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9
10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA

12
13 JOHN DOE NO. 117,
14 Plaintiff,
15 -vs-
16 BRYAN SINGER and
GARY GODDARD,
17 Defendants.

) **Case No. LA CV14-03530-DDP (AJWx)**
) **NOTICE OF MOTION AND MOTION**
) **OF DEFENDANT BRYAN SINGER TO**
) **DISMISS PURSUANT TO F.R.C.P.**
) **RULE 12(b)(6)**
) **[Declaration of Martin D. Singer,**
) **Request for Judicial Notice, and**
) **Proposed Order Filed Concurrently**
) **Herewith]**

) Date: August 18, 2014
) Time: 10:00 a.m.
) Judge: Hon. Dean D. Pregerson
) Courtroom: 3 (2nd Floor)

) Complaint Filed: May 7, 2014
) Trial Date: None

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD**

2 **HEREIN:**

3 **PLEASE TAKE NOTICE** that on August 18, 2014, at 10:00 a.m. in
4 Courtroom 3 (2nd Floor) of the United States District Court for the Central District
5 of California, located at 312 North Spring Street, Los Angeles, California 90012,
6 before the Honorable Dean D. Pregerson, United States District Court Judge, there
7 will be a hearing on the Motion of Defendant Bryan Singer (“Singer”) to dismiss
8 this case pursuant to Federal Rules of Civil Procedure, Rule 12(b)(6), on the
9 following grounds:

10 1. This action was improperly filed by Plaintiff using the fictitious
11 name, “John Doe No. 117” (“Doe”), notwithstanding that Doe failed to obtain the
12 requisite leave of Court prior to filing anonymously.

13 2. This case is not appropriately brought on behalf of a “Doe” plaintiff
14 because this is not an “exceptional case” in which filing under a pseudonym is
15 permitted, and such filing prejudices Singer’s ability to prepare and present their
16 defense and interferes with the public’s right of access to judicial proceedings.

17 3. With respect to Count IV, there is no remedy available to Doe
18 pursuant to the Alien Tort Statute (28 U.S.C. § 1350) because there is no alleged
19 state action or private action involving the kind of wrongdoing that is actionable
20 under that statute, namely, violation of an international treaty or violation of the
21 law of nations.

22 4. Count V, based on alleged travel to a foreign country for illicit
23 conduct with a minor, fails to state a claim because Doe fails to allege specific
24 facts indicating that Singer traveled to the United Kingdom for the purpose of
25 engaging in any illicit sexual conduct with Doe.

26 5. Count VI, based on alleged meeting with a minor to engage in lewd
27 and lascivious behavior, fails to state a claim because Doe does not plead facts
28 alleging that Singer arranged to meet Doe in the United Kingdom. In addition,

1 Doe acknowledges that he was not a minor under the laws of the United Kingdom
2 where the alleged wrongdoing occurred.

3 6. Count VII, for alleged gender violence, fails to state a claim because
4 it is barred by the applicable 3-year statute of limitations, and there is no allegation
5 that Singer’s alleged conduct was motivated by gender.

6 This Motion is brought pursuant to Federal Rules of Civil Procedure,
7 Rule 12(b)(6) and other applicable law. The Motion will be made and based on
8 this Notice, the attached Memorandum of Points and Authorities, and the
9 Declaration of Martin D. Singer and the Proposed Order, filed concurrently
10 herewith, as well as any additional evidence and argument that may be presented
11 in connection with the Motion.

12 This Motion is made following the conference of counsel pursuant to L.R.
13 7-3 which took place on May 19, 2014.

14
15 DATED: July 3, 2014

LVELY & SINGER
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19 By: /s/
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21 Attorneys for Defendant BRYAN SINGER
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MEMORANDUM OF POINTS AND AUTHORITIES

I. PRELIMINARY STATEMENT

This action was improperly filed on behalf of a “John Doe” plaintiff, without the requisite leave of Court and absent the factual circumstances needed to obtain such leave. In addition, Counts IV, V, VI and VII fail to allege facts setting forth the elements of the legal claims Plaintiff John Doe No. 117 (“Doe”) purports to assert against Defendant Bryan Singer (“Singer”). Therefore, the Complaint is fatally deficient and should be dismissed pursuant to Federal Rule of Civil Procedure 12(b)(6).¹

As discussed in further detail below, this action is subject to dismissal under Rule 12(b)(6) on multiple grounds:

- Plaintiff has filed this action as a fictitious “John Doe” without obtaining leave of court. Leave of court is always required before filing a pleading on behalf of an anonymous plaintiff. For this reason alone, the case must be dismissed.
- Separate and apart from the failure to obtain leave of court, there is no legitimate basis for filing this action under a pseudonym. None of the overwhelming privacy concerns that have led courts in certain “exceptional cases” to permit a plaintiff to file under a fictitious name are present here. Typically, courts have permitted a plaintiff to proceed anonymously only where highly sensitive and personal issues are raised such as those involving birth control, abortion, or welfare rights of illegitimate children or abandoned families, where the plaintiff in filing the action is also required to admit violation of laws or government regulations or a desire to engage in prohibited conduct.

¹ Singer has not been served with the Summons and Complaint. Nevertheless, he is appearing in the action to file this Motion To Dismiss.

1 The failure to identify Doe by his real name significantly prejudices Singer’s
2 ability to prepare and present an appropriate defense. Singer is hamstrung in his
3 ability to discover witnesses who will come forward voluntarily if Doe’s identity is
4 made public, and/or conduct an investigation to discover other witnesses and
5 documents and ferret out the truth. As a result, Singer is at a serious disadvantage
6 by being publicly accused of outrageous conduct and required to defend himself
7 while Doe makes horrific accusations from behind a cloak of anonymity. Basic
8 fairness dictates that plaintiffs who publicly accuse defendants of serious
9 misconduct sue in their real names. Filing this action under a pseudonym also
10 interferes with the public’s right of access to judicial proceedings.

11 Although courts in “exceptional cases” may allow a plaintiff to file an action
12 as a “John Doe,” there are no privacy rights at issue here that outweigh Singer’s
13 right to investigate the claims and prepare a defense, or the public’s right of access
14 to judicial proceedings. Doe is not a minor now, nor was he a minor under the laws
15 of the jurisdiction in which the alleged wrongful conduct occurred at the time of
16 such alleged conduct. Moreover, Doe is not alleging a highly sensitive issue
17 involving birth control, abortion, or welfare rights of illegitimate children or
18 abandoned families, nor is there any suggestion that Doe potentially violated laws
19 or regulations or desires to engage in prohibited conduct.

