20-23, July 21, 2011.)
- g. When asked whether "ED" held any significance for Ms. Busch and me, she replied: "To him I guess, but not to me. . . . I don't know who he's talking about. . . ." (Busch Depo., 258:4-6, 258:10-11, July 21, 2011.)

h. Ms. Busch was then directly asked by defense counsel whether “ED” was a reference to Mr. Ovitz. Under oath, Ms. Busch responded: “I don’t know if he thought that, but it’s not what I thought.” (Busch Depo., 258:19-22, July 21, 2011.)

i. Ms. Busch also denied that “ED” was a code name for Mr. Ovitz during her August 3, 2011, sworn deposition.

Defense counsel: What does “ED” stand for?

Ms. Busch: Evildoers.

Defense counsel: And who had come about with that?

Ms. Busch: I don’t remember.

Defense counsel: Does that—was that a code word for Michael Ovitz?

Ms. Busch: No, it was a collective evildoers, plural.

Defense counsel: Okay.

Ms. Busch: That’s what it meant to me. (Busch Depo., 381:3-11, August 3, 2011.)

j. However, despite her repeated denials during her sworn testimony that “ED” referred to Mr. Ovitz, Ms. Busch wrote personal notes to me in which she personally used the term “ED.”

k. On April 27, 2004, Ms. Busch faxed personal notes to me of events that took place in July 2003.

l. True and accurate copies of pages 4 and 5 of the personal notes sent to me by Ms. Busch are attached hereto as pages 1 and 2 of **Exhibit H**, respectively.

m. On page 1 of **Exhibit H**, Ms. Busch memorialized a conversation she had with an FBI agent on July 23, 2003, writing:

He said he’s **trying to link Pellicano to “ed” right now**, specifically when they first started working together. (Emphasis added.)

n. Describing another conversation on July 27, 2004, Ms. Busch continued on page 1 of **Exhibit H**:

I call XX. [sic] **He tells me that “ed” hired Pellicano three years ago.** The person who tells me this asks why I am asking about it. I say for obvious reasons. He is stunned. He tells me that he used to use Gavin DeBecker. He might still use Gavin DeBecker. Now, I am stunned.

He also tells me that **a good friend of his said “ed” told him** that he was going to get even with everyone someday—and he was going to do it one by one. (Emphasis added.)

o. At the end of the last paragraph on Page 1 of **Exhibit H**, Ms. Busch continued that, after her discussion with the FBI agent, she said “a prayer,” asking in part: “Please allow [the FBI] to get this monster, and if you won’t allow it, **please cleanse his (ed’s) blackened soul.**” (Emphasis added; Ms. Busch’s parenthesis)

p. On page 2 of **Exhibit H**—part of a separate document which Ms. Busch sent to me on December 27, 2003—she wrote:

Ed brought Seagal into Warner Bros. . . . Ed made the deals. Semel told me once over dinner that he and **Ed** made a lot of money together so although he was great friends with Ron Meyer, he will always be friendly with **Ed**. (Emphasis added.)

q. Similarly, on October 30, 2003, I received an email from the email address of Ms. Busch, Anitabusch@aol.com. In this communication, Ms. Busch wrote:

I spoke to John this morning about Ed and the babysitter. He thought he might confront the babysitter about **Ed** next week. I told him be careful. I don't want anything to screw anything up. He said he's been talking constantly to the babysitter. (I've known that for a year.)

Dan, I don't think it's good to let the babysitter know anything at all. Your opinion, please? (Emphasis added.)

r. A true and accurate copy of Ms. Busch's October 30, 2003, email is attached hereto as **Exhibit I**. (On this page, I handwrote the words, “before he goes to prison.”)

s. The code name, “ED,” aka “evil doer,” was Ms. Busch’s creation. Contrary to her sworn testimony, it was her specific code name for Mr. Ovitz—and only for Mr. Ovitz. Mr. Connolly and I picked up on this and also used this acronym from time to time when referring to Mr. Ovitz.

t. For instance, after Ms. Busch discovered that Mr. Connolly was planning to write an article about the Pellicano scandal for *Vanity Fair*, I sent a lengthy email to Mr. Connolly on December 7, 2003, which included a list of “some genuine concerns.” Ms. Busch and I drafted the email over the phone and she also received a copy of this document after I sent it. With the approval of Ms. Busch, I wrote:

ED: Respectfully, I ask you to forget about **ED**’s inclusion in your *Vanity Fair* article. You wouldn’t even know about his significance to this case if we hadn’t told you. **ED** is the property of the entire team. And, in the end, I don’t want our grand finale to be viewed as cold coffee. (Emphasis added.)

u. A true and accurate copy of the December 7, 2003, email is attached hereto as **Exhibit J**.

v. On January 19, 2006, I received an email from Anitabusch@aol.com, the email address of Ms. Busch. This communication stated:

If JC told Jules Nasso about Ed, then he also told him about the book project between us and that is probably why you were approached by Jules. But you probably thought about that already. He’s been trying to get to me for the past 3 1/2 years through various people. He came to you and you engaged him. . . .

How can you forget Nasso’s comments about **what a stand-up guy Ed was** in the *Vanity Fair* piece immediately after I was threatened? (Emphasis added.)

w. A true and accurate copy of the January 19, 2006, email I received from Ms. Busch is attached hereto as page 1 of **Exhibit K**.

- x. In my email response to Ms. Busch that same day, I stated:

I now know the entire story about the *Vanity Fair* piece (and the bedroom scene in particular), as well as JC's relationship with Nasso and his attorneys and investigators. I know the whole story about the **Nasso-Seagal relationship with ED and Pellicano**, as well as Nasso's relationship with your former partner at the *LAT*, among many other things that once troubled us.

In short, Nasso was not involved in either of the attacks on you. That is what it is. And I am willing to stake my reputation and career on that simple fact.

- y. A true and accurate copy of my January 19, 2006, email to Ms. Busch is attached hereto as page 2 of **Exhibit K**.

26. Ms. Busch's denial that the Book would reveal who allegedly hired Mr. Pellicano and that it would "rock Hollywood at its very foundation":

- a. During her July 21, 2011, sworn deposition, Ms. Busch was questioned about a section of Bates Label 1960, Exhibit 40, which is a page from our October 11, 2003, draft proposal that includes edits from Ms. Busch. (Busch Depo., 281:16 – 284:1, July 21, 2011.)

- b. The relevant section of Exhibit 40 states:

The lingering question, which will soon be addressed by the courts, remains: Who actually hired Pellicano "to attack" Busch?

In our book, we will reveal the answer, which will likely rock Hollywood at its very foundation. (Emphasis added.)

- c. Based on my knowledge of Ms. Busch's handwriting, it is my opinion that all of the handwritten notes that appear on Bates Label 1960, Exhibit 40, were made by Ms. Busch.

- d. In her deposition, Ms. Busch described this quoted portion "speculative nonsense." (Busch Depo., 283:16, July 21, 2011.)

- e. However, even though she made several changes and edits to the Bates Label 1960, Exhibit 40, Ms. Busch made no changes to the claim that our information would "rock Hollywood at its very foundation."

- f. In fact, the only handwritten comment Ms. Busch made about this statement was:

as long as it comes out
don't want to screw up FBI investigation, of course.

- g. Similar wording about rocking Hollywood's at its foundation appears in a subsequent draft proposal of November 16, 2003. This passage at Bates Label 1979, Exhibit 41, states:

Through our network of sources in and out of the federal, state, and local law-enforcement community, we already know many of the details of the investigation.

Also, we will reveal the person who hired Pellicano to attack Anita Busch. This news will likely rock Hollywood at its very foundation. (Emphasis added.)

- h. At no time did Ms. Busch make any corrections to this second reference to rocking Hollywood or instruct me to remove it.
- i. In her November 16, 2003, handwritten edit to Exhibit 41, Ms. Busch simply noted that we would need to get “permission” to make such a statement.
- j. Based on my knowledge of Ms. Busch’s handwriting, it is my opinion that all of the handwritten notes that appear on Bates Label 1979 (Exhibit 41) were made by Ms. Busch.
- k. After receiving the information from the FBI on June 12, 2003—which she detailed in her personal notes to me in **Exhibit F**, as well as her handwritten notes in **Exhibit C**—there was no doubt that Mr. Ovitz would be at the center of the storm when the facts of the Pellicano case were finally released. And that information would certainly “rock Hollywood at its very foundation,” as Ms. Busch and I agreed in our draft proposals of October 11 (Exhibit 40) and November 16, 2003 (Exhibit 41).

