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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES, CENTRAL DISTRICT

WADE ROBSON, an individual,

Plaintiff,

vs.

DOE 1, an individual; MJJ PRODUCTIONS, INC., a California corporation; MJJ VENTURES, INC., a California corporation; and DOES 4-50, inclusive,

Defendants.

Case No.: BC 508502 **BY FAX**

[Related to probate case BP 117321, In re the Estate of Michael J. Jackson and civil case BC545264, James Safechuck v. Doe 1, et al.]
[Both cases assigned to the Honorable Mitchell L. Beckloff, Dept. 51]

PLAINTIFF WADE ROBSON'S SUPPLEMENTAL RESPONSE TO UNWITHDRAWN PORTION OF DEFENDANTS MJJ PRODUCTIONS, INC. AND MJJ VENTURES, INC.'S MOTION FOR A PROTECTIVE ORDER; DECLARATION OF MARYANN R. MARZANO

Hearing date: November 6, 2014
Time: 8:30 p.m.
Department: 51

Trial Date: Not Set
Complaint Filed: May 10, 2013

NOV 03 2014

PLAINTIFF'S SUPPLEMENTAL RESPONSE

While Defendants MJJ Productions, Inc. and MJJ Ventures, Inc.'s Reply Brief in support of their Motion for a Protective Order acknowledges that the parties "settled" their dispute with respect to Plaintiff Wade Robson's Special Interrogatories, it utterly fails to disclose that it was in fact *Robson* who initiated the good faith meet and confer exchange which led to the withdrawal of the vast majority of Motion. This is hardly surprising, as the Reply disingenuously attempts to portray Defendants as the "reasonable" party who desired to meet and confer regarding the discovery which was the subject of their Motion, and Robson as the "unreasonable" party who refused to engage in the process.

Furthermore, the Reply presents a completely distorted picture of what Defendants claim are three "facts:" (1) that Defendants attempted to engage in a "meaningful" meet and confer process prior to filing their Motion; (2) that Robson served "deficient" declarations of necessity for additional discovery and has not provided sufficient justification for his additional requests; and (3) that Robson's Requests for Admission Nos. 36-93 are redundant of other requests for admission ("RFAs") and interrogatories, unwarranted, and a means of propounding "disguised" interrogatories through Form Interrogatory No. 17.1.

On October 28, 2014, counsel for Robson sent counsel for the Defendants a letter proposing a number of amendments to Robson's interrogatories and RFAs in a good faith attempt to resolve the issues raised in their Motion. (*See* Declaration of Maryann R. Marzano ("Marzano Decl."), ¶ 2, Ex. A). In the letter, counsel for Robson offered to withdraw a large number of interrogatories and RFAs seeking information regarding the non-responding Defendant (*e.g.*, an RFA to MJJ Productions, Inc. asking that the corporation "Admit that Robson was an employee of MJJ Ventures, Inc," and vice-versa). In a subsequent e-mail exchange between counsel on October 28 and October 29, 2014, counsel for Robson proposed serving an amended set of eight (8) interrogatories to replace those at issue in the Motion (Nos. 36-143). This proposed amended set would contain a definition of "CHILDHOOD SEXUAL ABUSE" including all of the causes of action addressed in the original set of interrogatories. (Marzano Decl., ¶ 3, Ex. B.). With respect to the RFAs (Nos. 36-93) and the corresponding Form Interrogatory No. 17.1 requests, however, counsel for Robson was unable to propose a similar "umbrella" definition, as the topics addressed by the RFAs do not lend themselves as easily to that type of categorization. In those exchanges, counsel for Robson reaffirmed Plaintiff's position that all of the RFAs are proper and

would not constitute an undue burden on Defendants, particularly given the fact that they had already responded to RFAs Nos. 1-35 and that the Executors had provided responses to virtually all of the same RFAs in the probate action. (Marzano Decl., ¶ 3, Ex. B.).

In his final e-mail of October 29, counsel for Defendants confirmed that they accepted Robson's proposal and would withdraw their Motion with respect to the interrogatories. However, counsel for Defendants reaffirmed his clients' position that the disputed RFAs are either "redundant" or "inappropriate," and that they would proceed with their Motion with respect to the RFAs unless Robson agreed to accept that the Executors' responses in the probate action are binding upon the Defendants in the civil action. (Marzano Decl., ¶ 3, Ex. B.). Because a large number of the RFAs served on the corporate Defendants are different from those served on the Executors, Robson could not agree to this proposal.

Thus, it is quite clear from this exchange that Robson made every effort to work with Defendants in order to resolve the issues in this unnecessary Motion. Robson made this good faith attempt despite the Defendants' and Executors' utter failure to provide *anything* beyond the most boilerplate and evasive responses possible to his discovery, or to produce *any* documents whatsoever.[1] In light of this, Defendants' attempt to portray Robson as the "unreasonable" party becomes even more spurious.

