

February 26, 2013

MEMORANDUM

TO: File

FROM: DEM

SUBJECT: Dave Robb's sworn statement of 1-10-2013 and the latest false charge that I concealed my association with Jules Nasso from Anita Busch

The most shocking false statements in Dave Robb's sworn declaration of January 10, 2013, appeared in paragraph 4 which revolved around the theme that I "had betrayed Anita" because of my "contact with Jules Nasso."

This is simply not true.

Specifically, Dave stated under oath:

4. When Anita learned that Dan Moldea had been in contact with Jules Nasso about writing a book with Nasso, she was outraged and distraught. I was also astonished when I learned of this and confronted Moldea. He responded with an e-mail claiming that he had told me about his discussions with Nasso and left it up to me whether or not to tell Anita. This was blatantly false: he had asked me not to tell anyone what he was working on before revealing that he was working with Nasso. I was shocked that he was dealing with Nasso when Anita had so often expressed her fear of him. I sent Moldea an e-mail, a draft of which appears as Exhibit I hereto, recounting that he had fabricated the entire account of how he had revealed his Nasso contacts to me, and that he had betrayed Anita.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration is executed this 10th day of January 2013 at Los Angeles, California.

Anita Busch claimed in her own sworn declaration of January 10, 2013—page 19, paragraph 45(A)—that she had first learned about my association with Nasso in January 2006, which is true. But, as part of her latest revisionist history, Anita also alleged that her discovery of my association with Nasso was the reason that our collaboration "broke down."

This is not true.

Significantly, Anita never made any such claim during her sworn testimony at Anthony Pellicano's federal conspiracy trial or during any of her four depositions under oath in her civil case. In the midst of those venues—in which our book project was discussed at length—she provided other conflicting and equally false explanations.

In addition, Dave stated in his imprecise sworn declaration that—after he had learned from Anita about my association with Nasso—he "confronted Moldea."

This is false, as well—an account which conflicts with the bizarre Exhibit 1 of his own sworn declaration.¹

In his statement, Dave continued under oath:

[Moldea] responded with an e-mail claiming that he had told me about his discussions with Nasso and left it up to me whether or not to tell Anita. This was blatantly false. . . .

This, too, is untrue. In fact, I had told Dave—both verbally and by a dated and time-stamped email six months earlier in July 2005—about my proposed arrangement with Nasso before my first conversation with him. I also left it up to Dave as to whether to give this information to Anita. And, once again, all of this is in writing.

Here is the timeline:

May 24, 2005: Anita had a meeting with one of the attorneys in her civil case against Pellicano. After this meeting, she told me that her attorney was concerned with our manuscript—because it could potentially give too much information, aka free discovery, to the defense in her case. Consequently, Anita informed me that our book project could not go forward.

May 24, 2005: That night, upset with Anita’s unilateral decision after my two years of free work on our manuscript, I sent an email to her, saying in part:

What really puzzles me is that your attorneys knew that we were writing a book. What did they think it was going to contain—poetry and [recipes]? Why didn't they express their concerns earlier?²

May 25, 2005: Anita repeated what she had told me the previous day, saying:

The [attorneys’] main concern, as I told you before, is why give out *free information* that can have holes poked into it? Those things I told you were some of the top concerns of what would need to change and why it would be hurtful to me and my case, but there were others as well which I have not discussed with you. So, as I said earlier today, we cannot do this now. It is non-negotiable. I cannot go against my own attorneys. Perhaps we can revisit this project at a

¹ Significantly, Dave Robb completely contradicted his suggestion—that he learned about my arrangement with Nasso from Anita in January 2006—in Exhibit 1 to his sworn statement. This exhibit is supposedly a “draft” of an undated email he claims to have sent to me—noting that “a few days” after July 23, 2005, I had told him that I was “doing something with Nassau [sic].” Indeed, I did tell Dave about my proposed association with Nasso in July 2005—not in January 2006, as he suggested in his sworn statement.

Further, I deny receiving anything as harsh as Dave’s Exhibit 1—as of February 2006. The closest thing to it was what appears in this memorandum as Attachment F. (An obvious question is: Why would Dave not produce the actual email to which he referred in lieu of this mysterious and even suspicious “draft”?)

² Email from Dan Moldea to Anita Busch, May 24, 2005; 11:33 P.M. (Attachment A)

future date. First and foremost, they need to see where this is all headed.³ (Emphasis added.)

May 25-June 12, 2005: Anita and I argued over the phone and in writing about her indefinite postponement of our book project. I insisted that there was nothing in our collaboration contract which gave her the right to stop this book project unilaterally.

