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7 and CRYSTAL CASTLES

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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 COUNTY OF LOS ANGELES

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BY FAX

13 CLAUDIO PALMIERI aka ETHAN KATH,
an individual; and CRYSTAL CASTLES, an
14 Ontario General Partnership,

15 Plaintiffs,

16 vs.

17 MARGARET OSBORN aka ALICE GLASS,
an individual, JUPITER KEYES, an
18 individual, and DOES 1 through 50, Inclusive,

19 Defendants.

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FILED
Superior Court of California
County of Los Angeles

APR 02 2018

By Sherrilyn Bolden Executive Officer/Clerk
Deputy

CASE NO.: BC681889
[Hon. Samantha P. Jessner; Dept. 31]

DECLARATION OF CLAUDIO PALMIERI IN SUPPORT OF AMENDED OPPOSITION TO DEFENDANT'S SPECIAL MOTION TO STRIKE PLAINTIFFS' COMPLAINT

Complaint Filed: November 3, 2017
Trial Date: None Set

04/04/2018

1 I, Claudio Palmieri, declare as follows:

2 1. I am a Plaintiff in the above-captioned action. I submit this Declaration in support
3 of Plaintiffs' Amended Opposition to Defendant's Special Motion to Strike Plaintiffs' Complaint
4 Pursuant to C.C.P. § 425.16, submitted concurrently herewith. I have personal knowledge of the
5 facts contained within this declaration, and, if called upon as a witness, I could and would testify
6 competently thereto.

7 2. I am a professional musician, songwriter, and performer. I am the founding
8 member of the band "Crystal Castles." I started Crystal Castles as a solo project in 2004. My
9 professional/stage name is "Ethan Kath."

10 3. I met Margaret Osborn (a/k/a "Alice Glass") when she began coming to shows by
11 my previous band "Cheerleader" in late 2003. We subsequently began a romantic and consensual
12 relationship. In 2005, I invited Margaret to sing on Crystal Castles tracks. In 2007, Margaret
13 wanted us to be in a committed relationship. Margaret was nineteen years old when we began
14 dating. We stayed together in a committed relationship until 2012 and as band members until
15 2014.

16 4. Though I was not a recreational drug user, I put up with Margaret's drug abuse,
17 which persisted throughout our relationship (and at times included heroin), because I loved her.
18 That said, Margaret's drug abuse was a constant source of friction between us. I never provided
19 Margaret with drugs.

20 5. Although we occasionally had disagreements, Margaret seemed genuinely happy to
21 be in a relationship with me. In fact, Margaret often told me that she loved me. At no time during
22 our relationship did Margaret suggest that she felt I mistreated her in any way—much less that I
23 sexually or emotionally abused her.

24 6. After our relationship ended in 2012, Margaret began dating Jupiter Keyes.
25 Margaret and I agreed to continue Crystal Castles, as friends. We worked well as friends, but it
26 soon became apparent that Margaret wanted to hide our friendship from Mr. Keyes. Margaret
27 often behaved erratically around me when Mr. Keyes was also present. Whenever Mr. Keyes was
28 around us, for example, she would pretend that we had been fighting (when that was not the case).

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1 When I asked Margaret about this, she admitted that she had to hide our continued friendship from
2 Mr. Keyes. She also told me she was using a lot of cocaine.

3 7. The last Crystal Castles show with Margaret was in October 2013. She then asked
4 for a year off from the band and asked me to write the band's fourth album during that year.

5 8. In October 2014, Margaret left the band altogether and announced online (via
6 Twitter) that this was "the end of the band" and that Crystal Castles fans should "embrace [her] as
7 a solo artist in the same way they have embraced Crystal Castles." (See Exhibit F, *infra.*) I was
8 not sure why Margaret made this decision; she never gave me her reasons, although I suspected
9 that Mr. Keyes was the source of this idea. After she began dating Mr. Keyes, Margaret had
10 requested numerous audits of me and the band's revenues in the months leading up to October
11 2014. None of those audits revealed any amounts owed to Margaret that had not been paid,
12 despite her accusations (seemingly coming from Mr. Keyes) that I had stolen from her.

13 9. After Margaret left the band, I found a new lead singer. Crystal Castles then
14 continued to create music and perform, without Margaret. Crystal Castles' fans embraced the
15 band's new signer and the band continued to play at large venues and festivals around the world.

16 10. After Margaret left the band, she began to attack my character and accuse me of
17 sexually assaulting, drugging, and abusing her, all of which is false. Nevertheless, I worried about
18 the effects of such allegations on both myself and Crystal Castles.

19 11. I contacted an attorney, Michael Weinstein, when I learned about Margaret's
20 efforts to defame me. Mr. Weinstein requested that Margaret cease and desist making defamatory
21 statements about me. A true and correct copy of Mr. Weinstein's cease-and-desist letter, which I
22 was copied on and maintained in my personal files, is attached hereto as **Exhibit A**. But
23 Margaret's attacks on me and Crystal Castles continued.

24 12. In October 2017, three years after Margaret left Crystal Castles, Margaret posted a
25 statement on her personal website falsely accusing me, among other things, of sexual assaulting,
26 drugging, and abusing her during our relationship (hereafter, the "Statement"). The allegations
27 about me in the Statement are entirely false. Without limitation, I never sexually assaulted,
28 drugged, or physically or emotionally abused her in any way. A true and correct copy of the

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1 statement, which was printed from Margaret's personal website (<http://www.alice-glass.com/cc/>)
2 and is still available on the website today, is attached hereto as **Exhibit B**.

3 13. Margaret's solo album was released in August 2017, shortly before the release of
4 her October 2017 Statement. Margaret used the Statement in connection with efforts to promote
5 her solo album.

6 14. Since Margaret released the false Statement, I have suffered immense harm to my
7 reputation and career. In addition to financial harm, I have suffered emotionally.

8 15. Margaret's Statement has ruined my personal and professional life. I am unable to
9 go out in public without being harassed. Crystal Castles is now unable to perform or generate
10 revenue because of the reputational damage caused by Margaret. Crystal Castles has missed out
11 on hundreds of thousands of dollars in potential bookings because venues do not want to host or
12 be associated with me. In fact, practically nobody in the music industry wants to work with me at
13 the moment because of Margaret's false allegations about me.

14 16. A simple online search using my name reveals several websites repeating the false
15 allegations in Margaret's statement. This prevents me not only from performing as a musician,
16 but also from getting another job.

17 17. The content of the following authenticated attachments demonstrate that my
18 relationship with Margaret was at all times consensual—not a relationship in which I “took
19 advantage of” Margaret, drugged her, or physically or emotionally abused her, as she now claims.

20 18. Attached hereto as **Exhibit C** are true and correct copies of emails that Margaret
21 and I exchanged between 2008 and 2012. During our relationship, I would regularly correspond
22 with Margaret via email. I have had an email address with Gmail since February 2008. Margaret
23 has had a few email addresses, with Gmail and Hotmail, since I have known her. I kept all of
24 these emails with Margaret in my Gmail account, which is where I retrieved the attached copies
25 from. Some of my emails with Margaret are summarized below.

- 26 • On September 6, 2008, Margaret wrote to me: “hey baby i miss your cock like
27 crazy. can't wait to be with you at carcass. see you on Sunday ;)”

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- On December 11, 2009, Margaret told me how excited she was to see me. The next day, she wrote “i hart u.”
- On May 20, 2010, Margaret and I expressed how much we missed each other. That day Margaret also told me how excited she was to go on tour because she would get to see me “all day!”
- On October 2, 2010, Margaret sent me a message and told me that she loved me, using a heart emoji.
- On November 22, 2010, Margaret wrote a playful message to me, telling me that I am “super cute.”
- On November 29, 2010, Margaret told me that she missed me and asked: “wanna fuck?”
- On May 19, 2011, Margaret sent me a message and told me that she loved me, again using a heart emoji.
- On August 1, 2011, Margaret expressed her unhappiness with the band because of money. I responded: “if you are not happy and want to stop being in CC [Crystal Castles] please stop, i don’t want you to live an unhappy life.”
- On September 1, 2011, Margaret wrote “miss u” to me. I wrote back: “missin u baby.”
- On October 1, 2011, Margaret told me that she would like to see me. I responded: “whenever is good :) i miss you.”
- On December 24-25, 2011, Margaret wrote to me and said that she missed me and regretted not being with me over the holidays.
- On February 14, 2012, I sent Margaret a message for Valentine’s Day and she responded: “u r sweet ;)”

04/04/2019

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- On May 17, 2012, Margaret wrote to me: "i want us to buy a house together. i love you so much." That day Margaret also wrote to me: "i don't want to fuck anyone but you ever again."
- On July 19, 2012, Margaret told me that she was proud of me and I exchanged the compliment. Margaret told me that I am "the best ever." I responded: "i feel the same about u."
- On August 12, 2012, I told Margaret that she is "amazing" and we arranged to see each other.
- On September 7, 2012, Margaret repeated how proud she was of me and sent me a heart emoji.

