

Herb Fox (SBN 126747)  
LAW OFFICE OF HERB FOX  
15 West Carrillo Street, Suite 211  
Santa Barbara, CA 93101  
Telephone (805) 899-4777  
Facsimile (805) 899-2121

Peter Bezek (SBN 102310)  
FOLEY & BEZEK  
15 West Carrillo Street  
Santa Barbara, CA 93101  
Telephone (805) 962-9495

Attorneys for Raymond Chandler

**FILED**  
SUPERIOR COURT of CALIFORNIA  
COUNTY of SANTA BARBARA

OCT 25 2004

GARY M. BLAIR, Executive Officer  
By *Carrie L. Wagner*  
CARRIE L. WAGNER, Deputy Clerk

*Unsealed pursuant to 11/16/05 court order*

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF SANTA BARBARA  
COOK DIVISION

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

MICHAEL JACKSON,

Defendant.

Case No.: 1133603

NOTICE OF MOTION AND MOTION OF THIRD PARTY RAYMOND CHANDLER TO QUASH SUBPOENAS AND/OR IN CAMERA REVIEW; MEMORANDUM OF POINTS AND AUTHORITIES; DECLARATION OF RAYMOND CHANDLER

**SEALED** *In Camera*

[Assigned for All Purposes to the Honorable Rodney S. Melville]

Date: November 4, 2004  
Time: 8:30 AM  
Dept.: SM-2

To defendant MICHAEL JACKSON and his attorneys of record:

PLEASE TAKE NOTICE THAT on November 4, 2004, at 8:30 a.m. in Department SM-2 of the Santa Barbara Superior Court, located at 312 East Cook Street, Santa Maria, California 93456, third-party RAYMOND CHANDLER will move this Court for an order quashing the subpoena duces tecum served on him on September 23, 2004.

1 PLEASE TAKE FURTHER NOTICE THAT at the time and place specified above RAYMOND  
2 CHANDLER will request an *in camera* inspection by the Court of all documents requested in the  
3 subpoena.

4 This motion will be made on the grounds that the subpoenas do not provide adequate cause for  
5 compelling production of the documents by a third party; the documents sought by defendant are not  
6 material to the issues involved in the case; that Raymond Chandler is a journalist protected from  
7 complying with this subpoena by the journalists' privilege. In the alternative, Raymond Chandler  
8 proposes that this Motion be continued until such time as the Court rules on the admissibility of the 1993  
9 child molestation allegations that are the subject of these subpoenas. Finally, Raymond Chandler asks  
10 this Court to review *in camera* the subpoenaed documents to determine which, if any, should be  
11 provided to Defendant for review and copying.

12 This motion will be based on this notice of motion, on the Declaration of Raymond Chandler, the  
13 memorandum of points and authorities served and filed herewith, on the papers and records on file  
14 herein, and on such evidence as may be presented at the hearing.

15 Dated: 10/25, 2004

16 

17 Herb Fox, Attorney for Third-Party  
18 Raymond Chandler  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I. Introduction.

3 Third party movant Raymond Chandler is the uncle of Jordan Chandler, who in 1993 sued  
4 defendant Michael Jackson for sexual battery. That lawsuit was settled before trial by way of a  
5 confidential agreement. Raymond Chandler is the brother of Evan Chandler, who is Jordan Chandler's  
6 father.

7 Raymond Chandler is also the author of the investigative non-fiction book titled *All That*  
8 *Glitters: The Crime and the Cover-up*, that was released to the public on September 12, 2004 (Exh. A.  
9 This exhibit has been shipped to the Court via overnight delivery). In addition to publishing his book,  
10 Raymond Chandler has posted on a public Web site (www.atgbook.net) over 500 pages of documents  
11 gathered during the course of a ten-year investigation. Both the book and the Web site concern only the  
12 1993 matter. They do not concern the current criminal charges against the Defendant now pending  
13 before this Court (Declaration of Raymond Chandler, ¶¶ 2, 10).

14 On or about September 23, 2004, defendant Michael Jackson served Raymond Chandler with a  
15 subpoena duces tecum and a subpoena to appear at trial as custodian of records (Collectively Exh. B).  
16 The original return date for the subpoena duces tecum was October 5, 2004. The parties subsequently  
17 agreed to extend that return date until October 25, 2004 (Exh. C, Herb Fox letter to Brian Oxman).

18 In this Motion, Chandler requests in the alternative the following relief:

19 That the subpoena duces tecum and the subpoena to appear be quashed in their entirety on the  
20 grounds that the defendant has not made the requisite showing of good cause, and that Chandler is  
21 protected from complying with the subpoena by the journalist's shield; or,

- 22 • That this Motion and the issues raised herein be continued until after such time as this  
23 court has determined the admissibility of the 1993 incidents involving Jordan Chandler;  
24 or
- 25 • That the subpoenaed documents be inspected by the Court *in camera* to determine which  
26 documents, if any, should be provided to the defendant for inspection and copying.
- 27 • The rights of a criminal defendants are not unqualified and courts have an inherent power  
28 to control the issuance of their own process (*People v. Manson* (1976) Cal.App.3d 102,  
196.)

///



1 **II. Defendant Has Not Made the Requisite Showing of Good Cause.**

2 A third party's right to be free of unreasonable search and seizure has been extended to include a  
3 subpoena duces tecum served by a criminal defendant. While the criminal defendant has a right to  
4 discovery by a subpoena duces tecum of third party records, this right does not automatically override  
5 statutory or constitutional protections (*People v. Hammon* (1997) 15 Cal.4th 1117, 1123).

6 A defendant's right to a fair trial entitles him to pretrial discovery of all relevant information. But  
7 the request for discovery must describe the information sought with reasonable specificity and offer a  
8 plausible justification for production of the requested documents (*Tyler v. Superior Court* (1980) 102  
9 Cal.App.3d 82, 86). The defendant may not engage in a "fishing expedition." Some cause for discovery  
10 must exist other than a desire for all information that has been obtained by the People in their  
11 investigation of the crime (*Pitchess v. Superior Court* (1974) 11 Cal.3d 531, 537).

12 **A. The Documents Requested Are Not Relevant To The Current Case.**

13 Defendant's "good cause" claim is that the information requested will "[D]isclose the motive,  
14 intent, and conscious state of mind of persons making claims in the Santa Barbara Superior Court, along  
15 with persons directing, counseling and controlling the complainants in the Santa Barbara Superior Court  
16 Action." (*Exh. B, Subpoena Duces Tecum; Affidavit, p5: §4B*).

17 But Chandler's published book, published documents and public comments concern only the  
18 1993 child abuse allegations, not the current allegations pending before this Court. Chandler has never  
19 met with, interviewed, or had any interaction of any kind, directly or indirectly, with the current child  
20 accuser, his mother, or any other "persons making claims in the Santa Barbara Superior Court." (Decl.  
21 of Raymond Chandler at ¶ 10). Thus, no documents sought are relevant or material to the case at hand.

22 Further, nothing contained in Raymond Chandler's book, published documents or public  
23 comments reveal any connection whatsoever to "persons directing, counseling and controlling the  
24 complainants in the Santa Barbara Superior Court Action." (Decl. of Raymond Chandler at ¶ 11).  
25 Raymond Chandler is not now and has never been, in any capacity, an employee, representative or agent  
26 of the Santa Barbara District Attorney, Santa Barbara County Sheriff, Tellum Communications, or any  
27 other person, business or entity "directing, counseling and controlling the complainants in the Santa  
28 Barbara Superior Court Action." (Declaration of Raymond Chandler at ¶ 11).

1        **B. Defendant Provides Only Bare Conclusions As To Why The Requested Documents**  
2        **Will Disclose Relevant Information Regarding The 1993 Matter.**

3        If by "persons making claims in the Santa Barbara Superior Court" defendant is referring to  
4        Jordan Chandler or Evan Chandler, defendant's claim that "the information sought will disclose  
5        motives, biases, and exaggerations" is unfounded (*Exh. B, Subpoena Duces Tecum; Affidavit, p5: §3C*).  
6        Defendant not only failed to state what these motives, biases or exaggerations might be, he failed to  
7        provide even one statement in Raymond Chandler's published book or documents that support the claim  
8        that the documents requested might contain any evidence of such motives, biases or exaggerations.

9        The bare conclusion that evidence will be found in the documents sought is not sufficient. For  
10       example, in *People v. Hustead* (1999) 74 Cal.App.4th 410, 416-417, defendant's request for the  
11       employee records of an arresting police officer was granted based on a claim that the character and  
12       credibility of the officer would be material at trial. However the affidavit alleged specific verbal  
13       statements made by the arresting officer at the time of arrest that were contrary to the statements  
14       contained in his written report.

15                The police report indicated that appellant drove in a dangerous manner; however,  
16                appellant's counsel's declaration asserted that defendant did not drive in the  
17                manner suggested in the report, which led to a reasonable inference that the  
18                officer may not have been untruthful. Therefore, it becomes relevant whether the  
19                officers have been accused of falsifying reports in the past.  
20       (*Id.*, at 418).

21       Unlike *Hustead*, the affidavit in this case contains no claims that Evan or Jordan Chandler have  
22       made any statements, true or untrue, that indicate motive, bias or exaggeration on their part. Raymond  
23       Chandler's book is 271 pages in length, and his Web site provides over 500 pages of documents. Yet  
24       from these 771 published pages the affidavit offers not one example of a statement made by Jordan or  
25       Evan Chandler to indicate that any additional statements might be found in the requested documents that  
26       would aid in Jackson's defense (Declaration of Raymond Chandler at ¶¶ 6-9). Rather, defendant  
27       Jackson is on a fishing expedition, as is evidenced by the broad scope of the requested documents,  
28       which include such items as evidence of compensation to Raymond Chandler for speeches and  
     performance (*Exh. B, Subpoena Duces Tecum; at Attachment 2b, Request No. 5*), as well as contracts

1 with book distributors and printers (*Id.*, Request No. 10). These items have no relevance to Jackson's  
2 criminal defense.

3 Jackson has also requested documents that would indicate a relationship between Raymond  
4 Chandler and Tellum Communications, a company that has been described in the media as a public  
5 relations firm acting on behalf of the Santa Barbara County District Attorney. (*Id.*, Request No. 2, 3).  
6 Here, too, the affidavit provides no plausible showing that such relationship exists or that such  
7 documents are relevant to Jackson's defense. No such relationship does exist and there are no  
8 documents responsive to these (and other) requests (Decl. of Raymond Chandler at ¶¶ 10, 11). But the  
9 requests themselves are examples of Jackson's ask-for-the-kitchen-sink approach to the subpoena.

10 **C. The Documents Are Available From Other Sources.**

11 Jackson's "good cause" states that Raymond Chandler is the "sole and exclusive source" of the  
12 information requested (*Exh. B, Subpoena Duces Tecum; Affidavit, p.5 §4A*) and that "the disclosures  
13 were made only in the records of" Raymond Chandler (*Exh. B, Subpoena Duces Tecum; Affidavit, p.5*  
14 *§4C*). To the extent that any of the documents requested are relevant, these claims are unfounded. For  
15 example:

16 1. Raymond Chandler's book and Web site contain letters and deposition testimony of  
17 former agents of Michael Jackson. Mr. Jackson either possesses these documents or can readily obtain  
18 them from his former agents, who can authenticate them. Chandler cannot.

19 2. The book and Web site contain letters between Evan Chandler's 1993 attorney and  
20 Mr. Jackson's 1993 attorneys and investigators. Mr. Jackson is either in possession of these letters or he  
21 can readily obtain them from his former attorney, who can authenticate them. Chandler cannot.

22 3. The book and Web site contain transcriptions from an audiotape interview between  
23 Jordan Chandler and a psychiatrist. This tape can readily be obtained from Jordan Chandler or his  
24 former attorney, who can authenticate that tape. Chandler cannot.

25 4. Documents evidencing communications between Raymond Chandler and Evan  
26 Chandler (Request No. 8) can be obtained from Evan Chandler, who may be called as a percipient  
27 witness to the 1993 events. In contrast, Raymond Chandler is not a percipient witness to the sexual  
28 misconduct of Michael Jackson in 1993.



1 If evidence involving the 1993 molestation allegations against defendant are not admitted into  
2 the current case, then none of the documents requested are relevant to the current case and Mr. Jackson  
3 should not have access to them. If 1993 evidence is admitted, then defendant must first request the  
4 documents from others who are in possession of the documents. These are persons who, unlike  
5 Raymond Chandler, are witnesses who were involved in the 1993 matter and have already been or are  
6 likely to be subpoenaed to testify in this case.

7 To the extent that Raymond Chandler is the sole source of documents, such documents are  
8 irrelevant to the case at hand. These documents include items such as cancelled checks or payments for  
9 speeches, writings and performances by Raymond Chandler, (*Exh. B, Subpoena Duces Tecum; at*  
10 *Attachment 2b, Request No. 6*), and contracts between Raymond Chandler and third parties for book  
11 publishing, distribution, promotion and sale (*Exh. B, Subpoena Duces Tecum; at Attachment 2b, Request*  
12 *No. 10*).

13  
14 **III. Under the U.S. Constitution Raymond Chandler is Protected by the Journalist's Privilege.**

15 **A. *An author of a non-fiction investigative book is a journalist.***

16 Based on principles embodied in the U.S. Constitution, the Ninth Circuit Court of Appeals has  
17 held that the journalist's privilege applies to investigative book authors as well as print and broadcast  
18 journalists. "What makes journalism journalism is not its format but its content." (*Shoen v. Shoen* 5  
19 *F.3d 1289, 1293 (1993); (Az.) 9<sup>th</sup> Cir.*).

20 The First, Second, Third, Fourth, Fifth, Eighth, Tenth, and District of Columbia circuits have  
21 also reached the same conclusion (*Id.*)

22 The critical question for deciding whether a person may invoke the journalist's privilege is  
23 whether the information was gathered for dissemination to the public. The test is whether the person had  
24 the intent to disseminate the information to the public and whether such intent existed at the inception of  
25 the newsgathering process (*Id.*, at 1293-1294).

26 Raymond Chandler's activities over the past ten years meet that standard, and he is protected by  
27 the journalist's privilege from disclosing non-public documents or sources.