In their Reply, Defendants reiterate their position that Robson "refused" to meet and confer prior to the filing of their Motion. However, the *true* facts prove otherwise:

- Defendants' meet and confer letter of June 24, 2014 came after having requested and been granted a thirty (30) extension to respond to Robson's discovery. The letter also followed months of stonewalling of discovery by the Executors in the probate action, which necessitated multiple motions to compel.
- Defendants' meet and confer letter was confrontational in tone, and referred to Robson's discovery as "abusive," "improper" and "unwarranted." Their purported grounds for refusing to reply to the additional discovery were that Defendants "could not possibly admit to the vast majority of RFAs," and that "the one alleged cause of action against the

[1] Indeed, markedly absent from Defendants' papers is any discussion of the fact that counsel for the corporate Defendants and Executors miraculously "discovered" 300+ boxes of documents only after being ordered by this Court to produce documents in response to Robson's Motions to Compel with respect to his Requests for Production. Prior to being ordered to produce responsive documents, the Executors had steadfastly refused to produce these documents and denied their existence. The trend in this case appears to have established rather firmly---absent conscientious effort on the part of Robson to obtain the discovery to which he is entitled under the law and unless compelled by this Court to comply with their discovery obligations---the corporate Defendants and Executors in this case will not fulfill their discovery obligations.

Corporate Defendants is not viable as a matter of law." The letter also stated that "[u]nless Robson is willing to serve an amended set of 35 special interrogatories and 35 RFAs, Defendants intend to move for a protective order…" Although Defendants claim in their Reply that this was not an ultimatum, it was exactly that, and it did not leave any room for negotiation. That is not what is envisioned by California's Discovery Act.

- Counsel for Robson responded to this letter suggesting that Defendants make a specific *bona fide* proposal for how to amend the discovery, to which counsel for Defendants replied that "Defendants made a very specific proposal in our June 24 letter; i.e., that Plaintiff submit amended sets of 35 interrogatories and 35 RFAs to each corporate defendant (the very number expressly permitted by the Code of Civil Procedure)." Counsel also reiterated the point made in the letter that "Robson has very clearly not stated a viable cause of action against the Corporate Defendants."

Thus, Defendants' feigned attempt to "meet and confer" was nothing more than a self-serving sham, as they clearly never had any intention of responding to more than 35 interrogatories and 35 RFAs. In addition, contrary to Defendants' contention, counsel for Robson ***did*** engage in this process prior to the filing of Defendants' Motion; she specifically asked defense counsel to make a legitimate proposal for how to amend the discovery, but also made it clear that Robson could not agree to arbitrarily reduce the number of interrogatories and RFAs to 35. When it became clear that Defendants would not accept any other proposal, counsel for Robson saw no point in continuing with this charade.

Next, Defendants' contention that counsel for Robson's Declaration of Necessity is "deficient on its face" and that this alone is grounds for granting the Motion is entirely unsupported by law. California Code of Civil Procedure ("CCP") § 2033.040(a) states that "[s]ubject to the right of the responding party to seek a protective order under Section 2033.080, any party who attaches a supporting declaration as described in Section 2033.050 may request a greater number of admissions by another party if the greater number is warranted by the complexity or the quantity of the existing and potential issues in the particular case." CCP § 2033.040(b) then states that "[i]f the responding party seeks a protective order on the ground that

the number of requests for admission is unwarranted, the propounding party shall have the burden of justifying the number of requests for admission."

Clearly, then, the justification for the number of requests needs to be made in the propounding party's opposition to a motion for a protective order, and Robson has done precisely that in his Opposition (Opposition at 8:21-9:14). There is no authority whatsoever supporting Defendants' contention that a propounding party must provide a list of specific reasons in the Declaration of Necessity justifying the number of requests, much less that a Declaration is somehow "deficient" if does not provide such specifics and that this alone is grounds for granting a motion for a protective order. Moreover, Defendants' claim that "[i]f Plaintiff can justify why such discovery is warranted and consistent with the California Code of Civil Procedure-and not merely submit a boilerplate declaration attempting to justify those requests-the Corporate Defendants will absolutely respond to such discovery" (Reply at 3:17-20) evidences the complete disingenuousness of their position. Robson ***has*** explained why the number of requests is justified in his Opposition, but it is the Defendants' opinion that those reasons are not sufficient and refuse to respond (Reply at 4:20-6:22). It is glaringly obvious that Defendants would have brought their Motion no matter how many specific reasons counsel for Robson included in her Declaration. Defendants know full well the scope, complexity and seriousness of the issues in this case, and why Robson is making his requests. The fact of the matter is that Defendants do not want to respond to these questions and they will go to whatever lengths possible to avoid doing so absent a Court order, including inventing procedural requirements not found in the CCP as a means to preclude their obligations.

Lastly, Defendants' contention that Robson's RFAs Nos. 36-93 are "redundant" of other RFAs and interrogatories (and are therefore unwarranted) is equally groundless. For example, although there is some overlap between the subject matter of RFAs Nos. 36-58 and Special Interrogatories Nos. 1-22 (Defendants' obtaining of visas for Robson and his family, their employment of Robson and his mother, and Jackson's use of Defendants to gain access to Robson), RFAs Nos. 46-58 deal with issues which are not addressed by the Special Interrogatories. The RFAs also deal with aspects of the Jordan Chandler criminal

investigation/lawsuit (Nos. 78-88) and the Gavin Arvizo criminal investigation/trial (Nos. 89-93) which are not covered by the Special Interrogatories. All of these RFAs seek highly relevant and probative information, and Defendants should be required to respond to them.