19. Attached hereto as Exhibit D is a true and correct copy of a picture that I took of an entry in Margaret's personal diary. I took this picture in 2011 because the entry included a drawing of me by Margaret, which I thought had sentimental value. I later realized that Margaret also recorded some notes about me next to the picture that she had drawn.

20. Attached hereto as Exhibit E is a true and correct copy of a message from Margaret to one of her friends through the social media application "MySpace." I had access to Margaret's MySpace account while we were dating and I saved a copy of this message. Margaret's reference to "cla" refers to me; she used to call me "Cla" as a nickname.

21. Attached hereto as Exhibit F is a true a correct copy of a post that Margaret made on the social media application "Twitter." I have a Twitter account and was able to view and save this post directly from the application.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on April 2, 2018, at Toronto, Canada.

By: C. Palmieri
CLAUDIO PALMIERI

04/04/2018

04-04-2018



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04/04/2018

EXHIBIT A

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7 CLAUDIO PALMIERI aka ETHAN KATH
and CRYSTAL CASTLES

8
9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **COUNTY OF LOS ANGELES**

11 CLAUDIO PALMIERI aka ETHAN KATH,
an individual, and; CRYSTAL CASTLES, an
12 Ontario General Partnership,

13 Plaintiffs,

14 vs.

15 MARGARET OSBORN aka ALICE GLASS,
16 an individual, JUPITER KEYES, an
individual, and DOES 1 through 50, Inclusive,

17 Defendants.
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CASE NO.: BC681889
[Hon. Samantha P. Jessner; Dept. 31]

**AMENDED OPPOSITION TO
DEFENDANT'S SPECIAL MOTION TO
STRIKE PLAINTIFFS' COMPLAINT
AND ORDER OF DISMISSAL OF
ENTIRE ACTION**

Complaint Filed: November 3, 2017
Trial Date: None Set

4953.060/1294705.1

PLAINTIFFS' AMENDED OPPOSITION TO DEFENDANT'S SPECIAL MOTION TO STRIKE PLAINTIFFS'
COMPLAINT PURSUANT TO C.C.P. § 425.16

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1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I. INTRODUCTION

3 In October 2017, five years after her relationship with Plaintiff Claudio Palmieri (a/k/a
4 Ethan Kath) (“Palmieri”) ended, Defendant Margaret Osborn (“Defendant”) posted a statement on
5 her personal website accusing Palmieri—her former friend, boyfriend, and bandmate—of sexually
6 assaulting, drugging, and abusing her during their relationship (hereinafter, the “Statement”).

7 *None of these hurtful and harmful allegations about Palmieri in the Statement are true.* Not only
8 do Plaintiffs deny these allegations, but Defendant’s contemporaneous writings during her
9 relationship with Palmieri demonstrate that at all times her relationship was consensual.

10 In her Special Motion to Strike Plaintiffs’ Complaint Pursuant to C.C.P. § 425.16 (the
11 “Motion to Strike”), Defendant claims that she released the Statement “to support other women
12 who have been victims of abuse and to embolden them to come forward with their stories in the
13 hopes of helping others and so that victims of abuse . . . can begin or continue to recover from the
14 damage caused by these heinous acts.” (Mot. to Strike at 5:11-15.) In fact, the evidence further
15 demonstrates that Defendant’s false Statement was issued *to draw attention to and promote her*
16 *first solo album*, not to support the “MeToo” movement.

17 California’s anti-SLAPP statute, Cal. Code Civil Proc. § 425.16, was never intended to
18 protect such harmful, untrue speech. While Defendant’s libelous conduct broadly “arises from” an
19 exercise of free speech, the anti-SLAPP statute was not meant to be “a weapon to chill the exercise
20 of protected [activity] by people with legitimate grievances” because the “anti-SLAPP remedy is
21 not available where a probability exists that the plaintiff will prevail on the merits.” (*Equilon*
22 *Enters., LLC v. Consumer Cause, Inc.*, 29 Cal. 4th 53, 65 (2002).) Plaintiffs have offered
23 admissible evidence more than sufficient to establish a meritorious *prima facie* case of defamation
24 and the minimal merit required to defeat the Motion to Strike. Palmieri’s denial of Defendant’s
25 false and defamatory statements would alone be sufficient to defeat the Motion, but the evidence
26 shows much more.

27 During the February 23, 2018 hearing in this matter, the Court recognized that the exhibits
28

1 to the former Declaration of Claudio Palmieri were “absolutely pertinent” to Plaintiffs’ Complaint.
2 The Court did not consider any of the evidence, however, because Plaintiffs’ former counsel failed
3 to submit any of Plaintiffs’ evidence in a timely and properly supported manner.¹ Plaintiffs have
4 now retained new counsel and respectfully request that the Court consider this Amended
5 Opposition, which is supported by admissible evidence, and rule on the merits of Defendant’s
6 Motion to Strike.²

7 **II. STATEMENT OF FACTS³**

8 Palmieri is a professional musician, songwriter, and performer. (Declaration of Claudio
9 Palmieri in Support of Amended Opposition to Defendant’s Special Motion to Strike Plaintiffs’
10 Complaint (“Palmieri Decl.”) ¶ 2.)

11 Palmieri met Defendant in or around 2004, when she began coming to shows by his
12 previous band, “Cheerleader.” (*Id.* ¶ 3.) They subsequently began a romantic and consensual
13 relationship. (*Id.*) In 2005, they formed the band “Crystal Castles” with Defendant as lead singer;
14 Plaintiff had invited Defendant to sing on his tracks. (*Id.*) After a couple of years of dating, in
15 2007, Defendant asked to be in a committed relationship with Palmieri as boyfriend and girlfriend,
16 to which he agreed. (*Id.*) They stayed together in a committed relationship until 2012 and as band
17 members until 2014. (*Id.*)

18 Though Palmieri was not a recreational drug user, he put up with Defendant’s drug abuse,
19 which persisted throughout their relationship (and at times included heroin), because he loved her.
20 (*Id.* ¶ 4.) That said, Defendant’s drug abuse was a constant source of friction between them.

21
22 ¹ The many failures of Plaintiffs’ former counsel are described in the concurrently filed Motion for
23 Mandatory Relief from Order Granting Defendant’s Special motion to Strike Plaintiffs’ Complaint
24 Pursuant to C.C.P. § 425.16 and Order of Dismissal of Entire Action. The February 23 hearing transcript is
attached as Exhibit A to the Declaration of Fault of Shane Bernard, Esq. in support of the Motion for
Mandatory Relief.

25 ² If the Court is still inclined to grant the Motion to Strike after considering this Amended Opposition,
26 Plaintiffs respectfully request an opportunity to take limited discovery from Defendant, including
Defendant’s deposition, for purposes of opposing the Motion to Strike.

27 ³ The following facts are set forth in detail—and stated under penalty of perjury—in the accompanying
28 Declaration of Claudio Palmieri.

04/04/2015

1 Palmieri never provided Defendant with drugs. (*Id.*)

2 Although they occasionally had disagreements, as any couple does, Defendant seemed
3 genuinely happy to be in a relationship with Palmieri. (*Id.* ¶ 5.) In fact, Defendant often conveyed
4 to Palmieri that she loved him. (*Id.* & Ex. C (email correspondence between Palmieri and
5 Defendant during the course of their relationship.) At no time during their relationship did
6 Defendant suggest that she felt Palmieri mistreated her in any way—much less that he sexually or
7 emotionally abused her. (*Id.*)

8 Defendant and Palmieri ended their relationship in 2012. (*Id.* ¶ 6.) Defendant often
9 behaved erratically around Palmieri when Keyes was also present. (*Id.*) It became apparent that
10 Defendant wanted to hide her friendship with Palmieri from Keyes. (*Id.*) Whenever Keyes was
11 around, for example, Defendant would pretend that she and Palmieri had been fighting. (*Id.*)
12 When Palmieri confronted Defendant and asked about this strange behavior, she admitted that she
13 had to hide her continued friendship with Palmieri from Keyes. (*Id.*) Defendant also told Palmieri
14 that she was using a lot of cocaine. (*Id.*)

15 The last Crystal Castles show with Defendant was in October 2013. (*Id.* ¶ 7.) Defendant
16 then asked for a year off from the band and asked Palmieri to write the band’s fourth album during
17 that year. (*Id.*) In October 2014, Defendant left the band altogether and announced online (via
18 Twitter) that this was “the end of the band” and that Crystal Castles fans should “embrace [her] as
19 a solo artist in the same way they have embraced Crystal Castles.” (*Id.* ¶ 8 & Ex. F.)⁴

20 After Defendant left the band, Plaintiffs found a new lead singer. (*Id.* ¶ 9.) Crystal Castles
21 then continued to create music and perform, without Defendant. (*Id.*) Crystal Castles’ fans
22 embraced the band’s new signer and the band continued to play at large venues and festivals
23 around the world. (*Id.*)