28 ///

1           **B.       *Raymond Chandler's Intent Has Always Been to Disseminate the Information.***

2           Within two days after the Michael Jackson child molestation scandal became public in August of  
3 1993, Raymond Chandler traveled from his home in Santa Barbara to Los Angeles and began gathering  
4 information and conducting interviews with persons directly and indirectly connected with the  
5 molestation allegations (Decl. Of Raymond Chandler at ¶5a). From that point in time to the present  
6 (even after the publication of his book), Raymond Chandler has continued to gather information related  
7 to the 1993 sexual battery complaint brought by Jordan Chandler against Michael Jackson and the  
8 related public scandal (Decl. of Raymond Chandler at ¶5g). As evidenced by the following, Raymond  
9 Chandler's intent in 1993 was, and at the present time continues to be, to investigate, gather and publicly  
10 expose the true facts surrounding that lawsuit and scandal.

11           Within days after Jordan Chandler's civil lawsuit against Michael Jackson was settled in January,  
12 1994, Raymond Chandler traveled to New York City to seek a publisher for the purpose of putting the  
13 information he had gathered in the form of a non-fiction book for dissemination to the public. Such  
14 intent on the part of Raymond Chandler is evidenced by an article that appeared in *New York Post*  
15 revealing his contact with a publisher one day after it occurred (Declaration of Raymond Chandler ¶5a;  
16 Exh. D).

17           In the Fall of 1994 Raymond Chandler wrote approximately ten letters requesting interviews  
18 with Michael Jackson's attorneys, private investigator and other agents. In those letters Raymond  
19 Chandler stated that the purpose of the interviews was to include the information gathered in a soon- to-  
20 be-published book (Declaration of Raymond Chandler ¶5b; Raymond Chandler has previously produced  
21 these letters to defendant Jackson in a 1998 deposition.

22           In 1998 Raymond Chandler posted on the internet for public dissemination a lengthy report  
23 concerning an interview of Michael Jackson conducted by Diane Sawyer on the ABC-News television  
24 program *Prime Time Live*. The purpose of that report was to expose false statements made by Mr.  
25 Jackson, Ms. Sawyer and ABC News. At that time Raymond Chandler appeared on various television  
26 and radio programs to discuss his report, and he publicly stated that he was still considering publishing a  
27 book regarding the 1993 lawsuit and scandal. Raymond Chandler's internet report as well as his public  
28 ///



1 appearances and statements were reported in *The New York Post* and *The Santa Barbara News Press*.  
2 (Declaration of Raymond Chandler ¶5c; Collectively Exh. E).

3 On September 12, 2004, Raymond Chandler appeared on the NBC-News television program  
4 *Dateline* at which time he publicly stated that interviews conducted by him in 1993 were for the purpose  
5 of publishing a book regarding the 1993 scandal. (Declaration of Raymond Chandler ¶5d).

6 On September 12, 2004, Raymond Chandler published the book, revealing the true facts  
7 surrounding the 1993 molestation scandal and civil lawsuit brought against Michael Jackson for sexual  
8 battery. The purpose of the book was to expose the modus operandi used by Michael Jackson to molest  
9 Jordan Chandler, to reveal that said modus operandi is commonly used by pedophiles, and to expose the  
10 involvement of Mr. Jackson's agents and various media outlets in covering up Mr. Jackson's crimes.  
11 (Declaration of Raymond Chandler ¶5d).

12 Between September 12 to October 12, 2004, Raymond Chandler posted on the internet for public  
13 dissemination over 500 pages of documents relating to the 1993 lawsuit and scandal. Raymond  
14 Chandler has also posted, and continues to post on the internet, several reports (more detailed than those  
15 appearing in his book) concerning the role played by various media outlets in covering up the sex crimes  
16 committed by Michael Jackson against Jordan Chandler in 1993. To this date the aforementioned  
17 internet Web site has received over 18 million "hits." (Declaration of Raymond Chandler ¶5f).

18 ***C. A Journalist Cannot Be Compelled to Disclose Unpublished Information.***

19 Cal. Evidence Code § 1070(c) defines unpublished information to include,

20 Information not disseminated to the public by the person from whom disclosure is  
21 sought, whether or not related information has been disseminated and includes,  
22 but is not limited to, all notes, outtakes, photographs, tapes or other data of  
23 whatever sort not itself disseminated to the public through a medium of  
24 communication, whether or not published information based upon or related to  
25 such material has been disseminated.

26 Under Article 1, Section 2B of the California Constitution and Cal. Evidence Code, § 1070(c)  
27 both confidential and non-confidential unpublished information in the possession of a journalist are  
28 protected from compelled disclosure (Delaney v. Superior Court (1990) 50 Cal.3d 785, 805).

Having shown that Raymond Chandler is protected by the reporter's privilege, the burden shifts  
to the defendant to make the showing required to overcome the privilege. (*Id.* at 807, fn.20). The

1 defendant must show a reasonable possibility that the information will materially assist his defense.  
2 Such showing need not be detailed or specific, but it must rest on more than mere speculation. (*Id.* at  
3 809).

4 Defendant Jackson *hopes* that the requested documents will contain prior inconsistent statements  
5 or other evidence by which to impeach the testimony of potential prosecution witnesses Jordan and Evan  
6 Chandler. But such hopes are mere speculation: other than the claim that documents containing words  
7 spoken or written by Jordan or Evan Chandler exist, defendant offers nothing plausible to indicate that  
8 such documents contain anything that may aid in his defense. Of the 771 pages published by Raymond  
9 Chandler, defendant provides not one example of motive, bias, exaggeration or any other evidence to  
10 indicate that additional examples might be found in the unpublished documents.

11 Further, defendant is in possession of all pleadings filed against him by Jordan Chandler in  
12 1993. Jordan Chandler's sworn statement to the Los Angeles District Attorney has been posted on the  
13 internet for several years. These documents state in graphic detail the acts of sexual molestation  
14 committed by defendant against Jordan Chandler in 1993. In response to Jordan Chandler's 1993  
15 lawsuit, defendant moved the court for a six-year stay until the criminal statute of limitations had  
16 expired, and defendant informed the court that he would invoke his Fifth Amendment right if the stay  
17 was not granted.<sup>1</sup> (Exh. F)

18 As to Evan Chandler, on January 24, 1994, Michael Jackson publicly withdrew his claim that  
19 Evan Chandler attempted to extort money from him in 1993 (Exh. G). Later, Evan Chandler's 1993  
20 attorney, Barry Rothman, brought a defamation action against defendant Jackson and several of his  
21 representatives in the 1993 matter. (Jackson's representatives made public statements that Rothman and  
22 Chandler were extortionists).<sup>2</sup> In his demurrer Jackson claimed that he was immune from the  
23 defamation action by way of Civil Code, § 47d, the litigation privilege (Exh. H, at p.2). Jackson stated,  
24 in effect, that there was no extortion attempt, and that the negotiations between the parties were at all  
25 times legitimate attempts to settle civil claims that the Chandler's might have against Jackson.

---

27 <sup>1</sup> In 1994 defendant did invoke the Fifth Amendment in response to deposition questions regarding his relationship with  
28 young boys. *Williams v. Jackson* (1994)

<sup>2</sup> Fields is currently the subject of a wire-tapping investigation that has resulted from the arrest and felony conviction of  
Jackson's 1993 private investigator, Anthony Pellicano, who was hired by Fields to participate in the Jordan Chandler case.

1 Paragraphs 14 & 18 allege that Plaintiffs were hired by J. Chandler to provide  
2 legal services, specifically, to obtain "appropriate compensation" for personal  
3 injury to the Chandler clients. This can only mean that Plaintiffs were hired to  
4 pursue legal action against JACKSON. . . . Assuming for the purpose of said  
5 demurrer that defendants did accuse Plaintiffs of extortion and did file a false  
6 police report, said conduct took place in connection with personal injury court  
7 action which the Chandlers filed or contemplated filing. . . . it is evident therefrom  
8 that defendants so acted (if they did) for the purpose of discouraging the  
9 Chandlers from pursuing legal action against JACKSON. . . .  
10 (Exhibit G at p. 10:1 - 11:3)

11 In light of the above facts, it is mere speculation for the defendant to claim that the documents  
12 sought might contain statements from Jordan Chandler to the effect that he was not molested by  
13 defendant, or statements from Evan Chandler to the effect that he attempted to extort defendant. Even  
14 defendant's 1993 attorney has represented otherwise to a court of law. Defendant has not provided even  
15 a scintilla of a showing, much less a plausible showing, that any documents in the possession of  
16 Raymond Chandler will contain evidence contrary to the fact that Michael Jackson sexually molested  
17 Jordan Chandler.

18 **IV. This Court Should Continue This Hearing Until Ruling on the Admissibility of the 1993**  
19 **Allegations.**

20 As shown, Raymond Chandler's book, and the tapes and documents upon which that book is  
21 based, concern only the 1993 relationship between the defendant and Jordan Chandler and related  
22 events. Chandler has no documents nor any personal knowledge about the current criminal allegations  
23 against the defendant.

24 From published reports, Raymond Chandler is informed that this Court has not yet ruled on the  
25 admissibility of the 1993 events. Thus it is not yet known whether any of Raymond Chandler's  
26 documents are relevant to the instant criminal prosecution.

27 In light of the constitutional and other issues raised by the subpoenas served on Raymond  
28 Chandler, this Court should not and need not rule on this Motion to Quash until it resolves the issue of  
the admissibility of any of the 1993 events. If this Court concludes that no evidence of 1993 shall be  
admitted, the subpoenas become moot.

///



1 V. The Court Should Review *In Camera* the Documents and Other Items Produced by  
2 Chandler.

3 Notwithstanding this Motion to Quash and the Objections to Subpoena Duces Tecum filed  
4 concurrently. Raymond Chandler has produced the documents and tapes that appear to be responsive to  
5 the Subpoena for *in camera* review. These documents include several thousand pages of newspaper and  
6 magazine clippings, copies of deposition transcripts and court pleadings, and approximately six to eight  
7 hours of tape recordings.

8 In the event that this Court declines to grant the Motion to Quash the Subpoena Deuces Tecum in  
9 its entirety, or in order to assist the Court in assessing the merits of this Motion and the merits of the  
10 Objections filed herewith, Raymond Chandler respectfully requests an *in camera* review of these  
11 materials to determine which documents, if any, should be provided to the defendant for review and  
12 copying.

13 Third party records are to be produced to the court and the subpoenaing party is not entitled to  
14 obtain access to them until a judicial determination has been made that the subpoenaing party is legally  
15 entitled to receive them (*People v. Superior Court* (2000) 80 Cal.App.4th 1305, 1316.)

16 VI. Conclusion.

17 For all of the above reasons the subpoena duces tecum should be quashed. In the alternative,  
18 Defendant should not be provided access to said documents until the Court rules on the 1993 evidence.  
19 Finally, this Court may inspect the requested documents *in camera* to determine what documents, if any,  
20 should be produced for inspection and copying by the defendant.

21 Dated: October 10<sup>th</sup>, 2004

22   
23 Herb Fox, Attorney for Third Party  
24 Raymond Chandler  
25  
26  
27  
28

# DECLARATION OF RAYMOND CHANDLER

I, Raymond Chandler, declare as follows:

1. I am the uncle of Jordan Chandler, the person who accused Michael Jackson of child molestation in 1993. I am the brother of Evan Chandler, who is Jordan Chandler's father.

2. I am also the author of a book published in September 2004 titled *All That Glitters: The Crime and the Cover-up*. This book concerns only the 1993 molestation allegations and the public scandal that resulted from those allegations and does not address the current allegations pending before this Court. A true and correct copy of the book has been mailed overnight to the Court and is incorporated by reference as Exhibit A.

3. From late August through December of 1993, I lived in the home of Evan and Jordan Chandler in Los Angeles. During that time I talked extensively with Evan Chandler, Jordan Chandler, June Chandler (Jordan's mother), and other persons directly and indirectly connected with the molestation allegations.

4. Beginning in August 1993 to the present I have viewed, obtained and compiled various documents and recordings related to the 1993 civil lawsuit brought by Jordan Chandler against Michael Jackson for sexual battery.

5. My intent in 1993 was, and at the present time continues to be, to investigate, gather and publicly disseminate the true facts surrounding the 1993 molestation scandal and civil lawsuit brought by Jordan Chandler against Michael Jackson for sexual battery.

a. Shortly after Jordan Chandler's civil molestation suit against Michael Jackson was settled in January 1994, I traveled to New York City to seek a publisher for my book. An article attesting to this fact appeared in the *New York Post*. A true and correct copy of said article is attached as Exhibit D. (At the request of my brother and his attorney I did not publish a book at that time.)

b. In the Fall of 1994 I wrote approximately ten letters requesting interviews with Michael Jackson's attorneys, private investigator and other agents, in which I stated that I would soon be publishing a book regarding the 1993 scandal. Mr. Jackson has previously obtained these letters from me in a prior deposition.

1 c. In 1998 I posted on the internet for public dissemination a lengthy report of  
2 statements made in an interview with Michael Jackson conducted by Diane Sawyer on the ABC  
3 News television program *Prime Time Live*. The purpose of my report was to expose false  
4 statements made by Mr. Jackson, Ms. Sawyer and ABC News. At that time I appeared on  
5 various television and radio programs for the same purpose. At that time I publicly stated that I  
6 was still considering publishing a book regarding the 1993 scandal. My public appearances and  
7 statements were reported in the *New York Post* and the *Santa Barbara News Press*. True and  
8 correct copies of said articles are attached collectively as Exhibit E.

9 d. On September 12, 2004, I appeared on the NBC News television program  
10 *Dateline* at which time I publicly stated that my intent in becoming involved in 1993 was, among  
11 other things, for the purpose of publishing a book regarding the molestation scandal.

