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6 Attorneys for Plaintiff BRIAN WARNER p/k/a
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7

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF LOS ANGELES, CENTRAL DISTRICT
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11 BRIAN WARNER p/k/a MARILYN
MANSON,

12 Plaintiff,

13 vs.
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15 EVAN RACHEL WOOD; ASHLEY GORE
a/k/a/ ILLMA GORE,

16 Defendants.
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CASE NO. 22STCV07568

**DECLARATION OF HOWARD E. KING
IN SUPPORT OF *EX PARTE*
APPLICATION FOR LEAVE TO SUBMIT
THE FEBRUARY 19, 2023
DECLARATION OF ASHLEY LINDSAY
MORGAN SMITHLINE IN SUPPORT OF
PLAINTIFF'S OPPOSITIONS TO
DEFENDANTS' ANTI-SLAPP MOTIONS**

[Filed concurrently with *Ex Parte* Application
and Memorandum of Points and Authorities;
Proposed Order]

Date: February 28, 2023
Time: 8:30 a.m.
Dept.: 50

The Hon. Teresa A. Beaudet, Dept. 50

Action Filed: March 2, 2022
Trial Date: Not Set

1 DECLARATION OF HOWARD E. KING

2 I, Howard E. King, declare as follows:

3 1. I am an attorney licensed to practice law in the State of California and serve as
4 counsel for Brian Warner p/k/a Marilyn Manson in the above-captioned action. The following
5 facts are within my personal knowledge and, if called as a witness herein, I can and will
6 competently testify thereto.

7 2. Attached hereto as **Exhibit A** is a true and correct copy of the Declaration of
8 Ashley Lindsay Morgan Smithline, dated February 19, 2023, that is the subject of Warner’s *ex*
9 *parte* application.

10 3. On February 22, 2023, at 5:30 p.m., my office gave notice of the *ex parte*
11 application filed herewith, and the nature of the relief sought, by sending an email to counsel for
12 Wood and Gore at the following email addresses: MZiemianek@hansonbridgett.com;
13 lcirelli@hansonbridgett.com; TRivera@hansonbridgett.com; MKump@kwikhlaw.com;
14 SHolley@kwikhlaw.com; KKleindienst@kwikhlaw.com. The parties in this case previously
15 agreed to accept service by email.

16 4. Wood and Gore indicated they will oppose the application. Wood and Gore’s
17 counsel had scheduling conflicts on Friday, February 24, 2023 and proposed Tuesday, February
18 28, 2023 for the hearing, which we agreed to.

19 5. If the *ex parte* application is not granted, Warner faces irreparable harm at the April
20 11, 2023 anti-SLAPP hearing, given the Court’s suggestion in its September 27, 2022 order that it
21 was inclined to agree with Defendants that the record—absent this declaration—did not support
22 his allegation that anyone had been pressured to make false allegations. *See* Wood Reply to
23 Warner’s Opp’n to Wood’s anti-SLAPP Mot., filed Nov. 22, 2022, at 10-11 (quoting Sept. 27,
24 2022 Order at 9-11). Warner faces further reputational harm if the Court does not grant leave.
25 Warner began the process to seek *ex parte* relief shortly after obtaining the declaration. Smithline
26 is a third party that Warner has no control over. In fact, when Warner subpoenaed her deposition
27 in a related case in August 2022, Smithline did not appear.

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6. Warner does not oppose providing Defendants an opportunity to respond/object to the Smithline Declaration if leave is granted before the April 11, 2023 hearing.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on this 23rd day of February 2023, at Los Angeles, California.

/s/ Howard E King
Howard E. King

EXHIBIT A

1 KING, HOLMES, PATERNO & SORIANO, LLP
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6 Attorneys for Plaintiff Brian Warner p/k/a
 Marilyn Manson
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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 9 COUNTY OF LOS ANGELES, CENTRAL DISTRICT

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BRIAN WARNER p/k/a MARILYN
 MANSON,

 Plaintiff,

 vs.
 EVAN RACHEL WOOD; ASHLEY GORE
 a/k/a/ ILLMA GORE,

 Defendants.

CASE NO. 22STCV07568

**DECLARATION OF ASHLEY LINDSAY
 MORGAN SMITHLINE**

 The Hon. Teresa A. Beaudet, Dept. 50
 Action Filed: March 2, 2022
 Trial Date: Not Set

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DECLARATION OF ASHLEY LINDSAY MORGAN SMITHLINE

I, Ashley Lindsay Morgan Smithline, declares as follows:

1. In November 2010, I had a brief, consensual sexual relationship with Brian Warner, also known as Marilyn Manson, during a trip I took to Los Angeles from Thailand, where I was living.

2. Ten years later, I succumbed to pressure from Evan Rachel Wood and her associates to make accusations of rape and assault against Mr. Warner that were not true.

3. In 2020, I was contacted by either Ashley Walters or Illma Gore to participate in a group meeting of women who, they said, had relationships or experiences with Mr. Warner. (I knew Ms. Walters from my trip to Los Angeles in 2010. She was Mr. Warner’s assistant, and she arranged my travel. I also spent time with her during the trip.) Ultimately, I participated in at least one such group call and a meeting that was filmed in October 2020 (which I only later learned was for *Phoenix Rising*). From this time in 2020 through June 2021, I had many communications with Ms. Wood.

