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6 **UNITED STATES DISTRICT COURT**
 7 **DISTRICT OF ARIZONA**

8 JENNA MASSOLI p/k/a JENNA JAMESON,
 9 Plaintiff,

CV 05-0854 PHX EHC

10 v.

**RESPONSE TO DEFENDANT/
 COUNTERCLAIMANT REGAN
 MEDIA'S MOTION TO COMPEL**

11 "REGAN MEDIA," JUDITH REGAN, as an
 12 individual,

13 Defendant.

*(Assigned to the Honorable
 Earl H. Carroll)*

14 REGAN MEDIA, INC., a New York
 corporation, and JUDITH REGAN, an
 15 individual,

16 Defendants/Counterclaimants,

17 v.

18 JENNA MASSOLI, p/k/a JENNA JAMESON,
 an individual,

19 Plaintiff/Counterdefendant,

20 and

21 JAY GRDINA, an individual,

22 Third-Party Counterdefendant,

23 and

24 DOLCE AMORE, INC., a Colorado
 25 corporation,

26 Counterdefendant.

1 Plaintiff/counterdefendants Jenna Massoli, pka Jenna Jameson, John G. "Jay" Grdina
2 and Dolce Amore, Inc. (collectively, "Plaintiffs") by and through their counsel undersigned,
3 hereby submit this Response to the Motion to Compel filed by defendant/counterclaimant
4 Regan Media, Inc. (together with defendant/counterclaimant Judith Regan, "Defendants").

5 Plaintiffs admit that Defendants' Request for Production of Documents was received
6 on or about November 4, 2005, and that responses to said requests are overdue. Plaintiffs
7 further admit that counsel for Defendants have acted in good faith in attempting to obtain
8 responses to the discovery without the assistance of the Court. The failure to timely respond
9 to discovery was the result of substantial and unanticipated legal and business commitments
10 of Plaintiffs, and not as the result of any failure or neglect on the part of Plaintiffs' counsel.

11 Plaintiffs are engaged in numerous aspects of the adult entertainment industry.
12 Plaintiffs and companies owned and operated by Jenna Massoli and/or John G. Grdina, are
13 industry leaders in adult film and entertainment. In addition, Jenna Massoli is a principal
14 owner of a gentlemen's club in Scottsdale, Arizona known as "Babes Cabaret." Since
15 receiving the Defendant/Counterclaimants' discovery requests, both Jenna Massoli and
16 John G. Grdina have be required to commit substantial time and attention to all of the
17 following business and legal matters:

18 A. AVN Trade Show and Awards: In the first week of January of each year, the
19 adult movie industry conducts a trade show and awards ceremony in Las Vegas, Nevada.
20 The AVN Awards maintain the same status in the adult industry as do the Academy Awards
21 with respect to mainstream motions pictures. Plaintiffs have a substantial financial and
22 personal commitment to AVN, including numerous nominations for top industry
23 achievements in acting, film/video production, and business marketing. Preparation for and
24 personal attendance at AVN requires four full weeks every year, including one full week in
25 Nevada.

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1 B. Babe's Cabaret: In November and December 2005, Babe's Cabaret become
2 the target of new licensing regulations for gentlemen's clubs by the City of Scottsdale.
3 Jenna Massoli was required to cooperate with her counsel in the preparation for and defense
4 of this licensing hearings.

5 C. Confidential Business Negotiations: Throughout the months of November and
6 December 2005, Jenna Massoli and John G. Grdina, together with key staff members of
7 Club Jenna, Inc. (one of Massoli and Grdina's operating entities), were engaged in
8 confidential negotiations with a third party regarding substantial business matters. At the
9 time Defendants' discovery was served, Plaintiffs reasonably anticipated that these
10 negotiations would conclude on or about November 30, 2005. However, the negotiations
11 were not concluded as originally anticipated, and indeed, are still ongoing. The matters
12 being negotiated are extensive, complex, and involve repeated meetings and appearances
13 outside the State of Arizona.

14 D. Jenna Massoli recently received a contract to host a new adult game show to
15 be broadcast weekly on the Playboy Television Network. Production schedules required that
16 Ms. Massoli be in the State of California on a weekly basis.

17 As a result of the above-described business and legal obligations, Plaintiffs were
18 unable to devote sufficient time or staff to the completion of responses to the requested
19 discovery, and were unable to assist counsel in providing full and accurate responses to
20 discovery in a timely fashion. With the exception of AVN, none of these other matters were
21 know to or anticipated by Plaintiffs prior to the commencement of this action, and
22 scheduling commitments associated with those matters were either made prior to the receipt
23 of Defendants' discovery requests, or else imposed upon Plaintiffs without their input or
24 control. Although busy schedules are commonplace in the adult entertainment industry, the
25 past five months have exceeded all expectations and past experience.

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1 Plaintiffs have now completed all but one of those other matters, and also now have
2 sufficient time to assist counsel in the completion of discovery. Plaintiffs will provide full
3 and complete responses to all of the Defendants' requests for production within fifteen (15)
4 days.

5 Plaintiffs agree to reimburse the Defendants' counsel for the reasonable costs and
6 attorney fees incurred in the filing of this motion.

7 WHEREFORE, Plaintiffs confess to Defendants' Motion to Compel; agree to
8 reimburse Defendants' counsel for the reasonable costs and attorneys' fees incurred as a
9 result of the Motion to Compel; and request fifteen (15) days within which to produce the
10 requested documents.

11 RESPECTFULLY SUBMITTED this 23rd day of January, 2006.

12 RENAUD COOK DRURY MESAROS, PA

13 By: /s/ Roger W. Hall

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19 *Attorneys for Plaintiff/Counterdefendants*

20 The foregoing was filed electronically this
21 23rd day of January, 2006.

22 COPY of the foregoing was hand-delivered to the
23 Honorable Earl H. Carroll this 23rd day of January, 2006.

24 COPY of the foregoing mailed this 23rd day of January, 2006, to:

25 David J. Boney, Esq.

26 Dennis K. Blackhurst, Esq.

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/s/ Deborah Robertson