12 e. On September 12, 2004, I published a book revealing the true facts surrounding  
13 the 1993 molestation scandal and civil lawsuit brought by Jordan Chandler against Michael  
14 Jackson for sexual battery. The purpose of the book was to expose the modus operandi used by  
15 Michael Jackson to molest Jordan Chandler, to reveal that said modus operandi is commonly  
16 used by pedophiles, and to expose the involvement of Mr. Jackson's agents and various media  
17 outlets in covering up Mr. Jackson's crimes. A true and correct copy of said book is provided  
18 (unattached via overnight delivery) as Exhibit A to this motion.

19 f. From approximately September 12 to the present I have posted on the internet  
20 (free of charge for the first month) at [www.atgbook.com](http://www.atgbook.com) over 500 pages of documents relating to  
21 the 1993 scandal. On that same Web site I have posted, and continue to post (free of charge)  
22 several reports authored by me concerning the role played by various media outlets in covering  
23 up the crimes committed by Michael Jackson against my nephew in 1993. The aforementioned  
24 Web site has received over 18 million "hits."

25 g. From 1993 until the present I have continued, and will continue, to investigate the  
26 1993 molestation scandal for the purpose of publicly disseminating the true facts concerning that  
27 event, and to provide the public with information concerning child abuse.

28 ///



1           6.     I was not a witness to, nor do I possess personal knowledge of, the sexual molestation of  
2 my nephew, Jordan Chandler, by Michael Jackson.

3           7.     I do not possess or have in my control any documents, recordings or other information that  
4 would tend to exonerate or otherwise aid Michael Jackson in a defense to the molestation of Jordan  
5 Chandler. In fact, the documents in my possession show that Michael Jackson sexually molested Jordan  
6 Chandler.

7           8.     Neither my book nor any documents, recordings or other information in my possession or  
8 control contain any statements by Jordan Chandler or any other evidence that indicates ulterior motive,  
9 bias or exaggeration on the part of Jordan Chandler regarding the accusations of child molestation he  
10 brought against Michael Jackson in 1993.

11          9.     Neither my book nor any documents, recordings or other information in my possession or  
12 control indicate any statements by Evan Chandler or any other evidence that indicates ulterior motive,  
13 bias or exaggeration on the part of Evan Chandler regarding the accusations of child molestation brought  
14 by Jordan Chandler against Michael Jackson in 1993.

15          10.    I do not possess or have in my control any documents, recordings or other information that  
16 relate to the allegations against Michael Jackson pending before this Court regarding the current child-  
17 accuser, or that relate to any person, business or entity directing, counseling and controlling the  
18 complainants in the Santa Barbara Superior Court action.

19          11.    I am not at this time and have never been, in any capacity, an employee, representative or  
20 agent of the Santa Barbara District Attorney, Santa Barbara County Sheriff, Tellum Communications, or  
21 any other person, business or entity directing, counseling and controlling the complainants in the Santa  
22 Barbara Superior Court action.

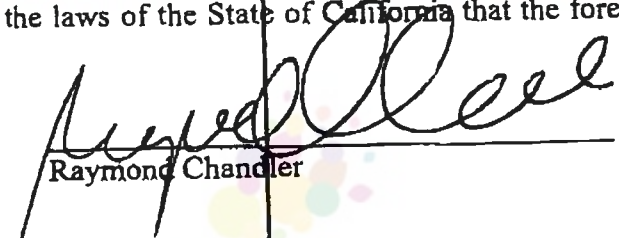
23          12.    As reported in the *Los Angeles Times*, on January 24, 1993, Michael Jackson publicly  
24 recanted his charge of extortion against Evan Chandler. A true and correct copy of said article is  
25 attached as Exhibit F.

26          13.    As reported in the *Los Angeles Times*, on January 24, 1993, the Los Angeles District  
27 Attorney issued a public statement that no extortion charge would be brought against Evan Chandler  
28

1 because there was no evidence that any crime had been committed. A true and correct copy of said  
2 article is attached as Exhibit G.

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

5 Dated: October 25, 2004

  
Raymond Chandler



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com

EXHIBIT A



mjfacts.com



mjfacts.com





Raymond Chandler's book, *All That Glitters: The Crime and the Cover-up*,  
provided under separate cover via overnight mail.





# EXHIBIT B

|   |  |   |  |
|---|--|---|--|
| <b>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address):</b><br>Thomas A. Mesereau, Jr. 91182 Brian Oxman<br>1875 Century Park East, Suite 700 14126 E. Rosecrans<br>Los Angeles, CA 90067 Santa Fe Springs, CA<br>90670                                   |  | <b>TELEPHONE NO.:</b><br>(310) 284-3120<br>(562) 921-5058 | <b>FOR COURT USE ONLY</b><br><br>mjfacts.com |
| <b>ATTORNEY FOR (Name):</b> Michael Joe Jackson   |  |   |  |
| <b>Insert name of court, judicial district or branch court, if any, and post office and street address:</b><br>Santa Barbara County Superior Court, Santa Maria Division<br>312 E. Cook Street (Dept. SM-2: Judge Rodney Melville)<br>Santa Maria, CA 93454 |  |   |  |
| <b>Title of case:</b><br>The People of the State of California v. Michael Jackson, et al.   |  |   |  |
| <b>SUBPENA (CRIMINAL OR JUVENILE)</b><br><input checked="" type="checkbox"/> <b>DUCES TECUM</b>   |  | <b>CASE NUMBER:</b><br>1133603                            |  |

**THE PEOPLE OF THE STATE OF CALIFORNIA, TO (NAME):**

Raymond David Chandler and Custodian of Records for Raymond David Chandler

1. **YOU ARE ORDERED TO APPEAR AS A WITNESS** in this action at the date, time, and place shown in the box below **UNLESS** you make a special agreement with the person named in item 3:

|   |   |
|---|---|
| a. Date: <u>October 5, 2004</u> Time: <u>9:00 a.m.</u> <input checked="" type="checkbox"/> Dept.: SM-2    | <input type="checkbox"/> Div.: <input type="checkbox"/> Room: |
| b. Address: <u>312 E. Cook Street, Dept. SM-2 (Judge Rodney Melville)</u><br><u>Santa Maria, CA 93454</u> |   |

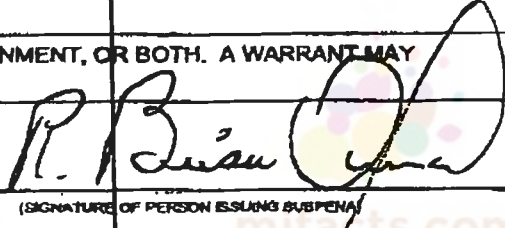
**2. AND YOU ARE**

- a. ☐ ordered to appear in person.
- b. ☒ not required to appear in person if you produce the records described in the accompanying affidavit and a completed declaration of custodian of records in compliance with Evidence Code sections 1560, 1561, 1562, and 1271. (1) Place a copy of the records in an envelope (or other wrapper). Enclose your original declaration with the records. Seal them. (2) Attach a copy of this subpoena to the envelope or write on the envelope the case name and number, your name and date, time, and place from item 1 (the box above). (3) Place this first envelope in an outer envelope, seal it, and mail it to the clerk of the court at the address in item 1. (4) Mail a copy of your declaration to the attorney or party shown at the top of this form.
- c. ☐ ordered to appear in person and to produce the records described in the accompanying affidavit. The personal attendance of the custodian or other qualified witness and the production of the original records is required by this subpoena. The procedure authorized by subdivision (b) of section 1560, and sections 1561 and 1562, of the Evidence Code will not be deemed sufficient compliance with this subpoena.
- d. ☐ ordered to make the original business records described in the accompanying affidavit available for inspection at your business address by the attorney's representative and to permit copying at your business address under reasonable normal business hours, conditions during normal business hours.

**3. IF YOU HAVE ANY QUESTIONS ABOUT THE TIME OR DATE FOR YOU TO APPEAR OR IF YOU WANT TO BE CERTAIN THAT YOUR PRESENCE IS REQUIRED, CONTACT THE FOLLOWING PERSON BEFORE THE DATE ON WHICH YOU ARE TO APPEAR:**

- a. Name: Brian Oxman b. Telephone number: (562) 921-5058
4. **WITNESS FEES:** You may be entitled to witness fees, mileage, or both, in the discretion of the court. Contact the person named in item 3 **AFTER** your appearance.

**DISOBEDIENCE OF THIS SUBPENA MAY BE PUNISHED BY A FINE, IMPRISONMENT, OR BOTH. A WARRANT MAY ISSUE FOR YOUR ARREST IF YOU FAIL TO APPEAR.**

|  |   |
|--|---|
| <b>FOR COURT USE ONLY</b><br><br>Date: <u>September 19, 2004</u> | <br>(SIGNATURE OF PERSON ISSUING SUBPENA)<br><br><u>R. Brian Oxman</u><br>(TYPE OR PRINT NAME)<br><u>Attorney for Michael J. Jackson</u><br>(TITLE) |
| (See reverse for proof of service)                               |   |



ATTACHMENT TO ITEM 2(b)  
Subpoena to Custodian of Records, Raymond David Chandler  
September 7, 2004

The items described in the following Affidavit to be produced pursuant to this subpoena are as follows:

(1) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning Jordan Chandler relationship with Michael Jackson since January 1, 1992.

(2) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning any contract, consulting agreement, joint venture agreement, employment relationship, or exchange of services arrangement between you and Tellem Worldwide.

(3) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning any communications, correspondence, notes, letters, memoranda, or discussion between you and Tellem Worldwide since January 1, 1992, or any of their REPRESENTATIVES.

(4) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning any communication, correspondence, notes, letters, or memoranda, or discussion between you and any person, business, or other entity since January 1, 1992, where Michael Jackson has been mentioned or discussed.

(5) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning any communication, correspondence, notes, letters, or memoranda, or discussion between you and any law enforcement agency, governmental entity, police personnel, sheriff's personnel, child protective services personnel, or any of their REPRESENTATIVES, since January 1, 1992, where Michael Jackson has been mentioned or discussed

(6) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning any compensation, payment, expense reimbursement, cancelled checks or other evidence of payment, for any speech, writing, manuscript, book, performance, consultation service, work, labor, or other assistance you have provided to any person where the subject matter of Michael Jackson or Jordan Chandler was discussed, mentioned, or involved.

(7) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning any discussions, letters, notes, communications, contracts, agreements, or correspondence between you and Jordan Chandler, or any of his REPRESENTATIVES, where the subject of Michael Jackson was discussed or mentioned since January 1, 1992.

(8) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning any discussions, letters, notes, communications, contracts, agreements, or correspondence between you and Evan Chandler, or any of his REPRESENTATIVES,

where the subject of Michael Jackson or Jordan Chandler was discussed or mentioned since January 1, 1992.

(9) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning manuscripts, manuscript drafts, research notes, interview notes, interview audio and video recordings, correspondence with witnesses, and discussions with witnesses concerning or relating to the book "All that Glitters: The Crime and the Cover Up" by Raymond Chandler.

(10) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning any contract, agreement, or arrangement for the printing, distribution, promotion, or sale of the book "All that Glitters: The Crime and the Cover Up" by Raymond Chandler.

Collins, Mesereau, Reddock & Yu, LLP  
1875 Century Park East, 7<sup>th</sup> Floor  
Los Angeles, CA 90067  
(310) 284-3120

Brian Oxman 072172  
14126 E. Rosecrans Blvd.  
Santa Fe Springs, CA 90670  
(562) 921-5058

Attorneys for defendant,  
Mr. Michael Jackson

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA BARBARA

PEOPLE OF THE STATE OF CALIFORNIA,

Case No. 1133603

Plaintiff,

vs

MICHAEL JACKSON,

Defendant.

DECLARATION AND  
APPLICATION  
FOR SUBPOENA DUCES TECUM

STATE OF CALIFORNIA, COUNTY OF SANTA BARBARA

1. The undersigned states: That he is the attorney of record for defendant, Michael Jackson, in the above-entitled action and that this cause has been duly set for hearing on October 5<sup>th</sup>, 2004, at 8:30 a.m. in Department SM-2 of the Santa Barbara Superior Court, located at 312 East Cook Street, Santa Maria, California 93454.

2. Witness the Raymond David Chandler, and Custodian of Records for Raymond David Chandler, has in his possession or control the following documents, objects, or other tangible things:

A. INSTRUCTIONS AND DEFINITIONS:

(1) As used herein, the term "DOCUMENT" or "DOCUMENTS" means any handwritten, recorded, typed, printed, pictorial, or graphic matter whatsoever, however produced or reproduced, and including without limitation, all "WRITINGS" as defined in California Evidence Code § 250. The term "DOCUMENT" or "DOCUMENTS" also includes any data compilation of any sort, whether stored magnetically, electronically, or otherwise, from which information can be obtained, translated, or, if necessary,



through detection devices into reasonably usable form. Any comment or notation appearing on any document, and not a part of the original text, is considered a separate document and any copy, draft, or preliminary form of any document is also considered a separate document.

(2) As used herein, the term "DOCUMENT" is intended to include within its scope each and every "ORIGINAL" (as the term is defined in California Evidence Code Section 255), and each and every "DUPLICATE" (as the term is defined in Evidence Code Section 260), of each and every "WRITING" (as the term is defined in California Evidence Code § 250) described in the requests set forth below. All such documents are meant to referred to those DOCUMENTS which are within your possession and control, or subject to your possession or control.

(3) As used herein, "ACCOUNT" shall include, but not be limited to, any bank account, saving account, certificate of deposit, share draft account, time deposit, money market account, trust accounts, Individual Retirement Account, 401K account, credit card account, revolving credit account, or other financial instrument or demand deposit. Where DOCUMENTS are requested concerning such ACCOUNTS, you shall produce all records of monthly statements, cancelled checks, deposit checks and drafts, deposit records and receipts, wire transfers, wire deposits, automatic withdrawals or deposits, monthly charges, interest payments, and fees.