20 • The allegations of Count IV fail to state facts sufficient to afford
21 Doe a remedy under the Alien Tort Statute, 28 U.S.C. § 1350. Specifically, the
22 allegations of the Complaint fail to present a matter of consequence in international
23 affairs.

24 • Count V, on its face, fails to allege specific facts indicating that
25 Singer traveled to the United Kingdom for the purpose of engaging in any illicit
26 sexual conduct with Doe. There is no specific allegation that Singer planned,
27 arranged, or even contemplated a sexual encounter with Doe prior to arriving in
28

1 London. Any alleged encounter with Doe was merely incidental to the sole
2 purpose of Singer’s trip to the United Kingdom—to attend his movie premiere.

3 • Count VI on its face fails to allege specific facts which indicate that
4 Singer arranged to meet with Doe in the United Kingdom. Count VI also fails to
5 allege a key element of the claim: involvement of a minor. Although Doe alleges
6 that Singer sought to meet with a minor to engage in lewd and lascivious behavior,
7 there was no minor actually involved. Doe was over the age of consent at the time
8 of the alleged wrongful conduct according to the applicable laws of the United
9 Kingdom. In addition, Doe’s claim is time-barred due to the applicable three year
10 statute of limitations period under UK law.

11 • Count VII, for alleged “gender violence,” also fails. This Count is
12 barred by the applicable three-year statute of limitations in Civil Code § 52.4 and
13 Doe fails to allege any facts indicating Singer’s actions were motivated by Doe’s
14 gender.

15 As set forth below, the Court should dismiss this entire action pursuant to
16 Rule 12(b)(6) based on the filing of this action under a pseudonym. If the Court is
17 for any reason inclined not to dismiss the action on that basis, Counts IV, V, VI and
18 VII should be dismissed for failure to state a claim. Further, if the Court permits
19 Doe to proceed on any of his claims, he must post an undertaking in the amount of
20 \$300,000 to secure costs, as requested in Singer’s Motion for an Undertaking also
21 filed today.

22 **II. THIS CASE SHOULD BE DISMISSED BASED ON ITS FILING**
23 **UNDER A PSEUDONYM**

24 Doe is attempting to proceed under a pseudonym in violation of the federal
25 rules requiring leave of court to do so. Even if leave had been timely sought, it
26 could not be granted under the circumstances here. Accordingly, the Complaint
27 must be dismissed pursuant to Rule 12(b)(6) because Doe lacks the capacity to sue
28 using a fictitious name.

1 **A. Doe Failed To Obtain the Requisite Leave of Court.**

2 Under Rule 10(a) of the Federal Rules of Civil Procedure, a complaint must
3 name all of the parties. Rule 17(a) further provides that every action shall be
4 prosecuted in the name of the real party-in-interest.

5 The intent of the rule requiring disclosure of a plaintiff's identity "is to
6 provide all parties with the identities of their adversaries, as well as to protect the
7 public's legitimate interest in knowing the facts at issue in court proceedings."
8 Guerrilla Girls, Inc. v. Kaz, 224 F.R.D. 571, 573 (S.D.N.Y. 2004). Although, as
9 discussed below, in an "exceptional case" a plaintiff may be permitted to proceed
10 under a fictitious name where the court determines plaintiff's privacy right
11 outweighs (a) the defendant's right to know the identities of his adversary in order
12 to prepare a defense, and (b) the public's right of access to judicial proceedings,
13 such pleadings are clearly disfavored. Doe v. Kamehameha Schs./Bernice Pauahi
14 Bishop Estate, 596 F.3d 1036, 1042 (9th Cir. 2010) ("this presumption is loosely
15 related to the public's right to open courts . . . and the right of private individuals to
16 confront their accusers").

17 When a party wishes to file a case anonymously or under a pseudonym, he
18 must first petition the district court for permission to do so. W.N.J. v. Yocom, 257
19 F.3d 1171, 1172 (10th Cir. 2001); Rutter Guide, Federal Civil Procedure Before
20 Trial, § 8:587.

21 Here, there is no indication, nor has Singer received any notice, that leave of
22 Court to proceed as a "John Doe" plaintiff was sought from this Court. For that
23 reason alone, Doe is proceeding in violation of the Federal Rules of Civil
24 Procedure and his lawsuit should be dismissed. Where no permission is granted,
25 "the federal courts lack jurisdiction over the unnamed parties, as a case has not
26 been commenced with respect to them." Nat'l Commodity & Barter Ass'n v.
27 Gibbs, 886 F.2d 1240, 1245 (10th Cir. 1989).

28

1 **B. There Is No “Exceptional Case” Here That Would Allow Filing**
2 **This Case Under a Pseudonym.**

3 Even where a request is timely made, the court must determine, in its
4 discretion, that an “exceptional case” is involved in order to grant a plaintiff leave
5 to proceed under a fictitious name. Factors considered by the court in making this
6 determination include the severity of the threatened harm; the reasonableness of
7 plaintiff’s fears; plaintiff’s vulnerability to harm or retaliation; whether the
8 proceedings can be structured to avoid any prejudice to defendant in allowing
9 plaintiff to proceed anonymously; and whether the public’s interest in the case
10 would be best served by requiring that the litigants reveal their identities. Does I–
11 XXIII v. Advanced Textile Corp., 214 F.3d 1058, 1068 (9th Cir. 2000). Additional
12 factors a court may consider include the age of the person whose identity is sought
13 to be protected; whether the action is against a private party or the government; and
14 whether non-disclosure of plaintiff’s identity would be unfair to the opposing party.
15 James v. Jacobson, 6 F.3d 233, 238 (4th Cir. 1993); Sealed Plaintiff v. Sealed
16 Defendant, 537 F.3d 185, 190 (2d Cir. 2008).