27. Ms. Busch’s denials that she was aware of Mr. Ovitz’s alleged involvement in 2003:

- a. Ms. Busch’s repeated statements under oath that she did not believe as early as 2003 that Mr. Ovitz was involved in the attacks against her—and that this was nothing more than my concoction to sell our Book—are simply not true.
- b. After June 12, 2003, Ms. Busch told me in written and verbal communications that she believed Mr. Ovitz was the person who had hired Mr. Pellicano to attack her.
- c. During her July 21, 2011, sworn deposition, Ms. Busch was questioned about a section in Bates Label 1960, Exhibit 40, the October 11, 2003, draft proposal. During that line of questioning, Ms. Busch denied knowing that we planned to reveal in the Book, “Who actually hired Pellicano ‘to attack’ Busch?”

Defense counsel: At the time that you received this on October 11, 2003, was it your belief that Michael Ovitz had hired Pellicano to attack you?

Ms. Busch: No.

Defense counsel: Was it your belief—did you have reasonable suspicion at that point that it was Michael Ovitz that had hired Pellicano to attack you?

Ms. Busch: Absolutely not.

Defense counsel: Were you suggesting in this book that it was Michael Ovitz who had hired Pellicano to attack you?

Ms. Busch: No.

Defense counsel: Was Dan Moldea suggesting in his book that it was Michael Ovitz who had hired Pellicano to attack you?

Ms. Busch: I think he wanted some high profile person to hang it on, but I don't know. We talked about many, many, many, many people. (Busch Depo., 284:2-20, July 21, 2011.)

- d. Indeed, Ms. Busch and I did discuss many people who could have been involved in the attacks against her. However, after June 12, 2003, the only person at the center of every scenario we discussed was Mr. Ovitz.
- e. Ms. Busch provided me with her personal notes about what she learned on that key date. True and accurate copies of three of the pages I received from Ms. Busch about the events of June 2003, are attached hereto at **Exhibit F**.

f. On page 2 of **Exhibit F**, Ms. Busch wrote that on June 12, 2003, FBI Special Agent Tom Ballard told her that the LAPD-database information about her was dated May 16, 2002—more than two weeks before she began her investigation of Steven Seagal and Jules Nasso for the *Los Angeles Times* and nearly a month before the first attack against her.

g. After learning this information, Ms. Busch wrote:

I have to sit down. I sit down on her front step. Stunned.

That was before the Seagal stories. That was before I even joined the L.A. Times. Dear God. . . . **it could have only been one person . . . only one person makes sense and that is Michael Ovitz.** (Emphasis added; the ellipses were inserted by Ms. Busch.)

h. On page 3 of **Exhibit F**, Ms. Busch wrote about her second conversation with FBI Special Agent Ballard on June 12, 2003:

Ballard then asks me if I know some names. I don't know any of them. He asks the name of my writing partner at NYT. It's Weinraub. He said can you spell that? I do. He says, "that's a positive ID." I'm shell shocked at this moment. I say nothing. I pull off the road. I just sit there. **If Bernie Weinraub is on that list, which it appears that he is, then it is definitely Ovitz.**

I feel whiplashed. My thinking was only one way on this . . . then boom, I'm thrown across the room. I get home and call my counselor. I need to see her. We schedule an appt. (Emphasis added.)

i. Further, I provided Ms. Busch with a first rough draft of chapters 32-42 on April 11, 2005. Later that same month, Ms. Busch provided me with her handwritten edits for this section. Her handwritten edits are included on page 3 of **Exhibit C**.

j. In the midst of a section about her June 12, 2003, conversation with FBI agent Ballard on page 3 of **Exhibit C**, Ms. Busch made the following handwritten notes after writing on the previous page, "It could only have been Michael Ovitz":

"Michael Ovitz," she hangs her head. "Michael Ovitz. I can't believe this."