(4) As used herein, the "COMPLAINANTS" refers to

(a) Janet Arvizo, aka Janet Ventura or Janet Jackson, date of birth [REDACTED] social security number [REDACTED]

(b) Davellin Arvizo, date of birth [REDACTED] social security number [REDACTED]

(c) Gavin Arvizo, date of birth [REDACTED] social security number [REDACTED]

(d) Star Arvizo, date of birth [REDACTED] social security number [REDACTED]

(e) Jay Daniel Jackson, date of birth [REDACTED] social security number [REDACTED]

or any person who is their representative, agent, or acting on their behalf, including their partners, corporations, or business entities where they have a property or ownership interest. The term "COMPLAINANTS" refers to all the individuals mentioned in this paragraph individually, whether or not the names of the others persons identified in this paragraph appear or are mentioned in the DOCUMENT. The term "COMPLAINANTS" also include present and former attorneys, agents, representatives, and any other persons acting on behalf of COMPLAINANT.

(5) As used herein, the "COMPLAINT" refers to the reports, claims, or allegations made by the COMPLAINANTS regarding Mr. Michael Jackson, which are stated in the Indictment in the case of People v. Michael Jackson, SBSC Case no. 1133603.

(6) "YOU" or "YOURS" refers to Raymond David Chandler, and the Custodian of Records of Raymond David Chandler, and all of its agents, representatives, employees, attorneys, or any person acting on its behalf.

(7) As used herein, "PERSON" or "PERSONS" means any natural individual in any capacity whatsoever, and all entities of every description, including, but not limited to, associations, organizations (public or private), agencies, companies, partnerships, joint ventures, corporations, and trusts.

(8) As used herein, "REPRESENTATIVE" or "REPRESENTATIVES" means any person (as defined herein) who acts, has at any time acted, or has purported to act, at the request of, for the benefit of, or on behalf of another, including, but not limited to, the parents, guardians, or agents of COMPLAINANT, businesses, partnership, corporation, in which they have an interest or association as reflected in YOUR records.

(9) As used herein, the term "COMMUNICATION" is to be interpreted comprehensively, and means any instance in which information was exchanged between or among two or more persons, including any oral or written utterance, notation, or statement of any nature whatsoever, by and to whomsoever made, and all understanding or exchanges of information between or among two or more persons.

(10) As used herein, the term "CORRESPONDENCE" means any handwritten, printed, typed, or otherwise recorded communication whatsoever between or among two or more persons, and includes, without limitation, memoranda, letters, notes, telegrams, telexes, facsimile transmissions, email records, and marginal notations or comments.

**B. DOCUMENTS TO BE PRODUCED:**

(1) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning Jordan Chandler relationship with Michael Jackson since January 1, 1992.

(2) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning any contract, consulting agreement, joint venture agreement, employment relationship, or exchange of services arrangement between you and Tellem Worldwide.

(3) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning any communications, correspondence, notes, letters, memoranda, or discussion between you and Tellem Worldwide since January 1, 1992, or any of their REPRESENTATIVES.

(4) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning any communication,

Court are unfounded.

B. The information sought by this subpoena will disclose motives, biases, and exaggerations on behalf of and engaged in by the various persons identified in the above requests who are witnesses in this proceeding;

C. The information sought contains information regarding the background, motives, state of mind, character and reputation for veracity, and reports of COMPLAINANTS and the various persons identified in the above-requests who are witnesses in this proceeding;

D. The requested documents and/or information contains the prior inconsistent statements, recollections, observations, and reactions of COMPLAINANTS to the events and circumstances which gave rise to the Pending Criminal Case in the Santa Barbara Superior Court;

E. The requested materials constitute evidence of a financial motive for making false and inaccurate claims in this matter;

4. Good cause exists for the production of the above described matters and things by reason of the following facts:

A. The subpoenaed party is the sole and exclusive source of all such information, and no other person, business, or other entity has possession or control of such information.

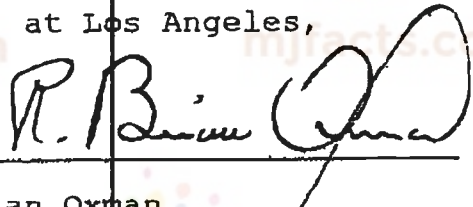
B. The information requested by this Subpoena discloses the motive, intent, and conscious state of mind of persons making claims in the Santa Barbara Superior Court, along with persons directing, counseling and controlling the complainants in the Santa Barbara Superior Court action.

C. No other source exists for such information because such disclosures were made only in the records of the subpoenaed party, and the only person with such information is the subpoenaed party.

WHEREFORE, request is made that the Subpoena Duces Tecum issue.

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

Executed this 13th day of September, at Los Angeles, California.



R. Brian Oxman



FILED  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SANTA BARBARA

JUL 09 2007

GARY M. BLAIR, Executive Director

CARRIE L. WAGNER, Deputy Director

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SANTA BARBARA

THE PEOPLE OF THE STATE OF CALIFORNIA, )  
Plaintiff, )  
vs. )  
MICHAEL JACKSON, )  
Defendant. )

Case No.: 1133603

Protective Order Regarding Defendant's  
Subpoenas Duces Tecum

Good cause appearing, it is hereby ordered that the clerk of the court shall permit Defendant Michael Jackson, by and through his counsel, to subpoena materials without disclosing the nature of the subpoena, the person or items sought by the subpoena, or the response to the subpoena and any materials returned therewith.

It is further ordered, without limiting the generality of the foregoing, that:

1. The clerk of the court shall segregate and keep confidential and not disclose to the People any materials pertaining to the subpoena, including returns, documents, and other materials returned in response to said subpoena.

///  
///

1 2. The clerk of the court shall permit Counsel for the defendant to subpoena  
2 materials to the court on days and times at which the case itself is not on calendar for  
3 other purposes.

4 3. Persons or entities subpoenaed by the defendant shall not disclose directly or  
5 indirectly to the People the fact that they have been subpoenaed or the nature of the  
6 subpoena.

7 4. Any appearance, objection, compliance, or other communication by a party  
8 subpoenaed by the defendant shall be filed under seal.

9 5. Any hearings involving the materials pertaining to the subpoena, including  
10 returns, documents and other materials returned in response to the subpoena regarding  
11 compliance, privacy or other issues shall be held in camera.

12 6. This order does not affect the right of any party whose records are subpoenaed  
13 to assert any applicable claims of privilege.

14 7. Subject to the resolution of any issues of privilege that may be asserted, the  
15 clerk of the court shall permit counsel for the defendant to inspect and copy the  
16 subpoenaed materials.

17 8. A copy of this order shall be served with each subpoena to which it pertains.

18 DATED: JUL 09 2004

19   
20 RODNEY S. MELVILLE  
21 Judge of the Superior Court  
22  
23  
24  
25  
26  
27  
28

|  |  |  |                                       |
|--|--|--|---------------------------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address):<br>Thomas A. Mesereau, Jr. 91182 Brian Oxman<br>1875 Century Park East, Suite 700 14126 E. Rosecrans<br>Los Angeles, CA 90067 Santa Fe Springs, CA<br>90870                                   |  | TELEPHONE NO.:<br>(310) 284-3120<br>(562) 921-5058 | FOR COURT USE ONLY<br><br>mjfacts.com |
| ATTORNEY FOR (Name): Michael Joe Jackson   |  |  |                                       |
| Insert name of court, judicial district or branch court, if any, and post office and street address:<br>Santa Barbara County Superior Court, Santa Maria Division<br>312 E. Cook Street (Dept. SM-2: Judge Rodney Melville)<br>Santa Maria, CA 93454 |  |  |                                       |
| Title of case:<br>The People of the State of California v. Michael Jackson, et al.   |  |  |                                       |
| SUBPENA (CRIMINAL OR JUVENILE)<br><br><input checked="" type="checkbox"/> DUCES TECUM  |  | CASE NUMBER:<br>1133603                            |                                       |

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (NAME):

Raymond David Chandler and Custodian of Records for Raymond David Chandler

1. YOU ARE ORDERED TO APPEAR AS A WITNESS in this action at the date, time, and place shown in the box below UNLESS you make a special agreement with the person named in item 3:

|   |                 |   |                                |                                |
|---|-----------------|---|--------------------------------|--------------------------------|
| a. Date: January 31, 2005   | Time: 9:00 a.m. | <input checked="" type="checkbox"/> Dept.: SM-2 | <input type="checkbox"/> Div.: | <input type="checkbox"/> Room: |
| b. Address: 312 E. Cook Street, Dept. SM-2 (Judge Rodney Melville)<br>Santa Maria, CA 93454 |                 |   |                                |                                |

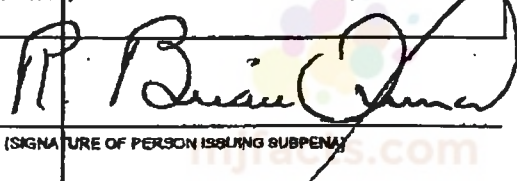
2. AND YOU ARE

- a. ☐ ordered to appear in person.
- b. ☒ not required to appear in person if you produce the records described in the accompanying affidavit and a completed declaration of custodian of records in compliance with Evidence Code sections 1560, 1561, 1562, and 1271. (1) Place a copy of the records in an envelope (or other wrapper). Enclose your original declaration with the records. Seal them. (2) Attach a copy of this subpoena to the envelope or write on the envelope the case name and number, your name and date, time, and place from item 1 (the box above). (3) Place this first envelope in an outer envelope, seal it, and mail it to the clerk of the court at the address in item 1. (4) Mail a copy of your declaration to the attorney or party shown at the top of this form.
- c. ☒ ordered to appear in person and to produce the records described in the accompanying affidavit. The personal attendance of the custodian or other qualified witness and the production of the original records is required by this subpoena. The procedure authorized by subdivision (b) of section 1560, and sections 1561 and 1562, of the Evidence Code will not be deemed sufficient compliance with this subpoena.
- d. ☐ ordered to make the original business records described in the accompanying affidavit available for inspection at your business address by the attorney's representative and to permit copying at your business address under reasonable normal business hours, conditions during normal business hours.

3. IF YOU HAVE ANY QUESTIONS ABOUT THE TIME OR DATE FOR YOU TO APPEAR, OR IF YOU WANT TO BE CERTAIN THAT YOUR PRESENCE IS REQUIRED, CONTACT THE FOLLOWING PERSON BEFORE THE DATE ON WHICH YOU ARE TO APPEAR:

- a. Name: Brian Oxman
- b. Telephone number: (562) 921-5058
4. WITNESS FEES: You may be entitled to witness fees, mileage, or both, in the discretion of the court. Contact the person named in item 3 AFTER your appearance.

DISOBEDIENCE OF THIS SUBPENA MAY BE PUNISHED BY A FINE, IMPRISONMENT, OR BOTH. A WARRANT MAY ISSUE FOR YOUR ARREST IF YOU FAIL TO APPEAR.

|  |  |  |
|--|--|--|
| FOR COURT USE ONLY<br><br>Date: September 14, 2004 | <br>(SIGNATURE OF PERSON ISSUING SUBPENA) |  |
|  | R. Brian Oxman<br>(TYPE OR PRINT NAME)   |  |
|  | Attorney for Michael J. Jackson<br>(TITLE)   |  |
|  | (See reverse for proof of service)   |  |



ATTACHMENT TO ITEM 2(b)  
Subpoena to Custodian of Records, Raymond David Chandler  
September 7, 2004

The items described in the following Affidavit to be produced pursuant to this subpoena are as follows:

(1) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning Jordan Chandler relationship with Michael Jackson since January 1, 1992.

(2) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning any contract, consulting agreement, joint venture agreement, employment relationship, or exchange of services arrangement between you and Tellem Worldwide.

(3) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning any communications, correspondence, notes, letters, memoranda, or discussion between you and Tellem Worldwide since January 1, 1992, or any of their REPRESENTATIVES.

(4) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning any communication, correspondence, notes, letters, or memoranda, or discussion between you and any person, business, or other entity since January 1, 1992, where Michael Jackson has been mentioned or discussed.

(5) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning any communication, correspondence, notes, letters, or memoranda, or discussion between you and any law enforcement agency, governmental entity, police personnel, sheriff's personnel, child protective services personnel, or any of their REPRESENTATIVES, since January 1, 1992, where Michael Jackson has been mentioned or discussed

(6) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning any compensation, payment, expense reimbursement, cancelled checks or other evidence of payment, for any speech, writing, manuscript, book, performance, consultation service, work, labor, or other assistance you have provided to any person where the subject matter of Michael Jackson or Jordan Chandler was discussed, mentioned, or involved.

(7) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning any discussions, letters, notes, communications, contracts, agreements, or correspondence between you and Jordan Chandler, or any of his REPRESENTATIVES, where the subject of Michael Jackson was discussed or mentioned since January 1, 1992.

(8) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning any discussions, letters, notes, communications, contracts, agreements, or correspondence between you and Evan Chandler, or any of his REPRESENTATIVES,

where the subject of Michael Jackson or Jordan Chandler was discussed or mentioned since January 1, 1992.

(9) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning manuscripts, manuscript drafts, research notes, interview notes, interview audio and video recordings, correspondence with witnesses, and discussions with witnesses concerning or relating to the book "All that Glitters: The Crime and the Cover Up" by Raymond Chandler.

(10) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning any contract, agreement, or arrangement for the printing, distribution, promotion, or sale of the book "All that Glitters: The Crime and the Cover Up" by Raymond Chandler.

mjfacts.com

mjfacts.com

mjfacts.com

mjfacts.com

mjfacts.com

mjfacts.com

mjfacts.com

mjfacts.com

mjfacts.com

mjfacts.com

mjfacts.com

mjfacts.com

Collins, Mesereau, Reddock & Yu, LLP  
1875 Century Park East, 7<sup>th</sup> Floor  
Los Angeles, CA 90067  
(310) 284-3120

Brian Oxman 072172  
14126 E. Rosecrans Blvd.  
Santa Fe Springs, CA 90670  
(562) 921-5058

Attorneys for defendant,  
Mr. Michael Jackson

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA BARBARA

PEOPLE OF THE STATE OF CALIFORNIA,

Case No. 1133603

Plaintiff,

vs

MICHAEL JACKSON,

Defendant.

DECLARATION AND  
APPLICATION  
FOR SUBPOENA DUCES TECUM

STATE OF CALIFORNIA, COUNTY OF SANTA BARBARA

1. The undersigned states: That he is the attorney of record for defendant, Michael Jackson, in the above-entitled action and that this cause has been duly set for hearing on January 31, 2005, at 8:30 a.m. in Department SM-2 of the Santa Barbara Superior Court, located at 312 East Cook Street, Santa Maria, California 93454.