June 12, 2005: In response, Anita wrote:

I have been trying to keep you in the information loop out of respect, but obviously I have made an egregious error by doing so. ***I think it's best that we no longer talk.*** I understand clearly what you are doing here and it is for legal reasons. You clearly reminded me yesterday that we have a signed contract. Hence, you made your intentions known. ***Anything more you have to say, you can speak to Dave and he can relay. I really have nothing more to say to you.***⁴ (Emphasis added)

In summary: After Anita had unilaterally stopped our two-year book project because it interfered with her civil case and then refused to speak with me because I had the audacity to complain about it—and then told me to go through Dave Robb if I had anything to say to her—*this was the actual and true reason that our collaboration “broke down.”*

However, both Dave and I continued to believe that the book project could still be saved. In fact, I suggested that Dave become a third co-author on the project, hoping that he would take the burden off me and accept the daunting task of dealing directly with Anita on a day-to-day basis.

Meantime, by sheer chance, Jules Nasso came into my life. Continuing with the timeline:

July 23, 2005: During a telephone conversation with Dave, I gave him the news about my upcoming opportunity to meet Nasso. In fact, I read Dave an email I had prepared for him, which stated:

An interesting situation has developed—and fallen into my lap. A reporter/friend has been approached by Julius Nasso, who has offered him a "warehouse of information" with regard to the Mafia in Hollywood, as well as his relationships with Ovitz and Seagal—and what he knows about Pellicano and the attack on Anita. He has offered my reporter/friend this information unconditionally—and has agreed to cooperate fully.

In other words, Nasso doesn't want any editorial control. He doesn't want any money or any kind of written/verbal contract. He just wants a book written about his life and times and is willing to allow the chips to fall where they may. Nasso, through the endorsement of a trusted friend of his, rightly has complete confidence in my reporter/friend's abilities. Nasso is even unconcerned about the effect that such a book might have on his continuing civil litigation with Seagal. He just wants this book done, accurately and quickly. (Nasso has offered my reporter/friend money for expenses. My reporter/friend, [preserving] his independence, has refused, saying that he will not accept any money from Nasso for any reason.)

³ Email from Anita Busch to Dan Moldea, May 25, 2005; 12:17 A.M. (Attachment B)

⁴ Email from Anita Busch to Dan Moldea, June 12, 2005; 12:42 P.M. (Attachment C)

Remarkably, my reporter/friend has invited me to co-author the book with him. He now knows that I had been writing a book with Anita—and that the project is currently on hold. ***He doesn't know any of our secrets, like Ovitz's role in the attack.*** Of course, he is willing to agree that we will share anything we obtain about Anita's situation with her. Of course, both of us will do anything necessary to protect Anita from further harm. . . .

I can do this book without violating my contract with Anita and while preserving my interest in our book, *Woman at Risk*. (And, of course, I still want you to be my partner on the Anita project.)

My reporter/friend is going to do the Nasso book with or without me. Once again, if I am his co-author, I will have access to everything. Anita and our book will benefit. Despite my ongoing problems with Anita, I ultimately remain loyal to her and our book project. And, if there is any doubt about that, you already know that I am totally and completely loyal to you. As always, if I were to double-cross Anita, I would be double-crossing you, as well. And, as you already know, I would never ever do that. (Emphasis added)

July 24, 2005: I sent an email to Dave, attaching the same statement I had read to him the night before and adding:

I gave you this information in confidence. ***I leave it to you whether to tell Anita—who, as usual, will place some nefarious spin on what's happening.***

My advice? I have trusted you to work out the problems that Anita has invented over our book. Now, trust me to work out the advantages we can gain as a result of the situation that has been given to me.⁵ (Emphasis added)

During our phone conversation after he received my email and attachment, Dave said that he wished I had not told him, adding that Anita would be upset. I reminded him that Anita had specifically written to me on June 12: *“Anything more you have to say, you can speak to Dave and he can relay. I really have nothing more to say to you.”*

By going through Dave, I did exactly what Anita had instructed me to do. Dave had to make the decision whether or not to tell her.

In summary: I told Dave Robb about my situation with Jules Nasso six months before he now suggests in his sworn declaration to have known—and before my first conversation with Nasso. It was Dave who chose not to tell Anita, and then he insisted that I not tell her that he knew.

