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Attorney for Plaintiff
David V. Beckham

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF LOS ANGELES

DAVID V. BECKHAM, an individual,

Plaintiff,

v.

BAUER PUBLISHING COMPANY, L.P., a Delaware limited partnership; BAUER MAGAZINE L.P., a Delaware limited partnership; BAUER MEDIA GROUP, INC., a Delaware corporation; BAUER, INC., a Delaware corporation; BAUER NORTH AMERICA, INC., a Delaware corporation; MICHELLE LEE, an individual; IRMA NICI, an individual; and DOES 1 through 50, inclusive,

Defendants.

Case No. SC109756

COMPLAINT FOR:

1. **LIBEL**
2. **SLANDER**
3. **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

JURY TRIAL DEMANDED

CASE MANAGEMENT CONFERENCE
JAN 15 2011
Date

John H. Reid Dept-F 830am

9010 A 3010

Plaintiff David V. Beckham ("Beckham") alleges:

SUMMARY OF ALLEGATIONS

1. This case arises from defendants' publication of lies to make money for themselves and to embarrass and inflict emotional distress upon Beckham, a world-famous athlete. The Bauer defendants and defendant Michelle Lee were expressly told in advance that the story they proposed to run in the celebrity gossip magazine *In Touch Weekly* was false. Nevertheless, they ran the story, deciding to worry later about the size of the damages award a jury will impose. A copy of the letter from Beckham's counsel to the Editor of *In Touch Weekly* is attached hereto as Exhibit A. The time has now come for these defendants to answer in court for their lies.

PARTIES, JURISDICTION AND VENUE

2. Beckham is, and at all relevant times was, an individual residing in the County of Los Angeles, California.

3. Upon information and belief, defendant Bauer Publishing Company, L.P. is, and at all relevant times was, a Delaware limited partnership with its principal place of business in Englewood Cliffs, New Jersey, and engaged in business in the County of Los Angeles, California.

4. Upon information and belief, defendant Bauer Magazine, L.P. is, and at all relevant times was, a Delaware limited partnership with its principal place of business in Englewood Cliffs, New Jersey, and engaged in business in the County of Los Angeles, California.

5. Upon information and belief, Bauer Media Group, Inc. is, and at all relevant times was, a Delaware corporation with its principal place of business in New York, New York. Bauer Media Group, Inc. also maintains an office and does business in the County of Los Angeles, California.

6. Upon information and belief, defendant Bauer, Inc. is, and at all relevant times was, Delaware corporation with its principal place of business in Englewood Cliffs, New Jersey, and engaged in business in the County of Los Angeles, California.

7. Upon information and belief, defendant Heinrich Bauer North America, Inc. is, and at all relevant times was, a Delaware corporation with its principal place of business in New York, New York, and engaged in business in the County of Los Angeles, California.

8. The Bauer defendants own, control, and/or publish *In Touch Weekly* and caused it to be distributed in Los Angeles County. Copies of the offending Article were offered for purchase and purchased in the Western District of the Los Angeles County Superior Court.

9. Defendant Michelle Lee ("Lee") is, upon information and belief, an individual residing in the State of New York. Upon information and belief, Lee is, at all times mentioned herein was, employed as Executive Editor of *In Touch Weekly*.

10. Defendant Irma Nici ("Nici") is, upon information and belief, an individual residing in the State of New York. Upon information and belief, the Bauer defendants paid Nici for her false statements.

11. Venue is proper in the Western District of the Los Angeles County Superior Court because the injuries alleged herein were intended to be inflicted, and were inflicted, in that district.

12. Also sued as Does 1 through 50 are the writers, photographers, editors, distributors, retailers and other involved in the publication and distribution of the Article. Plaintiff is ignorant of the true names and capacity of defendants sued as Does 1-50, inclusive, and therefore sues these defendants by such fictitious names. Plaintiff will amend this complaint to allege their true names and capacities when ascertained.

