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By S. Tresvant, Deputy Clerk

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12
13 SUPERIOR COURT OF THE STATE OF CALIFORNIA
14 COUNTY OF LOS ANGELES

15 JANE DOE,

16 Plaintiff,

17 v.

18 BRIAN WARNER a.k.a. MARILYN
19 MANSON,

20 Defendant.

Case No. 21STCV20202

[Assigned for All Purposes to: Hon. Gregory
Keosian, Dept. 61]

**PLAINTIFF'S NOTICE OF MOTION
AND MOTION *IN LIMINE* NO. 3 TO
PRECLUDE POLA WEISS FROM
TESTIFYING AT TRIAL;
MEMORANDUM OF POINTS AND
AUTHORITIES; DECLARATION OF
ADAM B. WOLF**

Date: October 3, 2023

Time: 9:00 a.m.

Dept.: 61

Complaint Filed: May 28, 2021

FAC Filed: September 23, 2021

Trial Date: October 3, 2023

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TO THE COURT, AND TO DEFENDANT AND HIS ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on October 3, 2023 at 9:00 a.m. in Department 61 of the above-referenced court located at 111 North Hill Street, Los Angeles, California 90012, or as soon thereafter as this matter may be heard, Plaintiff JANE DOE (“Plaintiff” or “Ms. Doe”) will and hereby does move for an order *in limine* precluding Pola Weiss from testifying at trial in this action.

This Motion is made pursuant to Evidence Code sections 350 and 352 and Los Angeles Superior Court Rule 3.57, and on the grounds Ms. Weiss’ testimony is irrelevant to the subject matters of this trial, and would be prejudicial, a waste of time, and would mislead the jury.

Plaintiff met and conferred with counsel for Defendant, pursuant to Local Rule 3.57, to discuss the subject matter of this motion and were unable to resolve the issues in dispute.

This Motion is based on this Notice of Motion; the accompanying Memorandum of Points and Authorities; Declaration of Adam B. Wolf; Plaintiff’s Notice of Motion and Motion for Evidence Sanctions; the records, pleadings, and files of the Court in this action; and all other matters as may be presented to the Court at the time of the hearing.

DATED: September 18, 2023

PEIFFER WOLF CARR KANE CONWAY & WISE, LLP



By: _____

ADAM B. WOLF
BRIAN J. PERKINS
MELISA A. ROSADINI-KNOTT

Attorneys for Plaintiff

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION AND BRIEF FACTUAL BACKGROUND**

3 There is no need for Pola Weiss to testify at trial. Not only is her testimony irrelevant, but
4 Plaintiff has agreed to stipulate to the purported purpose of her testimony: to establish that she was
5 a paid performer in a video that Defendant now claims was staged.

6 Defendant Brian Warner, also known as Marilyn Manson, is a serial sex offender. Plaintiff
7 is one of his victims. Defendant terrorized and brutalized Plaintiff over a course of several months.
8 Exhibiting what has now been publicly revealed as his lifelong pattern of abusive and controlling
9 behavior, Mr. Warner isolated Ms. Doe; mentally, emotionally, and physically abused her; and
10 finally, raped her after the relationship deteriorated.

11 During their relationship, one of the instances of Mr. Warner’s mental and emotional abuse
12 came in the form of showing Plaintiff a video entitled “Groupie”.

13 The video started with Warner’s band partying together. It was very rowdy, with alcohol
14 and drug use depicted. Warner put a condom on the penis of bandmate Twiggy Ramirez (real
15 name Jeordie White) and performed oral sex on him. There was a knock or ring at the door.
16 Someone answered it. The door opened, and a seemingly young teenage fan was holding
17 something she brought for Warner. She was wearing a Marilyn Manson band t-shirt and dark eye
18 makeup. Warner ordered she be let in. He then tied the young fan to a chair, and lectured and
19 interrogated her. He humiliated and berated her. She cried and pled. The girl’s t-shirt was
20 removed, and Warner forced her to drink a glass of one of the band member’s urine. Later, a gun
21 is introduced, and Warner threatened her with it.