With respect to the RFAs regarding sexual issues (Nos. 59-77), Defendants' argument is that because they have already denied that sexual abuse took place at all (Nos. 6-13), it is pointless for them to respond to requests regarding specific acts of abuse (Reply at 5:14-16). What Defendants fail to understand, however, is that these specific allegations lie at the heart of Robson's case, and as such he is entitled to propound these requests and receive Defendants' honest and complete responses thereto---whether they be admissions or denials. Defendants' disbelief or purported lack of knowledge of the acts of abuse is not a valid basis for refusing to respond to Robson's legitimate requests. Furthermore, as explained in Robson's Opposition, the fact that Defendants have already denied similar RFAs and prepared a stock Form Interrogatory No. 17.1 response for them completely undermines their claim that responding to the remaining RFAs and 17.1 requests will constitute an "undue burden."

Thus, Defendants' Motion and companion Reply are shown to be nothing more than an attempt to avoid responding to Robson's valid and appropriate discovery requests, despite the efforts made on Robson's part to streamline the process where possible. Accordingly, there is no legitimate ground for Defendants' Motion, and it should be denied in its entirety. Robson respectfully requests that Defendants be ordered to respond to the subject RFAs without further delay.

Dated: November 3rd, 2014

Respectfully submitted,

GRADSTEIN & MARZANO, P.C.
HENRY GRADSTEIN
MARYANN R. MARZANO
MATTHEW A. SLATER

By: _____
Maryann R. Marzano
Attorneys for Plaintiff
WADE ROBSON

DECLARATION OF MARYANN R. MARZANO

I, Maryann R. Marzano, hereby declare and state as follows:

1. I am an attorney duly licensed to practice law in all Courts of the State of California, and am a partner in the law firm of Gradstein & Marzano, P.C., counsel for Plaintiff Wade Robson ("Robson"), in the above-captioned action. I am familiar with the facts and events of this action. I submit this Supplemental Declaration in support of Robson's Opposition to Defendants MJJ Productions, Inc. and MJJ Ventures, Inc.'s Motion for a Protective Order ("Motion"). I have personal knowledge of the facts and circumstances stated herein, and if called as a witness, I could and would testify competently thereto.

2. On October 28, 2014, I sent a letter via e-mail to counsel for Defendants regarding Robson's discovery requests which are the subject of the Motion. The letter proposed certain amendments to the discovery requests in an attempt to obviate or narrow the scope of the Motion. True and correct copies of this letter and e-mail are attached hereto as Exhibit A. The state of the contested discovery was such that no meaningful meet and confer had been conducted---rather, there had only been an ultimatum presented by counsel for Defendants to withdraw any requests or interrogatories in excess of thirty-five (35).

3. On October 28 and October 29, 2014, I exchanged a series of e-mails with Jonathan Steinsapir ("Mr. Steinsapir"), counsel for Defendants (who is also counsel for the Executors in the probate action), regarding the proposals made in my letter. True and correct copies of this series of these e-mails are attached collectively hereto as Exhibit B. For ease of review, they are provided in a format of most recent to earliest in the chain of communication.

4. As a result of this e-mail exchange, it was agreed that Robson would serve an amended set of eight (8) Special Interrogatories. This amended set replaces Robson's Special Interrogatories Nos. 36-143, which are currently one of the subjects of Defendants' Motion. They seek *exactly* the same information, but have been reduced in number by virtue of using a more expansive definition of the term "childhood sexual abuse".

5. The parties agreed that Defendants would provide responses to the amended set of Special Interrogatories within fourteen (14) days of service. (Those were in fact served on Thursday, October 30, 2014.) However, the parties were unable to reach an agreement regarding Robson's Requests for Admission ("RFAs") Nos. 36-93 and the accompanying Form Interrogatory No. 17.1. Despite my good faith attempt to resolve this dispute, counsel for Defendants reiterated his clients' position that they would not respond to the RFAs and Form Interrogatory No. 17.1 requests because they are "redundant" or "not appropriate."

6. In his final e-mail of October 29, Mr. Steinsapir stated that Defendants would not agree, and would instead proceed with their Motion with respect to the RFAs.

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

Executed this 3rd day of November, 2014, at Los Angeles, California.

Maryann R. Marzano

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From: Maryann Marzano [mailto:mmarzano@gradstein.com]
Sent: Tuesday, October 28, 2014 12:04 PM
To: Jonathan Steinsapir
Cc: Howard L. Weitzman; Aaron C. Liskin; jcohen@hswlaw.com; Henry Gradstein; Matt Slater
Subject: Robson vs. Doe 1, etc./civil action

Dear counsel:

See attached correspondence.