17 In Doe v. Shakur, 164 F.R.D. 359 (S.D.N.Y. 1996), the court refused to
18 permit a plaintiff seeking damages based upon an alleged sexual assault by Tupac
19 Shakur and Charles Fuller to proceed under a pseudonym. Although the court
20 noted that plaintiff alleged that she was the victim of a brutal sexual assault and
21 therefore did not want to be publicly identified, her privacy concerns were
22 outweighed by other considerations. Among the considerations militating against
23 plaintiff’s request to proceed anonymously was the fact that plaintiff choose to
24 bring the lawsuit making serious charges and putting her credibility at issue, and
25 fairness required that she be prepared to stand behind those charges publicly;
26 plaintiff was only suing civilly to vindicate primarily her own interests, unlike a
27 criminal case where rape shield laws might provide anonymity to encourage
28 victims to testify to vindicate the public’s interest; Shakur had been publicly

1 accused and would be placed at a serious disadvantage by being required to defend
2 himself publicly while plaintiff could make her accusations from behind a cloak of
3 anonymity, and basic fairness dictates that plaintiffs who publicly accuse
4 defendants sue in their real names; and the public has a strong right of access to the
5 courts. Id. at 361.

6 The Shakur court noted that various other courts faced with a request by a
7 victim of sexual assault seeking to prosecute a civil case under a pseudonym
8 likewise concluded that the plaintiff was not entitled to do so. See, e.g., Doe v.
9 Bell Atl. Bus. Sys., 162 F.R.D. 418, 422 (D. Mass. 1995) (plaintiff alleging
10 possible HIV infection as a result of an alleged sexual assault by her supervisor not
11 permitted to proceed under a pseudonym, notwithstanding fears of “intense
12 embarrassment and shame within her community”); Doe v. Hallock, 119 F.R.D.
13 640, 641–42 (S.D. Miss. 1987) (plaintiff alleging sexual harassment, assault and
14 battery not permitted to proceed under a pseudonym); and Doe v. Univ. of R.I.,
15 Civ. A. No. 93-0560B, 1993 WL 667341, at *3 (D.R.I. Dec. 28, 1993) (student
16 who was sexually assaulted allegedly as a result of University’s negligence not
17 permitted to proceed under a pseudonym despite claims of danger of personal
18 embarrassment and ridicule).

19 Indeed, it has been suggested by courts considering the issue that it is not
20 appropriate for a plaintiff to proceed anonymously unless (1) there are highly
21 sensitive and highly personal issues raised such as birth control, abortion,
22 homosexuality or the welfare rights of illegitimate children or abandoned families,
23 and (2) the plaintiff is required to admit that he or she either violated state laws or
24 government regulations or wishes to engage in prohibited conduct. Hallock, 119
25 F.R.D. at 641–43; S. Methodist Univ., v. Wynne & Jaffe, 599 F.2d 707, 712–13
26 (5th Cir. 1979).

27 None of the factors that courts traditionally consider as sufficient to permit a
28 plaintiff to proceed in an anonymous fashion is present here. Furthermore, in this

1 case it would be manifestly unfair to defendants—in addition to unduly restricting
2 the public’s right of access to court proceedings—to permit Doe to proceed using a
3 pseudonym.

4 Here, Doe is not a minor. The Complaint alleges certain actions that took
5 place beginning in 2006 when he was at least 17 years old. (See, e.g., Compl.
6 ¶ 68.) The age of consent in the United Kingdom is 16 years of age. (See Request
7 for Judicial Notice, filed concurrently herewith.) Reviewing the Complaint in the
8 context of these allegations, this means that Doe is now at least 25 years old.
9 (M. Singer Decl. ¶ 3.) There is no reasonable fear that Doe will suffer the kind of
10 severe harm that courts require in order to grant leave to proceed on an anonymous
11 basis, nor is this adult plaintiff particularly vulnerable to harm or retaliation that
12 may result from having to reveal his identity.

13 Conversely, the inability to publicize Doe’s true identity severely hampers
14 Singer’s ability to learn the truth. Singer expects that many witnesses will come
15 forward once Doe’s identity is publicly revealed. Another case recently filed by
16 the same counsel on behalf of Michael F. Egan, III (“Egan”), another plaintiff who
17 sued Singer in the U.S. District Court for the District of Hawaii, previously resulted
18 in multiple witnesses coming forward. (M. Singer Decl. ¶ 2.) These witnesses
19 have revealed significant information pertaining to the merits of Egan’s case, and
20 disclosed significant information that was used to contradict Egan’s claims and
21 significantly attack Egan’s credibility. (Id.) In part because of these witnesses
22 coming forward, Singer was able to file a motion for summary judgment in the
23 Egan action. Proceeding anonymously here prevents Singer from investigating and
24 presenting an appropriate defense or testing Doe’s credibility. Singer is at a
25 distinct disadvantage by allowing Doe to proceed without having to “accept the
26 public scrutiny that is an inherent part of public trials.” Femedeer v. Haun, 227
27 F.3d 1244, 1246 (10th Cir. 2000); Kamehameha Schs., 596 F.3d at 1042.

28

1 **III. COUNT IV FOR ALLEGED VIOLATION OF THE LAW OF**
2 **NATIONS UNDER THE ALIEN TORT STATUTE FAILS TO STATE**
3 **A CLAIM**

4 In Count IV, Doe alleges a claim against Singer under the Alien Tort Statute,
5 28 U.S.C. § 1350 (the “ATS”). However, because Doe’s allegations involve an
6 isolated incident and do not present allegations of wrongful conduct that affects
7 serious consequences in international affairs, commonly referred to as a violation
8 of the law of nations, the conduct alleged is simply not actionable under the ATS.

9 The ATS provides district courts with “original jurisdiction over any civil
10 action by an alien for a tort only, committed in violation of the law of the nations or
11 a treaty of the United States.” 28 U.S.C. § 1350. “As used in § 1350, the law of
12 the nations is synonymous with ‘customary international law’ and refers to ‘a norm
13 that is specific, universal, and obligatory.’” Guzman-Martinez v. Corr. Corp. of
14 Am., No. CV 11-02390-PHX-NVW, 2012 WL 2873835, at *11 (D. Ariz. July 13,
15 2012) (citing Abagninin v. AMVAC Chem. Corp., 545 F.3d 733, 738 (9th Cir.
16 2008). “Violations of customary international law are violations that all countries
17 are deemed to have a legal obligation to take appropriate action against.” Flomo v.
18 Firestone Nat’l Rubber Co., 643 F.3d 1013, 1019 (7th Cir. 2011).

19 The ATS does not create a statutory cause of action for aliens, but enables
20 federal courts “to hear claims in a very limited category defined by the law of
21 nations and recognized at common law.” Sosa v. Alvarez-Machain, 542 U.S. 692,
22 712 (2004). The statute is a jurisdictional statute, in that it only addresses the
23 power of courts to entertain certain claims and does not create a statutory cause of
24 action for aliens. Id. at 714.