13. Plaintiff is informed and believes that each defendant is, and at all relevant times was, the agent of the other defendants in performing the acts alleged herein. Plaintiff is further informed and believes that each defendant has pursued a common course of conduct and aided and abetted one another to accomplish the acts alleged and each therefore is legally responsible for the acts of the other.

FACTS COMMON TO ALL CAUSES OF ACTION

14. On or before September 23, 2010, an article entitled "David's Dangerous Betrayal" (the "Article") was published in *In Touch Weekly*'s October 4, 2010 issue. A copy of the Article is attached hereto as Exhibit B.

15. The Article described in graphic detail a series of lies attributed to Nici, a self-described former prostitute, including that she had an affair with Beckham in 2007. The Article purports to state as fact Nici's false and unprivileged statement that Beckham committed adultery

with her by paying for sex with her and another alleged prostitute.

16. The Article contains the following false and defamatory statements of and concerning Beckham including, among others:

> David is yet another high-profile star to be caught cheating on his wife .... Irma Nici, a former high class call girl, claims she's slept with the world's most famous soccer star five time and spills every dirty detail of their affair.
>
> ...
>
> Irma claims that after agreeing on a price for several hours of sex, David gave Irma $5,000 in cash, which he retrieved from an envelope in the hotel room safe. Then, at David's request, Irma took a shower .... She changed into black lingerie and they began to make out "passionately" on the bed, Irma reveals.
>
> ...
>
> The two spent the next hour engaged in steamy foreplay .... After approximately an hour, Irma says she "whipped out" a condom and the two had sex for 15 minutes ....
>
> ...
>
> Irma ordered room service and suggested that they invite another escort to join them. David agreed ....
>
> ...
>
> When the brunette arrived, Irma told her to take a shower and then the two engaged in a girl-on-girl show for David.
>
> ...
>
> After the other girl left, David asked Irma to stay the night and after agreeing on a total price of $10,000, they took a bath together. ... [T]hey slept together one more time.
>
> ...

> David and Irma met up again at the Claridge's hotel in London about a month later .... Irma claims he paid her about $5,000 for 90 minutes of what she characterizes as "stress reliever sex."

17. The Article refers to Beckham by name throughout, was made of and concerning Beckham, and was so understood by those who read the Article.

18. The statements about Beckham were falsely, maliciously, and intentionally published by defendants and were known by defendants to be false at the time they were made. Defendants published the statements with actual malice and with the intent to profit by causing harm to Beckham.

19. Defendant Nici has attempted to capitalize on the publicity her lies have engendered by establishing her own Web site at http://irmanici.com/home. A screen shot of her Web site is attached hereto as Exhibit C.

20. Nici makes false and defamatory statements of and concerning Beckham on her Web site, including that "she had worked as an escort seeing David Beckham. Outed by a former friend, Irma decided to come clean about her past and tell her story – her way."

21. Nici's malicious intent to profit from spreading lies about Beckham is clear from the face of her Web page: "If your [sic] a media outlet and interested in purchasing Irma's photos please e-mail us at contact@irmanici.com."

22. The Article and Nici's Web site are publicly available. The defamatory statements have been viewed by and communicated to, and were intended to be communicated to, an unknown number of people, including in the Western District of the Los Angeles County Superior Court and throughout the United States and the world.

23. The defamatory statements, including that Beckham committed adultery and the crime of soliciting prostitution, have been reproduced in numerous other publications and Web sites. Defendants have actively encouraged this republication of the Article, in whole or in part, and the false and defamatory statements contained therein.

24. The defamatory statements about Beckham are libelous and slanderous on their face. These statements falsely accuse Beckham of criminal and adulterous activity. The

defamatory statements expose Beckham to hatred, contempt, ridicule and obloquy because they inaccurately portray Beckham as an unfaithful husband who put his and his wife's health at risk by engaging in sexual acts with prostitutes.

25. The defamatory statements about Beckham have caused him great mental anguish and emotional distress.

26. The defamatory statements about Beckham have damaged his reputation and caused him additional damage in the form of the cost of responding to the defamatory statements and protecting his reputation from further damage.