Maryann

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October 28, 2014

VIA FIRST CLASS MAIL AND E-MAIL

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Re: *Robson v. Doe 1, etc., et al.*
LASC Case No. BC508502

Dear Counsel:

This letter follows our conversation with you, Jonathan, after the hearing on the Ex Parte Application that you brought on Tuesday, October 21, 2014 with respect to continuing the deadline to produce documents and a privilege log pursuant to the Court's September 16, 2014 Order granting our Motion to Compel, and the hearing on the pending Motion for Summary Judgment, due to the discovery on your part of the 300+ boxes of documents relevant to the probate and civil cases. As we had discussed, and in a further good faith effort to resolve pending discovery disputes, we reviewed again the discovery requests propounded on behalf of Plaintiff Wade Robson's ("Robson") to MJJ Productions, Inc. and MJJ Ventures, Inc. ("Corporate Defendants") in the civil case, which are currently the subject of the Corporate Defendants' Motion for a Protective Order now scheduled for hearing on November 6, 2014.

In a good faith attempt to resolve this dispute (or at least portions thereof) in advance of the hearing, we propose the following:

With respect to Special Interrogatories Nos. 36-143, we are willing to withdraw those interrogatories which request information regarding the Corporate Defendant which is not the responding party; specifically, these are interrogatories Nos. 41, 43, 45, 47, 53, 55, 57, 59, 65, 67, 71, 77, 79, 81, 83, 89, 91, 95, 101, 103, 105, 107, 113, 115, 117, 119, 125, 127, 129, 131,

responses for each denial (of course, the Corporate Defendants would no longer need to provide responses for the aforementioned requests to be withdrawn). Again this should not be an undue burden on the Corporate Defendants, as they have already provided stock Form Interrogatory No. 17.1 responses for Requests Nos. 1-35 for what they consider to be two categories of requests (sexual issues and non-sexual issues), and we assume that the Corporate Defendants will use these same responses for the remainder of the requests. Please keep in mind, however, that these stock responses are currently the subject of our pending meet and confer letter of October 7, 2014, as we deem them to be deficient and evasive.

Accordingly, please advise whether the Corporate Defendants will withdraw their Motion for a Protective Order on the basis of these proposed reductions.

Very truly yours,

Maryann R. Marzano

MRM/ss

Maryann Marzano

From: Jonathan Steinsapir <JSteinsapir@kwikalaw.com>
Sent: Wednesday, October 29, 2014 3:19 PM
To: Maryann Marzano
Cc: Howard L. Weitzman; Aaron C. Liskin; 'jcohen@hswlaw.com'; Henry Gradstein; Matt Slater
Subject: RE: Robson vs. Doe 1, etc./civil action----further meet and confer

Maryann:

Thanks – as I am sure you know, some lawyers do make all-or-nothing offers with this stuff so I was just making sure.

On the RFAs, I think we just see these issues very differently but to give you some further explanation: the information we have regarding Mr. Robson's visa and Joy Robson's employment, etc., will be answered in our supplemental responses to the Special Rogs so our view is that RFAs on these topics are redundant. As to Michael's alleged criminal activity, we just don't believe these types of RFAs are appropriate, particularly to the Corporate Defendants here and under the circumstances where Michael has been deceased for the five years. Same with the allegations of coaching, etc. – according to your client's allegations, the only parties to the coaching and the alleged criminal activity were Michael and your client, so I just don't see how you expect us to answer those. Ultimately, our clients categorically deny that Michael ever did anything inappropriate, and we just don't see why we need to deny that over-and-over again with respect to every specific alleged act. Furthermore, and in any event, the 35 RFA limit is in the CCP for a reason, and we do not believe a sufficient justification has been proffered for going over that limit for these particular RFAs.

As to those RFAs in the probate action, we answered them only after we met and conferred and it was to avoid motion practice. Unfortunately for us, we were not successful and it did lead to further motion practice and triggered Form Rog 17.1, which essentially created another 100 special rogs for us. With 20/20 hindsight, the Executors probably should have brought the same motion for a protective order in the probate action, but we didn't so we have to deal with it. We want to avoid that situation in this case.

I understand that you disagree just about everything I wrote after the first sentence of this email, and I don't doubt that your disagreement is in good faith. The only offer I would have is that you can use the RFAs from the probate action and the rog responses from that action in this action (which I think is likely the case anyway), and that those answers are binding on the Corporate Defendants as well. Otherwise, I think we will just go forward with our motion and we will see what happens.

Thanks.
Jon

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RB

Maryann Marzano

From: Maryann Marzano
Sent: Wednesday, October 29, 2014 2:46 PM
To: Jonathan Steinsapir
Cc: Howard L. Weitzman; Aaron C. Liskin; 'jcohen@hswlaw.com'; Henry Gradstein; Matt Slater
Subject: RE: Robson vs. Doe 1, etc./civil action----further meet and confer

Dear Jonathan:

Of course, our good faith meet and confer attempt and proposal as set forth below is not an "all or nothing proposition". Therefore, at this point, I think we are in agreement as to the resolution we proposed, and you accepted, regarding the Special Interrogatories. We will serve those forthwith.

As to the Requests for Admission, we are still baffled by your position.

