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FILED
LOS ANGELES SUPERIOR COURT

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JONITA R. GARRIE, CLERK

BY RUGENA LOPEZ, DEPUTY

5 Attorneys for Plaintiffs
6 DEEPAK KALPOE and SATISH KALPOE

DLG
**Case assigned to
Judge
Edward A
Fernandez**

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

9 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

10 **UNLIMITED JURISDICTION**

11 DEEPAK KALPOE and SATISH KALPOE,
12 Plaintiffs,

13 vs.

14 PHILLIP C. MCGRAW; CBS TELEVISION
15 DISTRIBUTION GROUP, f/k/a CBS
16 PARAMOUNT DOMESTIC TELEVISION,
17 a division of CBS CORP.; PETESKI
18 PRODUCTIONS, INC.; JAMIE SKEETERS,
19 SECURITY CONSULTANT SERVICES,
20 INC.; and DOES 1-50, Inclusive,

21 Defendants.

Case No. 0363201

**COMPLAINT FOR DAMAGES:
DEFAMATION; DEFAMATION PER
SE; INVASION OF PRIVACY;
INTENTIONAL INFLICTION OF
EMOTIONAL DISTRESS;
NEGLIGENT INFLICTION OF
EMOTIONAL DISTRESS;
FRAUDULENT
MISREPRESENTATION / DECEIT;
NEGLIGENT
MISREPRESENTATION / DECEIT;
CIVIL CONSPIRACY**

DEMAND FOR JURY TRIAL

20 Plaintiffs, DEEPAK KALPOE and SATISH KALPOE, for their Complaint against
21 the Defendants, PHILLIP C. MCGRAW, CBS TELEVISION DISTRIBUTION GROUP,
22 f/k/a CBS PARAMOUNT DOMESTIC TELEVISION, a division of CBS CORP.,
23 PETESKI PRODUCTIONS, INC., JAMIE SKEETERS, SECURITY CONSULTANT
24 SERVICES, INC., and Does 1-50, state as follows:

25 **FACTS COMMON TO ALL COUNTS**

26 **The Parties**

27 1. Defendants Does 1 through 50, inclusive, are sued herein under fictitious
28 names. Their true names and capacities are unknown to the plaintiffs. When their true

1 names and capacities are ascertained, the plaintiffs will amend this Complaint by inserting
2 their true names and capacities herein. The plaintiffs are informed and believe and thereon
3 allege that each of the fictitiously named defendants are responsible in some manner for the
4 occurrences herein alleged, and that the plaintiffs' damages as herein alleged were
5 proximately caused by those defendants. Each reference in this Complaint to "defendant,"
6 "defendants," or a specifically named defendant also refers to all defendants sued under
7 fictitious names.

8 2. Plaintiffs DEEPAK KALPOE ("DEEPAK") and SATISH KALPOE
9 ("SATISH") are lawful residents of Aruba.

10 3. Defendant PHILLIP C. MCGRAW ("MCGRAW") is a resident of California
11 and has hosted his own syndicated talk show, entitled "Dr. Phil," since 2002.

12 4. Defendant CBS TELEVISION DISTRIBUTION GROUP, f/k/a CBS
13 PARAMOUNT DOMESTIC TELEVISION, a division of CBS CORP.
14 ("PARAMOUNT"), produces the "Dr. Phil" show. PARAMOUNT'S principal place of
15 business is 5555 Melrose Avenue, Hollywood, CA 90038.

16 5. Defendant PETESKI PRODUCTIONS, INC. ("PETESKI") produces the
17 show in association with PARAMOUNT. PETESKI is licensed to do business in
18 California and its principal place of business is at 137 N. Larchmont Blvd., # 705, Los
19 Angeles, CA 90004.

20 6. Defendant JAMIE SKEETERS ("SKEETERS") is a private investigator and
21 polygraph examiner who was hired by the "Dr. Phil" show to conduct an interview with
22 plaintiff DEEPAK. SKEETERS is a resident of California.

23 7. Defendant SECURITY CONSULTANT SERVICES, INC. is a corporation
24 with its principal place of business located at P.O. Box 45, Ojai, CA 93024. Defendant
25 SKEETERS is the President of SECURITY CONSULTANT SERVICES, INC.

26 8. The defendants are all doing business and/or transacting business in
27 California.

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1 15. One of the individuals that the "Dr. Phil" show sent to Aruba, defendant
2 SKEETERS, met with plaintiff DEEPAK under the false pretense of having the capability
3 to exonerate the plaintiffs in any involvement in Natalee Holloway's disappearance.

4 16. SKEETERS secretly recorded and videotaped this meeting without
5 DEEPAK'S consent.

6 17. During this meeting, DEEPAK denied that the plaintiffs had sex with Natalee
7 Holloway on the night she disappeared.

8 18. Despite DEEPAK'S denial, the defendants manipulated and altered the audio
9 and video recording to change his denial into an admission that the plaintiffs had sex with
10 Natalee Holloway the night she disappeared.

11 19. The defendants published these false, incriminating, and defamatory
12 statements on the September 15, 2005, episode of the "Dr. Phil" show. The defendants
13 knew, or should have known, that the statements were false.

14 20. The defendants also altered other portions of the secret recording between
15 DEEPAK and SKEETERS and aired these false and incriminating statements to directly
16 state, or imply, that DEEPAK knew that Aruban bartenders routinely slipped date rape
17 drugs into girls' drinks and that Natalee Holloway was under the influence of a drug and
18 unable to consent to any sexual contact at the time the plaintiffs allegedly engaged in group
19 sex with her.

20 21. The September 15, 2005, "Dr. Phil" broadcast, viewed as a whole, directly
21 and by implication and innuendo, stated that the plaintiffs gave Natalee Holloway a date
22 rape drug, and then engaged in non-consensual group sex with her. Furthermore, the
23 broadcast falsely portrayed the plaintiffs as being involved in the murder of Natalee
24 Holloway and disposal of her body after the gang rape had occurred.

25 22. The plaintiffs and the defendants entered into a Tolling Agreement at the
26 request of the defendants while settlement negotiations were underway. The parties were
27 unable to reach a settlement. Pursuant to the Tolling Agreement, the statute of limitations

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1 is tolled to December 15, 2006. (A copy of the Tolling Agreement is attached as Exhibit
2 A.)

3 **The "Dr. Phil" Show Hires SKEETERS**

4 23. In or around August 2005, the "Dr. Phil" show sent SKEETERS, Harold
5 Copus, John Weeks, and potentially other individuals to Aruba to develop material for a
6 later broadcast which was to focus on the disappearance of Natalee Holloway.

7 24. While in Aruba, SKEETERS and the other individuals interviewed different
8 people and witnesses as part of their work in obtaining material for the planned show.

9 25. In or around August 2005, SKEETERS arranged to meet with DEEPAK
10 under the guise of helping to exonerate DEEPAK and his brother, plaintiff SATISH.

11 26. SKEETERS gained DEEPAK'S trust through a co-worker and longtime
12 family friend, Angelina. SKEETERS represented to Angelina that he could help exonerate
13 the plaintiffs.

14 27. SKEETERS was aware that the plaintiffs were represented by legal counsel
15 and he requested interviews with the plaintiffs. SKEETERS' requests for interviews were
16 refused. Despite the fact that plaintiffs' legal counsel advised SKEETERS that interviews
17 were not authorized, SKEETERS nevertheless made contact with DEEPAK without the
18 knowledge, permission, or consent of his legal counsel.

19 28. DEEPAK met with SKEETERS for over two hours during the early morning
20 hours in or around August 2005 (hereinafter referred to as "the meeting" or "the secret
21 recording" or "the original SKEETERS recording").

22 29. The meeting between DEEPAK and SKEETERS occurred in a hotel room
23 obtained by SKEETERS.

24 30. Unknown to DEEPAK, SKEETERS secretly recorded and videotaped their
25 meeting.

26 31. DEEPAK never consented to have this meeting recorded or videotaped.
27 SKEETERS was specifically notified prior to the start of the meeting that SKEETERS was
28 not authorized to record or videotape their conversation.

1 32. Throughout the meeting, SKEETERS repeatedly attempted to convince
2 DEEPAK to take a polygraph test and to appear on an upcoming episode of the "Dr. Phil"
3 show that was to be devoted to Natalee Holloway's disappearance. SKEETERS
4 emphasized how much MCGRAW could help DEEPAK and SATISH. SKEETERS called
5 MCGRAW "a god" and said that he could "influence a country." SKEETERS said that
6 MCGRAW was honest, sincere, trustworthy, and would not "screw you over."

7 33. The tone of the meeting was more conversational than investigational. Very
8 little was discussed about the night that Natalee Holloway disappeared or the events that
9 subsequently occurred.

10 34. During the meeting, SKEETERS made a statement that he was sure that
11 Natalee Holloway had sex with the plaintiffs on the night of her disappearance.

12 35. DEEPAK clearly denied SKEETERS' statement and replied, "No. She
13 didn't." The original, unaltered videotape shows that DEEPAK shook his head "no" from
14 side to side when answering this question.

15 **The Opening of the "Dr. Phil" Show's "The Disappearance of Natalee Holloway" –**
16 **September 15, 2005**

17 36. For the purpose of garnering high ratings, the defendants falsely portrayed
18 that the "Dr. Phil" show had uncovered new and potentially incriminating information
19 concerning the disappearance of Natalee Holloway.

20 37. Before the opening theme music was played on the September 15, 2005
21 broadcast of the "Dr. Phil" show, the announcer stated that the episode was a "Dr. Phil"
22 exclusive. New evidence in the Natalee Holloway mystery."

23 38. MCGRAW promised that "you will hear information that has never been
24 revealed before."

25 39. The announcer also stated that "for the first time, an interview with one of the
26 prime suspects," at which time a picture of DEEPAK appeared on the screen.

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1 40. MCGRAW stated that “you are going to find out what he (DEEPAK) says he
2 did with Natalee the night she disappeared.” The announcer stated that “what he said
3 brought Natalee’s mother to tears.”

4 41. The announcer also asked if an eyewitness will pass Dr. Phil’s polygraph test.

5 42. A series of video news clips chronicling Natalee Holloway’s disappearance
6 noted that Natalee Holloway was last seen leaving a bar and getting into a car with three
7 locals. The plaintiffs’ names and photos were mentioned or displayed several times.

8 43. These news clips also included Beth Holloway Twitty – Natalee Holloway’s
9 mother – stating that the suspects admitted to committing or witnessing sexual assaults
10 against Natalee Holloway while she was unable to defend herself. This statement was false.