22 Plaintiff was repulsed by, and terrified of, the video. As Warner increased his abuse and
23 violence in the video, Plaintiff began thinking that he was showing this to her because he was
24 going to kill her. Plaintiff began glancing at the front door and trying to figure out if she could run
25 to it before he could grab her. However, Warner had placed himself between Plaintiff and the
26 door. He spent a lot of the time watching Plaintiff’s face and reactions. As Warner’s screaming
27 and abuse got worse, Plaintiff was no longer able to hold back her tears. Warner saw that she was
28 crying, but he told her that she needed to keep watching until the end. When the video was over,

1 Plaintiff remembers crying and asking repeatedly if the girl in the video was dead. Warner would
2 not answer, leaving Plaintiff to think that Warner murdered her. Plaintiff spent a lot of time
3 questioning Warner to figure out who the girl was and confirm she was ok. But Warner gave only
4 vague and evasive answers. He claimed it was a woman in his “Long Road Out of Hell” music
5 video, even though the young girl in “Groupie” did not resemble the woman in the video. Warner
6 never would tell Plaintiff what became of the girl in the video.

7 Defendant has identified Pola Weiss on Defendant’s witness list and when counsel for
8 Defendant was asked why Ms. Weiss would be called in Defendant’s case in chief, they stated that
9 Ms. Weiss will testify that she purportedly was the girl in the “Groupie” video and agreed to and
10 consented to the making of that video, including the acts in the video.

11 **II. MS. WEISS’ TESTIMONY THAT SHE WAS “ACTING” IN THE**
12 **GROUPIE VIDEO IS IRRELEVANT**

13 Evidence Code section 350 states that “[n]o evidence is admissible except relevant
14 evidence.” Whether or not the “Groupie” video was staged is wholly irrelevant to the issues in
15 this case and more specifically, the horrific fear and reaction it caused Plaintiff when Defendant
16 forced her to watch the video. Warner specifically did not tell Plaintiff that the video was staged,
17 and not real; the effect on Plaintiff at the time—not the explanation Warner now provides—is
18 what matters. (In a similar vein, Defendant refused to tell Plaintiff whether the girl was still alive
19 or her true identity.) It is irrelevant whether Ms. Weiss consented to take part in the “Groupie”
20 video because Plaintiff was not made aware of that by Defendant before he showed her the video.

21 **III. MS. WEISS’ TESTIMONY WOULD BE PREJUDICIAL, A WASTE OF**
22 **TIME, AND MISLEAD THE JURY**

23 Additionally, as Ms. Weiss’ testimony is irrelevant, the introduction of such would be
24 prejudicial to Plaintiff as its probative value (if any) is substantially outweighed by the prejudice
25 of attempting to bring in improper character evidence (see Section IV., *infra*), would cause undue
26 consumption of time, and would mislead the jury and confuse the issues in this case.

27 Evidence Code section 352 states that

28 [t]he court in its discretion may exclude evidence if its probative value

1 is substantially outweighed by the probability that its admission will
2 (a) necessitate undue consumption of time or (b) create substantial
3 danger of undue prejudice, of confusing the issues, or of misleading
4 the jury.

5 Defendant claims to need Ms. Weiss' testimony for her to testify that she was a willing
6 participant in the "Groupie" video. While Plaintiff disagrees that is relevant, she has agreed to
7 stipulate that the "Groupie" video was staged, thereby obviating any possible need for Ms. Weiss
8 to attend trial to testify as to such.

9 However, Defendant has not agreed to that stipulation. Requiring Ms. Weiss to attend trial
10 simply to testify to something that Plaintiff is willing to stipulate to is an undue waste of judicial
11 resources and time at trial. Further, it would only confuse or mislead the jury as the question of
12 whether the "Groupie" video was staged or not is wholly irrelevant to its relevance in this case.

13 **IV. CONCLUSION**

14 For the reasons set forth above, Plaintiff respectfully requests that the Court preclude Pola
15 Weiss from testifying at trial in this action.