Per our October 28, 2014 meet and confer letter, we stated the following:

> "With respect to Requests for Admission Nos. 36-93, we are also willing to withdraw those requests which seek information regarding the non-responding Corporate Defendant; these are Requests Nos. 36, 38, 41, 43, 45, 48, 50, 52, 54, 57, and 82 (again these numbers are the same in both sets of Requests for Admission). However, we are again unwilling to withdraw the remainder of these requests as they seek highly relevant and probative information: the Corporate Defendants' obtaining visas for Robson and his family members and their employment of Robson and his mother (Nos. 37, 39, 40, 42, 44, 46, 47, 49, 51, 53, 55, 56 and 58); Jackson's sexual activities with Robson and other minor children (Nos. 59-77); the Jordan Chandler criminal investigation/lawsuit and Jackson's coaching/preparation/hiring of counsel for Robson (Nos. 78-88); and the Gavin Arvizo criminal investigation/trial and Jackson's coaching/preparation of Robson for the trial (Nos. 89-93). All of this information is vital to Robson's case against the Corporate Defendants, and they should be required to answer these requests. Furthermore, as with the Special Interrogatories, the majority of these requests have already been answered by the Executors in the probate action, and as such they do constitute an undue burden on the Corporate Defendants.
>
> Lastly, with regard to the Corporate Defendants' responses to Form Interrogatory No. 17.1, we stand by our position that the Corporate Defendants should be required to provide responses for each denial (of course, the Corporate Defendants would no longer need to provide responses for the aforementioned requests to be withdrawn). Again this should not be an undue burden on the Corporate Defendants, as they have already provided stock Form Interrogatory No. 17.1 responses for Requests Nos. 1-35 for what they consider to be two categories of requests (sexual issues and non-sexual issues), and we assume that the Corporate Defendants will use these same responses for the remainder of the requests. Please keep in mind, however, that these stock responses are currently the subject of our pending meet and confer letter of October 7, 2014, as we deem them to be deficient and evasive."

I assume that your clients would want to accept our proposal to "withdraw those requests which seek information regarding the non-responding Corporate Defendant; these are Requests Nos. 36, 38, 41, 43, 45, 48, 50, 52, 54, 57, and 82 (again these numbers are the same in both sets of Requests for Admission)" as set forth in the excerpted portion of our letter above. Is that not the case?

With that reduction, it would leave the series of requests pertaining to the issuance of visa to Wade Robson and his family members; the series relating to Michael Jackson's sexual activities with Wade Robson and other minor children; the Jordan Chandler criminal investigation/lawsuit; Michael Jackson's coaching/preparation/hiring of counsel for Robson; and the Gavin Arvizo criminal investigation/trial and Michael Jackson's coaching/preparation of Robson for the trial. Responding to these would also entail responding, as necessary to the companion Form Interrogatory 17.1.

Those remaining RFAs should be relatively simple and straightforward to answer, and the companion Form Rog No. 17.1 response for them may well be the same as or similar to the two stock responses already given to RFAs Nos. 1-35. Are you anticipating otherwise?

And, notably, the Court has previously ordered that the Executors provide 17.1 responses to all of the contested RFAs in the probate action. Therefore, it is likely Judge Beckloff will view these in the same vein and order that responses be provided.

Let me know your response, as I understand your reply papers are due to be filed tomorrow.

Regards,

Maryann

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From: Jonathan Steinsapir [mailto:JSteinsapir@kwikalaw.com]
Sent: Wednesday, October 29, 2014 1:48 PM

To: Maryann Marzano
Cc: Howard L. Weitzman; Aaron C. Liskin; 'jcohen@hswlaw.com'; Henry Gradstein; Matt Slater
Subject: RE: Robson vs. Doe 1, etc./civil action----further meet and confer

Maryann:

We are fine with your proposed resolution on the interrogatories. We disagree as to the RFAs. So I suggest that we advise the Court in our reply that we have "settled" the dispute as to the rogs (and therefore the motion is withdrawn as to the rogs) but that we have been unable to settle the dispute as to the RFAs and we still need a ruling on that issue. Is that OK? or was your offer contingent on withdrawing the entire motion?

Obviously, any agreement here is without prejudice to any party's rights, objections, etc., with respect to later discovery.

Jon

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From: Maryann Marzano [mailto:mmarzano@gradstein.com]
Sent: Wednesday, October 29, 2014 12:03 PM
To: Jonathan Steinsapir
Cc: Howard L. Weitzman; Aaron C. Liskin; jcohen@hswlaw.com; Henry Gradstein; Matt Slater
Subject: Robson vs. Doe 1, etc./civil action----further meet and confer

Dear Jonathan:

Thank you for your e-mail response below to our letter of October 28, 2014 which we sent as a further effort to meet and confer regarding the position taken by your clients MJJ Productions and MJJ Ventures (the "Corporate Defendants") not to respond to any of the Special Interrogatories, Requests for Admission and the companion Form Interrogatory No. 17.1, beyond the first thirty-five (35) propounded. That is now the subject of your Motion for a Protective Order scheduled for hearing on Thursday, November 6, 2014.