24 After Defendant left the band, she began to attack Palmieri’s character and accuse him of

25 _____
26 ⁴ After Defendant began dating Keyes, she requested numerous audits of the band’s revenues in the months
27 leading up to October 2014. (Palmieri Decl. ¶ 8.) None of those audits revealed any amounts owed to
28 Defendant that had not been paid, despite her accusations (seemingly coming from Keyes) that Plaintiff had
stolen from her. (*Id.*)

04/04/2018

1 sexually assaulting, drugging, and abusing her. (*Id.* ¶ 10.) None of Defendant’s allegations about
2 Palmieri sexually assaulting, drugging, or abusing her are true. (*Id.*) Nevertheless, Plaintiff
3 Palmieri worried about the effects of such allegations on both himself and Plaintiff Crystal
4 Castles. (*Id.*) Plaintiffs contacted an attorney, Michael Weinstein who requested that Defendant
5 cease and desist making defamatory statements about them. (*Id.* & Ex. A) But Defendant’s
6 attacks on Plaintiffs continued. (*Id.*)

7 In October 2017, three years after Defendant left Crystal Castles, Defendant posted a
8 statement on her personal website falsely accusing Palmieri , among other things, of sexual
9 assaulting, drugging, and abusing her during our relationship (hereafter, the “Statement”). (*Id.*
10 ¶ 12 & Ex. B.) The allegations about Palmieri in the Statement are entirely false. (*Id.*)

11 Defendant’s solo album was released August 2017, shortly before the release of her
12 Statement. (*Id.* ¶ 13.) Defendant used the Statement in connection with efforts to promote her
13 solo album. (*Id.*)

14 Since Defendant released the false Statement, Plaintiffs have suffered immense harm to
15 their reputation and career. (*Id.* ¶ 14.) In addition to financial harm, Plaintiff Palmieri has
16 suffered emotionally. (*Id.*) Simply put, the Statement has ruined Palmieri’s personal and
17 professional life and the bands commercial viability. (*Id.* ¶ 15.)

18 **III. ARGUMENT**

19 **A. The Legal Standard Governing Anti-SLAPP Motions**

20 A court’s consideration of an anti-SLAPP motion involves “a two-step process.” Cal.
21 Code Civ. Proc. § 425.16(b)(1)Error! Bookmark not defined.. Under the first step, a defendant
22 invoking the protection of the anti-SLAPP statute must make a prima facie showing that the
23 lawsuit she is seeking to strike “arises from” the defendant’s exercise of her free speech or petition
24 rights. (*Equilon Enters., LLC v. Consumer Cause, Inc.* 29 Cal. 4th 53, 61 (2002).) Plaintiffs
25 concede for the purposes of this motion that Defendant’s defamatory conduct broadly “arises
26 from” her exercise of free speech. Under the second step, the burden shifts to the plaintiff to
27 make a prima facie showing of facts to establish a “probability of prevailing” on each of his
28

1 claims. (*Id.*) The standard for determining whether the plaintiff has a “probability of prevailing”
2 in this context is the same standard governing a motion for summary judgment, nonsuit, or
3 directed verdict—namely, one in which the court does not weigh credibility or evaluate the weight
4 of the evidence. The court must determine only whether the plaintiff has offered admissible
5 evidence to establish a prima facie case as to the causes of action alleged, accepting as true all
6 admissible evidence favorable to the plaintiff. (*See Taus v. Loftus*, 40 Cal. 4th 683, 714 (2007)
7 [describing anti-SLAPP proceedings as a “summary-judgment-like procedure at an early stage of
8 litigation”]; *Overstock.com, Inc. v. Gradient Analytics, Inc.*, 151 Cal. App. 4th 688, 699-700
9 (2007) [explaining, in the context of an anti-SLAPP motion, that courts “do not weigh credibility”
10 or “evaluate the weight of the evidence,” and “accept as true all evidence favorable to the
11 plaintiff”].)

12 If the plaintiff demonstrates that the action has “minimal merit,” then the plaintiff has met
13 the burden of the second step of the analysis and the anti-SLAPP motion must be denied. (*See*
14 *Ulkarim v. Westfield LLC*, 227 Cal. App. 4th 1266, 1275 (2014); *Gallagher v. Connell*, 123 Cal.
15 App. 4th 1260, 1264 (2004) [noting that “the burden placed on the plaintiff to show a reasonable
16 probability of success on the merits ‘must be compatible with the early stage at which the motion
17 is brought and heard,’” quoting *Wilcox v. Superior Court*, 27 Cal. App. 4th 823 (1994)].)

18 **B. Plaintiffs Have Produced Admissible Evidence Which Establishes a Prima**
19 **Facie Case of Defamation and the Minimal Merit Required to Defeat the**
20 **Motion**

21 The crux of this lawsuit is defamation. The Complaint as drafted by Plaintiffs’ former
22 counsel has over-pled the actions, and Plaintiffs plan to amend the Complaint as a matter of right
23 if the Court grants the concurrently filed Motion for Mandatory Relief pursuant to California Code
24 of Civil Procedure § 473(b) and denies Defendant’s Motion. Accordingly, this Opposition will
25 focus on the falsity of the Statement and the claim for defamation. If Defendant’s Statement is
26 false, then none of the alleged actions, whatever pleading infirmities they may have, should be
27 dismissed based on the anti-SLAPP motion because false speech is never protected. (*Hailstone v.*
28

04/04/2018

1 *Martinez*, 169 Cal. App. 4th 728, 742 (2008).)

2 To prevail on their defamation claim, Plaintiffs must prove: (1) a publication that is (2)
3 false, (3) defamatory, (4) unprivileged, and (5) has a natural tendency to injure or causes special
4 damage. (*Wong v. Tai Jing*, 189 Cal. App. 4th 1354, 1369 (2010); *see also* Cal. Code Civil Proc.
5 § 45 [“Libel is a false and unprivileged publication by writing, printing, picture, effigy, or other
6 fixed representation to the eye, which exposes any person to hatred, contempt, ridicule, or
7 obloquy, or which causes him to be shunned or avoided, or which has a tendency to injure him in
8 his occupation.”].) Plaintiffs have produced admissible evidence to establish a prima facie case of
9 defamation more than sufficient to show the requisite “minimal merit” necessary to defeat the anti-
10 SLAPP motion.

11 Once a plaintiff proves the elements of a defamation claim, including falsity, the burden
12 shifts to the defendant to assert truth as a complete defense. (*Smith v. Maldonado*, 72 Cal. App.
13 4th 637, 646 (1999).) The defendant must then prove that the “substance” of her alleged statement
14 is in fact “substantially true.” (*Id.*) The ultimate burden to prevail on the defense of falsity rests
15 with the Defendant. (*Lipman v. Brisbane Elementary School Dist.*, 55 Cal. 2d 224, 233 (1961).)

16 **1. Defendant’s Defamatory Publication**

17 The October 2017 Statement on Defendant’s personal website (Palmieri Decl. Ex. B)
18 clearly constitutes “a publication.” (*See Ringler Assoc. v. Maryland Cas. Co.*, 80 Cal. App. 4th
19 1165, 1179 (2000) [a publication is one that is communicated in written or oral form to some third
20 person who understands its defamatory meaning and application to the plaintiff].) Additionally,
21 the allegations concerning Plaintiff in the Statement are defamatory on their face (libel per se).
22 Defendant accuses Plaintiff of sexually assaulting, drugging, and abusing her during the course of
23 their relationship. Any reader of these allegations would immediately recognize their defamatory
24 meaning. (*See Barnes-Hind, Inc. v. Superior Court*, 181 Cal. App. 3d 377, 386 (1986) [“If . . . a
25 ready would perceive a defamatory meaning without extrinsic aid beyond his or her own
26 intelligence and common sense, then . . . there is a libel per se.”].) Accordingly, the first and third
27 elements of Plaintiffs’ defamation claim are satisfied.

28

04/04/2018

1 ///

2 **2. The False Statement Is Not Privileged**

3 Defendant's Statement is not subject to an absolute privilege under Code of Civil
4 Procedure § 47. (*See* Cal. Code Civ. Proc. § 47(b) [defining a "privileged publication or
5 broadcast"].) Nor is the Statement subject to any qualified privilege because it was made with
6 actual malice, as discussed below. (*See* Cal. Code Civ. Proc. § 47(c).) Defendant does not argue
7 in her Motion that her Statement falls under any privilege.

8 **3. Plaintiffs Have Produced Overwhelming Evidence of Falsity**

9 Palmieri has denied sexually assaulting, drugging, and/or abusing Defendant and has
10 declared that at all times their relationship was fully consensual. (Palmieri Decl. ¶ 12.) The court
11 must accept these facts as true for purposes of ruling on this Motion.