2. Witness the Raymond David Chandler, and Custodian of Records for Raymond David Chandler, has in his possession or control the following documents, objects, or other tangible things:

A. INSTRUCTIONS AND DEFINITIONS:

(1) As used herein, the term "DOCUMENT" or "DOCUMENTS" means any handwritten, recorded, typed, printed, pictorial, or graphic matter whatsoever, however produced or reproduced, and including without limitation, all "WRITINGS" as defined in California Evidence Code § 250. The term "DOCUMENT" or "DOCUMENTS" also includes any data compilation of any sort, whether stored magnetically, electronically, or otherwise, from which information can be obtained, translated, or, if necessary,



through detection devices into reasonably usable form. Any comment or notation appearing on any document, and not a part of the original text, is considered a separate document and any copy, draft, or preliminary form of any document is also considered a separate document.

(2) As used herein, the term "DOCUMENT" is intended to include within its scope each and every "ORIGINAL" (as the term is defined in California Evidence Code Section 255), and each and every "DUPLICATE" (as the term is defined in Evidence Code Section 260), of each and every "WRITING" (as the term is defined in California Evidence Code § 250) described in the requests set forth below. All such documents are meant to referred to those DOCUMENTS which are within your possession and control, or subject to your possession or control.

(3) As used herein, "ACCOUNT" shall include, but not be limited to, any bank account, saving account, certificate of deposit, share draft account, time deposit, money market account, trust accounts, Individual Retirement Account, 401K account, credit card account, revolving credit account, or other financial instrument or demand deposit. Where DOCUMENTS are requested concerning such ACCOUNTS, you shall produce all records of monthly statements, cancelled checks, deposit checks and drafts, deposit records and receipts, wire transfers, wire deposits, automatic withdrawals or deposits, monthly charges, interest payments, and fees.

(4) As used herein, the "COMPLAINANTS" refers to

(a) Janet Arvizo, aka Janet Ventura or Janet Jackson, date of birth [REDACTED] social security number [REDACTED]

(b) Davellin Arvizo, date of birth [REDACTED] social security number [REDACTED]

(c) Gavin Arvizo, date of birth [REDACTED] social security number [REDACTED]

(d) Star Arvizo, date of birth [REDACTED] social security number [REDACTED]

(e) Jay Daniel Jackson, date of birth [REDACTED] social security number [REDACTED]

or any person who is their representative, agent, or acting on their behalf, including their partners, corporations, or business entities where they have a property or ownership interest. The term "COMPLAINANTS" refers to all the individuals mentioned in this paragraph individually, whether or not the names of the others persons identified in this paragraph appear or are mentioned in the DOCUMENT. The term "COMPLAINANTS" also include present and former attorneys, agents, representatives, and any other persons acting on behalf of COMPLAINANT.

(5) As used herein, the "COMPLAINT" refers to the reports, claims, or allegations made by the COMPLAINANTS regarding Mr. Michael Jackson, which are stated in the Indictment in the case of People v. Michael Jackson, SBSC Case no. 1133603.

(6) "YOU" or "YOURS" refers to Raymond David Chandler, and the Custodian of Records of Raymond David Chandler, and all of its agents, representatives, employees, attorneys, or any person acting on its behalf.

(7) As used herein, "PERSON" or "PERSONS" means any natural individual in any capacity whatsoever, and all entities of every description, including, but not limited to, associations, organizations (public or private), agencies, companies, partnerships, joint ventures, corporations, and trusts.

(8) As used herein, "REPRESENTATIVE" or "REPRESENTATIVES" means any person (as defined herein) who acts, has at any time acted, or has purported to act, at the request of, for the benefit of, or on behalf of another, including, but not limited to, the parents, guardians, or agents of COMPLAINANT, businesses, partnership, corporation, in which they have an interest or association as reflected in YOUR records.

(9) As used herein, the term "COMMUNICATION" is to be interpreted comprehensively, and means any instance in which information was exchanged between or among two or more persons, including any oral or written utterance, notation, or statement of any nature whatsoever, by and to whomsoever made, and all understanding or exchanges of information between or among two or more persons.

(10) As used herein, the term "CORRESPONDENCE" means any handwritten, printed, typed, or otherwise recorded communication whatsoever between or among two or more persons, and includes, without limitation, memoranda, letters, notes, telegrams, telexes, facsimile transmissions, email records, and marginal notations or comments.

**B. DOCUMENTS TO BE PRODUCED:**

(1) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning Jordan Chandler relationship with Michael Jackson since January 1, 1992.

(2) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning any contract, consulting agreement, joint venture agreement, employment relationship, or exchange of services arrangement between you and Tellem Worldwide.

(3) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning any communications, correspondence, notes, letters, memoranda, or discussion between you and Tellem Worldwide since January 1, 1992, or any of their REPRESENTATIVES.

(4) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning any communication,

correspondence, notes, letters, or memoranda, or discussion between you and any person, business, or other entity since January 1, 1992, where Michael Jackson has been mentioned or discussed.

(5) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning any communication, correspondence, notes, letters, or memoranda, or discussion between you and any law enforcement agency, governmental entity, police personnel, sheriff's personnel, child protective services personnel, or any of their REPRESENTATIVES, whether federal, state, or local, since January 1, 1992, where Michael Jackson or Jordan Chandler has been mentioned or discussed.

(6) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning any compensation, payment, expense reimbursement, cancelled checks or other evidence of payment, for any speech, writing, manuscript, book, performance, consultation service, work, labor, or other assistance you have provided to any person where the subject matter of Michael Jackson or Jordan Chandler was discussed, mentioned, or involved.

(7) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning any discussions, letters, notes, communications, contracts, agreements, or correspondence between you and Jordan Chandler, or any of his REPRESENTATIVES, where the subject of Michael Jackson was discussed or mentioned since January 1, 1992.

(8) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning any discussions, letters, notes, communications, contracts, agreements, or correspondence between you and Evan Chandler, or any of his REPRESENTATIVES, where the subject of Michael Jackson or Jordan Chandler was discussed or mentioned since January 1, 1992.

(9) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning manuscripts, manuscript drafts, research notes, interview notes, interview audio and video recordings, correspondence with witnesses, and discussions with witnesses concerning or relating to the book "All that Glitters: The Crime and the Cover Up" by Raymond Chandler.

(10) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning any contract, agreement, or arrangement for the printing, distribution, promotion, or sale of the book "All that Glitters: The Crime and the Cover Up" by Raymond Chandler.

3. The above documents are material to the issues involved in the case by reason of the following facts:

A. The information sought will lead to witness, documents, and discoverable evidence that will show the claims made in the Pending Criminal Case in the Santa Barbara Superior



FILED  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SANTA BARBARA

JUL 09 2007

GARY M. BLAIR, Executive Officer

*Carrie L. Wagner*  
CARRIE L. WAGNER, Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SANTA BARBARA

THE PEOPLE OF THE STATE OF CALIFORNIA,

Case No.: 1133603

Plaintiff,

Protective Order Regarding Defendant's  
Subpoenas Duces Tecum

vs.

MICHAEL JACKSON,

Defendant.

Good cause appearing, it is hereby ordered that the clerk of the court shall permit Defendant Michael Jackson, by and through his counsel, to subpoena materials without disclosing the nature of the subpoena, the person or items sought by the subpoena, or the response to the subpoena and any materials returned therewith.

It is further ordered, without limiting the generality of the foregoing, that:

1. The clerk of the court shall segregate and keep confidential and not disclose to the People any materials pertaining to the subpoena, including returns, documents, and other materials returned in response to said subpoena.

///

///



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com

EXHIBIT C

mjfacts.com

mjfacts.com

# Law Office of Herb Fox

15 West Carrillo Street  
Suite 211  
Santa Barbara, CA 93101  
Tel 805/899/4777  
Fax 805/899/2121  
Admin@HerbFoxLaw.com  
www.lawyers.com/herbfox

September 30, 2004

Via U.S. Mail and Fax (562) 921-2298

R. Brian Oxman, Esq.  
Oxman & Jaroscak  
14126 E. Rosecrans  
Santa Fe Springs, CA 90670

Re: People v. Jackson

Dear Mr. Oxman:

As you know, this office, along with the law firm of Foley & Bezek, represents Raymond Chandler. This letter memorializes our telephone conversation of this morning regarding the Subpoena Duces Tecum that you served on Mr. Chandler, and Mr. Chandler's Ex Parte Application for an Extension of Time that we filed in Judge Melville's chambers this morning.

You have kindly agreed to extend the time for Mr. Chandler to respond to the Subpoena Duces Tecum from October 5, 2004 to October 25, 2004. In consideration for that extension, we have telephoned Judge Melville's chambers and requested that our Applications be taken off calendar.

If for any reason this letter does not accurately reflect our agreement, please contact me immediately.



10/23/2004 10:15  
Mr. R. Brian Oxman, Esq.

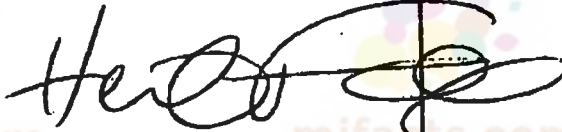
September 30, 2004

Page 2

Thank you for your professional courtesy in this matter.

Sincerely,

LAW OFFICE OF HERB FOX



Herb Fox

cc: Raymond Chandler  
Peter Bezek, Esq.



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com

EXHIBIT D



mjfacts.com



mjfacts.com

OUR PAGES OF  
THE INSIDE STORIES  
START HERE

# HOT & COOL

BY LINDA STASI

WITH AD BENNETT AND MICHAEL LEWITES

## Jackson And His Friend To Meet Between The Covers

It goes without saying that when Michael Jackson agreed to that \$10 million settlement (eight to the boy who accused him of molestation and \$1 million each to the boy's divorced parents), that he would insist that the deal come complete with a gag order. Ten big ones can buy a lot of silence — no books, no movies, no explanations from the boy or his parents. But even \$10 million doesn't buy forgiveness when you believe that your child was violated. Especially when the man accused of the crime has a \$1-billion contract with Sony. You still want your side out, but you want to spare the child the public humiliation of testifying.

Well, there always is the Joey "I'm forbidden to write a book, but my wife isn't so she's the one getting a million bucks" Burt-funoco ploy.

So it appears that the boy's uncle — the father's brother — has decided to write a book. So even though the immediate kin apparently agreed to gag themselves it doesn't stop the uncle from getting vindication for the family.

He's starting at the top — with Simon & Schuster's top editor Judith Regan. She managed to nail Howard Stern's "Private Parts," Kaithe Lee Gifford's "I

Can't Believe I Said That," Rush Limbaugh's "The Way Things Ought to Be," and Dawn Steel's incredibly badly named "They Can Eat You But They Can't Kill You."

Among other things, the fledgling author will include very telling tape recordings between the father and Jackson's lawyers. When we brought this tidbit to our West Coast Jackson source — who gave us the incredible story months before it broke way back when — he told us we were "absolutely right."

Regan, however, simply said, "I never comment on my business."

Thank God we do, comment on her business, that is. Our source also told us, "Maybe the uncle feels the book should be written so that the boy's side of the story will come out and hold up to scrutiny. The boy's father is still very irate. Because of the settlement, he himself, cannot write a book. But apparently his brother can."

## SOUND BITES

**They're Well Read & Even Better Dressed**

**KID AND PLAY:** You're a med-student wannabe, but you're the No. 5 guy on Johns Hopkins Medical School's waiting list, so what do you do? What any other clear-thinking kid would do — you try to kill off the four people ahead of you, which is what Andrew McCarthy does in "Student Body." The independent film also stars Stephen Miller (Norman's kid) and Andrew Lauren (Ralph's son) and is directed by Doug Liman.

**MODEL SLATED:** All we heard last month was that Christian Slater was giving up supermodels after Christy Turlington dropped him quicker than a 3-foot punt. But now he might be hooked again. This time, it's Elite-model-of-the-moment, Julie Anderson, who just ended a 18-month relationship with John Stamos and was seen cuddling Christian at L.A.'s trendy Babylon Club the other night. Slater's former flame, Nina Huang — who is said to be a fledgling screenwriter — ought to now have enough material for a great flick.



Michael Jackson





mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com

EXHIBIT E



mjfacts.com



mjfacts.com

NEAL TRAVIS  
NEW YORK

## Will ABC cry 'uncle' over Jacko?

THE uncle of the boy who accused Michael Jackson of molesting him is taking to the streets — and the Internet — to protest the way the case has played out.

Ray Chandler tells me he will fly next week from his Santa Barbara, Calif., home to New York, where he plans to march up and down outside ABC-TV's Manhattan studios bearing a large sign.

The sign, he says, will assert: "ABC and Diane Sawyer helped Michael Jackson cover up his sex crimes against children, just to increase their ratings."

Before confronting the Disney-owned broadcaster, Chandler says he will post on the Internet a 30-page detailed account of his claims about Jackson and the interview the singer and then-wife Lisa Marie Presley gave to Sawyer on "Prime Time Live" in June 1996. (Chandler's message will be on the Internet from Nov. 1 at [www.CAPProject.org](http://www.CAPProject.org).)

The boy's father sued ABC for defamation after the broadcast. In May last year, a judge in Santa Barbara dismissed the action. That ruling is now under appeal.

Chandler, as I have previously reported, is preparing a book about the affair. "In 1999, I'll publish a book exposing the entire Jackson scandal in detail," he says. "I have spent five years reading, rereading and cross-referencing hundreds of pages of information." Profits will go to the Children's Advocacy Project, from which Chandler says he receives no payment of any kind.

The crux of Chandler's argument (and of the boy's father's suit against ABC) is that the network and Sawyer, desperate for ratings, gave Jackson a huge soapbox from which to tell the world he was innocent of the child-molestation allegations.

In the process, Chandler claims, the boy's father was depicted as an extortionist who'd tried to shake down the pop star. (The father was never charged with any offense and neither was Jackson. But in a settlement agreement, Jackson did pay an amount believed to be more than \$20 million to the youth, who is now 17.)