I have set forth below our position in bold type to the three points raised in your e-mail. Let us know your thoughts and, if we are able to reach agreement, we will prepare and serve the amended special interrogatories in the form and manner as identified below and the Corporate Defendants will respond subject to the further arrangements as noted; the Corporate Defendants will respond to the Requests for Admission and companion Form Interrogatory No. 17.1 within 14 days and subject to the further arrangements as noted; and the Corporate Defendants will take the pending Motion for Protective Order off-calendar.

While we view the discovery, as presently propounded, to be entirely proper and relevant, we nevertheless are willing to achieve a resolution with you in good faith to move the discovery process along and not take up the Court's valuable time and resources.

Cordially,

Maryann

Maryann R. Marzano, Esq.
Gradstein & Marzano, P.C.

Maryann:

I am considering the letter, but I guess I am confused by the offer with respect to the rogs. In the probate action, the Executors only agreed to answer the rogs about other causes of action, other than childhood sexual abuse, based on our understanding that the answer would be limited to claims involving childhood sexual abuse and when we answered we specifically said that they were redundant. So, I guess I don't understand why you want us to give redundant answers to an extra 100 interrogatories when the answer will be the same as ones given in the first 35. As we have confirmed, the only person we are presently aware of to actually file a lawsuit against Michael Jackson for causes of action relating to childhood sexual abuse is Jordan Chandler. I am happy to eventually amend the interrogatory response to identify that lawsuit by Bates number in response to the interrogatory relating to lawsuits against Michael Jackson (once the complaint is located and produced from Katten's files which will be after we finalize our supplemental responses that we promised you last week). If it turns out that others did file lawsuits relating to childhood sexual abuse, we can identify those by Bates number as well in response to the rog about lawsuits relating to childhood sexual abuse. I just don't see the point in going through the interrogatories cause of action by cause of action – it seems like a complete waste of paper and it will only cause administrative difficulties for us and the court if and when we deal with motions for several dozen interrogatories when one interrogatory would suffice. If I am missing something, let me know.

ROBSON's RESPONSE:

Although we understand from your statement above that you plan to provide the same list of names in response to the remaining interrogatories (those beyond 35, and as further reduced per our offer below) as you did to the first 35, we nevertheless need those responses from the Corporate Defendants, as verified by Mr. Branca (or whoever plans to supply the requisite Verification), so that we have factually based responses regarding the <u>other</u> causes of action which are the subject of those discovery requests. It is not appropriate in our view to simply treat them as somehow "equivalent" to the childhood sexual abuse cause of action. Thus, what we are proposing is that in lieu of responding to Nos. 36-143 as presently drafted, the Corporate Defendants shall instead respond to the MODIFIED, amended set below which will be subject to the following definition for childhood sexual abuse: "The term CHILDHOOD SEXUAL ABUSE as used herein shall mean and include causes of action for sexual molestation, sexual battery, battery, seduction, willful misconduct, intentional infliction of emotional distress, fraud, negligence, and negligent infliction of emotional distress." The set would then contain one series of 8 special interrogatories:

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Identify all persons who have asserted claims against DECEDENT for CHILDHOOD SEXUAL ABUSE.

AMENDED SPECIAL INTERROGATORY NO. 37:

Identify all persons who have filed lawsuits against DECEDENT for CHILDHOOD SEXUAL ABUSE.

AMENDED SPECIAL INTERROGATORY NO. 38:

Identify all persons with whom DECEDENT entered into agreements to settle claims of CHILDHOOD SEXUAL ABUSE.

AMENDED SPECIAL INTERROGATORY NO. 39:

Identify all persons to whom DECEDENT paid consideration to settle claims for CHILDHOOD SEXUAL ABUSE.

AMENDED SPECIAL INTERROGATORY NO. 40:

Identify all persons who have asserted claims against the CORPORATION for CHILDHOOD SEXUAL ABUSE.

AMENDED SPECIAL INTERROGATORY NO. 41:

Identify all persons who have filed lawsuits against the CORPORATION for CHILDHOOD SEXUAL ABUSE.

AMENDED SPECIAL INTERROGATORY NO. 42:

Identify all persons with whom the CORPORATION entered into agreements to settle claims for CHILDHOOD SEXUAL ABUSE.

AMENDED SPECIAL INTERROGATORY NO. 43:

Identify all persons to whom to whom the CORPORATION paid consideration to settle claims for CHILDHOOD SEXUAL ABUSE.

And, as indicated in our October 28, 2014 letter, we will withdraw the special interrogatories seeking information about the non-responding corporation from each set.

If the Corporate Defendants agree, we will re-serve the above as Amended Special Interrogatories and responses from the Corporate Defendants would each be due within fourteen (14) days of service, with an executed Verification. We will also require as part of this arrangement that by January 5, 2015, which is the date that the "rolling production" is to be completed, supplemental responses to these amended special interrogatories will be provided to the extent that the documents from the 300+ boxes yield further information that would make the responses being provided now, incomplete.