12 Plaintiffs have also offered emails and other documentary evidence containing admissions
13 from Defendant, spanning the duration of Palmieri's relationship with Defendant, which establish
14 a consensual, loving relationship free of abuse. (Palmieri Decl. Ex. C.) Without limitation:

- 15 • On September 6, 2008, Defendant wrote Palmieri: "hey baby i miss your cock like
16 crazy. can't wait to be with you at carcass. see you on Sunday ;)" (*Id.*)
- 17 • On December 11, 2009, Defendant told Palmieri how excited she was to see him.
18 The next day, she wrote "i hart u." (*Id.*)
- 19 • On May 20, 2010, Defendant and Palmieri expressed how much they missed each
20 other. That day Defendant also told Palmieri how excited she was to go on tour
21 because she would get to see him "all day!" (*Id.*)
- 22 • On October 2, 2010, Defendant sent Palmieri a message and told him that she loved
23 him, using a heart emoji. (*Id.*)
- 24 • On November 22, 2010, Defendant wrote a playful message to Palmieri telling him
25 that he is "super cute." (*Id.*)
- 26 • On November 29, 2010, Defendant told Palmieri that she missed him and asked:
27 "wanna fuck?" (*Id.*)

28

04/04/2018

04/04/2016

- 1 • On May 19, 2011, Defendant sent Palmieri a message and told him that she loved
2 him, again using a heart emoji. (*Id.*)
- 3 • On August 1, 2011, Defendant expressed her unhappiness with the band because of
4 money. Palmieri responded: “if you are not happy and want to stop being in CC
5 [Crystal Castles] please stop, i don’t want you to live an unhappy life.” (*Id.*)
- 6 • On September 1, 2011, Defendant wrote “miss u” to Palmieri. Palmieri wrote
7 back: “missin u baby.” (*Id.*)
- 8 • On October 1, 2011, Defendant told Palmieri that she would like to see him.
9 Palmieri responded: “whenever is good :) i miss you.” (*Id.*)
- 10 • On December 24-25, 2011, Defendant wrote Palmieri and said that she missed him
11 and regretted not being with him over the holidays. (*Id.*)
- 12 • On February 14, 2012, Plaintiff sent Palmieri a message for Valentine’s Day and
13 Palmieri responded: “u r sweet ;)” (*Id.*)
- 14 • On May 17, 2012, Defendant wrote to Palmieri: “i want us to buy a house together.
15 i love you so much.” (*Id.*)
- 16 • On May 17, 2012, Defendant wrote to Palmieri: “i don’t want to fuck anyone but
17 you ever again.” (*Id.*)
- 18 • On July 19, 2012, Defendant told Palmieri that she was proud of him and he
19 exchanged the compliment. Defendant told Plaintiff that he is “the best ever.”
20 Defendant responded: “i feel the same about u.” (*Id.*)
- 21 • On August 12, 2012, Palmieri told Defendant that she is “amazing” and they
22 arranged to see each other. (*Id.*)
- 23 • On September 7, 2012, Defendant repeated how proud she was of Palmieri and sent
24 him a heart emoji. (*Id.*)

25
26 These emails contradict Defendant’s allegations that Palmieri abused or mistreated her in
27 any way during the course of their relationship. In fact, based on these emails, it appears that
28

1 Defendant loved Palmieri, was proud of him and thought he was “amazing,” enjoyed having sex
2 with him, and wanted to buy a house together. These facts are completely inconsistent with
3 Defendant’s false and damaging allegations in her Statement.

4 Other emails between Defendant and Palmieri indicate her troubled mental state and drug
5 abuse during the course of her relationship with him. For example:

- 6 • On May 29, 2008, Defendant wrote to her friend “Dani” and stated: “i feel like
7 killing myself. . . . i don’t deserve to be with cla [Claudio] because a am a sorry
8 excuse for a human being” (Palmieri Decl. Ex. E.)
- 9 • On May 13, 2012, Defendant apologized to Palmieri regarding a fight they had.
10 She said: “i guess u gotta give me the freedom to lightly spas once a week,” and
11 then wrote: “wuv u.” (Palmieri Decl. Ex. C.)
- 12 • On July 17, 2012, Defendant told Palmieri: “i know I’m depressed and want to die.
13 i need drugs.” Palmieri responded by trying to calm her down. (*Id.*)

14
15 Plaintiffs have met the minimal evidentiary threshold to show, at this early stage of the
16 case, that the Defendant’s Statement is false and defamatory and that they have a “reasonable
17 probability” of prevailing on the merits. Additional discovery, including written discovery and
18 depositions, will further support Plaintiffs’ case. Moreover, as stated above, the ultimate burden
19 to prevail on the defense of falsity rests with Defendant. Though beyond the scope of the showing
20 necessary to defeat this motion, Plaintiffs have shown that Defendant will not be able to meet this
21 burden.

22 **4. Plaintiffs Have Produced Evidence That Defendant Acted With Actual**
23 **Malice**

24 If the plaintiff in a defamation action is a “public figure,” the plaintiff must also prove that
25 the defamatory statements were made with “actual malice.” (*Reader’s Digest Assn. v. Superior*
26 *Court*, 37 Cal. 3d 244, 253 (1984).) Actual malice can be proved with circumstantial evidence.
27 (*Id.* at 257.) To determine whether the publisher of a defamatory statement acted with actual
28

1 malice—recklessness or knowledge of falsity of the statement—the court may consider, inter alia,
2 whether the publisher had “anger and hostility toward the plaintiff.” (*Id.* at 257-58.)

3 Plaintiffs have ample evidence that Defendant acted with actual malice. Actual malice is
4 defined as “knowledge of falsity or reckless disregard as to truth or falsity.” (*Reader’s Digest*
5 *Ass’n*, 37 Cal. 3d at 252.) Here, Defendant made allegations about how Plaintiff treated her during
6 their relationship. If those allegations are false, as Plaintiff will prove, Defendant clearly knew
7 when they were false.⁵ (*See St. Amant v. Thompson*, 390 U.S. 727, 732 (1968) [actual malice may
8 be inferred where “a story is fabricated by the defendant”].)

9 **5. Defendant’s Statement Has Damaged Plaintiffs**

10 Because the Statement constitutes libel per se, Plaintiffs need not demonstrate special
11 damages—they are presumed. (*Barnes-Hind, Inc.*, 181 Cal. App. 3d at 356.) Nevertheless,
12 Plaintiffs have submitted evidence of the severe harm they have suffered as a result of Defendant’s
13 Statement. Defendant’s Statement has ruined Palmieri’s personal and professional life. (*Palmieri*
14 *Decl.* ¶ 22.) He is unable to go out in public without being harassed. (*Id.*) Crystal Castles is now
15 unable to perform or generate revenue because of the reputational damage caused by the
16 Statement. (*Id.*) Crystal Castles has missed out on hundreds of thousands of dollars in potential
17 bookings because venues do not want to host or be associated with Plaintiffs. (*Id.*) In fact,
18 practically nobody in the music industry wants to work with Plaintiffs at the moment because of
19 Defendant’s false allegations about Palmieri. (*Id.*) Plaintiffs easily meet the minimal standard for
20 the damages element of their defamation claim.⁶

21 ///

22 ///

23 ///

24 _____
25 ⁵ Additionally, Defendant has submitted evidence that Plaintiff began to accuse Plaintiff of mistreating her after she
26 began to date another man (and began to use cocaine) and had expressed a desire to “end the band.” Although these
27 facts are not necessary to demonstrate actual malice, they certainly contribute to such a finding.

28 ⁶ Defendant argues that the statute of limitations on Plaintiffs’ defamation claim has expired. (Mot. at 15:20-16:10.)
The Statement on which Plaintiffs’ defamation and false light claims are based was published on October 24, 2017.
The Complaint was filed on November 1, 2017, about a week later. The one-year statute of limitations had not
expired.

04/04/2018

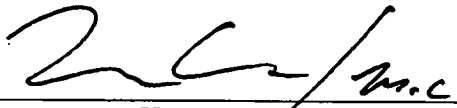
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CONCLUSION

For the reasons set forth above, Plaintiffs respectfully request that the Court deny Defendant Osborn's Special Motion to Strike Pursuant to C.C.P. § 225.16 in its entirety. Plaintiffs also request their attorney's fees and costs pursuant to C.C.P. § 425.16(c).