11 44. One clip featured Beth Holloway Twitty, discussing the plaintiffs and Joran
12 van der Sloot. She said, “You can’t be the last three men to be seen with a young girl alive
13 and not have any information where you left her.”

14 45. Another clip also showed Beth Holloway Twitty stating that “finally after ten
15 days, the police arrested Deepak and Satish Kalpoe and Joran van der Sloot.”

16 46. The clips also contained coverage of the plaintiffs’ release from custody and
17 Beth Holloway Twitty expressing her “complete shock” that they were released.

18 47. Another clip noted that the plaintiffs “are back in jail on suspicion of rape and
19 murder.”

20 48. The final clip noted that the plaintiffs were being released from custody for a
21 second time, followed by Beth Holloway Twitty’s statement, “So the suspects who took my
22 daughter from Carlos ‘N Charlie’s, who were the last to be seen with her alive, and who
23 admitted to committing or witnessing sexual assaults against her while she was unable to
24 defend herself, are now free.”

25 49. After the clips aired, MCGRAW stated that his show had “teamed up with
26 retired chief of police, and former commander, Jamie Skeeters.”

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1 50. MCGRAW claimed that viewers would hear information “that has never been
2 revealed before” and that the show had “exclusive interviews with witnesses, suspects, their
3 families, and friends” – some of which were “potentially incriminating.”

4 51. MCGRAW also stated that at the end of the hour, the show intended to give
5 the Aruban police all the evidence they have found and that they were going to “turn the
6 pressure up” on the Aruban authorities.

7 52. Throughout the episode, MCGRAW directly and by implication stated that
8 his show had discovered incriminating evidence that proved the plaintiffs were guilty of
9 non-consensual sex with Natalee Holloway and that they were involved in criminal
10 wrongdoing that led to her disappearance.

11 **The False and Misleading Portrayal of the Plaintiffs Through Other Sources on the**
12 **“Dr. Phil” Show’s “The Disappearance of Natalee Holloway” – September 15, 2005**

13 53. The “Dr. Phil” show aired misleading portions of interviews and statements
14 from individuals other than the plaintiffs with the intention of portraying that the plaintiffs
15 were guilty of committing criminal acts against Natalee Holloway, even though the “Dr.
16 Phil” show had no facts that the plaintiffs had engaged in any criminal wrongdoing
17 whatsoever.

18 54. The “Dr. Phil” show began its portrayal of its “investigation” into Natalee
19 Holloway’s disappearance by airing an interview with DEEPAK’S friend and boss,
20 Angelina. MCGRAW said that she had never spoken to anyone about the case before and
21 that she would tell “what DEEPAK revealed to her happened the night that Natalee was last
22 seen.”

23 55. MCGRAW asked SKEETERS about Angelina’s credibility. SKEETERS
24 stated that she knew more than what she told him and that more information would be
25 forthcoming. The purpose of this statement was to imply that Angelina was withholding
26 incriminating evidence concerning the plaintiffs.

27 56. Excerpts of an interview with a claimed eyewitness were broadcast. The
28 alleged eyewitness stated that he saw three boys burying Natalee’s body in a dump. The

1 excerpt showed SKEETERS giving this witness a polygraph. During the excerpt,
2 SKEETERS said that the test was done four separate times and the results were the same
3 each time.

4 57. The defendants knew at the time of the broadcast that the alleged eyewitness
5 had been a cocaine addict for thirty years, that he had failed the polygraph tests, and that he
6 was lying about being an eyewitness to any events surrounding the disappearance of
7 Natalee Holloway. The defendants aired this statement in an effort to further present false,
8 incriminating, and defamatory statements that the plaintiffs were involved in disposing of
9 Natalee Holloway's body.

10 58. The broadcast included excerpts of an interview with the plaintiffs' mother.
11 Following the excerpts, Beth Holloway Twitty stated that the plaintiffs' "alibi" was
12 destroyed, implying that the plaintiffs were guilty of criminal conduct.

13 59. MCGRAW urged everyone in America to write to the Aruban government, he
14 reminded the audience that Aruba's industry was tourism, and he suggested that Arubans
15 needed to feel the sting and understand that they will not treat Americans that way when
16 they come to the island.

17 60. MCGRAW'S statements seeking an American tourism boycott of Aruba were
18 intended to bring into question the integrity and competence of the Aruban authorities,
19 thereby suggesting that but for the lack of integrity or competence of the Aruban
20 authorities, the plaintiffs would have been arrested and convicted of criminal acts related to
21 the disappearance of Natalee Holloway.

22 **The "Dr. Phil" Show's False and Misleading Portrayal of the DEEPAK-SKEETERS**
23 **Secret Recording on "The Disappearance of Natalee Holloway" – September 15, 2005**

24 61. DEEPAK never consented to have the meeting with SKEETERS broadcast on
25 any episode of the "Dr. Phil" show. In fact, SKEETERS was specifically notified prior to
26 the meeting that DEEPAK did not consent to being recorded. Furthermore, during the
27 meeting in August 2005, DEEPAK told SKEETERS that he would not appear on the "Dr.
28 Phil" show.

1 62. Nevertheless, parts of the secret recording between DEEPAK and
2 SKEETERS – including statements that were significantly manipulated and altered – were
3 broadcast by the defendants on September 15, 2005.

4 63. The plaintiffs were never informed that the DEEPAK-SKEETERS secret
5 recording would air on the “Dr. Phil” show and they were never asked to provide any
6 comments or statements to rebut the false and incriminating statements that were broadcast
7 by the defendants.

8 64. In introducing the DEEPAK segment before a commercial break, MCGRAW
9 called it an “undercover interview” that “no one has been able to get until now.”
10 MCGRAW told viewers, “You’re going to find out what he (DEEPAK) says he did with
11 Natalee the night she disappeared.”

12 65. Prior to airing the segment, MCGRAW warned Beth Holloway Twitty that
13 parts may be hard for her to hear, but that they would listen to what DEEPAK had to say
14 and then react to it.

15 66. As the excerpts of the secret recording were played, still photographs of
16 DEEPAK and SKEETERS appeared on the screen. Subtitles created by the defendants also
17 appeared on the top of the screen. An image of an audio reel was present, and a portion of
18 DEEPAK’S head was visible at the very bottom of the screen.

19 67. The portions of the secret recording that aired were manipulated and altered
20 by the defendants so as to create directly, and by implication and innuendo, the false and
21 incriminating statement that the plaintiffs gave Natalee Holloway a date rape drug and then
22 engaged in non-consensual group sex with her.

23 68. At no time during the meeting with SKEETERS did DEEPAK make a
24 statement that the plaintiffs had sex with Natalee Holloway. In fact, DEEPAK specifically
25 denied to SKEETERS that Natalee Holloway had sex with the plaintiffs on the night of her
26 disappearance.

27 69. The original and unedited footage of SKEETERS’ secret recording with
28 DEEPAK stated as follows:

1 Skeeters: Nobody forced her to drink that night.
2 Deepak: No, no, no. (Deepak is seen shaking his head from side to side.)
3 Skeeters: Nobody told her that you can't fuck her. You know? I
4 mean, and I'm sure she had sex with all of you. And
5 Deepak: No. She didn't. (Deepak is seen shaking his head from side to
6 side.)
7 Skeeters: Ok, well. I mean, good. If she did -
8 Deepak: You'd be surprised how simple it was that night.

9
10 70. The false and incriminating version of the DEEPAK-SKEETERS secret
11 recording that aired on the "Dr. Phil" show stated as follows:

12 Skeeters: And the question I'll ask you is: "if you intentionally killed
13 her?"
14 Deepak: No.
15 Skeeters: If it was an accident, I can help all of you. And if you guys
16 were partying, even if someone had given her a date drug, I'm
17 sure she had sex with all of you.
18 Kalpoe: She did. You'd be surprised how simple it was.

19
20 71. The defendants created the false and incriminating statements by editing out
21 and/or suppressing the "No" and the "n't" of DEEPAK'S answer so that it appears that
22 DEEPAK answered "She did" rather than his actual answer of "No. She didn't."

23 72. The defendants also edited out SKEETERS' statement immediately after
24 DEEPAK denied the plaintiffs had sex with Natalee Holloway. SKEETERS' statement
25 was "Ok, well. I mean, good. If she did - ." This edit was intended to remove
26 SKEETERS' responsive statement which was inconsistent with the falsified admission
27 created by the defendants that the plaintiffs had group sex with Natalee Holloway.

28 73. Contemporaneously with the manipulated and altered audio recording, the
defendants also aired written subtitles of the false and incriminating statements. The
defendants also edited out the words "that night" from DEEPAK'S statement, "You'd be
surprised how simple it was that night." DEEPAK'S statement meant that nothing
extraordinary or eventful happened on the night of Natalee Holloway's disappearance.
Instead, the defendants aired, "You'd be surprised how simple it was." The removal of the
words "that night" changed the entire context of the statement from one that was non-
incriminating to one that was incriminating.

1 74. On the original video of the meeting between DEEPAK and SKEETERS,
2 DEEPAK can be observed shaking his head “no” from side to side when stating that
3 Natalee Holloway did not have sex with the plaintiffs. In addition to the manipulated and
4 altered audio recording, the defendants edited into the segment different video footage of
5 DEEPAK’s head remaining still, which did not match with the audio, thereby deleting the
6 clear visual gesture of DEEPAK shaking his head “no” that the plaintiffs did not have sex
7 with Natalee Holloway. This alteration was intended by defendants to conceal the true
8 statement, and to remove any inconsistencies with the false statement being aired by the
9 defendants.

10 75. The defendants also substantially altered certain questions and answers from
11 the DEEPAK-SKEETERS secret recording by cutting and splicing portions of questions
12 and answers together that did not correspond or relate with one another. The defendants
13 thereby formed altered questions and answers which falsely stated and implied that the
14 plaintiffs were guilty of criminal wrongdoing. In the original SKEETERS recording the
15 following exchange took place:

16 Skeeters: So, let me ask you this. This... this ... I heard this happens here.
17 That for twenty five bucks you can pay a bartender to slip your
18 date a date rape drug, a drug in her, in her uh drink. Does that
19 happen?
20 Deepak: I never.
21 Skeeters: You never even heard of that happening?
22 Deepak: I never drugged someone.
23 Skeeters: No, not saying you. I mean, have you heard that happening?
24 Deepak: I haven’t heard, you know, the bartender story.
25 Skeeters: Or, a waitress or somebody like that. Are they able to give you
26 something to put in a drink?
27 Deepak: I know that there’s a drug called ecstasy, but...
28 Skeeters: Yeah.
29 Deepak: Never took it.
30 Skeeters: That’s what they use in the States...
31 Deepak: Never, never saw it, also, you know, close up (*unintelligible*)
32 Um, I heard they slipping that into drinks there...
33 Skeeters: Yeah...