25 The statute likely was originally intended to address only violations of safe
26 conducts, infringement of ambassadors’ rights, and piracy—a narrow set of
27 violations of the law of nations, admitting of a judicial remedy and at the same time
28 threatening serious consequences in international affairs. Id. at 715. Courts are

1 directed to exercise restraint in their discretion to consider new causes of action
2 beyond the original three contemplated under § 1350. Id. at 725. “[C]ourts should
3 require any claim based on present-day law of nations to rest on a norm of
4 international character accepted by the civilized world and defined with a
5 specificity comparable to the features of the 18th-century paradigms we have
6 recognized.” Id. Under § 1350, “federal courts should not recognize private claims
7 under federal common law for violations of any international law norm with less
8 definite content and acceptance among civilized nations than the historical
9 paradigms familiar when § 1350 was enacted.” Id. at 732. “And the determination
10 whether a norm is sufficiently definite to support a cause of action should (and,
11 indeed, inevitably must) involve an element of judgment about the practical
12 consequences of making that cause available to litigants in the federal courts.” Id.
13 at 732–33.

14 “Offenses against the law [of nations] are principally incident to whole states
15 or nations, and not individuals seeking relief in court.” Id. at 720 (emphasis
16 added). “If a controversy existing between individuals neither involves
17 international relations nor impinges upon a nation’s exercise of its sovereignty,
18 jurisdiction will not lie under 28 U.S.C. § 1350. Thus, while every nation may
19 have laws penalizing the tortious conversion of the property of another person, the
20 rule against such conduct is no part of the “law of nations” and a cause of action
21 based on violation of the rule does not satisfy the jurisdictional requirements of 28
22 U.S.C. § 1350.” Cohen v. Hartman, 634 F.2d 318, 319 (5th Cir. 1981) (affirming
23 dismissal of conversion claim brought under the ATS for lack of subject matter
24 jurisdiction).

25 Typically, the ATS has imposed liability on state actors or those acting on
26 behalf of the government. However, there have been several cases which have
27 applied ATS liability to private individuals and corporations. But the imposition of
28 liability on private parties is extremely limited. Alleged atrocities are actionable

1 under the Alien Tort Act, without regard to state action, “to the extent that they
2 were committed in pursuit of genocide or war crimes.” Bowoto v. Chevron Corp.,
3 No. C 99-02506 SI, 2006 WL 2455752, at *10 (N.D. Cal. Aug. 22, 2006) (citing
4 Kadic v. Karadzic, 70 F.3d 232, 244 (2d Cir. 1995) (state action not required for
5 the acts of murder, rape, and torture which allegedly occurred in furtherance of a
6 forced labor program)); In re XE Servs. Alien Tort Litig., 665 F. Supp. 2d 569, 585
7 (E.D. Va. 2009). In his concurrence in Tel-Oren v. Libyan Arab Republic, 726
8 F.2d 774 (D.C. Cir. 1984), Judge Edwards observed that “while most crimes
9 require state action for [ATCA] liability to attach, there are a ‘handful of crimes,’
10 including slave trading, ‘to which the law of nations attributes individual liability,’
11 such that state action is not required.” Doe I v. Unocal Corp., 395 F.3d 932,
12 945-46 (9th Cir. 2002), vacated by Doe v. Unocal Corp., 395 F.3d 978 (9th Cir.
13 2003) (citing Tel-Oren, 726 F.2d at 794–95 (Edwards, J., concurring)). The
14 Second Circuit has noted that “although ‘acts of rape, torture, and summary
15 execution,’ like most crimes, ‘are proscribed by international law only when
16 committed by state officials or under color of law’ to the extent that they were
17 committed in isolation, these crimes are actionable under the Alien Tort [Claims]
18 Act, without regard to state action, to the extent that they were committed in pursuit
19 of genocide or war crimes.” Unocal Corp., 395 F.3d at 945-46 (citing Kadic, 70
20 F.3d at 243-44).

21 In a 2012 case, a transgender inmate was subjected to offensive treatment in
22 custody by a guard that “forced Plaintiff to watch him masturbate into a styrofoam
23 cup and then demanded that she ingest his ejaculated semen.” Guzman-Martinez,
24 2012 WL 2873835, at *3. The guard threatened that he could have plaintiff locked
25 up in a hole, lengthen her detention, or have her deported to Mexico if she did not
26 comply with his demands. Id. Other conduct included grabbing the plaintiff’s
27 breast, slapping her buttocks, and making sexual gestures. Id. The court ruled that
28 the claims based on this outrageous conduct were not actionable under the ATS.

1 The court reasoned as follows: “Although sexual abuse in general may be
2 universally condemned as cruel, the sexual abuse alleged here is not actionable
3 under § 1350 because the specific conduct does not meet an internationally
4 accepted definition of sexual abuse and does not threaten serious consequences in
5 international affairs.” *Id.* (emphasis added). The Court went on to distinguish
6 *Jama v. U. S. Immigration & Naturalization Services*, 22 F. Supp. 2d 353, 359
7 (D.N.J. 1998) in its reasoning—a case which found conduct of sexual abuse
8 actionable under § 1350—stating that:

9 the alleged sexual abuse [in *Jama*] included inappropriate
10 touching of both male and female plaintiffs, seeking sexual
11 favors from female plaintiffs, and refusing female plaintiffs the
12 use of telephones to contact their lawyers unless they submitted
13 to sexual assaults. However, the district court did not base its
14 finding that the alleged mistreatment violated customary
15 international law on the allegations of sexual abuse alone.
16 Rather, it concluded that customary international law was
17 violated by the totality of the treatment to which plaintiffs were
18 subjected, which it described as: “Every moment of plaintiffs’
19 detention was filled with abuse.” [Guzman-Martinez citing
20 *Jama*] at 358. The *Jama* plaintiffs were deprived of sleep by
21 bright lights 24 hours a day and guards taunting them to stay
22 awake. They were packed into crowded, filthy dormitories and
23 forced to eat meals inches away from bathroom areas. They
24 were beaten, shamed, and deprived of clothing and personal
25 hygiene necessities. They were served spoiled food and
26 insufficient amounts. Guards regularly locked plaintiffs in
27 solitary confinement cells without warning, explanation, or
28 hearing, for several days to several months. Guards often
shackled plaintiffs to their beds. Guards performed strip
searches and body cavity searches in a manner designed to
degrade and humiliate plaintiffs. In searching male plaintiffs’
genital areas, the guards forcefully yanked plaintiffs’ genitals
causing severe pain. *Id.* at 358–59. Such circumstances are not
alleged here. Moreover, the law of nations, particularly the
subset of that law enforceable under [§ 1350], does not include a
norm simply because the norm is enshrined in the domestic law
of all civilized societies. Auto theft is not a violation of
international law. As the Supreme Court said in *Sosa*, the
drafters of [§ 1350] probably had in mind only rules of
international law regulating the conduct of individuals that
overlapped with the norms of state relationships, that is, a narrow
set of violations of the law of nations admitting of a judicial
remedy and at the same time threatening serious consequences in
international affairs.... The mistreatment Plaintiff alleges does
not threaten serious consequences in international affairs.”