Her son the actor

\$99.95

NEAL TRAVIS  
NEW YORK

## All bets off for Jacko?

THE renewed attack on Michael Jackson — which I revealed exclusively here Tuesday — by the uncle of the boy who accused him of sexual molestation couldn't have come at a worse time for the eccentric pop star.

Yesterday, several Las Vegas publications called to ask for more details of the claims being made about Jackson by the uncle, Ray Chandler. The reporters are interested because Jackson plans to apply for a casino license, and any accusations against him could be heard by the Nevada Casino Control Commission.

Jackson reportedly is in negotiations to take over either the legendary Desert Inn or the Tropicana and create a "theme" casino. The Gloved One and his partners are talking about spending at least \$350 million on the venture.

Chandler, who flew from his Santa Barbara, Calif., home to New York yesterday, was fascinated when I informed him of the casino develop-

ment. "That sounds like as good a forum as any. I will be more than happy to appear before the commission and spell out the results of my five-year investigation into this scandal," Chandler said.

"And it is a scandal," he insisted. "While the Congress of the United States battles over a lie about a sexual affair between consenting adults, a far more serious [alleged] offense goes unnoticed and unpunished."

Since my story, Chandler has been besieged by the media. He can be seen on several tab-TV shows, has talk-show bookings here in New York, and has been contacted by everyone from the National Enquirer to TV Guide.

Chandler is thus assured of maximum coverage when, on Nov. 9, he parades outside ABC's Manhattan studios carrying a sign accusing the Disney-owned network and "Prime Time Live" anchor Diane Sawyer of covering up Jackson's alleged sex crimes to get better ratings for the show.

20%  
Limit  
On

NEW YORK POST, FRIDAY, OCTOBER 30, 1998

## UNRAVELING THE TRAVIS TALK NEW YORK

# In\$ide Jacko sex settlement?

THE Michael Jackson saga seems to be taking on a renewed life of its own. After my stories this week about the angry crusade by Ray Chandler, uncle of the boy who accused Jackson of molesting him, I've been getting all kinds of hitherto secret information.

The most interesting piece comes from a source who has proven totally reliable throughout the five years of the scandal involving the Gloved One and his accuser, who reached an out-of-court settlement.

The details of that settlement have never been revealed, and wildly different sums have been bandied about in the media. I believe I now have the true figures.

Jackson, my source asserts, agreed to pay the boy \$350,000 a year for 40 years, for a total of \$14 million. The payouts cease if the boy or his parents re-

veal the details or renew their charges. On top of this, each of the boy's parents (they are divorced) received \$1 million cash.

The lawyer who handled the case for them, Larry Feldman, was paid \$3 million by Jackson. That adds up to a grand total of \$19 million.

I ran these figures by Chandler, who has arrived in New York determined to picket the Manhattan studios of ABC, protesting the pro-Jackson interview the network's Diane Sawyer did with the pop star in 1995.

"Wow," Chandler said, when given my source's rundown. But he wouldn't comment on it, because of the secrecy clauses in the settlement and ongoing litigation in which the boy and his father allege Jackson himself has breached their deal.

By David W. Newman and  
Michael Ochs



off the  
beat



BARNEY BRANTINGHAM

## Gloved one case oozes to surface again

**D**oes the name Ray Chandler ring a bell with you? I didn't think so. How about Michael Jackson? Right, that Michael Jackson. The one Ray's brother Evan accused of molesting his son a few years ago.

Remember all that? Media circus at the Courthouse, TV tabloids and all.

The Gloved One still owns Neverland Ranch in the Santa Ynez Valley. Scene of the alleged crime. But no criminal charges were ever filed.

Why not? Look, if you're going to take on a superstar, you'd better have one barnburner of a case.

If the average guy had been accused, he'd have been cooling his heels in the hoosegow before you could say "Hard Copy." But try as they might, the DA's in L.A. and Santa Barbara couldn't get any victims to testify against Jackson.

But now, Ray Chandler, a 30-year resident of Santa Barbara and second-year law student, is putting the whole mess back into the headlines and onto the tube.

He gave a couple of TV interviews this week and posted a 31-page accusation against Jackson, ABC and Prime Time Live interviewer Diane Sawyer on the Internet. ([www.caproject.org](http://www.caproject.org))

And on Nov. 9 Chandler plans to picket ABC headquarters in New York, accusing the network and Sawyer of wrongly teaming with Jackson to clean up his image on a 1995 program.

Ray's brother Evan sued ABC, Jackson and Sawyer for \$60 million over the interview. Evan claimed that the singer violated their confidentiality agreement in his earlier molestation suit and defamed him by calling his accusations "lies, lies, lies."

Jackson had settled the earlier molestation suit for a reported \$20 million. (I know this gets complicated.)

Ray Chandler, who previously went by the family name of Chermatz, is mad because his brother's lawsuit got thrown out of court.

"I'm indignant," he told me. Others wonder if he's really trying to stir up renewed interest in the case because he plans to write a book on the whole Jackson molestation case.

Ray Chandler admitted to me that he's considering writing a book, but denied that has any connection with the anti-ABC campaign.

No, he's cranked up because Santa Maria Superior Court Judge James Jennings tossed his brother's suit out of court last year. "I thought it would be handled by the court, but the judge dismissed it," Chandler told me.

It's on appeal, but Ray Chandler wants to speak out now. "I am convinced that the judge 'dumped' the case to avoid the disruption to his courthouse" if a trial was held, resulting in another media circus.

Suspicious as I tend to be, I highly doubt that the judge had that in mind.

So why the fuss now? Chandler said he had to wait until he could get the court documents to research his 31-page brief.

Ray Chandler contends that in a mad race for ratings, ABC and Sawyer got Jackson onto the 1995 Prime Time Live show by promising to throw only softball questions at him.

Sawyer knew a lot of damaging stuff about Jackson but withheld it, Chandler claims. On the show she promised a no-holds-barred interview, then gave Jackson a clean bill of health, Ray said.

In its answer to Evan Chandler's suit, ABC denied any wrongdoing.

As for Ray Chandler's premise of some awful ABC conspiracy or collusion, TV makes millions by lobbing softball questions at celebrities.

Do you think Jackson would have gone on national TV if he'd thought a serious interviewer would nail him with hardball questions?

Meanwhile, former Beverly Hills dentist Evan Chandler and his son, now 19, lived in Santa Barbara for six months but now are traveling around the country, Ray told me.

There are more twists to this case than a Solvang pretzel. And I'm sure more are in the works.



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com

EXHIBIT F



mjfacts.com



mjfacts.com

to move kly on school requests dealing with issues such as minor calendar changes, personnel and facility usage, as long as they cost little or no money and do not conflict with union contracts or affect other schools.

Under the LEARN overhaul plan, which covers 34 schools, principals have been given broad authority to design their own educational programs and address school needs while collaborating with teachers and parents.

In the four months since the schools were officially inducted into the LEARN program, many have found that board approval was needed for the simplest of requests, a reflection of the tangle

key has prevented a board gave conditional approval of charter school status to the Accelerated School. Last June, a group of teachers from 99th Street Elementary School in South-Central Los Angeles submitted a petition to start the school, which will receive state funds but will be autonomous from the Los Angeles district.

The philosophy of the new charter school will be to treat all students as high achievers through a demanding curriculum where expectations are high. This model is already in place at 99th Street Elementary.

Times staff writer Diane Seo contributed to this story.

BERT DURELL / Los Angeles Times  
born of crack mothers.

aths in the Anglo  
7 among Latinos.

major factor in the high  
ling to Great Beginnings for  
ch is trying to erase  
luring pregnancy.  
others frequently have a  
let and disregard prenatal  
to the group.

y phenomenon was in its  
Please see CRACK, B11

## Michael Jackson Seeks 6-Year Delay in Boy's Molestation Lawsuit

■ **Litigation:** The lawyer for the teen-ager seeks to expedite the civil case, asking the court to order the touring singer home.

By JEAN MERL  
TIMES STAFF WRITER

Pop superstar Michael Jackson is seeking a six-year delay in the child molestation lawsuit brought against him by a 13-year-old boy, but the boy's attorney, stepping up his efforts to expedite the civil case, asked the court Monday to order the singer to return from his international tour to give a deposition.

Citing the continuing criminal investigation touched off this summer by the boy's allegations that Jackson repeatedly sexually molested him, Bertram Fields, an attorney Jackson has hired in response to the lawsuit, asked for the delay late last week.

Fields' petition seeks to have the court put a hold on the trial and all so-called discovery ac-

tivities—attorney interviews of principals and potential witnesses—until the statute of limitations for the alleged crimes has expired.

The request is part of the Jackson camp's first official response to the lawsuit, filed Sept. 14. In the court document, Jackson, as he has in the past, denied all allegations of sexual abuse and repeated his accusation that the allegations stemmed from a failed extortion attempt by the boy's father.

But attorney Larry R. Feldman, representing the teen-ager, is seeking to have the trial begin before the middle of March, saying his client "is entitled to lead the remainder of his childhood without a cloud over his head that he is an extortionist and liar."

Civil court dockets in the Los Angeles area are so crowded that it often takes up to five years for a case to get to trial. But Feldman said the teen-ager is entitled to priority because he is under 14 and because of the nature of the case.

"This child needs closure."

Please see JACKSON, B11

## Foreigners

ates with visas or under the Visa Waiver Pilot Program, and certain other nonimmigrants are not eligible to receive NONEMERGENCY health services at this county facility."

"What we are trying to get at are the ones that are coming to this country deliberately for the purpose of seeking care," Riley said.

Initial reaction from county doctors Monday was skeptical, however.

"I'm not sure this is really going to deter the group that is the main problem—the ones who are being told by doctors in their own country: 'You can't get treatment here. Go to America,'" said Dr. Irwin Ziment, chief of medicine at Los Angeles County-Olive View Medical Center in Sylmar. "These patients are genuinely sick. They've all made that big journey. And they are just going to hang around until they become a serious emergency." Although many non-resident foreign patients are here in such desperation, the Times investigation turned up examples of patients who appeared to be seeking care in California's public hospitals because they were aware that they could obtain sophisticated treatment for free.



Headline: Judge Lets Jackson Plead 5th

Courts: The singer avoids answering questions in civil case about whether he molested children. His lawyers say they advised the legal move even though he is innocent.

Date: September 16, 1994

Section: Metro

News Desk: Metro Desk

Edition: Home Edition Friday

Word Count: 541

Page: B-3

Author: NICHOLAS RICCARDI  
TIMES STAFF WRITER

Index Terms: JACKSON, MICHAEL  
FIFTH AMENDMENT  
CHILD MOLESTATION  
WRONGFUL JOB TERMINATION SUITS  
SECURITY GUARDS

Lead:

A Superior Court judge ruled Thursday that pop superstar Michael Jackson can plead the 5th Amendment in a civil case, enabling him to avoid answering questions under oath about whether he sexually abused children.

Attorney Charles Mathews, representing five former Jackson security guards who have filed suit against Jackson claiming that he fired them to conceal his child molestation, said Jackson is hiding behind the 5th Amendment.

"Michael Jackson had the opportunity today to come into court and say he is innocent," Mathews said after the hearing. Instead, Mathews said, Jackson "gets up and says, 'Sorry, I want to take the 5th because my answer could incriminate me.'"

Text:

Jackson's attorneys said the singer wanted to testify that he was innocent, but given that he may face criminal charges, his defense team advised Jackson to stay silent.

Jackson "maintains that he is innocent," said Carl Douglas, his attorney, accusing Mathews of grandstanding. "As an experienced criminal attorney, (Mathews) knows full well the obligations of one's counsel when they are facing serious charges."

Jackson has not been charged with a crime. A grand jury disbanded in July without indicting the singer, but the statute of limitations on child molestation charges runs six years, and the district attorney's office has not said Jackson is in the clear.

Mathews, who had wanted Superior Court Judge Richard C. Neal to force Jackson to admit or deny firing the guards as part of a cover-up, complained that this was the first time a defendant had used the 5th Amendment in not answering allegations in a civil suit.

"I found not even one (similar civil) case," Mathews said, "and the 5th Amendment has been around for a long time."

Neal said he had to "fall back on basic principles, and the basic principle is a fairly simple one, that we don't use our judicial process to make someone incriminate themselves."

The guards, all fired Feb. 1, 1993, sued Jackson in November. In the suit, they said they had seen boys between the ages of 9 and 14 going into Jackson's private quarters in his Hayvenhurst Avenue estate in Encino and not emerging until the next morning.

The suit also alleges that one guard, Leroy A. Thomas, was ordered

to retrieve a Polaroid photo of a naked boy from Jackson's private bathroom and destroy it.

Mathews said the guards had cooperated with the district attorney's office and filed the suit, which is scheduled for trial in April, after they became convinced that charges would not be lodged against Jackson. Mathews called his clients "good men, moral men."

Another of Jackson's attorneys, Zia Modabber, has another view. "They want money," he said Thursday. "They don't want (Jackson) to admit or deny anything for any real purpose."

Copyright, The Times Mirror Company; Los Angeles Times 1994  
Accession Number: 000087851

---



# EXHIBIT G



Headline: Jackson Settles Abuse Suit but Insists He Is Innocent  
Courts: Singer will reportedly pay \$15 million to \$24 million to teen-ager. Criminal investigation will proceed.

Date: January 26, 1994

News Desk: Metro Desk  
Edition: Home Edition  
Wednesday  
Word Count: 1866

Page: A-1

Author: JIM NEWTON  
TIMES STAFF WRITER

Index Terms: JACKSON, MICHAEL  
CHILD MOLESTATION  
SUITS  
SETTLEMENTS

Lead:

Lawyers for Michael Jackson and a 14-year-old boy who alleged in a lawsuit that the singer sexually molested him announced Tuesday that they have settled the case, abruptly ending one chapter of a scandal that has dogged the internationally renowned pop icon since August.

Although the attorneys declined to discuss any aspect of the settlement, sources close to the negotiations said it was for \$15 million to \$24 million, with some of the money paid to the boy in cash and the rest funneled into a trust fund. The terms of the settlement were reviewed by a judge who has been appointed to serve as the boy's guardian.