DATED: April 2, 2018

KING, HOLMES, PATERNO & SORIANO, LLP

By: 
HENRY D. GRADSTEIN
MATTHEW J. CAVE
Attorneys for Plaintiffs PALMIERI aka ETHAN KATH
and CRYSTAL CASTLES

04/04/2018

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ALLISON S. HART
HENRY L. SELF, III
OF COUNSEL

* ALSO ADMITTED IN NY
* ALSO ADMITTED IN NY AND NJ

December 26, 2014

CONFIDENTIAL LEGAL COMMUNICATION

NOT FOR PUBLICATION OR DISSEMINATION

VIA E-MAIL mirrored@gmail.com
& U.S. MAIL

Ms. Margaret Osborn
2131 Baxter Street
Los Angeles, California 90039-3914

Re: Claudio Palmieri v. Margaret Osborn (P/K/A Alice Glass)
Our File No. 5669-2

Dear Ms. Osborn:

This firm is litigation counsel to Claudio Palmieri (P/K/A Ethan Kath), your former bandmate in Crystal Castles. I am writing with respect to several absurdly false and outrageously slanderous statements that you have made to others about my client. Your actions constitute an egregious violation of Mr. Palmieri's legal rights for which we will not hesitate to hold you personally liable to the maximum extent under the law.

Specifically, among other lies you have told, I am informed that on multiple occasions you have made false claims that my client engaged in inappropriate sexual conduct with you and that he drugged you without your knowledge. This purportedly took place long before you began a six year romantic relationship with my client, which by itself undermines the claim. I also understand that you have falsely accused my client of other forms of abuse and control and even claimed that he stole money from you- *despite the fact that your own auditors have repeatedly told you otherwise*. I am further informed that you intend to make at least some of these bogus allegations public in connection with the release of your new album. Indeed, your recent postings on social media, including Twitter, seem to confirm your intent in this regard. See, e.g., <https://twitter.com/ALICEGLASS/status/547140858529595394> (wherein you state "75% of women who are killed by intimate partner violence are murdered after they leave or they are trying to leave. #whyshe didntleave.")

04/04/2018

To be clear, ALL of these claims and accusations are false, and you know it. My firm has already obtained overwhelming evidence including, without limitation, emails, witness statements, video and voice messages, that will prove your accusations are false. In fact, it seems quite obvious that the only reason you are making these claims now- *more than two years after ending a six-year consensual relationship with my client* - is to shamelessly attract attention to further your own musical career at the expense of my client's reputation and career. Your despicable conduct in this regard not only harms my client, but the countless REAL victims of sexual misconduct and abuse who are undermined when people like you make false charges for personal gain.

By communicating such blatantly defamatory fabrications of and concerning Mr. Palmieri, you have exposed yourself to significant liability for potentially millions of dollars in damages and other legal and equitable relief. Cal. Civ. Code §§ 44-45a; *see also Milkovich v. Lorain Journal Co.*, 497 U.S. 1, 110 S.Ct. 2695 (1990); *Weller v. American Broadcasting Co.*, 232 Cal.App.3d 991, 283 Cal.Rptr. 644 (1991); *Selleck v. Globe*, 166 Cal.App.3d 1123, 212 Cal.Rptr. 838 (1985); *Burnett v. National Enquirer, Inc.*, 144 Cal.App.3d 991, 193 Cal.Rptr. 206 (1983); *Giesler v. Petrocelli*, 616 F.2d 636 (2d Cir. 1980).

In addition, by your misconduct you have irreparably invaded Mr. Palmieri's privacy in a highly offensive manner by publicly portraying him in a false light. *See* Restatement (Second) of Torts § 652E; *Cantrell v. Forest City Publ. Co.*, 419 U.S. 245, 95 S.Ct. 465 (1974); *Varnish v. Best Medium Publ. Co.*, 405 F.2d 608 (2d Cir. 1968); *Martin v. Municipal Publ.*, 510 F.Supp. 255 (E.D. Pa. 1981); *Braun v. Flynt*, 726 F.2d 245 (5th Cir. 1984); *Maples v. National Enquirer*, 763 F.Supp. 1137 (N.D. Ga. 1990); *Peoples Bank and Trust Co. of Mountain Home v. Globe International, Inc.*, 786 F.Supp. 791 (W.D. Ark. 1992). This too subjects you to substantial liability and punitive damages.

Demand is, therefore, made that you and all of those acting in concert with you immediately cease communicating such lies about my client and forever desist from doing so again. We further demand that you immediately confirm in writing that you will adhere to this demand. Be assured that if you fail to comply, then we and our client will not hesitate to take any and all steps necessary to preserve the integrity of Mr. Palmieri's reputation and enforce his rights to the fullest extent possible under the law, including (without limitation) pursuing a civil action against you for compensatory and punitive damages, among other legal and equitable relief.

Govern yourself accordingly.

Margaret Osborn
Re: Claudio Palmieri v. Margaret Osborn
December 26, 2014
Page 3

Nothing contained herein is intended as, nor should it be deemed to constitute, a waiver or relinquishment of any of my client's rights or remedies, whether legal or equitable, all of which are hereby expressly reserved. This letter is a confidential legal communication and it is not intended for publication. Any publication, dissemination or broadcast of any portion of this letter will constitute a breach of such confidence and a violation of the Copyright Act.

Very truly yours,



MICHAEL E. WEINSTEN

Of

LAVELY & SINGER
PROFESSIONAL CORPORATION

cc: Mr. Claudio Palmieri
Henry L. Self III, Esq.

04/04/2018

04:04:2013

04/04/2018

EXHIBIT B

Some of you may be aware that I've opened up about my experiences with abuse in the past. I've been very guarded about the information I've given and I haven't publicly named names—because I've been afraid. I've been threatened and harassed and as a result, out of fear, I've been silenced.

The momentum that's been created recently by the many courageous women who have opened up about their own stories has inspired me to finally be more direct, at whatever cost. This is for my own recovery, for the other women who have been, are currently, or may be in a similar situation with the man who abused me for years, and for those in abusive relationships who are looking to stand up and speak out.

I met "Ethan Kath" (Claudio Palmieri) when I was in the 10th grade. The first time he took advantage of me was when I was around 15. He was 10 years older than me. I came to in the back of his car extremely intoxicated (from drinks he had given me that night). We didn't talk for months after that. He went to great lengths to find me again, stalking me and driving past my high school looking for me.

He tracked me down and showed up places I was hanging out and we eventually reconnected. I was very young and naive and in a compromised position in my life. I perceived him as a local rock star because I had seen his band, Kill Cheerleader, on TV. A lot of my friends from the punk scene had also been taken advantage of by much older men, so to me, it was a situation that had been normalized.

Claudio was very manipulative towards me. He figured out my insecurities and exploited them: he used the things he learned about me against me. Over a period of many months, he gave me drugs and alcohol and had sex with me in an abandoned room at an apartment he managed. It wasn't always consensual and he remained sober whenever we were together.

When I was 16 or 17 he gave me a CD of songs and asked me to write and sing over them. I took the songs home and wrote lyrics and melodies and we recorded the tracks I liked. But even with music, he created a toxic environment that I often felt I had to go along with. While recording our first EP, the recording engineer sexually harassed me while we were in the studio. Claudio laughed at me and pressured me to go along with it. He called our first single "Alice Practice" and said my vocals were a mic test. He concocted that story and told press it was an "accidental" recording, intentionally diminishing my role in its creation. It was another way of putting me down and preying on my insecurities.

Soon after, we were invited to tour the UK. I was overwhelmed by how quickly things were happening for us, and Claudio convinced me to drop out of high school only 2 credits away from graduation. As we started to gain attention, he began abusively and systematically targeting my insecurities and controlling my behavior: my eating habits, who I could talk to, where I could go, what I could say in public, what I was allowed to wear. He kept me from doing interviews or photoshoots unless he was in

control of the situation. Our fame grew in Crystal Castles but he didn't feel he was getting the recognition he thought he deserved.

He became physically abusive. He held me over a staircase and threatened to throw me down it. He picked me up over his shoulders and threw me onto concrete. He took pictures of my bruises and posted them online. I tried to leave, and he swore that it would never happen again, that he would never physically abuse me again. More severe psychological and emotional abuse took its place.

He controlled everything I did. I wasn't allowed to have my own phone or my own credit card, he decided who my friends were, read through my private emails, restricted my access to social media, regulated everything I ate. He berated me and yelled at me, telling me that I was a joke, that all the people that came to our shows were only interested in his instrumentals and that I was ruining the band. He broke glass shower doors to frighten me, he locked me into rooms. He told me that my feminism made me a target for rapists and only he could protect me. He forced me to have sex with him or, he said, I wouldn't be allowed to be in the band anymore.

I was miserable and my lyrics indirectly spoke to the pain and oppression that I was enduring. But as is sometimes the case in abusive relationships, his cruelty was often followed by kindness. He was very good at keeping his terrible treatment of me private. He was charming sometimes, he was hyper protective and most of all I loved the band we had together. But he often told me how replaceable I was. He'd even tell me that he was actively looking for someone to replace me. He kept me insecure and on edge, and then would tell me that he was the only one in the world that believed in me. He told me it was us against everyone, because everyone else thought I was a loser, a joke, a talentless dancing clown. I believed him. I was suicidal for years.