You should also note that with regard to the proposed Amended Special Interrogatory No. 36 above, concerning the assertion of claims against Michael Jackson, the Executors' supplemental response to this same special interrogatory in the probate action included Jordan Chandler, Gavin Arvizo and Jason Francia – as such, the Corporate Defendants should be providing a response to this interrogatory to at least include all of these names by the new 14 day deadline.

As to the contention that you need to know about specific causes of action in order to plead claims against the corporations, I assume you have a copy of what purports to be the Jordan Chandler complaint so I don't quite understand the issue. More importantly, the Chandler lawsuit was *not* brought against the corporations; it was *only* brought against against the *alleged* perpetrator. And your amended complaint is only relevant to the corporations. More fundamentally, as section 340.1 and the cases quite clearly recognize, the causes of action against the *direct perpetrator* are completely different from the types of causes of action that can be brought against third party *entities* (who cannot be sued as a direct perpetrator, see the Boys Scouts case) – a direct perpetrator can be sued directly for childhood sexual abuse, assault, battery, etc., under section 340.1(a)(1). Exemplary purported causes of action against *non-perpetrator entities* under 340.1(a)(2) and (a)(3) are set out in the three cases we cited addressing the

issue (and were in a footnote to our reply brief as Judge Beckloff pointed out at the hearing), although every single case still held that the actions were barred by section 340.1(b)(2).

ROBSON'S RESPONSE:

The Chandler civil complaint was brought against Michael Jackson and Does 1-100. Our understanding is that the case did not progress very far along before it was settled for what was supposed to be a confidential amount, but which ended up being leaked out publicly as an amount in excess of $15 million. In the settlement agreement, as we understand, in addition to Michael Jackson being released, the additional released parties included: " 'Jackson Releasees' refer to Jackson and Jackson's current and former agents, attorneys, investigators, representatives, and employees, and his heirs, administrators, executors, conservators, successors, assigns and Related companies (and owners, subsidiaries, affiliates, agents, shareholders, directors, officers, employees, former employees, representatives, stockholders of such Related Companies)." Then, the "Related Companies" were defined in the Settlement Agreement as follows: " 'Related Companies' refers to A Child's Heart Foundation; A Child's Heart Foundation Admin, Inc; ATV Music Limited; Breakaway Songs Limited; Comet Music; Desert Songs Limited; Encino Productions, Inc.; Experiment in Sound; Heal L.A.; Heal L.A. Foundation; Heal L.A. Foundation Administration, Inc.; Heal the World; Heal the World Foundation; Heal the World Foundation Administration, Inc.; Jackson-Strong Alliance, Inc; Lawrence Wright Music Co.; Lenmac Music; Michael Jackson, an individual; Michael Jackson d/h/a MIJAC Music; Michael Jackson d/b/a Miran International; Michael J. Jackson- d/b/a Neverland Valley Ranch; MJJ Artistic, Inc.; MJJ Productions, Inc.; MJJ Productions d/b/a Miran Publishing; MJJ Ventures, Inc.; Mystical Light Music; Nation Comics; Nation Productions, Inc.; Nation Records; Neverland Ranch; Neverland Zoo Foundation; Northern Songs Limited; Optimum Productions, Inc.; Rhymeglen Music; Smooth Pictures, Inc.; Triumph International (Las Vegas Museum) ; Triumph International, Inc.; TTC Touring Corp; Ultimate Productions; Welbeck Music, and any other corporations or foundations owned or controlled by Jackson."

Consequently, given the fact that the Corporate Defendants were specifically released from liability in the Jordan Chandler Settlement Agreement there may well have been a basis for Chandler naming some or all of those released parties (or a concern that he would) at some point in the case had it proceeded and not settled.

Further, and contrary to the statement in your e-mail, several of the causes of action we address can be brought against non-perpetrator entities: intentional infliction of emotional distress, fraud, negligence, and negligent infliction of emotional distress. In any event, we do not intend to re-argue these issues with you here – our position is briefed in our papers.

We are considering your offer regarding the RFAs. To get a better understanding of your position though, do you contend that our 17.1 responses from the Executors are deficient today? I understand you may not want to be pinned down on that right now, but without an answer to that, it is going to be hard for me to agree that I need to answer another 200 or so interrogatories (as 17.1 turns each RFA into an interrogatory).

ROBSON'S RESPONSE:

It appears that you may be confusing the supplemental 17.1 responses served by the Executors in the probate action on October 1, 2014 with the 17.1 responses served by the Corporate Defendants in response to RFAs 1-35 in the civil action. Just so you know, our meet and confer letter of October 28, 2014 concerns the latter. The point we are making in our letter is that the Corporate Defendants have already provided two stock 17.1 responses for RFAs 1-35, and we assume that they will provide the same or substantially similar 17.1 responses for the remaining RFAs – thus, this should hardly be burdensome, especially given that the two responses were provided in an "omnibus" format for all RFAs in each of two "categories."

We were also making the point that if the Corporate Defendants elect to use these same two stock responses they are certainly free to do so, but that we have already deemed these responses to be deficient and evasive for the reasons stated at pages 14-15 of our meet and confer letter of October 7, 2014 regarding the deficient responses provided by the Corporate Defendants to Special Interrogatories Nos. 1-35, RFAs 1-35, and the 17.1 responses for RFAs 1-35.