1 Guzman-Martinez, 2012 WL 2873835, at *3. Notably, there was no liability in
 2 Guzman-Martinez under the ATS for sexual abuse despite the fact that the guard
 3 was arguably a state actor, as an employee of the defendant, which had a contract
 4 with the United States Immigration and Customs Enforcement (“ICE”) to house
 5 ICE detainees. See also Cisneros v. Aragon, 485 F.3d 1226, 1231 (10th Cir. 2007)
 6 (court held alleged sexual offenses committed by a man against a woman under 16
 7 years of age in Mexico was not actionable under the ATS).

8 Here, the sexual assault alleged in Count IV was an isolated incident
 9 between private individuals which did not threaten serious consequences in
 10 international affairs. In other words, Doe’s allegations simply do not constitute a
 11 violation of the law of nations—a narrow set of violations admitting of a universal
 12 judicial remedy. In fact, the alleged sexual assault did not involve a minor
 13 according to the laws of the United Kingdom where the incident here purportedly
 14 occurred, as the anonymous plaintiff was a citizen of the United Kingdom over the
 15 legal age of consent of 16. Because the conduct alleged in the Complaint is not
 16 the type of conduct that is actionable under the ATS, Count IV should be
 17 dismissed pursuant to Rule 12(b)(6).

18 **IV. COUNT V, BASED ON ALLEGED TRAVEL TO FOREIGN**
 19 **COUNTRY FOR ILLICIT CONDUCT WITH A MINOR, FAILS TO**
 20 **STATE A CLAIM**

21 Doe alleges that Singer is liable for violation of 18 U.S.C. § 2423, pursuant
 22 to 18 U.S.C. 2255, which creates a civil remedy for “[a]ny person who, while a
 23 minor, was a victim of a violation of [§ 2423] and who suffers personal
 24 injury. . . .”² However, Doe fails to plead specific facts which indicate that Singer
 25 traveled to the United Kingdom for the purpose of engaging in any sexual act with
 26

27 ² 18 U.S.C. § 2423(b) provides that it is a crime for “a United States citizen . . .
 28 who travels in foreign commerce, for the purpose of engaging in any illicit sexual
 conduct with another person.” (Emphasis added.)

1 Doe. In fact, by Doe’s own admission, “Singer [was] coming to London for an
2 event”—the premiere of the motion picture Superman Returns, which Singer
3 directed. (See Compl. ¶ 18.)

4 In an attempt to adequately plead this allegation, Doe alleges that “a
5 dominant, significant and motivating reason for Singer, a United States citizen, to
6 attend the ‘Superman’ premiere in London was for the purpose of engaging in
7 illicit sexual conduct with [Doe].” (See Compl. ¶ 61.) Not only is this a
8 conclusory statement of intent, but it directly implies that the motivating reason
9 for Singer to travel to London was specifically to attend the movie premiere.
10 There is no allegation that Singer planned, arranged, or even contemplated a
11 sexual encounter with Doe prior to arriving in London. Indeed there is no
12 allegation that Singer ever planned or arranged to meet Doe in London or any
13 where else. Any alleged encounter with Doe was merely incidental to the sole
14 purpose of Singer’s trip to the United Kingdom—to attend his movie premiere.
15 See United States v. Hayward, 359 F.3d 631, 638 (3d Cir. 2004) (government must
16 prove that a significant or motivating purpose of the travel across state or foreign
17 boundaries was to have the individual engage in illegal sexual activity—the illegal
18 sexual activity must have not been merely incidental to the trip).

19 Because Doe has failed to plead any facts showing that a significant or
20 motivating reason for Singer to travel to the United Kingdom was to engage in sex
21 with Doe, and there are only conclusory allegations of intent, Doe’s claim fails.

22 **V. COUNT VI, BASED ON ALLEGED MEETING WITH A MINOR TO**
23 **ENGAGE IN LEWD AND LASCIVIOUS BEHAVIOR, FAILS TO**
24 **STATE A CLAIM**

25 Doe alleges that Singer is civilly liable for the violation of California Penal
26 Code § 288.4, pursuant to California Civil Code § 3523 which states that “for
27
28

1 every wrong there is a remedy.”³ This claim is fatally deficient.

2 **A. Doe Fails to Include Any Factual Allegations that Singer**
 3 **Arranged A Meeting With Him.**

4 Doe fails to plead specific facts which indicate that Singer arranged to meet
 5 with him in the United Kingdom. Instead, Doe makes a conclusory allegation that
 6 Singer “arranged to meet with Plaintiff in London . . . [and] made . . . a substantial
 7 part of the arrangements with Plaintiff while in the State of California.” (See
 8 Compl. ¶ 68.) However, Doe never alleges any action that Singer took to arrange
 9 such a meeting. (See Compl. ¶ 18.) Therefore, Doe cannot maintain a claim
 10 against Singer for violation of Penal Code section 288.4, which, by its terms,
 11 imposes liability only if Singer arranged the meeting with Doe.

12 **B. California’s Choice of Law Principles Indicate that English Law**
 13 **Applies and Therefore Doe’s Claim Fails Because He Was Not a**
 14 **Minor.**

15 Whether this Court exercises subject matter jurisdiction over this claim as a
 16 result of diversity jurisdiction or supplemental jurisdiction, California choice of
 17 law rules apply. Estate of Darulis v. Garate, 401 F.3d 1060, 1062 (9th Cir. 2005);
 18 Paracor Fin., Inc. v. Gen. Elec. Capital Corp., 96 F.3d 1151, 1164 (9th Cir. 1996).
 19 California applies the governmental interest approach in resolving choice of law
 20 questions. McCann v. Foster Wheeler, LLC, 48 Cal. 4th 68, 83 (2010). The
 21 governmental interest approach is a three-part test. Id. at 87. First, a court
 22 determines whether the law of each jurisdiction is the same or different. Id.
 23 Second, a court examines each jurisdiction’s interest in the application of its own
 24 law in the context of the particular case at issue to determine whether a true

25 _____
 26 ³ Penal Code § 288.4 makes it a crime for “every person who, motivated by an
 27 unnatural or abnormal sexual interest in children, arranges a meeting with a minor
 28 or a person he or she believes to be a minor for the purpose of exposing his or her
genitals or pubic or rectal area, having the child expose his or her genitals or
public or rectal area, or engaging in lewd or lascivious behavior.” (Emphasis
 added.)