In the end, I was the one who gave Anita the details about the Nasso matter in an email on January 19, 2006.⁶

January 19-February 7, 2006: Anita reacted angrily to the news that I had been working with Nasso, *whom I correctly stated had absolutely nothing to do with the attacks on her.* Throughout this entire period, Dave demanded that I not tell Anita that I had notified him of this project on July 23, 2005, over the phone and on July 24 in writing. Dave feared that if Anita learned that he had known all along, she would accuse him of betraying her.

⁵ Email from Dan Moldea to Dave Robb, July 24, 2005; 9:27 A.M.—with the attachment read to Robb on July 23. (Attachment D)

⁶ This document is Exhibit K, page 2, of my sworn declaration of November 9, 2011.

I agreed to protect Dave's secret—even though I was getting bludgeoned by Anita in the process. And all of this is in writing, too.

February 7, 2006: Weary of her escalating charges against me, I sent an email to Anita—which I also copied to Dave, who continued to deny his prior knowledge—stating:

Attached is the email you sent on June 12, 2005, culminating your unfair spring offensive against me [in which Anita said that she had nothing further to say to Dan and instructed him to communicate with her through Dave].

With regard to my July 24 email about the proposed Nasso project, may I ask you to get it from Dave—since I originally sent it to him and the two of you are in regular contact. If Dave doesn't have it, I'll give it to you.

To be clear, I felt that I had a responsibility to notify Dave about the Nasso project before I ever spoke to Nasso, especially since you had designated Dave as your representative in the attached email.

Just to ensure that there is no misunderstanding, Dave never approved of my participation in the Nasso project. And I never asked for his approval. In fact, he didn't even want to hear anything about it. At all times, though, the most important consideration for Dave and me was to protect you, which we did in our own different ways.⁷

February 8, 2006: Dave still refused to accept responsibility and continued to make false statements, writing:

Nice selective memory, Dan. You falsely claim that you left it up to me whether or not to tell Anita about what you were doing with Nasso. In fact, before you told me about it, you made me promise that I wouldn't tell anyone. I stupidly agreed. Believe me, if I hadn't made that promise, I would have told her immediately. Your attempt to cover your own ass by trying to put this on me is shocking.

And just so you'll know, in the future, all emails you send me will be sent, unread, to Anita.⁸

February 9, 2006: I was just incredulous over Dave's latest false statements in his reply and decided that it was time for full disclosure. So, in my next email to both Anita and Dave—in which I attached Anita's June 12, 2005, email to me and both my email and its attachment from July 24, 2005, that I had sent to Dave—I wrote:

Dave: You are and always will be my brother. But you're wrong, and the attached July 24 email proves that you're wrong. I never extracted any kind of promise from you about this. *Specifically, I wrote: "I leave it to you whether to tell Anita—who, as usual will place some nefarious spin on what's happening."* Also, for the past three weeks, I have been protecting you. You haven't been protecting me. I begged you to tell Anita what you knew while she and her attorney were running roughshod over me, falsely accusing me of concealing my role in [the] Nasso project and then trying to use this fabrication to force me to sign some bogus separation

⁷ Email from Dan Moldea to Anita Busch, February 07, 2006; 11:27 P.M. (Attachment E)

⁸ Email from Dave Robb to Dan Moldea, February 08, 2006; 10:34 P.M. (Attachment F)

agreement. Through all of this, you remained silent, hanging me out to dry in the process. As much as I respect you, the simple fact is that you were a terrible intermediary.

Anita: *You now have your June 12 email, instructing me to communicate with you through Dave, as well as my July 24 email to Dave, laying out the Nasso project before I ever spoke with Nasso. I followed your instructions and did nothing wrong.* And Dave did nothing wrong, either. He was only trying to protect you—and, in an odd way, trying to protect me, too. By the way, I will never forgive you for causing this rift between Dave and me. Meantime, I await your next set of false charges against me. You made yourself look foolish on this one and caused a lot of damage in the process.

I hope you are safe and well. Both Dave and I have done everything possible to make sure that you stayed that way.⁹ [Emphasis added]

Finally in possession of the evidence necessary to prove that she had falsely accused me of betraying her, Anita simply replied: “We must deal with later. My cat is dying.”¹⁰

That was the last communication of any kind I had with Anita Busch.

The latest strategy by Anita and her team—which includes the phony claims by Dave Robb in his sworn declaration—to resurrect the charge that I betrayed Anita by concealing my connection to Jules Nasso is completely and totally false, disproven by the written record of this sad situation.

⁹ Email from Dan Moldea to Anita Busch and Dave Robb, February 09, 2006; 12:49 A.M. (Attachment G)

¹⁰ Email from Anita Busch to Dan Moldea, February 09, 2006; 1:52 A.M. (Attachment H)