4. During my conversations with Ms. Wood, she described acts allegedly committed by Mr. Warner against Ms. Wood and other supposed victims and asked me whether the same things happened to me. I remember she asked me whether I had been, among other things, whipped, chained, tied up, branded/cut, assaulted while sleeping, beaten, or raped. She said all of these things happened to Ms. Wood and others, and that when Ms. Wood was with Mr. Warner every moment was a moment of survival. When I said, no this did not happen to me and this was not my experience, I recall being told by Ms. Wood that just because I could not remember did not necessarily mean that it did not happen.

5. While at first I knew Mr. Warner did not do these things to me, I eventually I began to question whether he actually did. On numerous occasions, I was told by Ms. Wood, Esme Bianco and others that these things happened to Ms. Wood and Ms. Bianco; asked whether the same things happened to me; and told that I may just be misremembering what happened, repressing my memories of what happened, or that my memories had not yet surfaced—which they said happened to people against whom these acts were perpetrated. I was asked whether I

1 was repressing memories to just get through day-to-day life, and whether it was easier just to not
2 think about what actually happened than accept reality. They also said it was important for people
3 to come forward so that no one else gets hurt.

4 6. I also recall that in one of the group meetings I attended with Ms. Wood and Ms.
5 Gore, Ms. Gore said they could arrange security for anyone who felt in danger from Mr. Warner. I
6 recall that Ms. Bianco said during this discussion that private investigators had been parked
7 outside of her house and probably were parked outside of mine. I also had separate conversations
8 with Ms. Bianco during this time period in which she told me her relationship with Mr. Warner
9 was similar to that described by Ms. Wood. She insisted that I was repressing memories like she
10 and other supposed victims of Mr. Warner had done.

11 7. Eventually, I started to believe that what I was repeatedly told happened to Ms.
12 Wood and Ms. Bianco also happened to me.

13 8. In or around January 2021, I attended a call on which Ms. Wood said that on a
14 certain day she would post to her social media naming Mr. Warner as her abuser, and that we all
15 should do the same on or around the same day. I discussed with Ms. Gore making such a
16 statement on my Instagram page accusing Mr. Warner of abuse. Ms. Gore drafted the statement,
17 and I gave her my password to post it. The narrative ultimately posted to my account on or around
18 February 1, 2021 contained untrue statements about Mr. Warner, including that there was violence
19 and non-consensual sexual activity in our brief relationship, and that I had repressed memories of
20 the same. As another example, there was no branding or cutting experienced during the brief
21 relationship and certainly no “Marilyn Manson” initials carved on my body.

22 9. On June 29, 2021, a complaint was filed in the lawsuit *Ashley Lindsay Morgan*
23 *Smithline v. Brian Warner et al.*, Case No. 2:21-cv-5289. The complaint was filed by my attorney
24 at the time, Jay Ellwanger. Ms. Bianco told me Mr. Ellwanger was her lawyer and that I should
25 use him. Mr. Ellwanger did not review the contents of the complaint with me before filing it and
26 did not send me a draft of the complaint to approve before filing it. The complaint contained
27 untrue statements about Mr. Warner, including that there was violence and non-consensual sexual
28 activity in our brief relationship, and that I had repressed memories of the same until meeting with

1 Ms. Wood, Ms. Gore, and others in 2020. Leading up to the filing of the complaint, I felt
2 pressured by Mr. Ellwanger to go on a press tour, which included an interview on The View and
3 an interview and photoshoot with People magazine. I was very uncomfortable doing this press but
4 felt pressured to do it.

5 10. After the lawsuit was filed on my behalf, I fired Mr. Ellwanger, and the case was
6 dismissed. I never received any money from Mr. Warner and am not seeking any money from
7 him. I have no intention of refiling any lawsuit against Mr. Warner.

8 11. I never intended to pursue criminal charges against Mr. Warner and have no
9 intention now of ever pursuing criminal charges, as Mr. Warner did not ever assault or abuse me.

10 12. Looking back, I feel I was manipulated by Ms. Wood, Ms. Gore, Ms. Bianco, and
11 Mr. Ellwanger to spread publicly false accusations of abuse against Mr. Warner.

12 I declare under penalty of perjury under the laws of the State of California that the
13 foregoing is true and correct.

14 Executed on this 19th day of February 2023, at Los Angeles County, CA.

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DocuSigned by:

ASHLEY LINDSAY MORGAN SMITHLINE

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PROOF OF SERVICE

**Brian Warner p/k/a Marilyn Manson v. Evan Rachel Wood, et al.
Case No. 22STCV07568**

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

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 Los Angeles, State of California. My business address is 1900 Avenue of the Stars, Twenty-Fifth Floor, Los Angeles, CA 90067-4506.

On February 23, 2023, I served true copies of the following document(s) described as **DECLARATION OF HOWARD E. KING IN SUPPORT OF EX PARTE APPLICATION FOR LEAVE TO SUBMIT THE FEBRUARY 19, 2023 DECLARATION OF ASHLEY LINDSAY MORGAN SMITHLINE IN SUPPORT OF PLAINTIFF’S OPPOSITION TO DEFENDANTS’ ANTI-SLAPP MOTIONS** on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused a copy of the document(s) to be sent from e-mail address Eweinberger@khpslaw.com to the persons at the e-mail addresses listed in the Service List.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on February 23, 2023, at Los Angeles, California.

/s/ Eniko Weinberger

Eniko Weinberger

