

1 KENDALL BRILL & KLIEGER LLP
Richard B. Kendall (90072)
2 rkendall@kbbfirm.com
Philip M. Kelly (212714)
3 pkelly@kbbfirm.com
Joshua Y. Karp (254424)
4 jkarp@kbbfirm.com
10100 Santa Monica Blvd., Suite 1725
5 Los Angeles, California 90067
Telephone: [REDACTED]
6 Facsimile: 310.556.2705

7 Attorneys for Plaintiff and Cross-
Defendant

8
9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION
11

12 DAVID V. BECKHAM, an individual.,

13 Plaintiff,

14 v.

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

21 Defendants.

22 IRMA NICI, an individual.,

23 Cross-Complainant,

24 v.

25 DAVID V. BECKHAM, an individual.,

26 Cross-Defendant.
27
28

Case No. CV10-7980 R (SSx)

**DECLARATION OF DAVID
BECKHAM IN SUPPORT OF
OPPOSITION TO BAUER
DEFENDANTS' SPECIAL MOTION
TO STRIKE**

Hon. Manuel L. Real

Date: February 7, 2011

Time: 10:00 a.m.

Crtrm.: 8

DECLARATION OF DAVID BECKHAM

I, David Beckham, declare as follows:

1. I am the Plaintiff and Cross-Defendant in the above-entitled action. I have personal knowledge of the facts set forth herein. If called as a witness, I could and would competently testify to the matters stated herein.

2. I have read the article published in *In Touch Weekly's* October 4, 2010 issue entitled "David's Dangerous Betrayal." I am the subject of the article, which alleges that I have engaged in numerous unlawful activities. The article alleges at least the following facts about me: (i) that in August 2007, I engaged in the unlawful acts of soliciting prostitution from Nici and another prostitute and of engaging in prostitution with them by paying for sex with the two of them at Manhattan's Le Parker Meridien hotel; (ii) that about a month later, in September 2007, I again engaged in the unlawful acts of soliciting prostitution from Nici and of engaging in prostitution with Nici at the Claridges Hotel in London; (iii) that in October 2007, I engaged in the unlawful act of soliciting prostitution by contacting Nici while I was in New York seeking to again engage in prostitution with Nici, but Nici was in London; and (iv) that Nici has had sex with me five times in total as a result of my unlawful acts of soliciting and engaging in prostitution.

3. All of the allegations made about me by Irma Nici, including the foregoing allegations, are completely false. I have never met Irma Nici, much less solicited an act of prostitution with her or with anyone else.

4. The allegations made in the article have caused me severe emotional distress, including extended humiliation, embarrassment, anger, and worry.

I. Trip To New York in August 2007

5. I understand that Nici and the entities that publish *In Touch Weekly* ("Bauer") have alleged and published statements that Nici and I met at Manhattan's Le Parker Meridien hotel sometime around 10:00 p.m. on Thursday, August 16, 2007, where I allegedly paid her \$10,000 in cash to have sex with her and another

1 prostitute. These allegations are completely false. I have never stepped foot inside
2 Le Parker Meridien at any time, including in August 2007, nor did I rent or stay in a
3 room there in August 2007. Additionally, I do not carry around thousands of dollars
4 in cash when I travel. The only way I could get access to \$10,000 in cash would be
5 to get it from my management team. I did not request any member of my
6 management team to provide me with thousands of dollars of cash when I was in
7 New York in August 2007.

8 6. I flew from Los Angeles to New York on Thursday, August 16, 2007
9 with my Major League Soccer team, the Los Angeles Galaxy, because we were
10 scheduled to play New York's Major League Soccer team, the Red Bulls, on
11 Saturday, August 18, 2007. Our plane landed in New York sometime after 8:30
12 p.m. on Thursday evening, August 16.

13 7. From the airport, my team and I traveled to the Waldorf Astoria hotel
14 in midtown Manhattan, our hotel accommodation for the duration of our stay in
15 New York. We arrived at the Waldorf Astoria late in the evening on Thursday. I
16 stayed at the Waldorf Astoria hotel with the rest of my teammates for the duration of
17 my stay in New York; I did not have a hotel room or spend any time in a room at a
18 different hotel.

19 8. As is my custom when I arrive at a hotel on a road trip before a match,
20 a massage therapist came to my hotel room within a few hours after I checked in to
21 give me a massage. I recall that the therapist did not leave my hotel room until the
22 very early morning on Friday, August 17. My security team was with me before,
23 during, and after the massage. After the therapist left, I went to sleep.