. . . . Anita now thinks it was Nasso & Ovitz together with Pellicano & his crew who did this to her.

k. Based on my knowledge of Ms. Busch's handwriting, it is my opinion that all of the handwritten edits that appear on page 3 of **Exhibit C** were made by Ms. Busch.

1. Page 4 of **Exhibit C** contains more edits by Ms. Busch. Ms. Busch crossed out the last sentence before Chapter 34 and wrote: “And Anita hopes if Ovitz is guilty [crossed-out word] as she believes, then he will dangling [sic] from the same hook one day.”

m. Based on my knowledge of Ms. Busch’s handwriting, it is my opinion that the handwritten edits that appear page 4 of **Exhibit C** were made by Ms. Busch.

28. **Ms. Busch’s challenge to her grand-jury experience:**

- a. Ms. Busch testified under oath that my account of her grand-jury experience was inaccurate and that she had not given me any personal notes about that experience.
- b. However, Ms. Busch did give me personal notes about her grand-jury experience and those notes were the basis for my written account.
- c. During her July 21, 2011, Ms. Busch claimed that she did not give me any personal notes about her experience before the federal grand jury. (Busch Depo., 348:1-16, July 11, 2011.)
- d. When specifically asked whether she had provided me with this written material, Ms. Busch replied:

They weren’t personal notes. This is something that I would have told him. . . .

Yeah. I didn’t write anything down. I didn’t have personal notes on this. I remember this now. (Busch Dep., 348:9-16, July 21, 2011.)

e. Ms. Busch further claimed under oath that my account, recorded on Bates Labels 1673-1674, Exhibit 16, was “not accurate.” (Busch Depo., 348:24, July 11, 2011.)

f. My account stated that, according to Ms. Busch’s “personal notes”:

I walked into a room filled with people. There was a court reporter who mentioned that she was friends with people at the Los Angeles Times. I had a bottle of water with me. I answered questions about everything that had happened to me as a victim. It was during the questioning by Dan Saunders that I realized that my phones were actually illegally wiretapped. The confirmation came to me right there and then. I had to go to the bathroom at one point and I asked where it was. It was in the room. I had to walk through something that looked like a broom closet to get to the bathroom. It was hilarious. I thought how poor the government was not to be able to afford a decent bathroom. I was absolutely mentally drained after going through the attacks on me. I cried at one point. . . . It’s hard to keep reliving this shit, but I had to go back and answer more questions.

One guy asked me why I didn’t tell the police right away about the August 16th attack. I said, “because I was scared out of my gourd. I thought they were telling me not to talk to the police or FBI.” Afterwards, the jurors (and there were a lot of them) started asking me questions about my computer and phone lines. I answered them directly. One guy asked me what the guy in the car looked like. That’s when I got overwhelmed. One woman close to me I think really understood. She kept looking at me and nodding her head in sympathy. I was really glad she was there. I don’t think the men really understood how scared I was, but I felt that some of the women really got it. I told them about being scared in Ralph’s and I thought he was going to turn the corner. I told them about running in a panic in the Target parking lot thinking that they were going to get me again.

g. When asked what was not accurate in my description, she gave a list of errors she claimed that I had made in this section, saying:

The questioning by Dan Saunders that I realized my phones were illegally wiretapped and the confirmation. That did not—that was not the confirmation that it was illegally wiretapped at all. Not at all. Absolutely not. I knew they were investigating my phones....

I don't remember anybody asking me what the guy in the car looked like. I don't remember the woman looking at me and nodding her head in sympathy. I know that happened during the trial, but—I don't remember that. (Busch Depo., 349:1-14, July 21, 2011.)

h. Ms. Busch also disputed the accuracy of my account of her grand jury testimony in her August 3, 2011, sworn deposition.

i. During her August 3, 2011, testimony, Ms. Busch was again questioned by defense counsel about my description of her experience before the grand jury:

Defense counsel: Is it accurate that, quote, "The confirmation came to me right there and then"?

Ms. Busch: No.

Defense counsel: Did you write those sentences?

Ms. Busch: I don't remember writing it, no....

Defense counsel: Do you know what Moldea is purporting to transcribe here?

Ms. Busch: No, I may have told him. I just don't remember; it was a very long time ago.

