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Phone: +1 646 783 7100 | Fax: +1 646 783 7161 | customerservice@law360.com

LeAnn Rimes' Privacy Suit Over Taped Call Tossed

By **Allison Grande**

Law360, New York (October 31, 2013, 9:01 PM ET) -- A California state court on Monday dismissed an invasion of privacy suit filed by country singer LeAnn Rimes that accused a mother and daughter of unlawfully recording a phone conversation with her and "spitefully" posting excerpts online.

The Los Angeles Superior Court closed the suit after Rimes' counsel filed a request and entry of dismissal with prejudice of the entire privacy lawsuit that the 31-year-old singer **brought against** special education teacher Kimberly Smiley and her daughter Lexi in August 2012.

The filing did not include details about the circumstances surrounding the dismissal of the more than year-old case, but an attorney for the Smileys said Thursday that the parties had resolved their differences.

Counsel for Rimes did not respond to a request for comment.

The Smileys also hinted at the dissolution of the suit in a post to a donation website that they set up to fund their litigation, posting six days ago that they did not need any more donations and that they hoped to have more news "very soon" but that they "could not answer questions right now."

The parties' dispute centered on the Smileys' allegedly secret recording of Rimes' conversation with the older Smiley.

In her complaint seeking injunctive relief as well as statutory, compensatory and punitive damages, Rimes accused the Smileys of violating California's eavesdropping law and of intrusion, alleging they are "cyberharassers" who had targeted her as part of an "increasingly aggressive Internet campaign" by supporters of her husband's ex-wife.

Rimes married actor Eddie Cibrian in April 2011. She has admitted in published interviews that they began their relationship while each was married to their now ex-spouses.

Kimberly Smiley, a schoolteacher in Northern California, has denied posting the recording, saying she shared it with online acquaintances, one of whom played it for Cibrian's ex-wife. She said her daughter recorded the call because of some "outrageous" things Rimes was saying.

Under California's "two-party consent" wiretapping law, it is unlawful to record a phone call without the consent of all parties to the conversation, and a defendant has to have merely recorded the conversation intentionally to be held liable.

Rimes alleged in her complaint that a friend of the Smileys arranged for her to speak to

Kimberly Smiley "in an effort to stop the negative Internet activity" of the two women toward her. While Rimes tried to smooth things over during the conversation, the suit said, Kimberly Smiley "repeatedly insulted, taunted and provoked" her.

"At no time did Ms. Rimes consent to being recorded," she alleged in her complaint, which was filed the day before the singer entered an inpatient treatment facility in an effort to, according to her publicist, "learn and develop coping mechanisms."

The suit said Rimes did not become aware the conversation had been recorded until earlier in the month when a portion of it was posted on a "hate blog." Excerpts have appeared on other websites and, Rimes complained, stories accompanying the posts have portrayed her in "an extremely false and negative light, saying, for example, that [she] is 'crazy and delusional.'"

The Smileys countered the allegations in a 10-page answer filed on Sept. 23, saying that the unclean hands doctrine warranted the dismissal of the case because Rimes had engaged in bad behavior during the phone call.

They also noted that Rimes did not have access to their private Twitter accounts, but that she had somehow gained access to them and used them to bolster her claims.

Rimes is represented by Stanton L. Stein and Ashley R. Yeargan of Liner Grode Stein Yankelevitz Sunshine Regenstreif & Taylor LLP.

The case is Rimes v. Smiley et al., case number BC491366, in Los Angeles Superior Court.

--Additional reporting by Matthew Heller. Editing by Jeremy Barker.

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