24 9. On Friday morning, I woke up in my room at the Waldorf and attended
25 the Los Angeles Galaxy team breakfast. I did not leave the hotel during the night.
26 Indeed, given the publicity and paparazzi presence on this trip, I believe that I would
27 have been photographed had I attempted to leave the Waldorf Astoria anytime
28 during the night after our arrival in New York.

1 10. This trip was significant to me, and therefore memorable, because it
2 was my first trip to New York as a member of Major League Soccer and the Los
3 Angeles Galaxy. There was considerable publicity for this match and I was excited
4 about playing in front of the fans in New York. I have also reviewed the daily logs
5 prepared by my security detail which confirm my recollections of the foregoing
6 events.

7 11. As demonstrated by the foregoing, the allegations and published
8 statements by Bauer and Nici that I had a sexual encounter with Nici at the Le
9 Parker Meridien Hotel in New York on August 16, 2007 are absolutely false.

10 **II. Trip to London in September 2007**

11 12. I understand that the article alleges that a second purported encounter
12 between me and Ms. Nici took place at Claridges Hotel in London when I was in
13 London in September 2007 to visit my father, who had just suffered a heart attack.
14 Like my trip to New York, this trip is quite memorable to me because of my father's
15 very serious health situation.

16 13. Although it is well-known that I frequently stay at Claridges while in
17 London, I did not stay or otherwise set foot inside Claridges during this trip to
18 London in September 2007. At no time during this trip (or at any other time) did I
19 have any contact or communication whatsoever with Irma Nici.

20 14. I flew from Los Angeles to London in the late evening on Wednesday,
21 September 26, 2007 in order to visit my father, who had been admitted to The
22 London Chest Hospital after his heart attack. My flight landed in London on
23 Thursday, September 27, 2007, sometime around noon local time. My longtime
24 friend Terry Byrne picked me up at the airport, and we went directly to The London
25 Chest Hospital to visit my father. I spent most of the remainder of that day at the
26 hospital with my father. I stayed with him at the hospital until late that evening.
27 Upon leaving the hospital that night, I was taken by my security team to my home in
28

1 Sawbridgeworth, Hertfordshire, which is outside of London. I spent the entire night
2 at my home. My security team stayed at my home with me that night.

3 15. On Friday morning, September 28, 2007, my wife Victoria arrived in
4 London from Tokyo, Japan. She came straight to our home after landing, and we
5 went to the hospital together to visit my father. I recall that Victoria and I were
6 together the entire day, most of it at the hospital with my father.

7 16. That night, Victoria and I visited Victoria's parents, and then went back
8 to our home outside of London. We spent the remainder of the night at our home,
9 and we slept at our home that night.

10 17. On Saturday afternoon, September 29, 2007, Victoria and I again
11 visited my father at the hospital. Later that evening Victoria and I had dinner at
12 Nobu in London with Victoria's family. After dinner, we went back to our home.
13 We spent the remainder of the night at our home, and we slept at our home that
14 night.

15 18. On Sunday, September 30, 2010, I departed from my home to visit my
16 father in the Hospital. I stayed at the hospital until I had to travel to London
17 Heathrow Airport in the afternoon to catch my flight back to Los Angeles.

18 19. I have reviewed the daily logs prepared by my security detail for this
19 trip which confirm my recollections of the foregoing events.

20 20. As demonstrated by the foregoing, the allegations and published
21 statements by Bauer and Nici that I had a sexual encounter with Nici at the
22 Claridges Hotel in London in September 2007 when I was visiting London to
23 attend to my father's illness are absolutely false.

24 **III. Alleged Phone Call To Nici In October 2007**

25 21. I understand that the article alleges that I called Ms. Nici in October
26 2007 seeking to engage in an unlawful sexual transaction with her, but a meeting
27 could not be arranged because I was in New York and she was in London. I have
28 reviewed my travel itinerary for October 2007, and I was never in New York during

1 October 2007. At no time did I contact Ms. Nici by telephone, including during
2 October 2007, regardless of where I was at that time. As demonstrated by the
3 foregoing, the allegations and published statements by Bauer and Nici that I
4 telephoned Nici in October 2007 in an effort to set up a meeting with her in New
5 York in October 2007 are absolutely false.

6 I declare under penalty of perjury under the laws of the United States of
7 America that the foregoing is true and correct.

8 Executed January 14, 2011, at London, England.

9
10 
11 _____
12 David Beckham
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Radardar
online.com