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NEWS

Janice Dickinson's defamation case against Bill Cosby gets good news, bad news from judge

By NANCY DILLON
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Model Janic Dickinson's defamation case against Bill Cosby will continue toward trial in Los Angeles, but in a slimmed-down form. (Mark Makela/Getty Images)

Model Janice Dickinson's defamation case against Bill Cosby will continue toward trial in Los Angeles, but likely in a slimmed-down form, a judge said Wednesday.

"Mr. Cosby is not getting out of this case today," Judge Randolph Hammock said as Cosby's lawyer, Alan Greenberg, stepped to a podium to argue motions including an attempt to strike Dickinson's amended complaint.

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The judge declined to issue a final order on all matters Wednesday but said he likely would adopt a tentative ruling that drops Dickson's claims of false light and intentional infliction of emotional distress against Cosby and dismisses lawyer Marty Singer as a co-defendant.

He said the defamation claim against Cosby would endure.

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“You have, in my opinion, a viable cause of action for defamation against Mr. Cosby only,” Judge Hammock told Dickinson’s lawyer, Jivaka Candappa. “You’ve got the heart of the case, and right now the heart of the case is surviving.”

Dickinson sued Cosby in May 2015, saying he intentionally defamed her when Singer issued statements that branded her a liar after she accused Cosby of drugging and raping her in a Lake Tahoe area hotel room in 1982.

Judge Hammock said Wednesday enough evidence exists to suggest Cosby approved several statements issued by Singer. He specifically pointed to a declaration from Singer saying his custom and practice is to clear his statements with his clients.

“Here he’s saying Mr. Cosby basically approved the statements. ‘I let him check them out, and then I released them.’ That’s a pretty good thing for you guys,” the judge told Candappa.

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Mr. Cosby's lawyer disputed that in his arguments, giving a hint of how Cosby might defend himself in a trial.

"There's no evidence Mr. Cosby knew there would be anything beyond a denial," Greenberg told the court Wednesday.

The judge upheld Dickinson's right to reference some additional press statements from Singer issued on Nov. 20 and 21 in 2014, but not others.

For example, a statement in which Singer said women appeared to be "coming out of the woodwork with unsubstantiated or fabricated stories about my client" should be fair game, the judge said in court.

He said statements from Singer in which the lawyer said, "We've reached the point of absurdity," and, "The stories are getting more ridiculous," were opinions and should be off limits.

The case already won the right to reference earlier statements from Singer in which he specifically trashed Dickson's rape claim as "fabricated," "outrageous" and "defamatory."

The judge promised to issue a final ruling on the motions later in the week.

Candappa said it's possible his side will file an appeal if Singer is dropped as a co-defendant.

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He argued in court that Dickinson needs a chance to obtain discovery from Singer to prove her claims. The judge said such discovery would amount to a "fishing expedition" that likely would prove "futile" because of attorney-client privilege protections.

Either way, Candappa said Dickinson will press ahead.

"We're not dropping this case. We're in it for the long haul," he said.

Dickinson took the stand at Cosby's recent criminal trial and testified under oath the disgraced 80-year-old comic drugged and raped her during their 1982 encounter.

She testified that the only reason she did not include the alleged incident in her memoir, "No Lifeguard on Duty," was because her publisher said she had to sanitize it to get the book published.

"I understand that. There's a ring of truth to that, for me," Judge Hammock said Wednesday, referring to Dickinson's explanation about the omission.

Cosby was convicted on April 26 of drugging and sexually assaulting Andrea Constand at his suburban Philadelphia mansion in 2004.

He remains under house arrest pending his sentencing in September.

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Speaking to the Daily News after the hearing Wednesday, Greenberg declined to say how Cosby is faring after the conviction.

“We have complete confidence Mr. Cosby will win this case,” he said, referring to the defamation action.

A second lawyer for Dickinson said the model, 63, is “doing well.”

“She was proud to testify at the criminal trial and would like to volunteer a victim statement for sentencing,” lawyer Alan Goldstein said.

“I’m very pleased the court is going to make the right decision,” lawyer Marty Singer told The News after the hearing Wednesday. “I never should have been sued.”

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