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9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

11 BRIAN WARNER, p/k/a MARILYN
12 MANSON,

13 Plaintiff,

14 vs.

15 EVAN RACHEL WOOD; ASHLEY GORE,
16 a/k/a ILLMA GORE,

17 Defendants.

Case No. 22STCV07568
Assigned to Hon. Teresa A. Beaudet, Dept. 50

**DEFENDANT EVAN RACHEL WOOD'S
RESPONSE TO PLAINTIFF BRIAN
WARNER'S OBJECTIONS TO WOOD'S
EVIDENCE SUBMITTED AND LODGED
WITH HER SPECIAL MOTION TO
STRIKE**

*[Notice of Lodging, Reply Brief, Evidentiary
Objections, and Proposed Order re
Evidentiary Objections filed concurrently
herewith]*

Date: December 1, 2022
Time: 10:00 a.m.
Dept.: 50

Action Filed: March 2, 2022
Trial Date: None Set

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DEFENDANT EVAN RACHEL WOOD’S RESPONSE TO PLAINTIFF BRIAN

WARNER’S EVIDENTIARY OBJECTIONS

Defendant Evan Rachel Wood (“Defendant”) submits the following response to Plaintiff Brian Warner, p/k/a Marilyn Manson’s (“Plaintiff”) objections to the evidence filed and lodged by Wood in support of her Special Motion to Strike portions of Plaintiff’s Complaint.

Wood’s Responses to Plaintiff’s Objections to the Declaration of Evan Rachel Wood and Exhibits Thereto

Obj. No.	Text/Exhibit	Objections
1.	14. On October 21, 2020, I met with some of the other victims of Mr. Warner. . . . In my experience, being a survivor of domestic violence can sometimes feel very lonely, and speaking to people who had similar experiences made me feel like there are people who believe me, support me, and understand what I am going through.	<ul style="list-style-type: none"> • Hearsay (Evid. Code § 1200) • Lacks personal knowledge (Evid. Code § 702)

WOOD’S RESPONSE

Hearsay: There are no out of court statements here, and even if there were, they are not being offered for the truth of the matter asserted. The statement that Wood met with “other victims of Mr. Warner” and experienced “speaking to people who had similar experiences” are offered to establish Wood’s state of mind, lack of intent to cause Plaintiff distress, lack of actual malice, and lack of malice for the purposes of the common interest privilege. *See* (Wood Mot. at 20:2-4, 17-19.)

Personal Knowledge: Defendant clearly has personal knowledge of her own meetings, feelings, and state of mind.

2.	16. . . . I am familiar with Mr. Warner’s 2002 statements about the <i>Groupie</i> movie on <i>Dinner for Five</i> and the civil complaints filed against him by other victims last year. I am also aware that accusations of physical and sexual abuse of minors have been made against Mr. Warner. . . .	<ul style="list-style-type: none"> • Hearsay, and hearsay within hearsay (Evid. Code § 1200) • Lacks personal knowledge (Evid. Code § 702) • Lacks foundation (Evid. Code § 403)
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WOOD’S RESPONSE

Hearsay: The statements here go to Wood’s state of mind. They are being offered to establish that Warner cannot meet his burden to demonstrate intent to cause distress and cannot produce clear and convincing evidence of actual malice. (Wood Mot. at 22:6-12.)

Personal Knowledge and Foundation: Defendant has established her personal knowledge and the foundation of these statements by including a document which includes a transcription of Warner’s statements on *Dinner for Five* about *Groupie*, directions for where the statements may be found and how they are accessed, clips of the statements being made by Warner, by affirming

1 that she is aware of the accusations, and by explaining that she has spoken with other survivors of
 2 Warner’s abuse.

3 4 5 6	17. Attached hereto as Exhibit 3 is a true and correct copy of the webpage https://www.mansonwiki.com/wiki/Video_Interview:Marilyn_Manson_Dinner_For_Five as it appeared on April 22, 2022, which includes a transcript of Mr. Warner’s 2002 statements about Groupie on Dinner for Five.	<ul style="list-style-type: none"> • Hearsay, and hearsay within hearsay (Evid. Code § 1200) • Lacks personal knowledge (Evid. Code § 702) • Lacks foundation (Evid. Code § 403)
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7 **WOOD’S RESPONSE**

8 **Hearsay:** The statements go to Wood’s state of mind. They are being offered to establish that
 9 Warner cannot meet his burden to demonstrate intent to cause distress and cannot produce clear
 10 and convincing evidence of actual malice. (Wood Mot. at 22:6-12.)