34 76. The altered and false version of this portion of the secret recording and
35 accompanying subtitles that aired on the “Dr. Phil” show stated as follows:

36 ///

1 Skeeters: Let me ask you this. That for 25 bucks, you can pay a bartender
2 to slip your date a date rape drug in her drink. Does that
3 happen?
4 Deepak: I never drugged someone.
5 Skeeters: No, I'm not saying you. I mean have you heard that happen?
6 Deepak: I haven't heard the bartender story. I know there's a drug called
7 ecstasy. I heard they slip that into drinks.

8 77. The defendants intended this manipulation and alteration to directly state and
9 imply that DEEPAK was aware that Aruban bartenders slipped date rape drugs into girls'
10 drinks in Aruba, and that the plaintiffs or others gave Natalee Holloway a date rape drug on
11 the night of her disappearance. Furthermore, these statements created the innuendo that
12 Natalee Holloway was in an altered state of consciousness on the night of her disappearance
13 and was incapable of having consensual sex.

14 78. In their original meeting, DEEPAK and SKEETERS also discussed a witness
15 known as "the gardener," who allegedly claimed to have seen the plaintiffs during the early
16 morning hours of Natalee Holloway's disappearance. SKEETERS told DEEPAK the
17 gardener witness story would not be damaging in the United States but it would "kill" him
18 in Aruba, meaning it would destroy DEEPAK'S credibility and any alibi the plaintiffs may
19 have.

20 79. The defendants edited the original SKEETERS recording in such a way to
21 make it appear that the gardener witness had incriminating evidence against the plaintiffs,
22 when in fact he did not.

23 80. After the manipulated and altered excerpts of the DEEPAK-SKEETERS
24 recording aired, the defendants broadcast Beth Holloway Twitty's statement that she
25 wanted it to be clear that "Natalee is a virgin and she has never had any of these sexual
26 experiences." She also said that it makes sense when she heard DEEPAK say that
27 bartenders do slip ecstasy into young girls' shots, and that "It is just unbelievable what they
28 have been allowed to get away with."

81. MCGRAW added that "The authorities know what we know – they know that
there is this alleged pattern of drugging these girls and taking advantage of them before
they leave the island. So this is not some new revelation."

1 82. MCGRAW later urged for Americans to come together and that consequences
2 should be brought on Aruba, its tourism industry, and its government officials. He stated,
3 "Someone clearly victimized this young woman in some way. How bad, we don't know.
4 We do know this – it does appear that she was [in an] altered state of consciousness."

5 83. When viewed in its entirety, the September 15, 2005 broadcast of the "Dr.
6 Phil" show, including the false and altered statements created and published by the
7 defendants, directly stated or implied that the plaintiffs or others gave Natalee Holloway a
8 date rape drug prior to the plaintiffs having non-consensual group sex with her.
9 Furthermore, the broadcast falsely portrayed the plaintiffs as being involved in the murder
10 of Natalee Holloway and disposal of her body after the gang rape had occurred.

11 84. The defendants and/or their employees, agents, representatives, colleagues,
12 coworkers, officers, subordinates, or assistants knew or should have known that the
13 portions of the original secret recording between DEEPAK and SKEETERS that aired on
14 the "Dr. Phil" show had been substantially manipulated and altered to create false,
15 incriminating, and defamatory statements that the plaintiffs engaged in criminal activity
16 against Natalee Holloway.

17 **The Aftermath of the "Dr. Phil" Show Airing on September 15, 2005**

18 85. The false, incriminating, and defamatory statements that aired on the
19 September 15, 2005, "Dr. Phil" show, were broadcast in hundreds of media markets
20 worldwide and, as was reasonably foreseeable, were exhaustively discussed by the media
21 following the broadcast of the show.

22 86. Both at the time and following the September 15, 2005 "Dr. Phil" show, the
23 false, incriminating, and defamatory statements broadcast on the "Dr. Phil" show were
24 republished as a "confession" by the plaintiffs to "gang rape."

25 87. Based on the false, incriminating, and defamatory statements that aired on the
26 September 15, 2005 "Dr. Phil" show, various members of Natalee Holloway's family and
27 the media demanded that the plaintiffs be incarcerated for rape and subjected to an
28 immediate trial for these crimes.

1 88. Despite MCGRAW'S express promise to turn over the "potentially
2 incriminating" evidence to the Aruban authorities, the "Dr. Phil" show did not voluntarily
3 turn over any of the information aired on the September 15, 2005, broadcast of the "Dr.
4 Phil" show. Gerold Dompig, the former Deputy Police Chief in Aruba, claimed that the
5 police were informed through the Holloway family attorney that the "Dr. Phil" show would
6 not turn over the information unless the Aruban authorities appeared on the show.

7 89. Upon information and belief, the FBI took possession of SKEETERS'
8 computer and hard drive. The Aruban authorities eventually received a copy of the original
9 secret recording between DEEPAK and SKEETERS from the FBI.

10 90. Several weeks after the September 15, 2005 broadcast of the "Dr. Phil" show,
11 the accuracy and the authenticity of DEEPAK'S statements that aired on the "Dr. Phil"
12 show were questioned.

13 91. The Aruban authorities had the original secret recording analyzed by the
14 Dutch Forensic Institute. The Dutch Forensic Institute concluded that the footage and
15 images shown on the September 15, 2005 "Dr. Phil" show were manipulated.

16 92. At no times subsequent to the publication of the defamatory statements did
17 the defendants ever correct or retract the false statements. In fact, on several subsequent
18 occasions, the defendants confirmed the accuracy of the defamatory statements.

19 **FIRST CAUSE OF ACTION**

20 **(Defamation)**

21 **(Against All Defendants)**

22 93. The plaintiffs hereby reallege and incorporate by reference the
23 allegations in paragraphs 1 through 92 of this Complaint, as though fully set forth herein.

24 94. The defendants manipulated and altered DEEPAK'S statements to
25 SKEETERS to falsely state that Natalee Holloway had non-consensual sex with the
26 plaintiffs on the night she disappeared. The September 15, 2005 broadcast of the "Dr. Phil"
27 show as a whole portrayed that the plaintiffs were guilty of committing criminal acts
28 against Natalee Holloway.

1 95. The defendants published these false and unprivileged statements and
2 innuendo by broadcasting them on the September 15, 2005 broadcast of the "Dr. Phil"
3 show.

4 96. The plaintiffs were caused irreparable damage by the publication and have
5 suffered mental anguish, pain and suffering, shame, mortification, and injury to their
6 reputations. The publication has lowered the plaintiffs in the eyes of the community,
7 deterred third persons from associating with them, and permanently damaged them in their
8 professions and occupations.

9 **SECOND CAUSE OF ACTION**

10 **(Defamation Per Se)**

11 **(Against All Defendants)**

12 97. The plaintiffs hereby reallege and incorporate by reference the allegations in
13 paragraphs 1 through 96 of this Complaint, as well as plaintiffs' First Cause of Action as
14 though fully set forth herein.

15 98. The defendants manipulated and altered DEEPAK'S statements to
16 SKEETERS to falsely state that Natalee Holloway had non-consensual sex with the
17 plaintiffs on the night she disappeared. The September 15, 2005 broadcast of the "Dr. Phil"
18 show as a whole portrayed that the plaintiffs were guilty of committing criminal acts
19 against Natalee Holloway.

20 99. The defendants published these false and unprivileged statements and
21 innuendo by broadcasting them on the September 15, 2005 "Dr. Phil" show.

22 100. The altered and manipulated statements and accompanying subtitles falsely
23 portrayed the plaintiffs as engaging in criminal activity against Natalee Holloway.

24 101. The plaintiffs were caused irreparable damage by the publication and have
25 suffered mental anguish, pain and suffering, shame, mortification, and injury to their
26 reputations. The publication has lowered the plaintiffs in the eyes of the community,
27 deterred third persons from associating with them, and permanently damaged them in their
28 professions and occupations.

1 **THIRD CAUSE OF ACTION**

2 **(Defamation Per Se – Republication on September 16, 2005)**

3 **(Against All Defendants)**

4 102. The plaintiffs hereby reallege and incorporate by reference the allegations in
5 paragraphs 1 through 101 of this Complaint, as well as the plaintiffs' previous Causes of
6 Action as though fully set forth herein.

7 103. On September 16, 2005, the day after the "Dr. Phil" show aired, Beth
8 Holloway Twitty was a guest of "On the Record with Greta Van Susteren."

9 104. On that show, Beth Holloway Twitty stated, "We speak of it being a mystery,
10 thanks to Deepak Kalpoe, it is no longer a mystery what they did to Natalee. At least that's
11 over with now. DEEPAK has admitted on international media how they all three raped
12 her."

13 105. Beth Holloway Twitty's statement was in direct reference to the false and
14 incriminating statements aired on the September 15, 2005, broadcast of the "Dr. Phil" show
15 which portrayed the plaintiffs as engaging in criminal activity against Natalee Holloway
16 and constitute defamation per se.

17 106. Beth Holloway Twitty further stated that SKEETERS was on the ground in
18 Aruba undercover, that he was able to obtain an interview with DEEPAK, and that is where
19 DEEPAK "admitted to what the three of them did with Natalee."

20 107. Beth Holloway Twitty was a guest on the September 15, 2005, broadcast of
21 the "Dr. Phil" show.

22 108. Prior to the airing of the September 15, 2005 broadcast of the "Dr. Phil"
23 show, Beth Holloway Twitty had also been a frequent guest and commentator on other
24 news and cable news shows. Therefore, it was reasonably foreseeable to the defendants
25 that Beth Holloway Twitty would republish the defamatory matter, and the defendants
26 authorized, consented to, or directed this republication.

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1 109. As a result of this republication, the plaintiffs feared that they would be
2 arrested, incarcerated and wrongfully prosecuted for committing criminal acts against
3 Natalee Holloway.

4 110. The plaintiffs were caused irreparable damage by the republication and have
5 suffered mental anguish, pain and suffering, shame, mortification, and injury to their
6 reputations. The republication has lowered the plaintiffs in the eyes of the community,
7 deterred third persons from associating with them, and permanently damaged them in their
8 professions and occupations.

9 **FOURTH CAUSE OF ACTION**

10 **(Defamation Per Se – Republication – September 17, 2005)**

11 **(Against All Defendants)**

12 111. The plaintiffs hereby reallege and incorporate by reference the allegations in
13 paragraphs 1 through 110 of this Complaint, as well as Plaintiffs' previous Causes of
14 Action as though fully set forth herein.