Defense counsel: Would you have any reason to doubt Dan Moldea if he were to say under oath that you told him, "Follow these words that are in the indented paragraphs"?

Ms. Busch: Yes. (Busch Depo., 409:14 – 410:5, August 3, 2011.)

j. Thereafter, defense counsel asked Ms. Busch: "[W]ould you doubt the truth of something that was in your own hand?" (Busch Depo., 411:9-10, August 3, 2011.)

k. "No," Ms. Busch responded, "there was no reason for me to doubt it if it was in my hand." (Busch Depo., 411:15-16, August 3, 2011.)

l. On April 25, 2005, I indeed received a signed statement from Ms. Busch, specifically recounting her grand-jury experience.

m. A true and accurate copy of the typed statement I received from Ms. Busch is attached hereto as **Exhibit L**.

n. Based on my knowledge of Ms. Busch's handwriting, it is my opinion that the signature, "Anita," on **Exhibit L** is the signature of Ms. Busch.

o. The section cited above on Bates Labels 1673-1674 of Exhibit 16—the May 11, 2005, draft manuscript—is Ms. Busch's own word-for-word account, just as she wrote it in the statement I received from her on April 25, 2005.

29. Ms. Busch's claims of inaccurate quotes, passages and alleged fabrications:

- a. During her August 3, 2011, sworn deposition, the discussion about my work on the Book continued as Ms. Busch escalated her attacks against me:

Defense counsel: Would you have any reason to disbelieve Dan Moldea—if Dan Moldea said “I had been provided with personal notes from Anita Busch and I’ve accurately transcribed those notes.”

Ms. Busch: Yes.

Defense counsel: Do you think he would lie about that?

Ms. Busch: Yes.

Defense counsel: How come?

Ms. Busch: Because he made things up out of full cloth sometimes. And he was also—he just wasn’t adhering to real basic Journalism 101 rules. (Busch Depo., 417:4-14, August 3, 2011.)

- b. Defense counsel asked Ms. Busch for specific examples:

Defense counsel: Are you aware of any instance in which Dan Moldea had written something claiming that it was a transcription of your personal notes when, in fact, it wasn’t?

Ms. Busch: There were numerous times where he said that he—there were numerous. It was a constant problem. There was [sic] constant inaccuracies. (Busch Depo., 417:25 – 418:6, August 3, 2011.)

- c. Unable to get Ms. Busch to answer the direct question, defense counsel continued:

Defense counsel: Are you aware of any instance in which Dan wrote something that purported to be in your own words—

Ms. Busch: Yes.

Defense counsel: —from a diary or journal entry—

Ms. Busch: Yes.

Defense counsel: —and those words were inaccurate?

Ms. Busch: Yes.

Defense counsel: Which ones?

Ms. Busch: He did it all the time. I can’t specify anything. (Busch Depo., 418:13-22, August 3, 2011.)

- d. For the next twelve pages of Ms. Busch’s sworn testimony—from 418:23 to 430:21—defense counsel repeatedly asked her to cite a single instance in which I had fabricated any quote from any of her personal documents and then represented that quote as her own words in any of our work without her permission.

- e. Ms. Busch could not cite a single instance in which I had done this.

f. Instead, she stated and twice repeated the following allegations—all three of which are not true:

* I would tell him or write something to him about what happened and it would come out like—for instance, when I was threatened, it happened in front of my house with dead fish and the rose on the windshield. And when he wrote it he said I was threatened at the YMCA while I was swimming. (Busch Depo., 419:13-18, August 3, 2011.)

* I mean, he asked me to write what happened to me on June 20th and so I did and what came back was I was threatened at YMCA while swimming when, in fact, the threat was in front of my house. (Busch Depo., 420:15-18, August 3, 2011.)