11 **Personal Knowledge and Foundation:** Defendant has established her personal knowledge and
 12 the foundation of these statements by including a document which includes a transcription of
 13 Warner’s statements on *Dinner for Five* about *Groupie*, directions for where the statements may
 14 be found and how they are accessed, and clips of the statements being made by Warner.

13 14 15 16	4. Wood Exhibit 3	<ul style="list-style-type: none"> • Hearsay, and hearsay within hearsay (Evid. Code § 1200) • Lacks personal knowledge (Evid. Code § 702) • Lacks foundation (Evid. Code § 403)
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17 **WOOD’S RESPONSE**

18 **Hearsay:** The statements go to Wood’s state of mind. They are being offered to establish that
 19 Warner cannot meet his burden to demonstrate intent to cause distress and cannot produce clear
 20 and convincing evidence of actual malice. (Wood anti-SLAPP Mot., at 22:6-12.)

21 **Personal Knowledge and Foundation:** Defendant has established her personal knowledge and
 22 the foundation of these statements by including a document which includes a transcription of
 23 Warner’s statements on *Dinner for Five* about *Groupie*, directions for where the statements may
 24 be found and how they are accessed, and clips of the statements being made by Warner.

23 24 25 26	5. 18. I have provided evidence to both the FBI and the Los Angeles County Sheriff’s Department in connection with criminal investigations of Mr. Warner. On information and belief, those investigations are ongoing.	<ul style="list-style-type: none"> • Irrelevant (Evid. Code § 403) • Prejudicial (Evid. Code § 352) • Hearsay (Evid. Code § 1200) • Lacks personal knowledge (Evid. Code § 702) • Lacks foundation (Evid. Code § 403)
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27 **WOOD’S RESPONSE**

28 **Personal Knowledge and Foundation:** Defendant clearly has personal knowledge of whether

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she has provided evidence to the FBI and Los Angeles County Sheriff’s Department in connection with criminal investigations of Warner, and that personal knowledge itself provides the foundation for her statement. Her counsel has previously corroborated that testimony (by offering sworn testimony and some of her correspondence with an FBI agent) in opposing Plaintiff’s motion for anti-SLAPP discovery. Holley Decl. ¶ 2, Ex. A. Moreover, Defendant is not offering evidence that such investigations are ongoing to prove the *truth* of the allegations. Rather, they are offered to show Wood’s state of mind, including that her statements were not made with the intent to cause distress or with actual malice.

Hearsay: The hearsay objection is frivolous: there is no out-of-court statement here.

Relevance and Prejudice: Plaintiff has accused Wood of forgery and perjury, and using purportedly fictitious investigations to recruit accusers. The fact that Wood provided evidence to the FBI and L.A. County Sheriff’s Department is therefore directly relevant to, *inter alia*, Wood’s state of mind, belief in the authenticity of the FBI Letter, and intent. This evidence is also relevant to whether Plaintiff’s claims arise from protected activity, whether Wood engaged in outrageous conduct, and whether her communications with other accusers are privileged.

6.	24. A true and correct copy of the HBO documentary <i>Phoenix Rising</i> (Parts 1 and 2) will be lodged with the Court on a thumb drive as Exhibit 4. Part 1 of Phoenix Rising includes excerpts of Mr. Warner’s appearance on <i>Dinner for Five</i> (see timestamp 1:01:34-1:02:37). Part 2 of <i>Phoenix Rising</i> includes portions of the October 21, 2020 meeting of survivors beginning at timestamp 2:56.	<ul style="list-style-type: none"> • Hearsay, and hearsay within hearsay (Evid. Code § 1200; <i>People v. Monterroso</i>, 34 Cal. 4th 743, 779 (2004) (“The video itself was also hearsay, since it was offered for its truth.”)) • Irrelevant (Evid. Code § 403) • Prejudicial (Evid. Code § 352)
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WOOD’S RESPONSE

The objections here are baseless. Wood’s testimony does not include any out-of-court statements, but rather provides timestamps to certain excerpts included in Exhibit 4 for the Court’s convenience.

7.	Wood Exhibit 4	<ul style="list-style-type: none"> • Hearsay, and hearsay within hearsay (Evid. Code § 1200; <i>People v. Monterroso</i>, 34 Cal. 4th 743, 779 (2004) (“The video itself was also hearsay, since it was offered for its truth.”)) • Irrelevant (Evid. Code § 403) • Prejudicial (Evid. Code § 352)
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WOOD’S RESPONSE

Hearsay: The Exhibit is being offered to establish that Plaintiff cannot meet his burden to produce clear and convincing evidence that Wood acted with actual malice and cannot produce evidence that Wood acted with the intent to cause Plaintiff distress. Wood has cited clips included in *Phoenix Rising* that show Plaintiff’s own statements in *Dinner for Five*, claiming that his manager told him—in reference to *Groupie*—to “hide the masters,” because “if anyone sees this, you’ll go to jail, and your career will be over,” and Warner implied that the actress may have been under 18. This is relevant to Wood’s state of mind, and is therefore not offered

1 for the truth of the matter asserted. Moreover, Evidence Code § 1220 applies as an exception to
 2 the hearsay rule because Plaintiff’s own statements are party admissions.

