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12 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**
13 **FOR THE COUNTY OF LOS ANGELES**

14 SHERA BECHARD,

15 Plaintiff,

16 v.

17 ELLIOTT BROIDY, an individual,
18 KEITH DAVIDSON, an individual;
MICHAEL AVENATTI, an individual;
19 DAVIDSON & ASSOCIATES, PLC, a
professional limited liability company; and
20 DOES 1 through 20, inclusive,

21 Defendants.

[Assigned for all purposes to Hon. Elizabeth A. White]

Case No. BC712913

**PLAINTIFF'S RESPONSE TO DEFENDANT
BROIDY'S MOTION TO SEAL**

Date: September 7, 2018
Time: 8:30 a.m.
Dep't: 48

HEARING ORDERED BY THE COURT

Action Filed: July 6, 2018
Trial Date: None Set

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1 Defendant Broidy filed a “Motion To Seal” on July 23, 2018. That motion also contained
2 arguments that were repeated nearly verbatim in a subsequent “Motion to Strike” that Broidy filed
3 on August 13, 2018. Both of those motions, including their overlap, are set for the hearing on
4 September 7, 2018.

5 Plaintiff Shera Bechard has concurrently filed an opposition to the Motion to Strike. To the
6 degree that motion overlaps with the Motion to Seal (and overlap it surely does), Ms. Bechard
7 incorporates by reference herein her separate opposition.

8 But the Motion to Seal also requests additional (different) relief from that requested in the
9 Motion to Strike. The latter merely requests the striking of various allegations of the Complaint.
10 The former additionally requests (at some length) that the Complaint—and perhaps other pleadings
11 and documents in the case—be either temporarily or permanently sealed. (Motion to Seal at p. 6:16-
12 22.)

13 The Motion to Seal discusses at length why Broidy believes an order to seal should be
14 entered. Mr. Avenatti and the Media Intervenors have previously filed an opposition to the Motion
15 to Seal (and presented arguments in a prior *ex parte* hearing) that discuss at length why they believe
16 that an order to seal should not be entered. Broidy has also filed a reply brief.


17 Ms. Bechard has nothing substantive to add to these already lengthy and comprehensive
18 submissions. (Besides, Mr. Broidy’s lawyers have expressly threatened, in writing, to sue Ms.
19 Bechard for \$4.8 million in liquidated damages if she files an opposition or in any way does not
20 support their request to seal the records, on the ground that such an action would be a breach of a
21 purported duty to “cooperate” in the Settlement Agreement. Yet another reason to remain silent.)

22 Ms. Bechard will mention only that she voluntarily filed her Complaint under conditional
23 seal, promptly notified Broidy and his counsel of this filing, and immediately provided them with
24 ample opportunity (of which they have availed themselves) to request that the Court seal those
25 records. She has also filed all subsequent documents strictly pursuant to the terms of this Court’s
26 conditional sealing order. This is hardly conduct consistent with Broidy’s assertion in his Motion to
27 Seal (at p. 11:3-4) that “Plaintiff seeks to use this Court to make her malicious and irrelevant
28 allegations public” —particularly given that it is *Broidy*, not Ms. Bechard, who has issued repeated

1 press statements regarding the Settlement Agreement, his affair, Ms. Bechard's pregnancy, and his
2 refusal to pay. Ms. Bechard, by contrast, has steadfastly refused comment, even refraining from
3 refuting Broidy's demonstrably false public falsehoods about her.

4 **STRIS & MAHER LLP**

5 Dated: August 24, 2018

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