15 112. On September 17, 2005, Beth Holloway Twitty, and Harold Copus were
16 guests on "At Large with Geraldo Rivera." Harold Copus was an agent of the "Dr. Phil"
17 show hired by the defendants to work with SKEETERS in Aruba.

18 113. Beth Holloway Twitty described what aired on the September 15, 2005,
19 broadcast of the "Dr. Phil" show as a taped confession of "gang rape" to Jamie Skeeters.

20 114. Harold Copus stated that DEEPAK confessed to having sex with Natalee and
21 that when she left the bar, she was very intoxicated and almost could not walk. This
22 statement was false.

23 115. Beth Holloway Twitty said that glaring evidence has been brought forward
24 and the plaintiffs must be incarcerated.

25 116. Beth Holloway Twitty and Harold Copus' statements were in direct reference
26 to the false and incriminating statements aired on the September 15, 2005, broadcast of the
27 "Dr. Phil" show which portrayed the plaintiffs as engaging in criminal activity against
28 Natalee Holloway and constitute defamation per se.

1 117. Beth Holloway Twitty and Harold Copus were guests on the September 15,
2 2005, broadcast of the "Dr. Phil" show.

3 118. Prior to the airing of the September 15, 2005 broadcast of the "Dr. Phil"
4 show, Harold Copus and Beth Holloway Twitty had also been frequent guests and
5 commentators on other news and cable news shows. Therefore, it was reasonably
6 foreseeable to the defendants that Harold Copus and Beth Holloway Twitty would republish
7 the defamatory matter, and the defendants authorized, consented to, or directed this
8 republication.

9 119. As a result of this republication, the plaintiffs feared that they would be
10 arrested, incarcerated, and wrongfully prosecuted for committing criminal acts against
11 Natalee Holloway.

12 120. The plaintiffs were caused irreparable damage by the republication and have
13 suffered mental anguish, pain and suffering, shame, mortification, and injury to their
14 reputations. The republication has lowered the plaintiffs in the eyes of the community,
15 deterred third persons from associating with them, and permanently damaged them in their
16 professions and occupations.

17 **FIFTH CAUSE OF ACTION**

18 **(Defamation Per Se – Republication – September 18, 2005)**

19 **(Against All Defendants)**

20 121. The plaintiffs hereby reallege and incorporate by reference the allegations in
21 paragraphs 1 through 120 of this Complaint, as well as Plaintiffs' previous Causes of
22 Action as though fully set forth herein.

23 122. On September 18, 2005, Beth Holloway Twitty was a guest on "The Big
24 Story."

25 123. Beth Holloway Twitty described what aired on the "Dr. Phil" show as a taped
26 confession to a gang rape.

27 124. Beth Holloway Twitty said that DEEPAK was advised that he was being
28 recorded and was well aware of it.

1 125. Beth Holloway Twitty described DEEPAK as being a sociopath and said that
2 this evidence should warrant the incarceration of all three suspects.

3 126. Beth Holloway Twitty's statements were in direct reference to the false and
4 incriminating statements aired on the September 15, 2005, broadcast of the "Dr. Phil" show
5 which portrayed the plaintiffs as engaging in criminal activity against Natalee Holloway
6 and constitute defamation per se.

7 127. Beth Holloway Twitty was a guest on the September 15, 2005, broadcast of
8 the "Dr. Phil" show.

9 128. Prior to the airing of the September 15, 2005 broadcast of the "Dr. Phil"
10 show, Beth Holloway Twitty had also been a frequent guest and commentator on other
11 news and cable news shows. Therefore, it was reasonably foreseeable to the defendants
12 that Beth Holloway Twitty would republish the defamatory matter, and the defendants
13 authorized, consented to, or directed this republication.

14 129. As a result of this republication, the plaintiffs feared that they would be
15 arrested, incarcerated, and wrongfully prosecuted for committing criminal acts against
16 Natalee Holloway.

17 130. The plaintiffs were caused irreparable damage by the republication and have
18 suffered mental anguish, pain and suffering, shame, mortification, and injury to their
19 reputations. The republication has lowered the plaintiffs in the eyes of the community,
20 deterred third persons from associating with them, and permanently damaged them in their
21 professions and occupations.

22 **SIXTH CAUSE OF ACTION**

23 **(Defamation Per Se – Republication - September 19, 2005)**

24 **(Against All Defendants)**

25 131. The plaintiffs hereby reallege and incorporate by reference the allegations in
26 paragraphs 1 through 130 of this Complaint, as well as plaintiffs' previous Causes of
27 Action as though fully set forth herein.

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1 132. On September 19, 2005, Beth Holloway Twitty, and Harold Copus were
2 guests on "Rita Cosby Live and Direct." Harold Copus was an agent of the "Dr. Phil" show
3 hired by the defendants to work with SKEETERS in Aruba.

4 133. On that show, Harold Copus stated, "[T]he interesting thing was that
5 DEEPAK had said that he claimed that he, his brother, and Joran van der Sloot all had sex
6 with Natalee Holloway, which was very shocking."

7 134. Copus further stated that DEEPAK described Natalee Holloway as being very
8 well intoxicated and passing in and out of consciousness. Copus stated, "It makes you
9 really wonder what they were trying to do there, and take advantage of that young girl."

10 135. Beth Holloway Twitty also stated that it was incredible that there is a question
11 of whether "this is enough evidence brought forward to warrant the re-incarceration of
12 these suspects. It's just unbelievable. . . . [N]ow I'm just glad that the whole world sees that
13 - what has happened to Natalee."

14 136. Harold Copus and Beth Holloway Twitty's statements were in direct
15 reference to the false and incriminating statements aired on the September 15, 2005,
16 broadcast of the "Dr. Phil" show which portrayed the plaintiffs as engaging in criminal
17 activity against Natalee Holloway and constitute defamation per se.

18 137. Beth Holloway Twitty and Harold Copus were guests on the September 15,
19 2005, broadcast of the "Dr. Phil" show.

20 138. Prior to the September 15, 2005 broadcast of the "Dr. Phil" show, Harold
21 Copus and Beth Holloway Twitty had also been frequent guests and commentators on other
22 news and cable news shows. Therefore, it was reasonably foreseeable to the defendants
23 that Beth Holloway Twitty and Harold Copus would republish the defamatory matter, and
24 the defendants authorized, consented to, or directed this republication.

25 139. As a result of this republication, the plaintiffs feared that they would be
26 arrested, incarcerated, and wrongfully prosecuted for committing criminal acts against
27 Natalee Holloway.

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1 140. The plaintiffs were caused irreparable damage by the republication and have
2 suffered mental anguish, pain and suffering, shame, mortification, and injury to their
3 reputations. The republication has lowered the plaintiffs in the eyes of the community,
4 deterred third persons from associating with them, and permanently damaged them in their
5 professions and occupations.

6 **SEVENTH CAUSE OF ACTION**

7 **(Defamation Per Se – Republication – September 28, 2005)**

8 **(Against All Defendants)**

9 141. The plaintiffs hereby reallege and incorporate by reference the allegations in
10 paragraphs 1 through 140 of this Complaint, as well as plaintiffs' previous Causes of
11 Action as though fully set forth herein.

12 142. On September 28, 2005, Beth Holloway Twitty was a guest on "Nancy
13 Grace."

14 143. On that show, Beth Holloway Twitty stated, "DEEPAK gave a taped
15 confession to a man by the name of Jamie Skeeters, who's president of the California
16 Polygraph Association. . . . And DEEPAK, says, yes, they all had sex with her."

17 144. Nancy Grace responded that it sounded more like gang rape.

18 145. Beth Holloway Twitty replied that was a concern of hers.

19 146. Guest/defense attorney Rene Rockwell questioned why the plaintiffs were not
20 in jail for rape.

21 147. Beth Holloway Twitty went on to state that SKEETERS was on the ground in
22 Aruba undercover, that he was able to obtain an interview with DEEPAK, and that is where
23 DEEPAK "admitted to what the three of them did with Natalee."

24 148. Beth Holloway Twitty's statements were in direct reference to the false and
25 incriminating statements aired on the September 15, 2005, broadcast of the "Dr. Phil" show
26 which portrayed the plaintiffs as engaging in criminal activity against Natalee Holloway
27 and constitute defamation per se.

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1 149. Beth Holloway Twitty was a guest on the September 15, 2005, broadcast of
2 the "Dr. Phil" show.

3 150. Prior to the airing of the September 15, 2005 broadcast of the "Dr. Phil"
4 show, Beth Holloway Twitty had also been a frequent guest and commentator on other
5 news and cable news shows. Therefore, it was reasonably foreseeable to the defendants
6 that Beth Holloway Twitty would republish the defamatory matter, and the defendants
7 authorized, consented to, or directed this republication.

8 151. As a result of this republication, the plaintiffs feared that they would be
9 arrested, incarcerated, and wrongfully prosecuted for committing criminal acts against
10 Natalee Holloway.

11 152. The plaintiffs were caused irreparable damage by the republication and have
12 suffered mental anguish, pain and suffering, shame, mortification, and injury to their
13 reputations. The republication has lowered the plaintiffs in the eyes of the community,
14 deterred third persons from associating with them, and permanently damaged them in their
15 professions and occupations.

16 **EIGHTH CAUSE OF ACTION**

17 **(Defamation Per Se – Republication – September 28, 2005)**

18 **(Against All Defendants)**

19 153. The plaintiffs hereby reallege and incorporate by reference the allegations in
20 paragraphs 1 through 152 of this Complaint, as well as plaintiffs' previous Causes of
21 Action as though fully set forth herein.

22 154. On September 28, 2005, Beth Holloway Twitty was a guest on "Live and
23 Direct with Rita Cosby."

24 155. On that show, Rita Cosby asked Beth Holloway Twitty if she felt that rape
25 charges should be filed in light of what DEEPAK said to defendant SKEETERS.

26 156. Beth Holloway Twitty replied, "I just can't believe that they cannot . . . bring
27 charges against him for rape. . . . [I]t's crystal clear that these men have committed this
28 crime against Natalee. I mean, it's a gang rape."

1 157. Beth Holloway Twitty's statement was in direct reference to the false and
2 incriminating statements aired on the September 15, 2005, broadcast of the "Dr. Phil" show
3 which portrayed the plaintiffs as engaging in criminal activity against Natalee Holloway
4 and constitutes defamation per se.

5 158. Beth Holloway Twitty was a guest on the September 15, 2005, broadcast of
6 the "Dr. Phil" show.

7 159. Prior to the airing of the September 15, 2005 broadcast of the "Dr. Phil"
8 show, Beth Holloway Twitty had also been a frequent guest and commentator on other
9 news and cable news shows. Therefore, it was reasonably foreseeable to the defendants
10 that Beth Holloway Twitty would republish the defamatory matter, and the defendants
11 authorized, consented to, or directed this republication.

12 160. As a result of this republication, the plaintiffs feared that they would be
13 arrested, incarcerated, and wrongfully prosecuted for committing criminal acts against
14 Natalee Holloway.

15 161. The plaintiffs were caused irreparable damage by the republication and have
16 suffered mental anguish, pain and suffering, shame, mortification, and injury to their
17 reputations. The republication has lowered the plaintiffs in the eyes of the community,
18 deterred third persons from associating with them, and permanently damaged them in their
19 professions and occupations.

20 **NINTH CAUSE OF ACTION**

21 **(Defamation Per Se – Republication – October 4, 2005)**

22 **(Against All Defendants)**

23 162. The plaintiffs hereby reallege and incorporate by reference the allegations in
24 paragraphs 1 through 161 of this Complaint, as well as plaintiffs' previous Causes of
25 Action as though fully set forth herein.

26 163. On October 4, 2005, Beth Holloway Twitty was a guest on "Nancy Grace."

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1 164. On that show, Beth Holloway Twitty discussed a “taped confession from
2 Deepak Kalpoe that they all had sex with [Natalee].” She stated that she was told that when
3 new evidence was brought forward, it would warrant the incarceration of the suspects.

4 165. Beth Holloway Twitty stated that she did not know if they killed Natalee
5 Holloway, but “kidnapping and rape at least.”

6 166. Beth Holloway Twitty also stated that Natalee Holloway was not able to
7 choose her will and that constituted a “gang rape.”

8 167. Beth Holloway Twitty’s statements were in direct reference to the false and
9 incriminating statements aired on the September 15, 2005, broadcast of the “Dr. Phil” show
10 which portrayed the plaintiffs as engaging in criminal activity against Natalee Holloway
11 and constitute defamation per se.

12 168. Beth Holloway Twitty was a guest on the September 15, 2005, broadcast of
13 the “Dr. Phil” show.

14 169. Prior to the airing of the September 15, 2005 broadcast of the “Dr. Phil”
15 show, Beth Holloway Twitty had also been a frequent guest and commentator on other
16 news and cable news shows. Therefore, it was reasonably foreseeable to the defendants
17 that Beth Holloway Twitty would republish the defamatory matter, and the defendants
18 authorized, consented to, or directed this republication.

19 170. As a result of this republication, the plaintiffs feared that they would be
20 arrested, incarcerated, and wrongfully prosecuted for committing criminal acts against
21 Natalee Holloway.

22 171. The plaintiffs were caused irreparable damage by the republication and have
23 suffered mental anguish, pain and suffering, shame, mortification, and injury to their
24 reputations. The republication has lowered the plaintiffs in the eyes of the community,
25 deterred third persons from associating with them, and permanently damaged them in their
26 professions and occupations.

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1 TENTH CAUSE OF ACTION

2 (Defamation Per Se – Republication – October 5, 2005)

3 (Against All Defendants)

4 172. The plaintiffs hereby reallege and incorporate by reference the allegations in
5 paragraphs 1 through 171 of this Complaint, as well as plaintiffs' previous Causes of
6 Action as though fully set forth herein.

7 173. On October 5, 2005, defendant SKEETERS was a guest on "Nancy Grace."

8 174. On that show, host Nancy Grace referenced the false and incriminating
9 statements aired on the September 15, 2005, broadcast of the "Dr. Phil" show, and stated
10 that DEEPAK was on tape admitting to sex with Natalee Holloway the night she went
11 missing.

12 175. SKEETERS stated that "[t]hey even said how easy it was" and that "[c]rooks
13 aren't the smartest people in the world. And I was just letting him continue what he was
14 talking and let him hang himself."

15 176. SKEETERS also stated that this was "extremely important evidence" and
16 "blows DEEPAK'S alibi out that he didn't have sex with Natalee . . ."

17 177. SKEETERS' statements were in direct reference to the false and
18 incriminating statements aired on the September 15, 2005, broadcast of the "Dr. Phil" show
19 and his statement that DEEPAK was a crook portray the plaintiffs as engaging in criminal
20 activity against Natalee Holloway and constitute defamation per se.

21 178. SKEETERS was a guest on the September 15, 2005, broadcast of the "Dr.
22 Phil" show.

23 179. Prior to the September 15, 2005, broadcast of the "Dr. Phil" show,
24 SKEETERS had also been a frequent guest and commentator on other news and cable news
25 shows. Therefore, it was reasonably foreseeable to the defendants that SKEETERS would
26 republish the defamatory matter, and the defendants authorized, consented to, or directed
27 this republication.

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1 180. As a result of this republication, the plaintiffs feared that they would be
2 arrested, incarcerated, and wrongfully prosecuted for committing criminal acts against
3 Natalee Holloway.

4 181. The plaintiffs were caused irreparable damage by the republication and have
5 suffered mental anguish, pain and suffering, shame, mortification, and injury to their
6 reputations. The republication has lowered the plaintiffs in the eyes of the community,
7 deterred third persons from associating with them, and permanently damaged them in their
8 professions and occupations.

9 **ELEVENTH CAUSE OF ACTION**

10 **(Defamation Per Se – Republication – October 11, 2005)**

11 **(Against All Defendants)**

12 182. The plaintiffs hereby reallege and incorporate by reference the allegations in
13 paragraphs 1 through 181 of this Complaint, as well as plaintiffs' previous Causes of
14 Action as though fully set forth herein.

15 183. On October 11, 2005, Beth Holloway Twitty was a guest on "Scarborough
16 Country."

17 184. On that show, Beth Holloway Twitty discusses the "taped confession" and
18 how this pressured the Aruban authorities more.

19 185. Beth Holloway Twitty also stated that DEEPAK'S tape can be used as new
20 evidence and that this is enough to re-arrest the plaintiffs.

21 186. Beth Holloway Twitty's statements were in direct reference to the false and
22 incriminating statements aired on the September 15, 2005, broadcast of the "Dr. Phil" show
23 which portrayed the plaintiffs as engaging in criminal activity against Natalee Holloway
24 and constitute defamation per se.

25 187. Beth Holloway Twitty was a guest on the September 15, 2005, broadcast of
26 the "Dr. Phil" show.

27 188. Prior to the airing of the September 15, 2005 broadcast of the "Dr. Phil"
28 show, Beth Holloway Twitty had also been a frequent guest and commentator on other

1 news and cable news shows. Therefore, it was reasonably foreseeable to the defendants
2 that Beth Holloway Twitty would republish the defamatory matter, and the defendants
3 authorized, consented to, or directed this republication.

4 189. As a result of this republication, the plaintiffs feared that they would be
5 arrested, incarcerated, and wrongfully prosecuted for committing criminal acts against
6 Natalee Holloway.

7 190. The plaintiffs were caused irreparable damage by the republication and have
8 suffered mental anguish, pain and suffering, shame, mortification, and injury to their
9 reputations. The republication has lowered the plaintiffs in the eyes of the community,
10 deterred third persons from associating with them, and permanently damaged them in their
11 professions and occupations.

12 **TWELFTH CAUSE OF ACTION**

13 **(Defamation Per Se – Republication – November 4, 2005)**

14 **(Against All Defendants)**

15 191. The plaintiffs hereby reallege and incorporate by reference the allegations in
16 paragraphs 1 through 190 of this Complaint, as well as plaintiffs' previous Causes of
17 Action as though fully set forth herein.

18 192. On November 4, 2005, Beth Holloway Twitty was a guest on "Rita Cosby
19 Live and Direct."

20 193. On that show, Beth Holloway Twitty stated "all we know for sure is that they
21 participated in a gang rape against a young American female on their island and set those
22 suspects free."

23 194. Another guest, Joe Mammana, a philanthropist aiding the Holloway family,
24 stated "three little pieces of trash over there gang raped [Natalee]. They need to experience
25 a gang rape."

26 195. Beth Holloway Twitty and Joe Mammana's statements were in direct
27 reference to the false and incriminating statements aired on the September 15, 2005,

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1 broadcast of the "Dr. Phil" show which portrayed the plaintiffs as engaging in criminal
2 activity against Natalee Holloway and constitute defamation per se.

3 196. Beth Holloway Twitty was a guest on the September 15, 2005, broadcast of
4 the "Dr. Phil" show.

5 197. Prior to the September 15, 2005, broadcast of the "Dr. Phil" show, Beth
6 Holloway Twitty had also been a frequent guest and commentator on other news and cable
7 news shows. Therefore, it was reasonably foreseeable to the defendants that Beth
8 Holloway Twitty and Joe Mammana would republish the defamatory matter, and the
9 defendants authorized, consented to, or directed this republication.

10 198. As a result of this republication, the plaintiffs feared that they would be
11 arrested, incarcerated, and wrongfully prosecuted for committing criminal acts against
12 Natalee Holloway.

13 199. The plaintiffs were caused irreparable damage by the republication and have
14 suffered mental anguish, pain and suffering, shame, mortification, and injury to their
15 reputations. The republication has lowered the plaintiffs in the eyes of the community,
16 deterred third persons from associating with them, and permanently damaged them in their
17 professions and occupations.

18 **THIRTEENTH CAUSE OF ACTION**

19 **(Defamation Per Se – Republication – November 23, 2005)**

20 **(Against All Defendants)**

21 200. The plaintiffs hereby reallege and incorporate by reference the allegations in
22 paragraphs 1 through 199 of this Complaint, as well as plaintiffs' previous Causes of
23 Action as though fully set forth herein.

24 201. On November 23, 2005, defendant SKEETERS was a guest on "The Abrams
25 Report."

26 202. On that show, the Deputy Police Chief in Aruba, Gerold Dompig, stated that
27 the Netherlands Forensic Institute concluded that the footage that aired on "Dr. Phil" had
28 been altered and that DEEPAK denied having sex with Natalee Holloway.

1 203. The host asked SKEETERS if he stood by the statement that DEEPAK
2 answered that she did and you'd be surprised how simple it was, in reference to Natalee
3 Holloway having sex with all of you. SKEETERS replied, "Not only yes, but heck yes . . ."

4 204. The host later asked SKEETERS to confirm the accuracy of the following
5 question asked by SKEETERS: "I'm sure she had sex with all of you" and the accuracy of
6 the answer provided by DEEPAK: "She did. You'd be surprised how simple it was."

7 205. SKEETERS replied that DEEPAK'S answer to the question was "we did."
8 This statement was false.

9 206. SKEETERS' statements were in direct reference to the false and
10 incriminating statements aired on the September 15, 2005, broadcast of the "Dr. Phil" show
11 which portrayed the plaintiffs as engaging in criminal activity against Natalee Holloway
12 and constitute defamation per se.

13 207. SKEETERS was a guest on the September 15, 2005, broadcast of the "Dr.
14 Phil" show.

15 208. Prior to the September 15, 2005, broadcast of the "Dr. Phil" show,
16 SKEETERS had also been a frequent guest and commentator on other news and cable news
17 shows. Therefore, it was reasonably foreseeable to the defendants that SKEETERS would
18 republish the defamatory matter, and the defendants authorized, consented to, or directed
19 this republication.

20 209. As a result of this republication, the plaintiffs feared that they would be
21 arrested, incarcerated, and wrongfully prosecuted for committing criminal acts against
22 Natalee Holloway.

23 210. The plaintiffs were caused irreparable damage by the republication and have
24 suffered mental anguish, pain and suffering, shame, mortification, and injury to their
25 reputations. The republication has lowered the plaintiffs in the eyes of the community,
26 deterred third persons from associating with them, and permanently damaged them in their
27 professions and occupations.

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1 **FOURTEENTH CAUSE OF ACTION**

2 **(Defamation Per Se – Republication – November 30, 2005)**

3 **(Against All Defendants)**

4 211. The plaintiffs hereby reallege and incorporate by reference the allegations in
5 paragraphs 1 through 210 of this Complaint, as well as plaintiffs' previous Causes of
6 Action, as though fully set forth herein.

7 212. On November 30, 2005, SKEETERS was a guest on "The Abrams Report."

8 213. On that program, the authenticity of the SKEETERS secret recording
9 broadcast on the September 15, 2005 "Dr. Phil" show was questioned.

10 214. SKEETERS stated, "DEEPAK admitted he had sex with Natalee and it's on
11 the tape. It'll speak for itself. . . . As far as him shaking his head, I'm looking at my hard
12 drive right now. He's not shaking his head. And on my tape it's as clear as a bell."

13 215. The host also asked SKEETERS if he vouched for the accuracy of the tape
14 that was broadcast on "Dr. Phil." SKEETERS replied that he did.

15 216. SKEETERS' statements were in direct reference to the false and
16 incriminating statements aired on the September 15, 2005, broadcast of the "Dr. Phil" show
17 which portrayed the plaintiffs as engaging in criminal activity against Natalee Holloway
18 and constitute defamation per se.

19 217. SKEETERS was a guest on the September 15, 2005, broadcast of the "Dr.
20 Phil" show.

21 218. Prior to the September 15, 2005, broadcast of the "Dr. Phil" show,
22 SKEETERS had also been a frequent guest and commentator on other news and cable news
23 shows. Therefore, it was reasonably foreseeable to the defendants that SKEETERS would
24 republish the defamatory matter, and the defendants authorized, consented to, or directed
25 this republication.

26 219. As a result of this republication, the plaintiffs feared that they would be
27 arrested, incarcerated, and wrongfully prosecuted for committing criminal acts against
28 Natalee Holloway.

1 Holloway Twitty would republish the defamatory matter, and the defendants authorized,
2 consented to, or directed this republication.

3 227. As a result of this republication, the plaintiffs feared that they would be
4 arrested, incarcerated, and wrongfully prosecuted for committing criminal acts against
5 Natalee Holloway.

6 228. The plaintiffs were caused irreparable damage by the republication and have
7 suffered mental anguish, pain and suffering, shame, mortification, and injury to their
8 reputations. The republication has lowered the plaintiffs in the eyes of the community,
9 deterred third persons from associating with them, and permanently damaged them in their
10 professions and occupations.

11 **SIXTEENTH CAUSE OF ACTION**

12 **(Defamation Per Se – Republication – December 1, 2005)**

13 **(Against All Defendants)**

14 229. The plaintiffs hereby reallege and incorporate by reference the allegations in
15 paragraphs 1 through 228 of this Complaint, as well as the plaintiffs' previous Causes of
16 Action, as though fully set forth herein.

17 230. On December 1, 2005, "Nancy Grace" focused on the controversy
18 surrounding the alteration of the original SKEETERS recording.

19 231. Substitute host Diane Dimond stated that the show spoke to SKEETERS, and
20 he said that he stands by the accuracy of the content of the tape the "Dr. Phil" show
21 broadcast.

22 232. SKEETERS' statement was in direct reference to the false and incriminating
23 statements aired on the September 15, 2005, broadcast of the "Dr. Phil" show which
24 portrayed the plaintiffs as engaging in criminal activity against Natalee Holloway and
25 constitutes defamation per se.

26 233. SKEETERS was a guest on the September 15, 2005, broadcast of the "Dr.
27 Phil" show.

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1 234. Prior to the September 15, 2005, broadcast of the "Dr. Phil" show,
2 SKEETERS had also been a frequent guest and commentator on other news and cable news
3 shows. Therefore, it was reasonably foreseeable to the defendants that SKEETERS would
4 republish the defamatory matter, and the defendants authorized, consented to, or directed
5 this republication.

6 235. As a result of this republication, the plaintiffs feared that they would be
7 arrested, incarcerated, and wrongfully prosecuted for committing criminal acts against
8 Natalee Holloway.

9 236. The plaintiffs were caused irreparable damage by the republication and have
10 suffered mental anguish, pain and suffering, shame, mortification, and injury to their
11 reputations. The republication has lowered the plaintiffs in the eyes of the community,
12 deterred third persons from associating with them, and permanently damaged them in their
13 professions and occupations.

14 **SEVENTEENTH CAUSE OF ACTION**

15 **(Defamation Per Se – Republication – December 2, 2005)**

16 **(Against All Defendants)**

17 237. The plaintiffs hereby reallege and incorporate by reference the allegations in
18 paragraphs 1 through 236 of this Complaint, as well as the plaintiffs' previous Causes of
19 Action, as though fully set forth herein.

20 238. On December 2, 2005, Nina Bradley, Senior Producer for MSNBC's "Live
21 and Direct," posted an entry on an MSNBC blog.

22 239. This posting stated that "Live and Direct" had received a statement from
23 Adam Buttner of the "Dr. Phil" show.

24 Mr. Buttner's statement read as follows:

25 We were provided a raw tape by Jamie Skeeters, president of the
26 California Polygraph Association, who conducted the interview.
27 Mr. Skeeters confirms that Mr. Kalpoe did in fact say what was
28 broadcast on the Dr. Phil show. Subsequently, the Dr. Phil show
submitted Mr. Skeeters tape to an independent forensic audio
specialist who confirms that the substance on the raw tape is
consistent with what was played on the Dr. Phil show and that no
change of the content in question took place. Specifically in his

1 expert opinion, the raw tape does contain Mr. Kalpoe saying she
2 'did' as well as 'you'd be surprised how simple it was the other
3 night'. The Dr. Phil show of course excluded unintelligible and
4 irrelevant portions which did not change the content.

5 240. This statement from the "Dr. Phil" show was in direct reference to the false
6 and incriminating statements aired on the September 15, 2005, broadcast of the "Dr. Phil"
7 show which portrayed the plaintiffs as engaging in criminal activity against Natalee
8 Holloway and constitute defamation per se.

9 241. It was reasonably foreseeable to the defendants that "Live and Direct" would
10 republish the statement and defamatory matter, and the defendants authorized, consented to,
11 and directed this republication.

12 242. As a result of this republication, the plaintiffs feared that they would be
13 arrested, incarcerated, and wrongfully prosecuted for committing criminal acts against
14 Natalee Holloway.

15 243. The plaintiffs were caused irreparable damage by the republication and have
16 suffered mental anguish, pain and suffering, shame, mortification, and injury to their
17 reputations. The republication has lowered the plaintiffs in the eyes of the community,
18 deterred third persons from associating with them, and permanently damaged them in their
19 professions and occupations.

20 **EIGHTEENTH CAUSE OF ACTION**

21 **(Defamation Per Se – Republication – December 2, 2005)**

22 **(Against All Defendants)**

23 244. The plaintiffs hereby reallege and incorporate by reference the allegations in
24 paragraphs 1 through 243 of this Complaint, as well as the plaintiffs' previous Causes of
25 Action, as though fully set forth herein.

26 245. On December 2, 2005, "Rita Cosby Live and Direct" read an official
27 statement released by the "Dr. Phil" show.

28 246. Host Rita Cosby read the following statement:

"We were provided a raw tape by Jamie Skeeters, president of the
California Polygraph Association, who conducted the interview. Mr.

1 Skeeters confirms that Mr. Kalpoe did, in fact, say what was
2 broadcast on the Dr. Phil show. Subsequently, the Dr. Phil show
3 submitted Mr. Skeeters's tape to an independent forensic audio
4 specialist who confirms the substance on the raw tape is consistent
5 with what was played on the Dr. Phil show and that no change of the
6 content in question took place. Specifically, in his expert opinion, the
7 raw tape does not – “does,” rather “contain Mr. Kalpoe saying ‘She
8 did,’ as well as, ‘You’d be surprised how simple it was the other
9 night,’” referring to all of them having sex with her. The Dr. Phil
10 show of course excluded unintelligible and irrelevant portions, which
11 did not change the content.

12 247. This statement from the “Dr. Phil” show was in direct reference to the false
13 and incriminating statements aired on the September 15, 2005, broadcast of the “Dr. Phil”
14 show which portray the plaintiffs as engaging in criminal activity against Natalee Holloway
15 and constitute defamation per se.

16 248. It was reasonably foreseeable to the defendants that “Live and Direct” would
17 republish the statement and defamatory matter, and the defendants authorized, consented to,
18 and directed this republication.

19 249. As a result of this republication, the plaintiffs feared that they would be
20 arrested, incarcerated, and wrongfully prosecuted for committing criminal acts against
21 Natalee Holloway.

22 250. The plaintiffs were caused irreparable damage by the republication and have
23 suffered mental anguish, pain and suffering, shame, mortification, and injury to their
24 reputations. The republication has lowered the plaintiffs in the eyes of the community,
25 deterred third persons from associating with them, and permanently damaged them in their
26 professions and occupations.

27 **NINETEENTH CAUSE OF ACTION**

28 **(Invasion of Privacy – False Light)**

(Against All Defendants)

29 251. The plaintiffs hereby reallege and incorporate by reference the allegations in
30 paragraphs 1 through 250 of this Complaint, as well as plaintiffs’ previous Causes of
31 Action, as though fully set forth herein.

1 **TWENTY-THIRD CAUSE OF ACTION**

2 **(Fraudulent Misrepresentation / Deceit)**

3 **(Against All Defendants)**

4 273. The plaintiffs hereby reallege and incorporate by reference the allegations in
5 paragraphs 1 through 272 of this Complaint, as well as plaintiffs' previous Causes of
6 Action, as though fully set forth herein.

7 274. The defendants retained SKEETERS to obtain interviews from the plaintiffs.

8 275. In order to induce the plaintiffs to meet with SKEETERS, the defendants,
9 through their agent SKEETERS, made false representations that SKEETERS and the "Dr.
10 Phil" show intended to help exonerate the plaintiffs as suspects in Natalee Holloway's
11 disappearance.

12 276. At the time the representations were made to the plaintiffs, the defendants
13 knew the representations were false.

14 277. DEEPAK justifiably relied on the defendants' false representations and
15 agreed to speak with SKEETERS with the understanding that the meeting would not be
16 recorded or videotaped.

17 278. As a result of this reliance on the defendants' fraudulent misrepresentations,
18 DEEPAK spoke with SKEETERS, which resulted in false and incriminating statements
19 being created and used against him by the defendants and broadcast on the September 15,
20 2005 "Dr. Phil" show.

21 279. DEEPAK was caused irreparable damage by the fraudulent
22 misrepresentations and has suffered mental anguish, pain and suffering, shame,
23 mortification, and injury to his reputation. The republication has lowered him in the eyes of
24 the community, deterred third persons from associating with him, and permanently
25 damaged him in his profession and occupation.

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28

1 **TWENTY-FOURTH CAUSE OF ACTION**

2 **(Negligent Misrepresentation / Deceit)**

3 **(Against All Defendants)**

4 280. The plaintiffs hereby reallege and incorporate by reference the allegations in
5 paragraphs 1 through 279 of this Complaint, as well as plaintiffs' previous Causes of
6 Action, as though fully set forth herein.

7 281. The defendants retained SKEETERS to obtain interviews from the plaintiffs.

8 282. In order to induce the plaintiffs to meet with SKEETERS, the defendants,
9 through their agent SKEETERS, made untrue representations that SKEETERS and the "Dr.
10 Phil" show intended to help exonerate the plaintiffs as suspects in Natalee Holloway's
11 disappearance.

12 283. SKEETERS made these representations without any reasonable basis for
13 believing them to be true.

14 284. DEEPAK was unaware of the falsity of these representations and justifiably
15 relied on these untrue representations and agreed to speak with SKEETERS with the
16 understanding that the meeting would not be recorded or videotaped.

17 285. As a result of this reliance on the defendants' untrue misrepresentations,
18 DEEPAK spoke with SKEETERS, which resulted in false and incriminating statements
19 being created and used against him by the defendants and aired on the September 15, 2005
20 broadcast of the "Dr. Phil" show.

21 286. As a result of the defendants' negligent misrepresentations, DEEPAK feared
22 that he would be arrested, incarcerated, and wrongfully prosecuted for committing criminal
23 acts against Natalee Holloway.

24 287. DEEPAK was caused irreparable damage by the negligent misrepresentations
25 and has suffered mental anguish, pain and suffering, shame, mortification, and injury to his
26 reputation. The republication has lowered him in the eyes of the community, deterred third
27 persons from associating with him, and permanently damaged him in his profession and

28 ///

1 occupation. DEEPAK requires psychiatric medical treatment and/or psychological
2 counseling as a result of the defendants' wrongful conduct.

3 **TWENTY-FIFTH CAUSE OF ACTION**

4 **(Civil Conspiracy)**

5 **(Against All Defendants)**

6 288. The plaintiffs hereby reallege and incorporate by reference the allegations in
7 paragraphs 1 through 287 of this Complaint, as well as plaintiffs' previous Causes of
8 Action, as though fully set forth herein.

9 289. The "Dr. Phil" show was on hiatus in the summer of 2005 during the media
10 frenzy surrounding Natalee Holloway's disappearance. The defendants were aware that the
11 news shows that devoted coverage to Natalee Holloway's disappearance experienced a
12 significant increase in ratings. The defendants devised a scheme to garner their share of the
13 ratings pie once the new television season premiered.

14 290. The defendants decided that SKEETERS and other agents would travel to
15 Aruba and attempt to uncover new information related to Natalee Holloway's
16 disappearance. The goal of SKEETERS and the other agents was to obtain interviews with
17 the plaintiffs.

18 291. SKEETERS arranged for a meeting to take place with DEEPAK and secretly
19 recorded their conversation. During the conversation, DEEPAK did not reveal to
20 SKEETERS any new information and specifically did not reveal any facts which were
21 incriminating to the plaintiffs.

22 292. The defendants agreed with each other, and their respective agents, to form
23 and operate a conspiracy against the plaintiffs in order to accomplish an unlawful purpose,
24 namely to create and produce false, incriminating, and defamatory statements against the
25 plaintiffs and to publish these statements to the world via the public airwaves by way of the
26 September 15, 2005 broadcast of the "Dr. Phil" show. The defendants and their co-
27 conspirators' motives were to increase the ratings of the "Dr. Phil" show and thereby
28 increase the wealth of the defendants.

1 293. The defendants and their co-conspirators committed one or more of the
2 following overt acts in furtherance of the common scheme:

- 3 (a) Editing out and/or suppressing the “No” and “n’t” of DEEPAK’S answer that
4 the plaintiffs did not have sex with Natalee Holloway the night she
5 disappeared;
- 6 (b) Adding dramatic background music and musical beats to further suppress the
7 “No” and “n’t” of DEEPAK’S answer;
- 8 (c) Editing out video footage of DEEPAK’S head shaking “no” from side to side
9 and instead imposing video footage where DEEPAK’S head was motionless;
- 10 (d) Creating and broadcasting written subtitles of the false and incriminating
11 statements described herein and publishing the subtitles contemporaneously
12 with the manipulated and altered audio recording;
- 13 (e) Airing excerpts of an interview with a claimed eyewitness who stated that he
14 saw three boys burying Natalee Holloway’s body in a dump, despite knowing
15 that the alleged eyewitness had been a cocaine addict for thirty years, that he
16 had failed the polygraph tests administered by SKEETERS, and that he was
17 lying about being an eyewitness to any events surrounding the disappearance
18 of Natalee Holloway;
- 19 (f) Substantially altering certain questions and answers from the DEEPAK-
20 SKEETERS recording by cutting and splicing portions of the questions and
21 answers together that did not correspond or relate with one another, thereby
22 forming altered questions and answers which falsely stated and implied that
23 the defendants were guilty of criminal wrongdoing;
- 24 (g) Participating in all the other acts alleged herein.

25 294. The defendants and the co-conspirators also acted in furtherance of the
26 common scheme by, subsequent to the September 15, 2005 broadcast, issuing statements
27 through SKEETERS and Adam Buttner of the “Dr. Phil” show wherein they falsely claim
28 ///

1 that the information presented on the September 15, 2005 broadcast was accurate, when
2 they knew that certain incriminating content of the show was untrue.

3 295. The defendants and their co-conspirators had actual knowledge of, and
4 intended to aid in, the plan to create and produce false, incriminating, and defamatory
5 statements against the plaintiffs and to publish these statements to the world via the public
6 airwaves by way of the September 15, 2005 broadcast.

7 296. The defendants and their co-conspirators, by way of their scheme, intended to
8 subject the plaintiffs to arrest, interrogation, prosecution, and ridicule in the community.

9 297. As a result of the wrongful conduct of the defendants and their co-
10 conspirators, the plaintiffs feared that they would be arrested, incarcerated, and wrongfully
11 prosecuted for committing criminal acts against Natalee Holloway.

12 298. Furthermore, the plaintiffs were caused irreparable damage by the defendants
13 and their co-conspirators' wrongful acts and have suffered mental anguish, pain and
14 suffering, shame, mortification, and injury to their reputations. The result of the conspiracy
15 has lowered the plaintiffs in the eyes of the community, deterred third persons from
16 associating with them, and permanently damaged them in their professions and
17 occupations.

18 WHEREFORE, based on the foregoing, the plaintiffs, DEEPAK KALPOE and
19 SATISH KALPOE, pray for relief against the defendants, and each of them, as follows:

- 20 1. For general and special damages in a sum in excess of the jurisdictional limits
21 of this court;
- 22 2. For prejudgment interest as allowed by law;
- 23 3. For punitive damages in an amount to be determined by the proofs at trial;
- 24 4. For costs of suit herein;
- 25 5. For investigative expenses including, but not limited to, expert fees and costs;
- 26 6. For attorneys' fees incurred in the prosecution of this action as may be
27 provided by law;

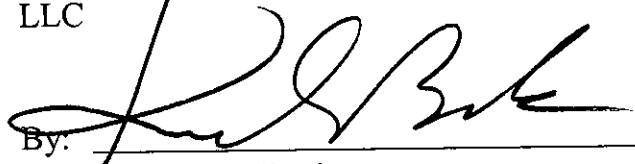
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7. For such other relief as this court shall deem just and proper.

Dated: December 13, 2006

CREMER, KOPON, SHAUGHNESSY & SPINA,
LLC



By: _____

Kristina M. Beck
Attorneys for Plaintiffs
DEEPAK KALPOE and SATISH
KALPOE

Of Counsel:
William J. Cremer
Edmund J. Siegert
Joshua D. Yeager
Lindsey A. Vacco

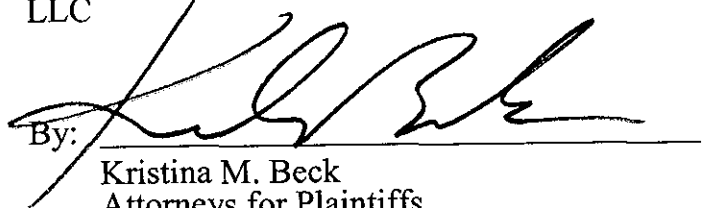
DEMAND FOR JURY TRIAL

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Plaintiffs, DEEPAK KALPOE and SATISH KALPOE, hereby demand trial by jury in this action.

Dated: December 13, 2006

CREMER, KOPON, SHAUGHNESSY & SPINA
LLC

By: 

Kristina M. Beck
Attorneys for Plaintiffs
DEEPAK KALPOE and SATISH
KALPOE

Of Counsel:
William J. Cremer
Edmund J. Siegert
Joshua D. Yeager
Lindsey A. Vacco

Case Name: ...

TOLLING AGREEMENT

WHEREAS, DEEPAK KALPOE and SATISH KALPOE ("Plaintiffs"), have initiated a claim against PHILLIP C. MCGRAW, PETESKI PRODUCTIONS, INC., CBS PARAMOUNT DOMESTIC TELEVISION, JAMIE SKEETERS, and SECURITY CONSULTANT SERVICES, INC. (individually and collectively referred to herein as "Defendants") for injuries and damages DEEPAK KALPOE and SATISH KALPOE claim to have sustained in connection with the September 15, 2005 broadcast of the "Dr. Phil" television show focused on the disappearance of Natalee Holloway.