16 DATED: September 18, 2023

17 PEIFFER WOLF CARR KANE CONWAY &
18 WISE, LLP

19 

20 By: _____

21 ADAM B. WOLF
22 BRIAN J. PERKINS
23 MELISA A. ROSADINI-KNOTT

24 *Attorneys for Plaintiff*

1 **DECLARATION OF ADAM B. WOLF**

2 I, ADAM B. WOLF, declare as follows:

3 1. I am a partner at Peiffer Wolf Carr Kane Conway & Wise, LLP, counsel of record
4 for Plaintiff Jane Doe (“Plaintiff”). I make this declaration pursuant to Los Angeles County
5 Superior Court Rule 3.57 and in support of Plaintiff’s Motion in Limine No. 3 to Preclude Pola
6 Weiss from Testifying at Trial. This declaration is based on personal knowledge unless otherwise
7 noted, and if called to testify on such matters, could and would competently testify.

8 2. Plaintiff seeks to preclude defense witness, Pola Weiss, from testifying at trial, and
9 Plaintiff would be prejudiced if the Court permits Ms. Weiss to testify as detailed in this motion
10 because Ms. Weiss’ proposed scope of testimony is irrelevant to the subject matters of this trial,
11 and would be prejudicial, a waste of time, and would mislead the jury.

12 3. I met and conferred with counsel for Defendant, Howard King, John Snow, and
13 Jackson Trugman, on September 14, 2023 regarding the substance of this motion. Counsel for
14 Defendant would not agree to my proposed stipulation that I proposed, specifically that
15 Defendant’s position was that the “Groupie” video had been staged and Pola Weiss was a willing
16 participant in it. Accordingly, we were unable to reach an agreement on the issues presented in
17 this motion.

18 4. Ms. Weiss previously submitted a declaration in Defendant’s support in another
19 case. A true and correct copy of this declaration is attached as Exhibit “A”.

20
21 I declare under penalty of perjury under the laws of the State of California that the
22 foregoing is true and correct. Executed on this 18th day of September 2023 in Los Angeles,
23 California.

24 

25 _____
26 ADAM B. WOLF

1 **PROOF OF SERVICE**
2 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES
3 *Doe v. Warner*
4 *Case No. 21STCV20202*

5 I am over the age of 18 and not a party to the within action; my business address is: 3435
6 Wilshire Boulevard, Suite 1400, Los Angeles, CA 90010.

7 On the date mentioned below, I served the foregoing document(s) described as:

8 **PLAINTIFF'S NOTICE OF MOTION AND MOTION *IN LIMINE* NO. 3 TO PRECLUDE
9 POLA WEISS FROM TESTIFYING AT TRIAL; MEMORANDUM OF POINTS AND
10 AUTHORITIES; DECLARATION OF ADAM B. WOLF**

11 on the interested parties in this action by electronically transmitting the foregoing document to
12 persons as stated on the attached service list:

- 13 **VIA U.S. MAIL:** I am "readily familiar" with the firm's practice of collection and
14 processing correspondence for mailing. Under that practice it would be deposited with
15 U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles,
16 California, in the ordinary course of business. I am aware that on motion of the party
17 served, service is presumed invalid if postal cancellation date or postage meter date is
18 more than one day after date of deposit for mailing in affidavit.
- 19 **BY OVERNIGHT COURIER:** By depositing copies of the above document(s) in a box
20 or other facility regularly maintained by FEDERAL EXPRESS, in an envelope or
21 package designed by FEDERAL EXPRESS with delivery fees paid or provided for and
22 sent to the person(s) named on the attached service list [C.C.P. §1013, 2015.5].
- 23 **VIA FACSIMILE TRANSMISSION:** The facsimile machine I used complied with Rule
24 2.306, and no error was reported by the machine. Pursuant to Rule 2.306, I caused the
25 machine to print a record of the transmission, a copy of which is attached to this
26 declaration.
- 27 **VIA PERSONAL SERVICE:** I caused such envelope to be delivered by hand to the
28 offices of the addressee(s).
- VIA E-MAIL:** My electronic service address is mrosadini@peifferwolf.com. I caused
said document to be sent via email, per agreement amongst counsel, to the office(s) of the
addressee(s) so designated.
- STATE:** I declare under penalty of perjury under the laws of the State of California that
the above is true and correct.

Executed on September 18, 2023 at Los Angeles, California.



Melisa Rosadini-Knott

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SERVICE LIST
Doe v. Warner
Case No. 21STCV20202

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