After a brief court hearing Tuesday, Larry R. Feldman, the boy's attorney, said he and his client were "very happy with the resolution of this matter."

Text:

Despite the settlement, Jackson's attorneys said their client stands by his assertions of innocence and agreed to the deal so that he could get on with his life.

"The resolution of this case is in no way an admission of guilt by Michael Jackson," said attorney Johnnie L. Cochran Jr., one of two lawyers representing Jackson in the matter. "In short, he is an innocent man who does not intend to have his career and his life destroyed by rumors and innuendo."

As part of the settlement, however, Jackson publicly recanted his charge that he was the victim of an extortion attempt by the boy's father. That claim, long advanced by Jackson's advisers and by the entertainer, has been the mainstay of his defense since the first days of the case, which erupted in August.

The settlement of the civil case resolves Jackson's most immediate legal troubles and may effectively put an end to a criminal investigation. The boy's lawsuit was scheduled to go to trial in March. In preparation for that, a judge had scheduled Jackson to be deposed this week.

Jackson previously had resisted giving a deposition, and had the case not been settled he might have been forced to choose between answering questions and refusing to respond based on his right to not incriminate himself--a common legal maneuver but one that could have had grave public relations implications for the superstar.

Now, those immediate problems have been lifted, and he will avoid the spectacle of a nationally televised civil trial probing the most

Headline: Boy's Father in Jackson Case Won't Be Charged

Investigation: Singer claimed parent of alleged molestation victim tried to extort money from him. D.A. says decision not to prosecute is unrelated to reports that settlement is near.

Date: January 25, 1994

Section: Metro

News Desk: Metro Desk

Edition: Home Edition Tuesday

Page: B-1

Word Count: 1106

Author: JIM NEWTON  
TIMES STAFF WRITER

Index Terms: CHILD MOLESTATION  
SETTLEMENTS  
JACKSON, MICHAEL  
EXTORTION

Lead:

Amid signs that a lawsuit accusing Michael Jackson of sexually molesting a young boy may soon be settled, prosecutors announced Monday that they will not bring charges against the boy's father, whom Jackson and his advisers claimed tried to extort money from the entertainer.

"We've declined to file today criminal charges of attempted extortion," said Michael J. Montagna, a deputy Los Angeles County district attorney who heads that office's organized crime unit. "The evidence does not show that any crime has been committed."

The district attorney's decision, coming after more than five months of investigation, represents a major victory for the boy's family, whose representatives have denied the extortion allegations for months. The decision was criticized by Jackson's former private investigator but praised by the lawyer for the boy's father.

Text:

"We're pleased that the district attorney has confirmed my client is innocent of any wrongdoing," said the lawyer, Richard Hirsch. "Now all the parties can focus on the real issues in this matter."

Immediately after the sexual abuse allegations surfaced last summer, private investigator Anthony Pellicano, then employed by Jackson, publicly accused the boy's father and the father's lawyer of trying to extort \$20 million from the singer. According to Pellicano, the boy's father went public with the allegations of abuse only after the extortion attempt failed.

Pellicano released two tape recordings to bolster the extortion claim, and Jackson later repeated the accusations. Jackson's advisers lodged a complaint with the Police Department, however, only after The Times reported that one had not been filed.

Montagna cited the Jackson camp's slowness to act on the extortion claim and its willingness to negotiate with the boy's father for several weeks as two reasons why prosecutors did not bring an extortion case. Montagna also said the discussions between Jackson's representatives and Barry K. Rothman, the attorney for the boy's father at that time, appeared to be attempts to settle a possible civil case, not efforts to extort money.

"It's not a crime for attorneys to try to settle a civil action," Montagna said. "The law actually favors trying to settle actions without going to court."

In an interview Monday, Pellicano sharply disputed the argument that the discussions were intended to settle a claim out of court.



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com

EXHIBIT H

mjfacts.com

mjfacts.com



1 ROSA KWONG BAR NO. 129811  
2 Law Offices of  
3 CALLAHAN, McCUNE & WILLIS  
4 111 Fashion Lane  
5 Tustin, California 92680-3397  
6 (714) 730-5700

FILED

LOS ANGELES SUPERIOR COURT

NOV 14 1994

7 Attorneys for Defendants,  
8 MICHAEL JACKSON and MJJ PRODUCTIONS, INC.

EDWARD M. KRITZMAN, CLERK  
BY D. R. CALICOATTE, DEPUTY

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
10 FOR THE COUNTY OF LOS ANGELES

11 BARRY K. ROTHMAN, an )  
12 individual and BARRY K. )  
13 ROTHMAN doing business as THE )  
14 LAW OFFICES OF BARRY K. )  
15 ROTHMAN, )

Plaintiff,

vs.

16 MICHAEL JACKSON; MICHAEL )  
17 JACKSON ENTERPRISES; HOWARD )  
18 WEITZMAN; THE LAW OFFICES OF )  
19 KATTEN, MUCHIN, ZAVIS & )  
20 WEITZMAN; BERTRAM FIELDS; THE )  
21 LAW OFFICES OF GREENBERG, )  
22 GLUSKER, FIELDS, CLAMAN & )  
23 MATCHINGER; ANTHONY PELLICANO; )  
24 PELLICANO INVESTIGATIVE )  
25 AGENCY; and DOES 1 through 50, )  
26 inclusive, )

Defendants.

CASE NO. SC032081

NOTICE OF DEMURRER AND DEMURRER  
OF DEFENDANTS MICHAEL JACKSON  
AND MJJ PRODUCTIONS, INC. TO  
COMPLAINT OF PLAINTIFFS;  
MEMORANDUM OF POINTS AND  
AUTHORITIES; EXHIBIT

[CONCURRENTLY FILED, SERVED AND  
HEARD WITH DEFENDANTS' MOTION  
TO STRIKE PUNITIVE DAMAGES  
ALLEGATIONS]

DATE: December 7, 1994  
TIME: 1:30 p.m.  
DEPT.: M

TRIAL DATE: NONE

SANTA MONICA DISTRICT.

23 TO ALL INTERESTED PARTIES AND TO THEIR ATTORNEYS OF RECORD HEREIN.

24 PLEASE TAKE NOTICE THAT on December 7, 1994, at 1:30 p.m. or as  
25 soon thereafter as may be heard in Dept M of the above-entitled

26 court located at 1725 Main Street, Santa Monica, California 90401, a  
27 defendants MICHAEL JACKSON and MJJ PRODUCTIONS, INC. demur  
28 generally to the complaint of plaintiffs BARRY K. ROTHMAN and THE

1 LAW OFFICES OF HARRY K. ROTHMAN and seek an order sustaining the  
2 demurrer without leave to amend.

3 Said demurrer will be premised on the grounds the complaint  
4 fails to state facts sufficient to constitute any cause of action  
5 against defendants. Specifically, the conduct alleged by  
6 plaintiffs against defendants are absolutely privileged under  
7 California Civil Code, Section 47, subdivision b.

8 Said demurrer is further premised upon this notice the  
9 attached memorandum of points of authorities, supporting exhibits,  
10 all of the court's records on file in connection with this matter  
11 as well as any oral or documentary evidence that may be presented  
12 at the hearing on said demurrer.

13 DATED: November 14, 1994

CALLAHAN, McCUNE & WILLIS

14  
15 By: 

ROSA KWONG  
Attorney for Defendants  
MICHAEL JACKSON and MJJ  
PRODUCTIONS, INC.

16  
17 F:\tig\4017\P11114.011  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

TABLE OF CONTENTS

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

|    |   |    |
|----|---|----|
| 1. | SUMMARY OF FACTS . . . . .  | 3  |
| 2. | THE HEREIN DEMURRER SHOULD BE<br>SUSTAINED WITHOUT LEAVE TO AMEND<br>IN THAT THE OPERATIVE FACTS AS<br>DISCLOSED BY PLAINTIFFS UNEQUIVOCALLY<br>INVOKED AN EXCEPTION BASED ON PRIVILEGE . . . . . | 5  |
| A. | Representations, despite falsehood<br>and malicious intent, do not give rise<br>to action for defamation if made in<br>connection with litigation. . . . .  | 7  |
| B. | The absolute nature of the privilege<br>likewise bars derivative actions<br>intentional interference with prospective<br>advantage and intentional infliction of<br>emotional distress. . . . .   | 11 |
| 3. | THE COMPLAINT'S CHARGE OF CONSPIRACY<br>WILL NOT VITIATE THE PRIVILEGE . . . . .  | 13 |
|    | CONCLUSION . . . . .  | 13 |



## TABLE OF AUTHORITIES]

**CASES**  
**PAGE(S)**

|  |        |
|--|--------|
| <u>Green v. Ucelli</u> (1989) 207 CA3d 1112, 1124. . . . .           | 7      |
| <u>Lorette v. Dean Witter Organization, Inc.</u>                     |        |
| (1976) 60 CA3d 573, 577 . . . . .                                    | 9, 12  |
| <u>Pettit v. Levy</u> (1972) 28 CA3d 484, 491. . . . .               | 13     |
| <u>Rosenthal v. Irell &amp; Manella</u> (1982) 135 CA3d 121. . . . . | 8, 9,  |
| . . . . .  | 11, 12 |
| <u>Silberg v. Anderson</u> (1990) 50 Cal3d 205. . . . .              | 6, 7,  |
| . . . . .  | 8, 9,  |
| . . . . .  | 10, 11 |
| <u>Washer v. Bank of America</u> (1943) 21 Cal.2d 822 . . . . .      | 9      |

**STATUTES**

|                            |       |
|----------------------------|-------|
| Civil Code §44 . . . . .   | 5     |
| Civil Code §45 . . . . .   | 5     |
| Civil Code §46 . . . . .   | 5     |
| Civil Code §47 . . . . .   | 5, 7, |
| . . . . .                  | 11    |
| Civil Code §47(b). . . . . | 6, 11 |
| Civil Code §47(2). . . . . | 6, 8, |
| . . . . .                  | 11    |

MEMORANDUM OF POINTS AND AUTHORITIES

1.

SUMMARY OF FACTS

The herein complaint states three causes of action: tortious interference with business and contractual relationship and prospective advantage; defamation; intentional infliction of emotional distress. This court is requested to take judicial notice of said complaint filed on July 29, 1994 and amended October 11, 1994 to include MJJ PRODUCTIONS, INC.

All three causes of action hinge on unspecified remarks allegedly made by defendants and/or their agents regarding plaintiffs while plaintiffs were acting as attorneys for "the Chandler family" in matters that eventually culminated in a Los Angeles County Superior Court case against defendants. Plaintiffs state that they had unearthed evidence of a "relationship" between JACKSON and a member of the Chandler family. See complaint, paragraphs 17 & 18.

The complaint provides no details regarding either plaintiff's employment with "the Chandler family" or the "relationship." The complaint merely states that defendants "publicly made repeated false claims of extortion and later caused to be filed a false report." See complaint, paragraph 19 (A).

However, plaintiffs provide no clue as to what exactly was said, who may have published the remarks (JACKSON, MJJ PRODUCTIONS, or one of the plethora of individuals alleged to be a JACKSON agent), when said publication(s) may have taken place and to whom the publication(s) were made. For that matter it is unclear from the complaint whether the "false claims of extortion"

1 and "false police report" were directed at plaintiffs.

2 Elsewhere in the complaint it is said that plaintiff ROTHMAN  
3 withdrew from his representation of the Chandler family. It is  
4 uncertain whether he was fired or whether he became intimidated  
5 and abandoned his clients.

6 In any event, the complaint alleges that defendants'  
7 misconduct was intentional and designed to and did injure  
8 plaintiffs in his profession, etc. Based thereon, plaintiffs  
9 conclude that defendants acted with malice, oppression, etc. and  
10 seek general and punitive damages. The punitive damages  
11 allegations (dealt with in a concurrently filed motion to strike)  
12 are thinly supported by a parroting of Civil Code Section 3294.

13 The above-cited examples of vagueness and ambiguity alone are  
14 sufficient to merit a sustaining of the herein demurrer. Beyond  
15 these pleading defects—and of even greater significance—is  
16 plaintiffs' apparent complete oblivion to Civil Code Section 47(b)  
17 and interpreting court opinions which except defendants' conduct,  
18 as alleged, from precisely the causes of action brought forth by  
19 plaintiffs. The complaint—a verified one at that—contains no  
20 facts that would defeat said exception. It is further defendants'  
21 position that the operative facts as disclosed by plaintiffs are  
22 not susceptible to manipulation and not even fabrication by  
23 plaintiffs would render the privilege exception inapplicable.  
24 Hence, the herein demurrer should be sustained without leave to  
25 amend.

26 //

27 //

28 //



THE HEREIN DEMURRER SHOULD  
BE SUSTAINED WITHOUT LEAVE

TO AMEND IN THAT THE OPERATIVE FACTS  
AS DISCLOSED BY PLAINTIFFS UNEQUIVOCALLY  
INVOKES AN EXCEPTION BASED ON PRIVILEGE

Civil Code Section 44 decrees that defamation is effected either by libel or slander. In this case, plaintiffs claim that defendants did both.

Civil Code Section 45 defines libel thus:

"Libel is a false and unprivileged publication by writing, printing, picture, effigy, or other fixed representation to the eye, which exposes any person to hatred, contempt, ridicule, or obloquy, which causes him to be shunned or avoided, or which has a tendency to injure him in his occupation."

Section 46 defines slander as follows:

"Slander is a false and unprivileged publication, orally uttered, and also communications by radio or any mechanical or other means which:

1. Charges any person with crime, or with having been indicted, convicted, or punished for crime;

\*\*\*

3. Tends directly to injure him in respect to his office, profession, trade or business, either by imputing to him general disqualification in those respects which the office or other occupation peculiarly requires,...

\*\*\*

5. Which, by natural consequence, causes actual damage."

However, Section 47 defines a privileged publication or broadcast as one made:

//

//

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SANTA BARBARA

I am employed in the County of Santa Barbara, State of California. I am over the age of 18 years of age and not a party to the within action; my business address is 15 West Carrillo Street, Suite 211, Santa Barbara, California 93101.