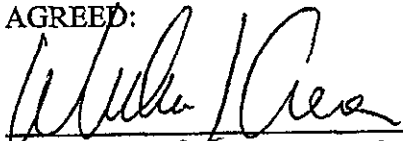
Plaintiffs claim the broadcast featured a manipulated conversation between DEEPAK KALPOE and JAMIE SKEETERS, and that one or more of the Defendants are responsible for the manipulation and publication of the manipulated and false content of the portions of the interview. A lawsuit has yet to be filed by DEEPAK KALPOE and SATISH KALPOE as a result of said Claim.

NOW THEREFORE, in consideration of the mutual promises and covenants contained in this Tolling Agreement, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged and confessed, the undersigned parties do agree as follows:

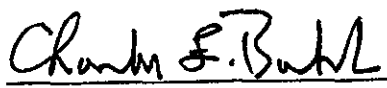
1. DEEPAK KALPOE and SATISH KALPOE will not file a Complaint against PHILLIP C. MCGRAW, PETESKI PRODUCTIONS, INC., CBS PARAMOUNT DOMESTIC TELEVISION, JAMIE SKEETERS, and SECURITY CONSULTANT SERVICES, INC., or any of them until a later date, or until further settlement negotiations prove unsuccessful. Prior to filing suit, Plaintiffs agree to provide forty-eight (48) hours prior notice to Defendants' counsel Charles L. Babcock.
2. In exchange for not filing a Complaint against PHILLIP C. MCGRAW, PETESKI PRODUCTIONS, INC., CBS PARAMOUNT DOMESTIC TELEVISION, JAMIE SKEETERS, and/or SECURITY CONSULTANT SERVICES, INC. as a result of the September 15, 2005 broadcast of the "Dr. Phil" show which allegedly featured a manipulated conversation (referred to above), PHILLIP C. MCGRAW, PETESKI PRODUCTIONS, INC., CBS PARAMOUNT TELEVISION, JAMIE SKEETERS, and SECURITY CONSULTANT SERVICES, INC. agree not to assert any statute of limitations defense to any complaint filed by Plaintiffs on or before December 15, 2006.
3. PHILLIP C. MCGRAW, PETESKI PRODUCTIONS, INC., CBS PARAMOUNT DOMESTIC TELEVISION, JAMIE SKEETERS, and SECURITY CONSULTANT SERVICES, INC. represent that no other person or entity was responsible for the preparation and publication of the interview between Skeeters and Deepak Kalpoe, a portion of which was broadcast on the September 15, 2005 Dr. Phil Show (the "Interview"). In the event a court of competent jurisdiction makes a final determination that one or more of the defendants engaged an independent contractor to assist with the preparation and publication of the interview, and that the acts and/or omissions of the independent contractor should be imputed to the defendant retaining the independent contractor, defendants agree to refrain from asserting any statute of limitations defense to these imputed acts and/or omissions.

4. All parties to this Tolling Agreement, individually and on behalf of their agents, agree to extend the limitations period ninety (90) days, until December 15, 2006.
5. Execution of this Tolling Agreement is in no way an admission of liability or wrongdoing by PHILLIP C. MCGRAW, PETESKI PRODUCTIONS, INC., CBS PARAMOUNT DOMESTIC TELEVISION, JAMIE SKEETERS, and SECURITY CONSULTANT SERVICES, INC.
6. This Tolling Agreement shall be governed by and construed in accordance with the laws of the State of California. The venue of any dispute arising out of this Tolling Agreement shall be in Los Angeles County, California.
7. It is agreed that this Tolling Agreement may be executed by attorneys representing any of the undersigned parties, and if executed by any attorney on behalf of a party, said attorney affirmatively states that he legally represents the party for whom he is signing, that he is signing this Tolling Agreement on behalf of said party, and that he has the full consent and authority of said party to execute this Tolling Agreement on that party's behalf.
8. This Agreement may be executed in separate part by each of the Parties.

AGREED:


 Attorney for DEEPAK KALPOE
 and SATISH KALPOE

9-15-06
 Date


 Attorney for PHILLIP C. MCGRAW,
 PETESKI PRODUCTIONS, INC.,
 CBS PARAMOUNT DOMESTIC
 TELEVISION, JAMIE SKEETERS,
 and SECURITY CONSULTANT
 SERVICES, INC.

9-15-06
 Date

JAMIE SKEETERS, individually and on
 Behalf of SECURITY CONSULTANT
 SERVICES, INC.

 Date

- 4. All parties to this Tolling Agreement, individually and on behalf of their agents, agree to extend the limitations period ninety (90) days, until December 15, 2006.
- 5. Execution of this Tolling Agreement is in no way an admission of liability or wrongdoing by PHILLIP C. MCGRAW, PETESKI PRODUCTIONS, INC., CBS PARAMOUNT DOMESTIC TELEVISION, JAMIE SKEETERS, and SECURITY CONSULTANT SERVICES, INC.
- 6. This Tolling Agreement shall be governed by and construed in accordance with the laws of the State of California. The venue of any dispute arising out of this Tolling Agreement shall be in Los Angeles County, California.
- 7. It is agreed that this Tolling Agreement may be executed by attorneys representing any of the undersigned parties, and if executed by any attorney on behalf of a party, said attorney affirmatively states that he legally represents the party for whom he is signing, that he is signing this Tolling Agreement on behalf of said party, and that he has the full consent and authority of said party to execute this Tolling Agreement on that party's behalf.
- 8. This Agreement may be executed in separate part by each of the Parties.

AGREED:

Attorney for DEEPAK KALFOE
and SATISH KALFOE

Date

Attorney for PHILLIP C. MCGRAW,
PETESKI PRODUCTIONS, INC.,
CBS PARAMOUNT DOMESTIC
TELEVISION, JAMIE SKEETERS,
and SECURITY CONSULTANT
SERVICES, INC.

Date

Jamie Skeeters

JAMIE SKEETERS, individually and on
Behalf of SECURITY CONSULTANT
SERVICES, INC.

9-14-06
Date

80363201

SHORT TITLE: Kalpoe v. McGraw, et al.	CASE NUMBER
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CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION (CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)

This form is required pursuant to LASC Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? YES CLASS ACTION? YES LIMITED CASE? YES TIME ESTIMATED FOR TRIAL²⁰⁻²⁴ HOURS/ DAYS

Item II. Select the correct district and courthouse location (4 steps – If you checked “Limited Case”, skip to Item III, Pg. 4):

Step 1: After first completing the Civil Case Cover Sheet Form, find the main civil case cover sheet heading for your case in the left margin below, and, to the right in Column **A**, the Civil Case Cover Sheet case type you selected.

Step 2: Check one Superior Court type of action in Column **B** below which best describes the nature of this case.

Step 3: In Column **C**, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Los Angeles Superior Court Local Rule 2.0.

Applicable Reasons for Choosing Courthouse Location (see Column C below)

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. Class Actions must be filed in the County Courthouse, Central District. 2. May be filed in Central (Other county, or no Bodily Injury/Property Damage). 3. Location where cause of action arose. 4. Location where bodily injury, death or damage occurred. 5. Location where performance required or defendant resides. | <ol style="list-style-type: none"> 6. Location of property or permanently garaged vehicle. 7. Location where petitioner resides. 8. Location wherein defendant/respondent functions wholly. 9. Location where one or more of the parties reside. 10. Location of Labor Commissioner Office. |
|---|--|

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1., 2., 4.
Other Personal Injury/Property Damage/Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2. 2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 2., 4. 1., 2., 4.
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall) <input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.) <input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress <input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 2., 4. 1., 2., 4. 1., 2., 3. 1., 2., 4.
Non-Personal Injury/Property Damage/Wrongful Death Tort	Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 2., 3.
	Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
	Defamation (13)	<input checked="" type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.

Non-Personal Injury/Property Damage/
Wrongful Death Tort (Cont'd.)

Employment

Contract

Real Property

Judicial Review Unlawful Detainer

SHORT TITLE: Kalpoe v. McGraw, et al.	CASE NUMBER
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A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons -See Step 3 Above
Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2., 3.
Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not Unlawful Detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5., 6. 2., 5.
Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2.
Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6. 2., 6. 2., 6.
Unlawful Detainer- Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer- Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer- Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.
Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.

SHORT TITLE: Kalpoe v. McGraw, et al.	CASE NUMBER
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Judicial Review (Cont'd.)

Provisionally Complex Litigation

Enforcement of Judgment

Miscellaneous Civil Complaints

Miscellaneous Civil Petitions

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.
Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2., 8.
Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.
Construction Defect (10)	<input type="checkbox"/> A6007 Construction defect	1., 2., 3.
Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.
Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.
Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.
Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9.
RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.
Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8. 2., 8. 1., 2., 8. 1., 2., 8.
Partnership Corporation Governance(21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2., 3., 9. 2., 3., 9. 2., 3., 9. 2. 2., 7. 2., 3., 4., 8. 2., 9.

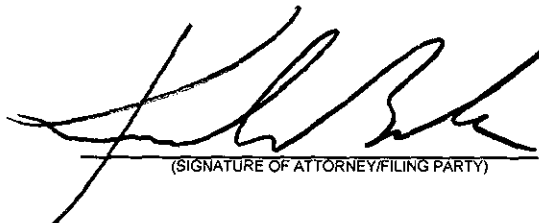
SHORT TITLE: Kalpoe v. McGraw, et al.	CASE NUMBER
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Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: CHECK THE NUMBER UNDER COLUMN C WHICH APPLIES IN THIS CASE		ADDRESS: 5482 Wilshire Blvd., #1902	
<input type="checkbox"/> 1. <input type="checkbox"/> 2. <input checked="" type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.			
CITY: Los Angeles	STATE: CA	ZIP CODE: 90036	

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Stanley Mosk courthouse in the Central District of the Los Angeles Superior Court (Code Civ. Proc., § 392 et seq., and LASC Local Rule 2.0, subds. (b), (c) and (d)).

Dated: 12/13/06



(SIGNATURE OF ATTORNEY/FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet form CM-010.
4. Complete Addendum to Civil Case Cover Sheet form LASC Approved CIV 109 03-04 (Rev. 03/06).
5. Payment in full of the filing fee, unless fees have been waived.
6. Signed order appointing the Guardian ad Litem, JC form 982(a)(27), if the plaintiff or petitioner is a minor under 18 years of age, or if required by Court.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.