* When I wrote to him, wrote, to him, what happened on June 20th about me getting threatened in front of the house; how they came to the house, they put a dead fish and the rose in my house [sic] and a hole in the windshield, and I wrote that to him. And what came back to me was that I was threatened while swimming at the YMCA. I don't even know where he got that. (Busch Depo., 422:2-8, August 3, 2011.)

g. Despite the claims of Ms. Busch, my accounts of her swimming at the YMCA and the first attack on her were clearly separate events.

h. The passage about the YMCA appears on Bates Label 2097 of the January 23, 2004, draft proposal. The date for that scene at the YMCA was “Monday, June 3, 2002”—seventeen days before the first attack when her car was vandalized in front of her apartment building on June 20, 2002. Ms. Busch neither had corrections for nor any written comments about this section in the cited document.

i. My brief but accurate description of the actual attack on June 20, 2002, appears on Bates Label 2108 of that same draft proposal—once again, with no corrections or comments from Ms. Busch. And the full and accurate account of the vandalism—in front of her home, also with the correct date—appears in the approved May 11, 2005, draft manuscript (Exhibit 16).

30. Ms. Busch’s challenge to my report of an email exchange with John Montorio:

a. On August 3, 2011, Ms. Busch was questioned about an email exchange—on Bates Label 1675 of the May 11, 2005, draft manuscript (Exhibit 16)—that she had with John Montorio, an editor at the *Los Angeles Times* on May 16, 2003:

Defense counsel: You see there is a footnote that says, ‘Email from Anita Busch to John Montorio’?

Ms. Busch: Yeah, that is probably what he did. I don’t know.

Defense counsel: Do you know if he accurately transcribed that e-mail?

Ms. Busch: No, I have no idea.

Defense counsel: Any reason to doubt it?

Ms. Busch: Yes.

Defense counsel: That e-mail?

Ms. Busch: There is a reason to doubt everything he did.

Defense counsel: Well, come on. Let's be fair to him.

Ms. Busch: I am being fair. (Busch Depo., 431:20 – 432:7, August 3, 2011.)

- b. This section about the Busch-Montorio email exchange, which I footnoted, is an accurate recitation of the documents which Ms. Busch provided me.
- c. True and accurate copies of the emails provided to me by Ms. Busch are attached hereto as **Exhibit M**.
- d. These communications appeared in the May 11, 2005, draft manuscript, Exhibit 16, which Ms. Busch had approved and sent to the attorneys in her civil case.

31. Ms. Busch's denial of Mr. Ovitz's belief of a Busch-Weinraub conspiracy against him:

- a. Ms. Busch testified under oath that she had no knowledge of my reason for writing that Mr. Ovitz suspected that she and Bernie Weinraub were conspiring against him.
- b. However, I wrote that Mr. Ovitz had these suspicions about a Busch-Weinraub conspiracy after I received a personal, handwritten note that Ms. Busch faxed to me.
- c. Ms. Busch was questioned by defense counsel about a statement I had made on Bates Label 1506 of Exhibit 16—the May 11, 2005, draft manuscript—which read:

Among all of the media people who have written about his demise, **Ovitz singled out Bernie Weinraub and Anita** for their *New York Times* series, alleging that they were part of an organized conspiracy to get him. (Busch Depo., 446:7-11, August 3, 2011.) (Emphasis added.)

- d. Asked to respond to what I had written, Ms. Busch replied, “I don’t know where it is from. I don’t think he knows where it is from.” (Busch Depo., 446:15-16, August 3, 2011.)
- e. The source of my information is a personal, handwritten note from Ms. Busch which she faxed to me on October 19, 2003. In that communication, Ms. Busch wrote:

During the series, Ovitz personally flew into N.Y. & met with Times editors trying to get [crossed out word] Weinraub fired. It wasn’t the 1st time he tried to get Weinraub fired.

In the end Ovitz blamed Busch & Weinraub for his demise.

Ovitz later [word unknown]them as part of a gay mafia bent out to destroy him & drive him out of Hollywood. (Emphasis added.)

- f. A true and accurate copy of this page is attached hereto as **Exhibit N**.
- g. Based on my knowledge of Ms. Busch’s handwriting, it is my opinion that the handwritten note on **Exhibit N** was written by Ms. Busch.

h. Ms. Busch never made a single change to the wording of that passage on Bates Label 1506, Exhibit 16—the May 11, 2005, draft manuscript—which she had approved and sent to the attorneys in her civil case.

DATED this ____ day of _____, 20____

Signature of Affiant

SWORN to subscribed before me, this ____ day _____, 20____

NOTARY PUBLIC

My Commission Expires:
