

1 KEITH M. DAVIDSON, ESQ.
(State Bar No. 212216)
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5 Pro Se Attorney for Defendant and Cross-Complainant,
Keith M. Davidson
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7
8 **UNITED STATES DISTRICT COURT**
FOR THE CENTRAL DISTRICT OF CALIFORNIA
9 **WESTERN DISTRICT**

10 STEPHANIE CLIFFORD (AKA STORMY
DANIELS), an individual;

11 Plaintiff,

12 vs.

13 KEITH M. DAVIDSON, an individual,
14 MICHAEL COHEN, an individual and DOES 1
through 10, inclusive,

15 Defendants.
16

17 KEITH M. DAVIDSON, an individual

18 Cross-Claimant,

19 vs.

20 MICHAEL D. COHEN; AND ROES 10 TO 20,
21 INCLUSIVE,

22 Cross-Defendant.
23
24
25

Case No.: 2:18-cv-05052

**CROSSCLAIM BY KEITH M. DAVIDSON
AGAINST MICHAEL D. COHEN AND
DOES 1 THROUGH 10, INCLUSIVE,**

[Filed Concurrently with:

- 1) Answer to Complaint; and
- 2) Counterclaim against Stephanie Clifford; Michael Avenatti; Avenatti & Associates, A Professional Corporation; And Eagan Avenatti, LLP; and Counterclaim]

Assigned For All Purposes:
Hon. S. James Otero

26 Defendant and cross-claimant KEITH M. DAVIDSON (hereinafter "DAVIDSON")

27 for his Crossclaim hereby brings this action against Cross-defendant Michael D. Cohen;

28 AND ROES 10 TO 20, INCLUSIVE.

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INTRODUCTION

1
2 1. Defendant and Crossclaimant Keith M. Davidson (DAVIDSON) is a resident
3 of the State of California and an Attorney who formerly represented plaintiff / counterclaim
4 defendant Stephanie Clifford (CLIFFORD).
5

6 2. Crossdefendant Michael D. Cohen is a resident of the State of New York and
7 is an attorney who was adverse to DAVIDSON’s representation of CLIFFORD.

8 3. DAVIDSON and COHEN negotiated a Confidential Settlement Agreement
9 and Assignment of Copyright involving CLIFFORD in October of 2016.
10

11 4. DAVIDSON’S first interaction with COHEN was telephonic and began as a
12 heated conversation with COHEN screaming at DAVIDSON about CLIFFORD’s purported
13 efforts in selling information regarding CLIFFORD’s alleged 2007 affair with Donald
14 Trump to the tabloid media.
15

16 5. Though DAVIDSON and COHEN had first spoken on the phone in 2011, the
17 two lawyers had never met face-to-face until after there were competing allegations of
18 breach by CLIFFORD on the one side and COHEN on the other side, (roughly January of
19 2018).
20

21 6. The two lawyers never spoke about family, sports, politics or current events.
22 The relationship between DAVIDSON and COHEN was professional and adversarial.

23 7. DAVIDSON and COHEN conducted the CLIFFORD negotiation via phone
24 calls and e-mail correspondence while DAVIDSON was in California.

25 8. DAVIDSON never consulted to any of his phone calls being recorded by
26 COHEN.
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JURISDICTION & VENUE

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2 9. The court may assert personal jurisdiction over the parties because the parties
3 have submitted themselves to this court’s jurisdiction.

4
5 10. The court has subject matter jurisdiction under 28 U.S.C. § 1332. The parties
6 are citizens of different states, and the amount in controversy exceeds \$75,000.00, exclusive
7 of interest and costs.

8
9 11. Venue is proper under 28 U.S.C. § 1391. A substantial part of the events or
10 omissions that give rise to DAVIDSON’s claims which occurred in the Central District of
11 California.

12 **FIRST CAUSE OF ACTION**
13 **CIVIL VIOLATION OF THE CALIFORNIA INVASION**
14 **OF PRIVACY ACT Cal. (Cal. Pen. Code §637 et seq.)**
15 **AGAINST MICHAEL D. COHEN**

16 12. Plaintiff re-alleges and incorporates by reference the allegations in all prior
17 paragraphs as though fully set forth herein;

18 13. In 1967 the California legislature enacted the California Invasion of Privacy
19 Act for the express purpose “to protect the right of privacy of the people of this state.” *Cal.*
20 *Pen. Code §630*. The California Legislature declared that with the advent of new devices
21 and technology used “for the purposes of eavesdropping upon private communications,” the
22 resulting invasion of privacy from the “use of such devices and techniques has created a
23 serious threat to the free exercise of personal liberties and cannot be tolerated in a free and
24 civilized society.” Sections 632 & 637 of the Act make it illegal to record telephonic
25 communications without consent of all participants to the telephone call.

26 14. Anyone who secretly records any part to a telephone conversation with a
27 party in California may be violating Penal Code section 632, which provides that intentional
28 recording of any confidential communication by means of any electronic amplifying or
recording device without the consent of all parties to the communication is guilty of a crime
and may be subject to a civil action.

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1 15. To show a violation of section 632, a party needs to show nothing more than
2 the existence of a reasonable expectation by a party to a conversation that no one was
3 listening in on the conversation and that the conversation was intentionally recorded by
4 someone through the use of an electronic amplifying or recording device.

5 16. DAVIDSON is informed and believes and thereon alleges that COHEN on
6 surreptitiously and intentionally recorded several telephone calls between he and
7 DAVIDSON while Davidson was in California.

8 17. DAVIDSON never consented to the recordation of any phone calls he had
9 with COHEN as he believed the calls were confidential.

10 18. DAVIDSON is informed believes and thereon alleges that COHEN's
11 surreptitious recordation of telephonic communications between the two was contrary to
12 California law and that the recording of the calls has caused DAVIDSON tremendous actual
13 damages no less than the minimum jurisdictional limit of this Court.

14
15 WHEREFORE, Defendant prays that:

- 16 1. Treble damages of no less than \$75,000.00 pursuant to Cal. Pen. Code
17 §637.2;
 - 18 2. For attorneys' fees and costs of the suit herein;
 - 19 3. For such other relief that the Court deems just and proper.
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24 Dated June 7, 2018

DAVIDSON & ASSOCOATES, PLC

25
26 By: /S/ Keith M. Davidson
27 Pro Se Attorney
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DEMAND FOR JURY TRIAL

1
2 KEITH M. DAVIDSON respectfully demands trial by jury for all claims that may be
3 tried to a jury.
4

5
6 DATED: June 7, 2018

DAVIDSON & ASSOCIATES, PLC

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8
9 By: /S/ Keith M. Davidson
10 Keith M. Davidson, Esq.
11 Pro Se Attorney
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PROOF OF SERVICE

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

I am a resident of the county aforesaid; I am over the age of eighteen years and not a party to the within entitled action; my business address is 8383 Wilshire Boulevard, Suite 510, Beverly Hills, CA 90211.

On **June 7, 2018**, I served a true copy of **Crossclaim by Keith M. Davidson against Michael D. Cohen** on the interested parties in said action by placing as stated below:

SEE ATTACHED SERVICE LIST

(BY MAIL) I deposited such envelope with postage thereon fully prepaid, in the United States mail at Calabasas, California.

(BY PERSONAL SERVICE) I delivered such envelope by hand to the offices of the addressee.

(BY FACSIMILE) The above-described document (s) were sent by facsimile transmission to the facsimile number(s) of the law office(s) stated above. The transmission was reported as complete and without error. A copy of the transmission report is made a part of this proof of service pursuant to CRC §2008.

(BY OVERNIGHT DELIVERY) I placed the Federal Express package for overnight delivery in a box or location regularly maintained by Federal Express at my office or I delivered the package to an authorized courier or driver authorized by Federal Express to receive documents. The package was placed in a sealed envelope or package designated by Federal Express with delivery fees paid or provided for, addressed to the person(s) on whom it is to be served at the address(es) shown above, at the office address(es) as last given by that person on any document filed in the cause and served on the party making service; otherwise at that party's place of residence.

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

(Federal) I declare 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 June 7, 2018 at Beverly Hills, California.

/S/ Vilma Duarte
Vilma Duarte

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SERVICE LIST
(DAVIDSON vs. COHEN)

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12 LLP; AND AVENATTI & ASSOCIATES, PLC:
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