3 **Relevance and Prejudice:** The Exhibit contains footage of Plaintiff speaking about the contents
 4 of *Groupie*, specifically that *Groupie* contained footage of someone who may or may not have
 5 been over 18 years old, and footage of Warner claiming that his manager told him to “hide the
 6 masters,” because “if anyone sees this, you’ll go to jail, and your career will be over.” These
 7 statements, as depicted in the Exhibit, are highly relevant to Defendants’ state of mind and intent,
 and whether there is clear and convincing evidence that they acted with actual malice. The
 8 relevance of this evidence far outweighs any prejudice Plaintiff may suffer from being confronted
 9 with his own words.

10 The Exhibit also evidences the fact that the accusations against Plaintiff are of immense public
 11 interest and moots any possible Evidence Code § 1523 objections to Wood’s testimony
 12 regarding the *Phoenix Rising* documentary.

13 **Wood’s Responses to Plaintiff’s Objections to the**
 14 **Declaration of Michael Kump and Exhibits Thereto**

Obj. No.	Text/Exhibit	Objections
8.	Kump Exhibit 6	<ul style="list-style-type: none"> • See Warner’s Opposition to Wood’s RJN

15 **WOOD’S RESPONSE**

16 This objection is baseless, as Warner had not filed or served any Opposition to Wood’s Request
 17 for Judicial Notice.

9.	Kump Exhibit 7	<ul style="list-style-type: none"> • See Warner’s Opposition to Wood’s RJN
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18 **WOOD’S RESPONSE**

19 This objection is baseless, as Warner had not filed or served any Opposition to Wood’s Request
 20 for Judicial Notice.

10.	Kump Exhibit 8	<ul style="list-style-type: none"> • See Warner’s Opposition to Wood’s RJN
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21 **WOOD’S RESPONSE**

22 This objection is baseless, as Warner had not filed or served any Opposition to Wood’s Request
 23 for Judicial Notice.

11.	Kump Exhibit 9	<ul style="list-style-type: none"> • See Warner’s Opposition to Wood’s RJN
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24 **WOOD’S RESPONSE**

25 This objection is baseless, as Warner had not filed or served any Opposition to Wood’s Request
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for Judicial Notice.		
12.	Kump Exhibit 10	• See Warner's Opposition to Wood's RJN
WOOD'S RESPONSE		
This objection is baseless, as Warner had not filed or served any Opposition to Wood's Request for Judicial Notice.		
13.	Kump Exhibit 11	• Hearsay, and hearsay within hearsay (Evid. Code § 1200) • Lacks personal knowledge (Evid. Code § 702)
Kump Exhibit 11 is a true and correct copy of a November 2021 <i>Rolling Stone</i> article called "Marilyn Manson: The Monster Hiding in Plain Sight," as it appeared at https://www.rollingstone.com/music/music-features/marilyn-manson-abuse-allegations-1256888/ on April 21, 2022.		
Hearsay: Kump Exhibit 11 was cited in Wood's anti-SLAPP motion in support of the statement that "Many other women have also accused Warner of abuse." (Wood anti-SLAPP Mot., at 10:14.) However, the article is not being cited for the truth of the statements therein, but rather the fact that Warner has been accused by others. Therefore, the statements in this article are not hearsay.		
Personal Knowledge: This objection is baseless, as the declarant's personal knowledge of the articles is established by his inclusion of the webpage at which the article was published and the date it was accessed.		

DATED: November 22, 2022 KINSELLA WEITZMAN ISER KUMP HOLLEY LLP

By: 
Michael J. Kump
Attorneys for Defendant
EVAN RACHEL WOOD

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 808 Wilshire Boulevard, 3rd Floor, Santa Monica, CA 90401.

On November 22, 2022, I served true copies of the following document(s) described as **DEFENDANT EVAN RACHEL WOOD'S RESPONSE TO PLAINTIFF BRIAN WARNER'S OBJECTIONS TO WOOD'S EVIDENCE SUBMITTED AND LODGED** on the interested parties in this action as follows:

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BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused a copy of the document(s) to be sent from e-mail address MSanks@kwikhlaw.com to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

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

Executed on November 22, 2022, at Santa Monica, California.



Mary L. Sanks