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DANIEL ELFMAN and MUSICA DE LA
8 MUERTE, INC.

9
10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF LOS ANGELES

12 JANE DOE XX,
13 Plaintiff,
14 vs.
15 DANIEL ELFMAN, an individual; MUSICA
DE LA MUERTE, INC. f/k/a LITTLE
16 MAESTRO MUSIC LIMITED, INC., a
California corporation; and DOES 1–20,
17 Defendants.

CASE NO. 23SMCV05013
ASSIGNED FOR ALL PURPOSES TO THE
HON. LISA K SEPE-WIESENFELD, DEPT. N
ANSWER TO UNVERIFIED COMPLAINT
ACTION FILED: October 23, 2023
TRIAL DATE: TBD

1 Defendants Daniel Elfman (“Mr. Elfman”) and Musica De La Muerte, Inc. (the “Company,”
2 and collectively with Mr. Elfman, “Defendants”) hereby answer the unverified Complaint
3 (“Complaint”) of Plaintiff Jane Doe XX (“Plaintiff”) as follows:

4 **PRELIMINARY STATEMENT**

5 1. Plaintiff’s allegations are false. Mr. Elfman did not engage in any wrongful conduct
6 toward Plaintiff. He committed no sexual abuse, made no inappropriate advances, and never
7 inappropriately touched her. Plaintiff’s story that Mr. Elfman secretly masturbated in Plaintiff’s
8 presence while she was asleep, and then decided on a whim years later to tell her that he had done
9 so, is false. He never masturbated in her presence and never told her he did. Not only is Plaintiff’s
10 Complaint palpably false, but the purported legal claims stated therein are patently meritless.
11 Indeed, the conduct alleged in the Complaint – even if it were true, which it is not – would not
12 constitute a sexual assault. The Complaint fails to state any valid claim against Defendants as a
13 matter of law.

14 2. This action was maliciously filed by Plaintiff and her attorneys, without any valid
15 basis in fact or law, for the improper purpose of embarrassing Mr. Elfman and extorting settlement
16 money. Recognizing that her absurd allegations would carry no weight in a court of law, Plaintiff
17 and her attorneys chose to embark on a disinformation campaign, providing her dishonest Complaint
18 to the media days before it was filed with the Court or became publicly available on the Court’s
19 docket. By publicizing her allegations and using provocative, but untrue, buzzwords throughout her
20 pleading, Plaintiff all but guaranteed widespread, salacious press coverage that was certain to
21 damage Mr. Elfman, notwithstanding the meritless nature of her claims.

22 **GENERAL DENIAL**

23 3. Pursuant to California Code of Civil Procedure § 431.30(d), Defendants generally
24 deny each and every allegation of the Complaint and further deny that Plaintiffs are entitled to the
25 relief sought in the Complaint or to any relief whatsoever. Defendants further deny that Plaintiff
26 suffered damages as a result of any alleged wrongful conduct by either of the Defendants, and
27 further generally and specifically deny that Plaintiff is entitled to any remedy or relief, legal,
28 equitable, or otherwise, in any sum whatsoever, as against Defendants. Without undertaking any

1 obligation to exceed the requirements of Section 431.30(d), Defendants note below certain specific
2 denials of particularly egregious allegations in the Complaint.

3 4. Defendants specifically deny the salacious and absurd allegations in the Complaint
4 that Mr. Elfman “groomed” and sexually abused Plaintiff. Plaintiff’s Complaint specifically states
5 that she was an adult at the time of the conduct alleged. Nor does the Complaint allege a single
6 instance of Mr. Elfman touching Plaintiff in an unlawful or inappropriate manner, because he never
7 did so. The Complaint fails to allege conduct that constitutes a sexual assault, and no sexual assault
8 ever occurred.

9 5. Defendants specifically deny the allegations in the Complaint that there was ever a
10 “coverup” by either of the Defendants of any sexual assaults against any other persons. Plaintiff
11 fails to state any factual basis for such allegations, which are made up out of whole cloth.

12 6. Defendants specifically deny that Plaintiff was ever a “consultant” or “protégé” of
13 Mr. Elfman. Based on Mr. Elfman’s limited acquaintance with Plaintiff, she had no expertise in
14 music and Mr. Elfman never asked Plaintiff to serve as a “consultant.”

15 7. Defendants specifically deny that Mr. Elfman ever engaged in any inappropriate
16 conduct with non-party Nomi Abadi, as alleged in the Complaint. Ms. Abadi’s allegations, like
17 Plaintiff’s allegations, are baseless.

18 **AFFIRMATIVE DEFENSES**

19 8. Defendants set forth below their affirmative defenses. Each defense is asserted as to
20 all causes of action alleged in the Complaint. By setting forth these affirmative defenses,
21 Defendants do not assume the burden of proving any fact, issue, or element of a cause of action
22 where such burden properly belongs to Plaintiffs. Moreover, nothing stated herein is intended or
23 shall be construed as an acknowledgment that any particular issue or subject matter necessarily is
24 relevant to Plaintiffs’ allegations.

25 **FIRST AFFIRMATIVE DEFENSE**

26 **(Failure to State a Cause of Action)**

27 9. The Complaint fails to state facts sufficient to constitute a cause of action as against
28 Defendants. Plaintiff has not alleged any actionable conduct, because none occurred. Plaintiff has

1 not alleged and cannot prove that any improper touching occurred, and her claims for sexual assault
2 fail as a matter of law, as do all of her other claims, which are dependent thereon.

3 10. Plaintiff's claim for sexual assault fails, because she fails to allege and cannot prove a
4 sexual assault.

5 11. Plaintiff's claim for "gender violence" fails because it is contingent on Plaintiff's
6 failed claim for sexual assault and because Plaintiff has failed to allege and cannot prove any
7 "gender violence."

8 12. Plaintiff's claim for intentional infliction of emotional distress fails because it is
9 contingent on Plaintiff's failed claim for sexual assault, and because Plaintiff fails to allege and
10 cannot prove any extreme or outrageous conduct by either of the Defendants.

11 13. Plaintiff's claim for sexual harassment fails because it is contingent on her failed
12 claim for sexual assault; because she has not alleged and cannot prove any business or professional
13 relationship; and because she has not alleged and cannot prove any actionable conduct.

14 14. Plaintiff's claim for negligence fails because it is contingent on her failed claim for
15 sexual assault and because she has not alleged and cannot prove any negligent or other actionable
16 conduct.

17 **SECOND AFFIRMATIVE DEFENSE**

18 **(Statute of Limitations)**

19 15. The Complaint is barred by the applicable statutes of limitations, including, without
20 limitation, Code of Civil Procedure §§ 340.16; 340(3); 335.1; and Government Code § 12960. The
21 Complaint is based on conduct alleged to have occurred more than twenty years ago.

22 **THIRD AFFIRMATIVE DEFENSE**

23 **(Unclean Hands)**

24 16. The Complaint is barred by the doctrine of unclean hands, as a result of Plaintiff's
25 inequitable and wrongful actions, including without limitation her deceptive conduct and invention
26 of a claim for sexual "assault" where none ever occurred.

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4. For such other and further relief as the Court may deem just and proper.

DATED: November 6, 2023

Respectfully submitted,

BROWN RUDNICK LLP

By: Camille M. Vasquez
CAMILLE M. VASQUEZ
Attorneys for Defendants DANIEL ELFMAN and
MUSICA DE LA MUERTE, INC.

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PROOF OF SERVICE

STATE OF CALIFORNIA,

COUNTY OF ORANGE

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Orange, State of California. My business address is 2211 Michelson Drive, Seventh Floor, Irvine, CA 92612.

On November 6, 2023, I served true copies of the following document(s) described as **ANSWER TO UNVERIFIED COMPLAINT** on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY ELECTRONIC TRANSMISSION: I caused a copy of the document(s) to be sent from through One Legal's e-service system to the persons at the e-mail addresses listed in the Service List.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on November 6, 2023, at Fullerton, California.


CASEY SODA

SERVICE LIST
JANE DOE XX V. DANIEL ELFMAN, ET AL.
CASE NO. 23SMCV05013

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