27. The defamatory statements about Beckham have adversely affected him in his professional life as a professional athlete, endorser, and charity spokesperson. Upon information and belief, Beckham has suffered a loss of future earning capacity due to the damage to his reputation and a loss of future opportunity for high-profile charitable work.

FIRST CAUSE OF ACTION

FOR LIBEL

(Against All Defendants Including Does 1-10)

28. Plaintiff incorporates by reference herein paragraphs 1 through 27, inclusive, as though set forth in full.

29. Defendants are responsible for making defamatory statements in writing concerning Beckham in the Article and on the Internet in various forms, including Nici's personal Web site.

30. The Article and Nici's Web site contain defamatory statements falsely portraying Beckham as having engaged in immoral and criminal acts by soliciting prostitutes for extramarital affairs.

31. Defendants made the defamatory statements available in print and on the Internet to millions of people worldwide, including in the State of California. Defendants encouraged the republication of the defamatory statements, in whole or in part, by additional third party media outlets.

32. Defendants published the defamatory statements with knowledge of their falsity. Defendants acted with the malicious intent to profit by causing Beckham harm and at all times acted with reckless disregard for the truth.

33. Defendants' actions have caused Beckham emotional distress, mental anguish, and economic harm, including damage to his reputation and professional life.

34. As a proximate result of defendants' conduct, Beckham has been damaged in an amount to be proved at trial, but not less than $25 million.

35. In doing the acts alleged herein, defendants acted with oppression, fraud, and malice, and Beckham is entitled to exemplary damages.

SECOND CAUSE OF ACTION

FOR SLANDER

(Against Defendant Nici and Does 1-50)

36. Plaintiff incorporates by reference herein paragraphs 1 through 35, inclusive, as though set forth in full.

37. Nici made defamatory oral statements specifically identifying Beckham. Those statements are the subject of the Article.

38. Nici's defamatory statements falsely portray Beckham as having engaged in immoral and criminal acts by soliciting prostitutes for extramarital affairs.

39. Nici made her defamatory statements to representatives of *In Touch Weekly* with the intent that they be republished in the Article and made available to millions of people worldwide in print and over the Internet. Nici has encouraged the republication of her defamatory statements, including through the launch of her personal Web site.

40. Nici made her defamatory statements with knowledge of their falsity and with the malicious intent to profit by causing harm to Beckham.

41. As a proximate result of Nici's conduct, Beckham has suffered damage to his reputation, emotional distress, and other economic harm in an amount to be proved at trial, but not less than $25 million.

42. In doing the acts alleged herein, Nici acted with oppression, fraud, and malice, and Beckham is entitled to exemplary damages.

THIRD CAUSE OF ACTION

FOR INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

(Against All Defendants Including Does 1-50)

43. Plaintiff incorporates by reference herein paragraphs 1 through 42, inclusive, as though set forth in full.

44. Defendants made and distributed the defamatory statements about Beckham, including that he committed adultery and the crime of soliciting prostitutes, and caused them to be published and distributed in print and on the Internet to millions of people worldwide.

45. Defendants made the defamatory statements with knowledge of their falsity and with the intent to profit from causing Beckham economic and emotional harm and with a reckless disregard for the truth.

46. Defendants' graphic depiction of fictitious events in the Article exceeds the bounds of decency.

47. Defendants' worldwide publication of the defamatory statements has damaged Beckham's reputation and caused him additional economic harm. Defendants' actions have also caused Beckham to suffer severe mental anguish and emotional distress.

48. In doing the acts alleged herein, defendants acted with oppression, fraud, and malice, and Beckham is entitled to exemplary damages.

WHEREFORE, Beckham prays judgment against Defendants, and each of them, as follows:

1. For damages in an amount to be determined at trial, but not less than $25 million;

2. For a preliminary and permanent injunction prohibiting defendants from distributing the Article and publishing the defamatory statements contained therein;

3. For exemplary and punitive damages;

4. For attorneys' fees and costs incurred herein; and

5. For such other and further relief as this Court deems just and proper.

Dated: September 24, 2010

Bert H. Deixler

Attorney for Plaintiff
David V. Beckham