Leaving Crystal Castles was the single most difficult decision I've ever made—that band was everything to me. My music, my performances and my fans were all I had in the world. I gave that up and started over not because I wanted to but because I had to. As difficult as it was, I knew that leaving was one of the best decisions I've ever made. It has taken me years to recover from enduring almost a decade of abuse, manipulation and psychological control. I am still recovering.

04/04/2018

04/04/2018

EXHIBIT C

04/04/2018

EXHIBIT C

Wed, Dec 9, 2009 at 11:49 AM

a glass <[redacted]>
To: Crystal Castles <[redacted]>

Reply | Reply to all | Forward | Print | Delete | Show original

<http://toronto.en.craigslist.ca/tor/apa/1502219329.html>

would should just rent then when we know we don't need it we get someone to take over the lease

Reply | Reply to all | Forward | Print | Delete | Show original

Wed, Dec 9, 2009 at 11:51 AM

Crystal Castles <[redacted]>
To: a glass <[redacted]>

Reply | Reply to all | Forward | Print | Delete | Show original

easy to have someone take over when its cheap (\$800 - \$1000).. not so easy when its a great condo since people are poor

- Show quoted text -

Wed, Dec 9, 2009 at 12:55 PM

a glass <[redacted]>
To: Crystal Castles <[redacted]>

Reply | Reply to all | Forward | Print | Delete | Show original

lets split this one then

- Show quoted text -

Wed, Dec 9, 2009 at 1:04 PM

Crystal Castles <[redacted]>
To: a glass <[redacted]>

Reply | Reply to all | Forward | Print | Delete | Show original

how have you forgotten we agreed it would be best to have our own places

- Show quoted text -

Wed, Dec 9, 2009 at 1:06 PM

a glass <[redacted]>
To: Crystal Castles <[redacted]>

Reply | Reply to all | Forward | Print | Delete | Show original

yeah i forgot im an idiot

- Show quoted text -

Wed, Dec 9, 2009 at 1:08 PM

Crystal Castles <[redacted]>
To: a glass <[redacted]>

Reply | Reply to all | Forward | Print | Delete | Show original

your not an idiot youre just looking at huge places

- Show quoted text -

a glass <[redacted]>
To: Crystal Castles <[redacted]>
[Reply](#) | [Reply to all](#) | [Forward](#) | [Print](#) | [Delete](#) | [Show original](#)

Thu, Dec 10, 2009 at 9:15 PM

how you doin?

- Show quoted text -

Crystal Castles <[redacted]>
To: a glass <[redacted]>
[Reply](#) | [Reply to all](#) | [Forward](#) | [Print](#) | [Delete](#) | [Show original](#)

Thu, Dec 10, 2009 at 10:54 PM

i feel fine when i'm drinking tea. i feel sick when i'm not drinking
tea. going to sleep now xx

- Show quoted text -

a glass <[redacted]>
To: Crystal Castles <[redacted]>
[Reply](#) | [Reply to all](#) | [Forward](#) | [Print](#) | [Delete](#) | [Show original](#)

Thu, Dec 10, 2009 at 11:14 PM

kiss

- Show quoted text -

...

[Message clipped] [View entire message](#)

Crystal Castles <[redacted]>
To: a glass <[redacted]>
[Reply](#) | [Reply to all](#) | [Forward](#) | [Print](#) | [Delete](#) | [Show original](#)

Fri, Dec 11, 2009 at 2:09 PM

a = your cute ass

- Show quoted text -

- Show quoted text -

a glass <[redacted]>
To: Crystal Castles <[redacted]>
[Reply](#) | [Reply to all](#) | [Forward](#) | [Print](#) | [Delete](#) | [Show original](#)

Fri, Dec 11, 2009 at 2:10 PM

b exited to see me

- Show quoted text -

...

[Message clipped] [View entire message](#)

Crystal Castles <[redacted]>
To: a glass <[redacted]>
[Reply](#) | [Reply to all](#) | [Forward](#) | [Print](#) | [Delete](#) | [Show original](#)

Fri, Dec 11, 2009 at 2:11 PM

excited to see your butt

- Show quoted text -

04/04/2018

Fri, Dec 11, 2009 at 11:37 PM

a glass <[redacted]>
To: Crystal Castles <[redacted]>

[Reply](#) | [Reply to all](#) | [Forward](#) | [Print](#) | [Delete](#) | [Show original](#)

wish you did come by
xxx

[- Show quoted text -](#)

[Message clipped] [View entire message](#)

Fri, Dec 11, 2009 at 11:37 PM

☆ a glass <[REDACTED]>

Sat, Dec 12, 2009 at 12:00 AM

To: Crystal Castles <[REDACTED]>

[Reply](#) | [Reply to all](#) | [Forward](#) | [Print](#) | [Delete](#) | [Show original](#)

i
hart
u

- Show quoted text -

you o k Inbox

★ Crystal Castles <[redacted]>

Tue, Mar 30, 2010 at 8:56 PM

To: a glass <[redacted]>

[Reply](#) | [Reply to all](#) | [Forward](#) | [Print](#) | [Delete](#) | [Show original](#)

:D ;D

★ a glass <[redacted]>

Tue, Mar 30, 2010 at 9:01 PM

To: Crystal Castles <[redacted]>

[Reply](#) | [Reply to all](#) | [Forward](#) | [Print](#) | [Delete](#) | [Show original](#)

i k k
redaing line up sucks
there are only 4 girls on the entire line up (akiko included)
who are billy clyfo anyways?
miss u its sad im looking forward to tours now

On Tue, Mar 30, 2010 at 11:56 PM, Crystal Castles <[redacted]> wrote:

:D ;D

★ Crystal Castles <[redacted]>

Tue, Mar 30, 2010 at 9:03 PM

To: a glass <[redacted]>

[Reply](#) | [Reply to all](#) | [Forward](#) | [Print](#) | [Delete](#) | [Show original](#)

i cant bring myself to look at the line-up...dont know billy clyfo, i
know billy crystal...why lookin forward to tours?

- Show quoted text -

★ a glass <[redacted]>

Tue, Mar 30, 2010 at 9:06 PM

To: Crystal Castles <[redacted]>

[Reply](#) | [Reply to all](#) | [Forward](#) | [Print](#) | [Delete](#) | [Show original](#)

cause i get to seet you all day!!

- Show quoted text -

Wed, Mar 31, 2010 at 12:15 AM

☆ a glass [redacted]
To: Crystal Castles [redacted]

[Reply](#) | [Reply to all](#) | [Forward](#) | [Print](#) | [Delete](#) | [Show original](#)

will u buy me a pony?

yeah they buuuuum
extra strength
miss u
im hugging a pillow

- Show quoted text -

Wed, Mar 31, 2010 at 12:25 AM

☆ Crystal Castles [redacted]
To: a glass [redacted]

[Reply](#) | [Reply to all](#) | [Forward](#) | [Print](#) | [Delete](#) | [Show original](#)

gonna buy you 20 ponies and then paint them and style them like 80s My Little Ponies

missyou

- Show quoted text -

Wed, Mar 31, 2010 at 12:33 AM

☆ a glass [redacted]
To: Crystal Castles [redacted]

[Reply](#) | [Reply to all](#) | [Forward](#) | [Print](#) | [Delete](#) | [Show original](#)



gooooo nyte 🌙🌙🌙🌙🌙
hugs*

- Show quoted text -

(no subject) [Inbox](#)

★ [a glass](#) <[redacted]>

Sun, May 9, 2010 at 10:35 PM

To: Crystal Castles <[redacted]>

[Reply](#) | [Reply to all](#) | [Forward](#) | [Print](#) | [Delete](#) | [Show original](#)

hi bb

was wondering if i could your roomys number as im lacking
miss you hope you had a nice day :)

★ [Crystal Castles](#) <[redacted]>

Sun, May 9, 2010 at 11:50 PM

To: a glass <[redacted]>

[Reply](#) | [Reply to all](#) | [Forward](#) | [Print](#) | [Delete](#) | [Show original](#)

dont have the #

we leave for london on sunday may 16

we may have 18 or 19 days off in july, wanna return to toronto?

between these shows:

july 11 play serbia

july 21 play sweden

misss you

[- Show quoted text -](#)

Quick Reply

04/04/2010

★ a glass <[redacted]>

Mon, May 10, 2010 at 9:10 PM

To: Crystal Castles <[redacted]>

[Reply](#) | [Reply to all](#) | [Forward](#) | [Print](#) | [Delete](#) | [Show original](#)

i do
miss u
i do

- [Show quoted text](#) -

★ Crystal Castles <[redacted]>

Tue, May 11, 2010 at 8:06 AM

To: a glass <[redacted]>

[Reply](#) | [Reply to all](#) | [Forward](#) | [Print](#) | [Delete](#) | [Show original](#)

ditto 🍷

- [Show quoted text](#) -

★ [Crystal Castles](#) <[redacted]>

Sat, Oct 2, 2010 at 2:42 PM

To: a glass <[redacted]>

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we're creating a nice mess of footage i shot (remember i held one of the cameras, the angles are way better than rob's camera)

- Show quoted text -

★ [a glass](#) <[redacted]>

Sat, Oct 2, 2010 at 2:45 PM

To: [Crystal Castles](#) <[redacted]>

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thats good!
no tacos then?