On Oct. 25, 2004, I served the foregoing document described as *Application To File Under Seal And Without Notice To The People; Notice of Motion and Motion to Quash Subpoena and/or In Camera Review; Memorandum of Points and Authorities; Declaration of Raymond Chandler; Proposed Order* on the interested parties in this action as follows:

Brian Oxman  
14126 E. Rosecrans  
Santa Fe Springs, CA 90670  
Telephone (562) 921-5058

☒ BY UNITED STATES MAIL (*California Overnight*)  
☒ I deposited such envelope in the mail at Santa Barbara, California. The envelope was mailed with postage thereon fully prepaid.

☐ As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Santa Barbara, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ BY PERSONALLY DELIVERY: I personally delivered said envelope to the name and address indicated above.

☐ BY FACSIMILE TRANSMISSION: The transmission of this document was reported as complete and without error. A true and correct copy of the transmission reports are attached hereto. This transmission report was property issued by the transmitting facsimile machine on this date.

Executed on Oct. 25, 2004 at Santa Barbara, California.

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

  
Kristyne Aljian

1           "(b) In any (1) legislative or (2) judicial  
2           proceedings, or (3) any other official  
3           proceedings authorized by law, or (4) in the  
          initiation or course of any other proceeding  
          authorized by law and reviewable..."

4           The court's attention is drawn to the sweeping language of  
5           this section the application of which is absolute and not  
6           conditioned upon the publisher's motive, intent or state of mind.  
7           Subdivision (b)(1) carves out an exception for marital  
8           dissolutions where truthfulness and an absence of malice are  
9           required for the privilege's invocation. No such requirements are  
10          imposed in non-dissolution cases.

11          The controlling decisional law interpreting Section 47(b) is  
12          Silberg v. Anderson (1990) 50 Cal3d 205. Silberg arose from a  
13          child custody battle wherein the wife's attorney referred the  
14          couple for evaluation by a psychologist with the attorney had a  
15          pre-existing relationship. The evaluation was not favorable to the  
16          husband who then sued the attorney for influencing the  
17          psychologist into producing a biased, inaccurate and defamatory  
18          report. Silberg, *supra*, 210-211. The complaint asserts causes of  
19          action for breach of contract, negligence, negligent  
20          misrepresentation, intentional infliction of emotional distress  
21          and acts damaging to his reputation. Silberg, *ibid*.

22          The defendant/attorney demurred on grounds that the complaint  
23          failed to state facts sufficient to constitute a cause of action  
24          because her statements were made during litigation and thus  
25          privileged under Civil Code Section 47(2). 1/

---

26  
27          1/ As a result of amendments in 1990, Section 47(2) is now  
28          47(b).



1 The trial court sustained the demurrer to the entire complaint and  
2 entered a judgment of dismissal in favor of the attorney. Silberg,  
3 supra, at 211.

4 The first district appellate court sustained the demurrer to  
5 all causes of action but reversed as to the intentional tort cause  
6 of action, reasoning that defendant's representations would not  
7 be privileged unless made to promote the "interest of justice."  
8 The appellate court determined that the husband should be allowed  
9 to amend his complaint to allege that defendant/attorney acted  
10 with an improper objective. Silberg, ibid.

11 The California Supreme Court reversed the appellate court  
12 decision, ordering a reinstatement of the trial court's sustaining  
13 of the entire demurrer and judgment of dismissal and rejecting the  
14 "interest of justice" test altogether. Silberg, at 209, 218-219.

15 A. Representations, despite falsehood and malicious intent, do  
16 not give rise to action for defamation if made in connection  
17 with litigation.

18 The Silberg court reached its conclusion following an  
19 extensive and detailed analysis of the historical application of  
20 the Section 47 privilege, noting as follows:

21 "The usual formulation is that the privilege  
22 applies to any communication (1) made in  
23 judicial or quasi-judicial proceedings; (2)  
24 by litigants or other participants authorized  
25 by law; (3) to achieve the objects of the  
26 litigation; and (4) that have some connection  
27 or logical relation to the action. Silberg,  
28 supra, at 212, citing Green v. Ucelli (1989)  
207 CA3d 1112, 1124.

26 //

27 //

28 //

1 The court also discussed at length the policies underlying  
2 Section 47 which has as its purpose assurance of freedom of access  
3 to the courts without fear of being harassed subsequently by  
4 derivative tort actions. Accordingly, the court stated as follows:

5 "Section 47(2) promotes the effectiveness of  
6 judicial proceedings by encouraging "open  
7 channels off communication and the  
8 presentation of evidence" in judicial  
9 proceedings. (citations omitted) A further  
10 purpose of the privilege "is to assure utmost  
11 freedom of communication between citizens and  
12 public authorities whose responsibility is to  
13 investigate and remedy wrongdoing."  
14 (citations omitted)...Since the "external  
threat of liability is destructive of this  
fundamental right and inconsistent with the  
effective administration of justice (citation  
omitted), courts have applied the privilege  
to eliminate the threat of liability for  
communications made during all kinds of  
truth-seeking proceedings: judicial,  
quasi-judicial, legislative and other  
official proceedings." Silberg, supra, 213.

15 Not only did the court refrain from indicting the Silberg  
16 defendant for malicious falsehood, it specifically condoned  
17 zealous representation without fear of subsequent derivative  
18 actions. Silberg, at 214.

19 Finally, the court noted that, since the "without malice"  
20 requirement of Section 47(2) (or Section 47(b)(1) in the newer  
21 version) applies only to affidavits and pleadings in marital  
22 proceedings, the Legislature must have intended "section 47(2) to  
23 apply to all publications, irrespective of their maliciousness."  
24 Silberg, supra, at 216.

25 On the matter of the falsity of the representation, the court  
26 consulted an impressive list of appellate court opinions,  
27 including Rosenthal v. Irell & Manella (1982) 135 CA3d 121, which  
28 concluded that "falsehood" is not the determining factor in

1 applying Section 47. The second district appellate court stated  
2 unequivocally as follows:

3 "In fact, since perjury and the presentation  
4 of false documents are covered by the  
5 privilege, there would seem to be no reason  
6 to withhold protection of the privilege from  
7 publications which are less culpable...the  
8 privilege applies to an injurious publication  
9 (rather than falsehood) of whatever nature,  
10 in a protected proceeding." Rosenthal, supra,  
11 127-128.

12 It is moreover significant that the "logical relation"  
13 standard is broadly applied to mean "some reasonable relevancy to  
14 the subject matter of the action" at hand. Silberg, supra, at 220,  
15 citing Washer v. Bank of America (1943) 21 Cal.2d 822. Privilege  
16 to defame in the course of judicial proceedings "is not limited  
17 to statements during trial but can extend...to steps taken prior  
18 thereto" and "communications preliminary to a proposed judicial  
19 proceeding." Lerette v. Dean Witter Organization, Inc. (1976) 60  
20 CA3d 573, 577, citing Restatement Torts, Sec. 586 and commentary.

21 Lerette is an action for defamation and intentional  
22 infliction of emotional distress, arising from a letter authored  
23 by an attorney who threatened, on behalf of his client, to sue  
24 for fraud and misrepresentation, unless the opponent agreed to a  
25 settlement. No court action had been instituted when the demand  
26 was sent.

27 Applying the above-cited authority to the present case leaves  
28 no doubt that the Section 47 absolute privilege applies and that  
29 no amendment of the facts with defeat the privilege. To wit, the  
30 key pertinent allegations of the complaint are as follows:

31 Paragraph 6 alleges that various co-defendants were agents  
32 and employees of the JACKSON defendants.



1 Paragraphs 14 & 18 allege that plaintiffs were hired by J.  
2 Chandler to provide legal services, specifically, to obtain  
3 "appropriate compensation" for personal injury to the Chandler  
4 clients. This can only mean that plaintiffs were hired to pursue  
5 legal action against JACKSON.

6 Paragraph 17 alleges that plaintiffs acquired particular  
7 information regarding JACKSON and a Chandler family member, the  
8 information of which was eventually made public in Los Angeles  
9 Superior Court Case No. SOC 026 226.

10 Paragraph 19 A/ alleges that defendants publicly falsely  
11 accused plaintiffs of extortion and filed a false police report.

12 In sum and substance, it is said that defendants'  
13 representations caused plaintiffs to lose the Chandler clients and  
14 what financial gain that would have resulted from his continuing  
15 employment with them. No other causal factors have been cited in  
16 the complaint.

17 The present circumstances meet all of the factors in the  
18 Silberg four-part test to qualify for Section 47 privilege.  
19 Assuming for the purpose of said demurrer that defendants did  
20 accuse plaintiffs of extortion and did file a false police report,  
21 said conduct took place in connection with personal injury court  
22 action which the Chandlers filed or contemplated filing. Specific  
23 reference was made to the suit in the herein complaint. Plaintiffs  
24 ROTHMAN even provided the court case number.

25 Also, defendants and co-defendants were, by plaintiffs own  
26 description in the complaint, litigants and their authorized  
27 agents/employees.

28 Further, despite the dearth of details in the herein

1 complaint, it is evident therefrom that defendants so acted (if  
2 they did) for the purpose of discouraging the Chandlers from  
3 pursuing legal action against JACKSON. Plaintiff ROTHMAN said as  
4 much in his complaint. In this sense, the defendants in the  
5 instant case are cast from the same mold as the attorney/defendant  
6 in Silberg--both set out to achieve their respective objects in  
7 the litigation, i.e., to defeat their opponents.

8 These demurring parties have already established the fact  
9 that defendants' representations were false or made with malice  
10 is immaterial. Silberg, supra; Rosenthal, supra.

11 It is hopefully clear from the foregoing that no action for  
12 defamation can lie. The subject complaint is verified by plaintiff  
13 ROTHMAN. It is presumed that, in light of ROTHMAN'S confidence and  
14 feeling of certainty regarding his allegations, if there are  
15 additional facts--particularly ones that will defeat Section 47  
16 privilege, plaintiffs will have included them in the complaint.  
17 None has been alleged that would preclude application of  
18 Section 47.

19 B. The absolute nature of the privilege likewise bars derivative  
20 actions intentional interference with prospective advantage  
21 and intentional infliction of emotional distress.

22 Section 42(b) (formerly Section 47(2)) have been held to  
23 immunize defendants from tort liability based on other theories,  
24 including intentional infliction of emotional distress (Lerette,  
25 supra, at 579) and intentional inducement of breach of contract  
26 or intentional interference with prospective economic advantage  
27 (See, generally, Rosenthal, supra.)

28 Respecting the cause of action for intentional infliction of

1 emotional distress, the second district appellate instructed in  
2 Lerette as follows:

3 "To allow the appellant to proceed with this  
4 cause of action would substantially defeat  
5 the purpose of the privilege enunciated in  
6 section 47. It would exalt a judicially  
7 derived cause of action (citation omitted)  
8 above clear legislative intention and operate  
9 as a severance deterrent to communications  
10 otherwise protected. Therefore, no such cause  
11 of action, based upon the defamatory nature  
12 of a communication which is itself privileged  
13 under the defamation laws, can be permitted.  
14 (citations omitted)" Lerette, supra, at 579.  
15 (Emphasis added)

16 Rosenthal arose from a settlement reached between plaintiff  
17 and defendant's insurance carrier in contravention with a  
18 provision in defendant's insurance policy that gave him ultimate  
19 settlement authority. The insured party instituted action accusing  
20 his adversary's lawyers of inducing his insurance carriers to  
21 breach their insurance contract with him. Rosenthal, at 124.

22 In upholding the trial court's sustaining of the defendants'  
23 demurrer, the second district appellate court emphasized as  
24 follows:

25 "Reduced to its simplest terms, Rosenthal's  
26 complaint alleges that defendants published  
27 certain undescribed statements to the Insurer  
28 Group, which induced that group to breach its  
contract with Rosenthal by settling without  
his consent...

At this point we have no trouble concluding  
the defendants' conduct as alleged in the  
complaint is within the purview of Civil Code  
section 47..." Rosenthal, supra, at 126.

As already indicated, plaintiffs in the case at bar states  
causes of action for intentional interference with contractual  
relationship and prospective advantage as well as intentional  
infliction of emotion distress. Both causes of action are premised  
exclusively upon allegedly false representations made by



1 defendants. No other grounds have been stated in the complaint.

2 The above analysis dictates that, even assuming for the  
3 purpose of this demurrer that all of the facts alleged in the  
4 complaint are true, the complaint fails to meet the pleading  
5 criteria for said causes of action.

6 3.

7 THE COMPLAINT'S CHARGE OF  
8 CONSPIRACY WILL NOT VITIATE

9 THE PRIVILEGE

10 Plaintiffs have spiced the complaint with charges of  
11 conspiracy. See complaint, paragraphs 10 & 12. Such charges,  
12 however, will not vitiate the privilege.

13 As noted in Pettit v. Levy (1972) 28 CA3d 484, 491:

14 "...A conspiracy, in and of itself, however  
15 atrocious, does not give rise to a cause of  
16 action unless a civil wrong has been  
17 committed resulting in damage. It requires a  
18 determination of whether the pleaded facts  
show something was done which, without the  
conspiracy would give rise to a right of  
action." (Citation omitted)" Pettit, supra,  
at 491.

19 The Pettit court then concluded that since the acts  
20 complained of have been determined to be privileged, the  
21 maintenance of a conspiracy cause of action would defy logic. Put  
22 another way, where the subject conduct is privileged, an  
23 allegation of conspiracy will not serve to defeat the privilege.

24 CONCLUSION

25 Defendants MICHAEL JACKSON and MJJ PRODUCTION, INC. have  
26 established by the foregoing that the complaint has failed to  
27 allege facts sufficient to constitute any cause of action against  
28 them and that the debit cannot be cured by amendments. Hence,

1 defendants respectfully submit that they are entitled to a  
2 sustaining of the herein demurrer without leave to amend.

3 DATED: November 14, 1994 CALLAHAN, McCUNE & WILLIS

4  
5 By: 

ROSA KWONG  
Attorney for Defendants  
MICHAEL JACKSON and  
MJJ PRODUCTIONS, INC.

6  
7  
8 F:\tig\4017\P11114.011