1 conflict exists. Id. Third, if a court finds that there is a true conflict, it carefully
2 evaluates the nature and strength of each interest in the application of its own law
3 “to determine which state’s interest would be more impaired if its policy were
4 subordinated to the policy of the other state, and then ultimately applies the law of
5 the state whose interest would be more impaired if its law were not applied.”
6 McCann, 48 Cal. 4th at 87–88; see also McGhee v. Arabian Am. Oil Co., 871 F.2d
7 1412, 1424 (9th Cir. 1989) (holding that the majority of Plaintiff’s claims were
8 governed and barred under Saudi Arabia law because “it seems certain that Saudi
9 Arabia has some legitimate interest in seeing that Saudi law determines the
10 consequences of actions within its borders causing injury to people who reside
11 there. California . . . will not apply its law to conduct in other jurisdictions
12 resulting in injury in those jurisdictions”).

13 “California decisions have adopted a restrained view of the scope or reach
14 of California law with regard to the imposition of liability for conduct that occurs
15 in another jurisdiction and that would not subject the defendant to liability under
16 law of the other jurisdiction.” McCann, 48 Cal. 4th at 99.

17 In the present case, the governmental interest test indicates that English law
18 should be applied. This is because (1) there is a conflict of laws between the
19 United Kingdom (where sexual activity with a child age 16 and older is legal⁴) and
20 California (where the legal age of consent is 18), and (2) the United Kingdom’s
21 interest would be more impaired if its laws were not applied because the United
22 Kingdom was the place where the alleged sexual abuse occurred and Doe is a
23 citizen of the United Kingdom. As previously indicated, Doe fails to specifically
24 allege that Singer committed any action while in California.

25
26
27 ⁴ Section 9, Chapter 42 of England's Sexual Offences Act of 2003, states that it is
28 a criminal offense for a person aged 18 or over to sexually touch a person who is
either (1) under 16 when the person does not reasonable believe that the person is
16 or over, or (2) under 13. (Sexual Offences Act 2003, Ch. 42, s. 9 (Eng.).

1 Moreover, there is no dispute that, at the time of the purported wrongdoing
2 by Singer, Doe was 17 years old, over the legal age of consent in the United
3 Kingdom, where the alleged meeting took place. (Compl., ¶¶ 18–22, 61–63.) The
4 legal age of consent in the United Kingdom is 16, regardless of sexual orientation
5 or gender, pursuant to the Sexual Offences Act of 2003 as passed by Parliament.
6 (See Request for Judicial Notice.) There appears to be no case authority which
7 supports the proposition that a person can be charged or held civilly responsible
8 under California Penal Code section 288.4 for arranging a meeting with a person
9 in another country who is over the age of consent in the country where the meeting
10 is proposed or occurred. The age of consent in the United States does not apply to
11 conduct that did not occur here.

12 There is simply no basis for claiming that Doe should be considered a minor
13 because he would have been a minor if the alleged act occurred in the United
14 States. The fact is that the alleged act did not occur in the United States. It
15 occurred in the United Kingdom. Doe was not a minor at the time of the alleged
16 wrongdoing. Here, Singer did not arrange or even attempt to arrange a meeting
17 with a minor under UK law.

18 **C. English Law Dictates that Doe’s Claim Fails Because It Is Time-**
19 **Barred.**

20 California Code of Civil Procedure section 361 provides: “When a cause of
21 action has arisen in another state or in a foreign country, and by the laws thereof
22 an action thereon cannot there be maintained against a person by reason of the
23 lapse of time, and action thereon shall not be maintained against him in this state,
24 except in favor of one who has been a citizen of this state, and who has held the
25 cause of action from the time it accrued.” Here, as previously indicated, there is
26 no question that the cause of action for California Penal Code Section 288.4 arose
27 in the United Kingdom. All specific allegations against Singer occurred there and
28

1 any damage Doe allegedly suffered occurred in the there as well.⁵ (See Compl.
 2 ¶ 21.) Moreover, according to the law in the United Kingdom, a plaintiff has three
 3 years to file a claim for personal injuries. (See Request for Judicial Notice (citing
 4 Limitation Act 1980, Ch.58, S.11(4) (Eng.)).)

5 Because the alleged activity occurred in 2006, Doe would have until 2009 to
 6 file a claim for personal injuries. Having failed to do so, Doe's claim against
 7 Singer is time-barred by the applicable statute of limitations under English law
 8 (notwithstanding that no tort was committed under English law). Furthermore, the
 9 exception in Code of Civil Procedure 361 does not apply to allow Doe to bring a
 10 claim in California because he admittedly is not, nor has ever been, a citizen of
 11 California. (See Compl. ¶ 1.) Therefore, even assuming California statute of
 12 limitations would not bar Doe's claim, he is nevertheless unable to bring the claim
 13 in California.

14 **VI. COUNT VII FOR ALLEGED GENDER VIOLENCE IS TIME-**
 15 **BARRED**

16 In Count VII, Doe alleges that Singer is liable for "gender violence."
 17 California Civil Code § 52.4 states in relevant part as follows:

18 Any person who has been subjected to gender violence
 19 may bring a civil action for damages against any
 20 responsible party. The plaintiff may seek actual damages,
 21 compensatory damages, punitive damages, injunctive
 relief, any combination of those, or any other appropriate
 relief. A prevailing plaintiff may also be awarded
 attorney's fees and costs.

22 For purposes of Civil Code § 52.4, "gender violence" is defined as "a form
 23 of sex discrimination" and means any of the following:

24 (1) One or more acts that would constitute a
 25 criminal offense under state law that has as an
 26 element the use, attempted use, or threatened use
 of physical force against the person or property of

27 ⁵ The mere conclusory allegation that Singer formed the intent to violate the
 28 California statute while in California cannot establish, without alleging additional
 specific facts, that the cause of action arose in California. (See Compl. ¶ 71.)