- Show quoted text -

★ [Crystal Castles](#) <[redacted]>

Sat, Oct 2, 2010 at 2:47 PM

To: a glass <[redacted]>

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no time for food

- Show quoted text -

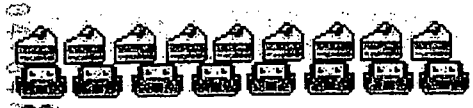
★ [a glass](#) <[redacted]>

Sat, Oct 2, 2010 at 2:49 PM

To: [Crystal Castles](#) <[redacted]>

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:(poor baby
plz eatz



♥ u

- Show quoted text -

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★ Crystal Castles <[redacted]>

Sat, Oct 2, 2010 at 5:20 PM

To: a glass <[redacted]>

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i dont know, its a mess, theres good close ups of you and thats it.
would be easiest to set up in the jam space and film it again, at
least there would be a background, i gotta focus on this now, turning
off comp

[- Show quoted text -](#)

★ Crystal Castles <[redacted]>

Sat, Oct 2, 2010 at 7:01 PM

To: a glass <[redacted]>

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i think its almost done, i'm really tired, chain smoking has me feelin
a bit sick, are you super hungry

On Sat, Oct 2, 2010 at 8:20 PM, Crystal Castles

[- Show quoted text -](#)

★ a glass <[redacted]>

Sat, Oct 2, 2010 at 7:06 PM

To: Crystal Castles <[redacted]>

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i could eat.. you!
umm why are you chain smoking?

[- Show quoted text -](#)

Quick Reply

(no subject) Inbox

Mon, Nov 29, 2010 at 9:14 PM

★ a glass <[redacted]>

To: Crystal Castles <[redacted]>

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miss you baby

link to stuff: https://www.sephora.com/checkout/cart.jhtml?_DARGS=/checkout/cart.jhtml.2

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To: a glass <[redacted]>

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(no subject) - [Inbox](#)

★ [a glass](#) <[redacted]>

Mon, Nov 29, 2010 at 10:26 PM

To: [Crystal Castles](#) <[redacted]>

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hey do you wanna meet tomorrow and go to taco bell and seduction?

★ [Crystal Castles](#) <[redacted]>

Mon, Nov 29, 2010 at 11:06 PM

To: [a glass](#) <[redacted]>

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hi

i cant meet in the afternoon, i can meet at 7 or 8pm, we can go then

[- Show quoted text -](#)

★ [a glass](#) <[redacted]>

Mon, Nov 29, 2010 at 11:31 PM

To: [Crystal Castles](#) <[redacted]>

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thats fine i think there both open late
wanna fuck? miss u r ..

[- Show quoted text -](#)

(no subject) [Inbox](#)

Thu, May 19, 2011 at 11:52 PM

☆ a glass [redacted]
To: Crystal Castles <[redacted]>

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Quick Reply

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To: a glass [redacted]

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04/04/2018

Mon, Aug 1, 2011 at 10:07 AM

★ a glass [REDACTED]

To: "James Sandom (Supervision)" [REDACTED] <[REDACTED]>, Crystal Castles <[REDACTED]>

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i quit the band unless i get a crystal castles credit card by the end of the week.
im not joking im sick of this shit

Mon, Aug 1, 2011 at 10:16 AM

★ Crystal Castles [REDACTED]

To: a glass [REDACTED]

Cc: "James Sandom (Supervision)" [REDACTED]

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-i left you alone to get your PDs from div and to give YOUR extra luggage to fab to take to toronto, chill out

--you approved the Chile show for 50k, they gave you the 50k, therefore you are "slavedriving" yourself

-if you are not happy and want to stop being in CC please stop, i dont want you to live an unhappy life

- Show quoted text -

04/04/2018

☆ **a glass** <[REDACTED]> Thu, Sep 1, 2011 at 6:32 PM
To: **Crystal Castles** <[REDACTED]>
[Reply](#) | [Reply to all](#) | [Forward](#) | [Print](#) | [Delete](#) | [Show original](#)
miss u

☆ **Crystal Castles** <[REDACTED]> Fri, Sep 2, 2011 at 12:16 AM
To: **a glass** <[REDACTED]>
[Reply](#) | [Reply to all](#) | [Forward](#) | [Print](#) | [Delete](#) | [Show original](#)
missin u baby
On 9/1/11, a glass <[REDACTED]> wrote:
> miss u.
>

04/04/2018

☆ Crystal Castles [redacted] Sat, Oct 1, 2011 at 3:54 PM
To: a glass [redacted]
[Reply](#) | [Reply to all](#) | [Forward](#) | [Print](#) | [Delete](#) | [Show original](#)
i'd like to see you tell me a good time to dr0p by
[- Show quoted text -](#)

☆ a glass [redacted] Sat, Oct 1, 2011 at 4:03 PM
To: Crystal Castles [redacted]
[Reply](#) | [Reply to all](#) | [Forward](#) | [Print](#) | [Delete](#) | [Show original](#)
whenever is good :)
i miss you
[- Show quoted text -](#)

(no subject) [Inbox](#)

Sat, Dec 24, 2011 at 9:51 PM

☆ [a glass](#) <[redacted]>
To: Crystal Castles <[redacted]>

[Reply](#) | [Reply to all](#) | [Forward](#) | [Print](#) | [Delete](#) | [Show original](#)

Miss u
[redacted] i think :)

Sun, Dec 25, 2011 at 11:31 AM

☆ [Crystal Castles](#) <[redacted]>
To: [a glass](#) <[redacted]>

[Reply](#) | [Reply to all](#) | [Forward](#) | [Print](#) | [Delete](#) | [Show original](#)

miss you girl, merry christmas
XX
- [Show quoted text](#) -

Sun, Dec 25, 2011 at 2:26 PM

☆ [a glass](#) <[redacted]>
To: Crystal Castles <[redacted]>

[Reply](#) | [Reply to all](#) | [Forward](#) | [Print](#) | [Delete](#) | [Show original](#)

Miss u too mc
Wish i was with you i made such a mistake coming here
Call me if u can
- [Show quoted text](#) -

[Quick Reply](#)

04/04/2018

Tue, Feb 7, 2012 at 12:44 AM

★ a.glass <[REDACTED]>

To: Crystal Castles <[REDACTED]>

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i hate how they're not used to any blogs not liking them so lame and unfair because they suck. should we twitter #teamcales just to show people we hate them?

miss u :(

- Show quoted text -

To: a glass

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happyvalentinesday babybird

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tumblr_1g9ot6TaH11qzeywho1_500.jpg
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tumblr_lzdvzuiJw1qlaw3ho1_250.gif
18K [View](#) [Scan and download](#)



tumblr_lzdyjsqMDW1r81kteo1_500.jpg
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To: Crystal Castles

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u r sweet :)

2012/2/14 Crystal Castles
| happyvalentinesday babybird

More Actions... ▼

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★ a glass <[redacted]>
To: Crystal Castles <[redacted]>

Thu, May 17, 2012 at 12:13 AM

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i want us to buy a house together
i love you so much

Quick Reply

To: a glass <[redacted]>

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More Actions... ▼

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★ a glass <[redacted]>

Thu, May 17, 2012 at 2:08 AM

To: Crystal Castles <[redacted]>

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i don't want to fuck anyone but you ever again

Quick Reply

To: a glass <[redacted]>

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★ a glass <[redacted]> Tue, Jul 17, 2012 at 10:35 AM
To: Crystal Castles <[redacted]>
Reply | Reply to all | Forward | Print | Delete | Show original

i know I'm depressed and want to die
i need drugs

- Show quoted text -

★ Crystal Castles <[redacted]> Tue, Jul 17, 2012 at 10:52 AM
To: a glass <[redacted]>
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can u please not take this poster so seriously, obviously someone's
taken a shot at us but we will survive and sb will not

- Show quoted text -

--
(o♥_♥o)

★ a glass <[redacted]> Tue, Jul 17, 2012 at 10:54 AM
To: Crystal Castles <[redacted]>
Reply | Reply to all | Forward | Print | Delete | Show original

its not just that. there are forces trying to fuck with us.
and james is part of it

- Show quoted text -

★ Crystal Castles <[redacted]> Tue, Jul 17, 2012 at 10:56 AM
To: a glass <[redacted]>
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i dont think he's tryin to fuck us, i think he has attention issues
which explains why he's constantly misunderstanding everything

(o♥_♥o)

- Show quoted text -

a glass [redacted] Thu, Jul 19, 2012 at 11:16 AM
To: Crystal Castles [redacted]
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ok cool that makes sense
not sure if this sadie chick can help me out , might need old dude for back up

:) plague is great I'm sooo proud of you

- Show quoted text -

Crystal Castles [redacted] Thu, Jul 19, 2012 at 11:18 AM
To: a glass [redacted]
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thats really sweet of u
proud of u boo

i'll try to get old guy's info but i dont want you going, thats weird
being in traffic for an hour for no reason

- Show quoted text -

-

(o♥_♥o)

a glass [redacted] Thu, Jul 19, 2012 at 11:20 AM
To: Crystal Castles [redacted]
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there is a reason!!!!!!11

ur the best ever
like if new order only had amazing songs, ur still better
if kurt was perfect and didn't do lame covers and said fuck off to courtney and dave to shut up , ur still better

- Show quoted text -

Crystal Castles [redacted] Thu, Jul 19, 2012 at 11:23 AM
To: a glass [redacted]
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i dont want you in a car for 1 hour when chris can do the job. its a dealbreaker for me

your being too sweet, i feel the same about u

☆ Crystal Castles

Sun, Jul 22, 2012 at 1:50 PM

To: a glass

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all cool?