1 another, committed at least in part based on the
2 gender of the victim, whether or not those acts
3 have resulted in criminal complaints, charges,
4 prosecution, or conviction.

5 (2) A physical intrusion or physical invasion of a
6 sexual nature under coercive conditions, whether
7 or not those acts have resulted in criminal
8 complaints, charges, prosecution, or conviction.”

9 Under Civil Code § 52.4(b), an action under the statute must be brought
10 “within 3 years of the act, or if the victim was a minor when the act occurred,
11 within 8 years after the date the plaintiff attains the age of majority or within 3
12 years after the date the plaintiff discovers or reasonably should have discovered
13 the physiological injury or illness occurring after the age of majority that was
14 caused by the act, whichever date occurs later.” (Emphasis added.)

15 As previously stated, Doe was not a minor according to English law when
16 the alleged “gender violence” occurred in approximately 2006. Because he was
17 not a minor when the alleged act occurred, the second alternative calculation of
18 the limitations period in Section 52.4(b) cannot apply. The statute of limitations
19 expired 3 years after the alleged act occurred, or sometime in 2009. The claim was
20 not brought until five years later.⁶

21 Moreover, this claim is substantively without merit. California Civil Code
22 section 52.4 is designed to prevent “gender-related violence, such as domestic
23 violence, which disproportionately occurs against women and to protect the civil
24 rights of victims of gender-motivated violence and thereby to promote the public
25 safety, health and well-being of all persons within California.” See Cal. Prac.
26 Guide Civ. Pro. Trial Claims and Def., Ch. 2(VII)-A[2:771]. There is no
27 allegation anywhere in the Complaint that Singer was motivated by or committed
28 any sexual abuse against Doe because of Doe’s gender. Doe’s attempt to

27 ⁶ The application of English law to this California claim would also result in the
28 claim being time-barred because a plaintiff has only 3 years to file a claim for
personal injuries and Plaintiff waited roughly 8 years to bring his claim.
(Limitation Act 1980, Ch.58, S.11(4) (Eng.)).

1 transform a sexual abuse claim into a gender violence claim not only is a
 2 misapplication of the law, but it lacks the requisite element of motive/intent.

3 **VII. CONCLUSION**

4 Doe is inappropriately seeking to proceed under a pseudonym, without the
 5 requisite leave of Court or any factual or legal basis supporting that attempt. In
 6 addition, Counts IV, V, and VI fail to state a legal claim against Singer, and
 7 Counts VI and VII are time-barred.

8 Therefore, the case should be dismissed pursuant to Rule 12(b)(6). If the
 9 Court is inclined to allow Doe to proceed on any of his alleged causes of action, he
 10 must do so using his legal name.

11
 12 DATED: July 3, 2014

LAVELY & SINGER
 PROFESSIONAL CORPORATION
 MARTIN D. SINGER
 PAUL N. SORRELL
 ANDREW B. BRETTLER

15
 16 By: /s/
 MARTIN D. SINGER
 Attorneys for Defendant BRYAN SINGER
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8 **BRYAN SINGER**

9
10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA

12
13 JOHN DOE NO. 117,
14 Plaintiff,
15 -vs-

16 BRYAN SINGER and
17 GARY GODDARD,
18 Defendants.

) Case No. LA CV14-03530-DDP (AJWx)

) **DECLARATION OF MARTIN D.**
SINGER IN SUPPORT OF MOTION
OF DEFENDANT BRYAN SINGER
TO DISMISS PURSUANT TO
F.R.C.P. RULE 12(b)(6)

) Date: August 18, 2014
) Time: 10:00 a.m.
) Judge: Hon. Dean D. Pregerson
) Courtroom: 3 (2nd Floor)

) Complaint Filed: May 7, 2014
) Trial Date: None

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DECLARATION OF MARTIN D. SINGER

I, Martin D. Singer, declare as follows:

1. I am an attorney at law duly licensed to practice before all of the Courts of the State of California as well as the Central District of California, and am a partner in the law firm Lavelly & Singer Professional Corporation, counsel of record for Defendant Bryan Singer (“Singer”) in this case. I have personal and first hand knowledge of the matters set forth in this Declaration and, if called as a witness, could and would testify competently thereto under oath.

2. Plaintiff’s filing of this action under a pseudonym critically impairs my firm’s and my client’s ability to discover the facts pertaining to this dispute and present an appropriate defense. As an example, without public disclosure of Plaintiff’s identity, witnesses who know Plaintiff and are percipient witnesses with regard to alleged events and circumstances referenced in the Complaint are unlikely to come forward. I have handled many cases of this type during the approximately 37 years that I have practiced law. Public awareness of a plaintiff’s identity in similar cases has in many instances resulted in witnesses, including acquaintances of the plaintiff, coming forward with information that was critical to adjudication of the facts. Indeed, in another case filed in Hawaii federal court by the same counsel on behalf of another plaintiff, public identification of the identity of that plaintiff led to over fifteen witnesses voluntarily coming forward with very critical information relating to the merits of the dispute. These witnesses have revealed significant information pertaining to the merits of the Hawaii case, and disclosed significant information that was used to contradict the plaintiff’s claims and significantly attack his credibility. In part because of these witnesses coming forward, Singer was able to file a motion for summary judgment in that action to knock out the claims asserted. In addition to witnesses who may come forward voluntarily, public disclosure of the identity of Plaintiff will allow my firm, investigators and others to contact potential witnesses and locate documents and

1 other evidence that will be critical to determining the truth and presenting an
2 appropriate defense. The failure of Plaintiff to disclose his identity severely
3 hampers our ability to discover the truth.

4 3. In the Complaint, Plaintiff alleges that he was approximately 14 years
5 of age as of “in or about 2003.” (Compl. ¶ 7.) The allegations relating to
6 wrongful conduct by Singer are alleged to have occurred when Plaintiff was 17
7 years old, i.e., in or about 2006. (Compl. ¶¶ 18–22.) Therefore, Plaintiff is now
8 approximately 25 years old.

9 I declare under penalty of perjury that the foregoing is true and correct.
10 Executed on this 3rd day of July 2014 at Los Angeles, California.

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/s/
MARTIN D. SINGER

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 11
 12 UNITED STATES DISTRICT COURT
 13 CENTRAL DISTRICT OF CALIFORNIA
 14

15 JOHN DOE NO. 117,
 16 Plaintiff,

17 -vs-

18 BRYAN SINGER and
 GARY GODDARD,
 19 Defendants.
 20

) Case No. LA CV14- 03530-DDP (AJWx)

) **REQUEST FOR JUDICIAL NOTICE**
) **IN SUPPORT OF DEFENDANT**
) **BRYAN SINGER'S MOTION TO**
) **DISMISS PURSUANT TO F.R.C.P.**
) **RULE 12(b)(6)**

) Date: August 18, 2014
) Time: 10:00 a.m.
) Judge: Hon. Dean D. Pregerson
) Courtroom: 3 (2nd Floor)

) Complaint Filed: May 7, 2014
) Trial Date: None

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1 Pursuant to Federal Rules of Evidence, Rule 201 and Federal Rules of Civil
2 Procedure, Rule 44.1, Defendant Bryan Singer requests that the Court take judicial
3 notice of the following facts:

4 1. The legal age for consent to sexual activity in England is 16 years old,
5 pursuant to Section 9, Chapter 42 of England’s Sexual Offenses Act of 2003,
6 providing that an offense is committed when a person over the age of 18
7 intentionally touches another person sexually when that person is under the age of
8 16, and the person aged 18 or over does not reasonably believe the person is 16 or
9 over. (Sexual Offences Act 2003, Ch. 42, s. 9 (Eng.)) A true and correct copy of
10 the statute is attached hereto as Exhibit “A,” and incorporated herein by this
11 reference.

12 2. The English statute of limitations period for personal injuries is three
13 years, pursuant to Subsection 4, Section 11, Chapter 58 of the Limitation Act of
14 1980 or personal injury. (Limitation Act 1980, Ch.58, S.11(4) (Eng.)). A true and
15 correct copy of the statute is attached hereto as Exhibit “B,” and incorporated
16 herein by this reference.

17 This Court is permitted to take judicial notice of foreign law. *McGhee v.*
18 *Arabian Am. Oil Co.*, 871 F.3d 1412, 1424 (9th Cir. 1989).

20 DATED: July 3, 2014

LAVELY & SINGER
PROFESSIONAL CORPORATION
MARTIN D. SINGER
PAUL N. SORRELL
ANDREW B. BRETTLER

24 By: _____ /s/
25 MARTIN D. SINGER
26 Attorneys for Defendant BRYAN SINGER

28

s. 9 Sexual activity with a child, UK ST 2003 c. 42 Pt 1 s. 9

UK Statute 2003 c. 42 Pt 1 s. 9

Sexual Offences Act 2003 c. 42

Part 1 SEXUAL OFFENCES


Child sex offences

s. 9 Sexual activity with a child

Superseded Legislation:

Analysis (Commencement Information)

This version in force from: **May 1, 2004 to present**

 Image 1 within document in PDF format.

9 Sexual activity with a child

(1) A person aged 18 or over (A) commits an offence if—

(a) he intentionally touches another person (B),

(b) the touching is sexual, and

(c) either—

(i) B is under 16 and A does not reasonably believe that B is 16 or over, or

(ii) B is under 13.

(2) A person guilty of an offence under this section, if the touching involved—

(a) penetration of B's anus or vagina with a part of A's body or anything else,

(b) penetration of B's mouth with A's penis,

(c) penetration of A's anus or vagina with a part of B's body, or

(d) penetration of A's mouth with B's penis,

is liable, on conviction on indictment, to imprisonment for a term not exceeding 14 years.

(3) Unless subsection (2) applies, a person guilty of an offence under this section is liable—

(a) on summary conviction, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum or both;

(b) on conviction on indictment, to imprisonment for a term not exceeding 14 years.

Arrangement of Act

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s. 9 Sexual activity with a child, UK ST 2003 c. 42 Pt 1 s. 9

UK ST 2003 c. 42 Pt 1 s. 9

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s. 11 Special time limit for actions in respect of personal injuries., UK ST 1980 c. 58 Pt...

UK Statute 1980 c. 58 Pt I s. 11

Limitation Act 1980 c. 58

Part I ORDINARY TIME LIMITS FOR DIFFERENT CLASSES OF ACTION


Actions in respect of wrongs causing personal injuries or death

s. 11 Special time limit for actions in respect of personal injuries.

Superseded Legislation:

Analysis (Commencement Information)

This version in force from: **June 16, 1997 to present**

 Image 1 within document in PDF format.

11.— Special time limit for actions in respect of personal injuries.

(1) This section applies to any action for damages for negligence, nuisance or breach of duty (whether the duty exists by virtue of a contract or of provision made by or under a statute or independently of any contract or any such provision) where the damages claimed by the plaintiff for the negligence, nuisance or breach of duty consist of or include damages in respect of personal injuries to the plaintiff or any other person.

[

(1A) This section does not apply to any action brought for damages under section 3 of the Protection from Harassment Act 1997.

] ¹

(2) None of the time limits given in the preceding provisions of this Act shall apply to an action to which this section applies.

(3) An action to which this section applies shall not be brought after the expiration of the period applicable in accordance with subsection (4) or (5) below.

(4) Except where subsection (5) below applies, the period applicable is three years from—

(a) the date on which the cause of action accrued; or

(b) the date of knowledge (if later) of the person injured.

(5) If the person injured dies before the expiration of the period mentioned in subsection (4) above, the period applicable as respects the cause of action surviving for the benefit of his estate by virtue of section 1 of the Law Reform (Miscellaneous Provisions) Act 1934 shall be three years from—

(a) the date of death; or

(b) the date of the personal representative's knowledge;

whichever is the later.

(6) For the purposes of this section “personal representative” includes any person who is or has been a personal representative of the deceased, including an executor who has not proved the will (whether or not he has renounced probate) but not anyone appointed only as a special personal representative in relation to settled land; and regard shall be had to any knowledge acquired by any such person while a personal representative or previously.

s. 11 Special time limit for actions in respect of personal injuries., UK ST 1980 c. 58 Pt...

(7) If there is more than one personal representative, and their dates of knowledge are different, subsection (5)(b) above shall be read as referring to the earliest of those dates.

Whole DocumentEnvironmental Protection Act 1990 c. 43, Pt II s. 73(9)(b)Modified in relation to legal proceedings and civil liability

Footnotes

- 1 Added by Protection from Harassment Act 1997 c. 40 s.6 (June 16, 1997)

Arrangement of Act

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UK ST 1980 c. 58 Pt I s. 11

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