- Show quoted text -

-

(o♥_♥o)

☆ a glass

Sun, Jul 22, 2012 at 1:56 PM

To: Crystal Castles

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yeah

u?

send me joes messages

- Show quoted text -

- Show quoted text -

☆ Crystal Castles

Sun, Jul 22, 2012 at 1:59 PM

To: a glass

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too busy! will be there within the hour

- Show quoted text -

- Show quoted text -

-

(o♥_♥o)

☆ a glass

Sun, Jul 22, 2012 at 2:00 PM

To: Crystal Castles

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luv u

- Show quoted text -

Quick Reply

To: a glass

[More Reply Options](#)

04/04/2018

★ Crystal Castles <[redacted]> Sun, Aug 12, 2012 at 10:47 AM
 To: a glass <[redacted]>
 Reply | Reply to all | Forward | Print | Delete | Show original

you're amazing
 - Show quoted text -
 -
 (o♥_♥o)

★ a glass <[redacted]> Sun, Aug 12, 2012 at 10:48 AM
 To: Crystal Castles <[redacted]>
 Reply | Reply to all | Forward | Print | Delete | Show original

u r
 anyone could do that!
 want me to visit?
 - Show quoted text -

★ Crystal Castles <[redacted]> Sun, Aug 12, 2012 at 11:22 AM
 To: a glass <[redacted]>
 Reply | Reply to all | Forward | Print | Delete | Show original

i should visit you this place is a mess
 (o♥_♥o)
 - Show quoted text -

★ a glass <[redacted]> Sun, Aug 12, 2012 at 11:24 AM
 To: Crystal Castles <[redacted]>
 Reply | Reply to all | Forward | Print | Delete | Show original

ok come on ova
 - Show quoted text -

Quick Reply

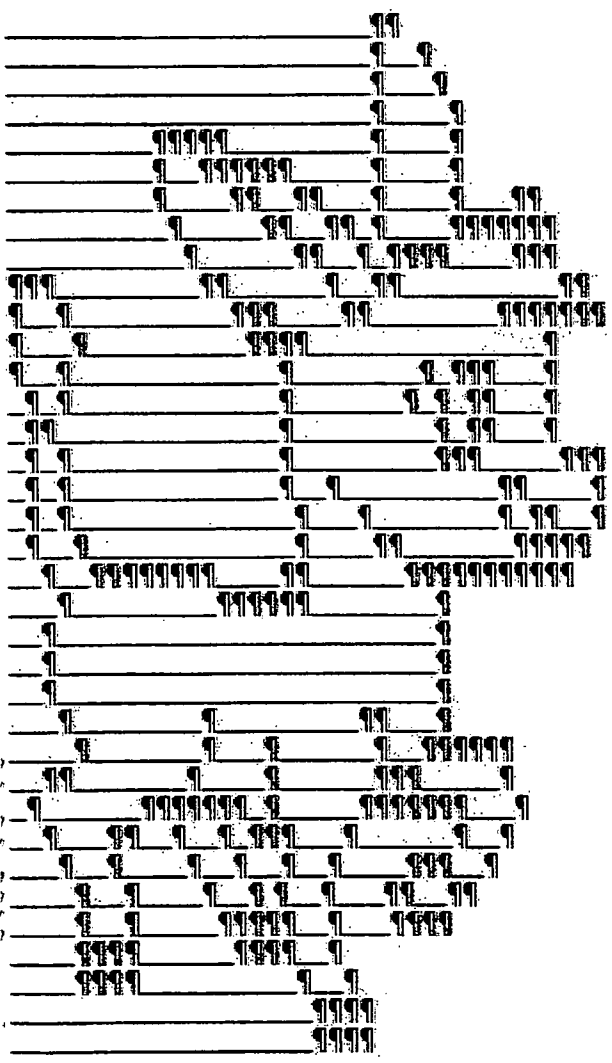
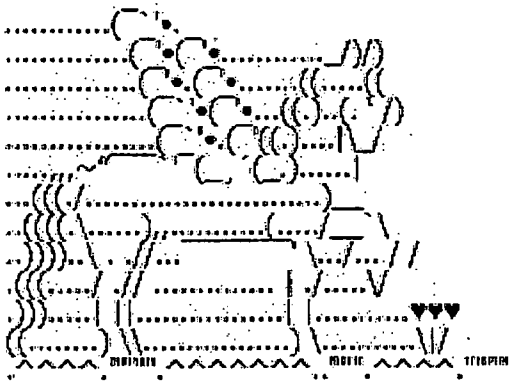
(no subject) [Inbox](#)

Mon, Aug 13, 2012 at 12:21 PM

To: a glass [redacted]
Crystal Castles [redacted]

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I'm sorry that we fought, i don't even know what that was about.. i guess u gotta give me the freedom to lightly spas once a week :(
WUV U



04/07/2012

Quick Reply

To: a glass [redacted]

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(no subject) [Inbox](#)

Sat, Sep 6, 2008 at 7:01 PM

★ a glass <[REDACTED]>

To: Crystal Castles <[REDACTED]>

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hey baby miss your cock like crazy
can't wait to be with you at carcass,
see you on sunday ;)

ps. this thing sounds awesome(in a nerdy way)<http://toronto.en.craigslist.ca/tor/msg/830141555.html>

Quick Reply

To: a glass <[REDACTED]>

[More Reply Options](#)

Include quoted text with reply

(no subject) [Inbox](#)

From: a glass <[REDACTED]>

Fri, Sep 7, 2012 at 4:55 PM

To: Crystal Castles <[REDACTED]>

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hey :) hope is going good.
so proud of u



04/04/2013

04/04/2018

EXHIBIT D

04/04/2018

04042010

EXHIBIT E

04/04/2018

EXHIBIT E


MySpace - Windows Internet Explorer

http://messaging.myspace.com/index.cfm?user=mail_readmessage&userID=1091609&type=SendMessageID=406167831&ad=TrustMyToken&fbid454-9771-4654-61

Google

MySpace

Read Mail

To:  Dani

Date: May 29, 2008 12:11 PM [Flag as Spam or Report Abuse \(?\)](#)

Subject: RE: fuck

Body:

I love my kids, I worry about their health, and I care about the environment.

I'm a ChildSafe

Dear dani
 i feel like killing myself
 i have nothing left
 i have no personality no boy no money
 im so fucking stupid
 i don't want to be with anyone else and i think im going to move somewhere and never speak to anyone again.
 i think understand myself but i don't.
 i thought i felt like more of myself recently
 when i met that nme guy its weird he reminded me of my 15 year old self i know that sounds stupid, but i felt better hanging out with him. i mean that in a totaly unromantic way. he's not cute at all...
 but its weird he reminded me of who i thought i was
 a cynical bastrad. i guess i miss you and betty and the way wed rag on everyone. i don't deserve to be with da because a am a sorry excuse for a human being and im sorry if ive ever been a cunt to you in the past. i probably don't deserve to be your friend either.
 i am such a fucking failure

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- Online New!**
- Matthew...** Send Message
- Online New!**
- THE FAN...** Send Message
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- SKELETON...** Send Message
- Online New!**
- Sousak...** Send Message
- Online New!**

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start | may 29, Note... | Unfiled - Note... | guesdtttt... | PHONE... | band owes \$10... | AAAAAAAAAA... | Adobe Photoshop | 10:56 PM

EXHIBIT F

04/04/2016

EXHIBIT F



Alice Glass

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Alice Glass

October 5, 2014 · 6

I am leaving Crystal Castles.
 My art and my self-expression in any form has always been an attempt towards sincerity, honesty, and empathy for others.
 For a multitude of reasons both professional and personal I no longer feel that this is possible within CC.
 Although this is the end of the band, I hope my fans will embrace me as a solo artist in the same way they have embraced Crystal Castles.

Like Comment Share

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