Also, the Court ordered the Executors to provide 17.1 responses to *all* of the contested RFAs in the probate action, so we have good reason to believe that the Court will also order the Corporate Defendants to do likewise.

So, our position remains the same----that responses to the RFAs and companion form interrogatory 17.1 should be provided. We propose that they be served within 14 days, with the appropriate Verifications. We would also require as part of this arrangement that by January 5, 2015, which is the date that the "rolling production" is to be completed, supplemental responses will be provided to the extent that the documents from the 300+ boxes yield further information that would make the responses being provided now, incomplete.

I appreciate the effort to obviate, or narrow, the pending motion. Because our reply brief is due on October 30, and we would need to revise it if we do reach agreement, please get back to me if you can by the end of the day tomorrow.

Thanks,
Jon

Jonathan P. Steinsapir
Kinsella Weitzman Iser Kump & Aldisert LLP
808 Wilshire Boulevard, Third Floor
Santa Monica, California 90401
Direct Dial: 310.566.9834 | Direct Fax: 310.566.9884
Main Tel: 310.566.9800 | Main Fax: 310.566.9850
Email: jsteinsapir@kwikalaw.com
website: http://www.kwikalaw.com/

From: Maryann Marzano [mailto:mmarzano@gradstein.com]
Sent: Tuesday, October 28, 2014 12:04 PM
To: Jonathan Steinsapir
Cc: Howard L. Weitzman; Aaron C. Liskin; jcohen@hswlaw.com; Henry Gradstein; Matt Slater
Subject: Robson vs. Doe 1, etc./civil action

Dear counsel:

See attached correspondence.

Maryann

Maryann R. Marzano, Esq.
Partner
Gradstein & Marzano, P.C.
6310 San Vicente Boulevard, Suite 510

Los Angeles, California 90048
(323) 776-3100 | Cell: (310) 991-8924
Email: mmarzano@gradstein.com

Gradstein & Marzano
A Professional Corporation

Maryann Marzano

From: Maryann Marzano
Sent: Wednesday, October 29, 2014 12:03 PM
To: Jonathan Steinsapir (JSteinsapir@kwikalaw.com)
Cc: Howard Weitzman Esq. (hweitzman@kwikalaw.com); Aaron C. Liskin (ALiskin@kwikalaw.com); jcohen@hswlaw.com; Henry Gradstein; Matt Slater
Subject: Robson vs. Doe 1, etc./civil action----further meet and confer

Dear Jonathan:

Thank you for your e-mail response below to our letter of October 28, 2014 which we sent as a further effort to meet and confer regarding the position taken by your clients MJJ Productions and MJJ Ventures (the "Corporate Defendants") not to respond to any of the Special Interrogatories, Requests for Admission and the companion Form Interrogatory No. 17.1, beyond the first thirty-five (35) propounded. That is now the subject of your Motion for a Protective Order scheduled for hearing on Thursday, November 6, 2014.

I have set forth below our position in bold type to the three points raised in your e-mail. Let us know your thoughts and, if we are able to reach agreement, we will prepare and serve the amended special interrogatories in the form and manner as identified below and the Corporate Defendants will respond subject to the further arrangements as noted; the Corporate Defendants will respond to the Requests for Admission and companion Form Interrogatory No. 17.1 within 14 days and subject to the further arrangements as noted; and the Corporate Defendants will take the pending Motion for Protective Order off-calendar.

While we view the discovery, as presently propounded, to be entirely proper and relevant, we nevertheless are willing to achieve a resolution with you in good faith to move the discovery process along and not take up the Court's valuable time and resources.

Cordially,

Maryann

Maryann R. Marzano, Esq.
Gradstein & Marzano, P.C.

Maryann:

I am considering the letter, but I guess I am confused by the offer with respect to the rogs. In the probate action, the Executors only agreed to answer the rogs about other causes of action, other than childhood sexual abuse, based on our understanding that the answer would be limited to claims involving childhood sexual abuse and when we answered we specifically said that they were redundant. So, I guess I don't understand why you want us to give redundant answers to an extra 100 interrogatories when the answer will be the same as ones given in the first 35. As we have confirmed, the only person we are presently aware of to actually file a lawsuit against Michael Jackson for causes of action relating to childhood sexual abuse is Jordan Chandler. I am happy to eventually amend the interrogatory response to identify that lawsuit by Bates number in response to the interrogatory relating to lawsuits against Michael Jackson (once the complaint is located and produced from Katten's files which will be after we finalize our supplemental responses that we promised you last week). If it turns out that others did file lawsuits relating to childhood sexual abuse, we can identify

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ROBSON's RESPONSE:

Although we understand from your statement above that you plan to provide the same list of names in response to the remaining interrogatories (those beyond 35, and as further reduced per our offer below) as you did to the first 35, we nevertheless need those responses from the Corporate Defendants, as verified by Mr. Branca (or whoever plans to supply the requisite Verification), so that we have factually based responses regarding the other causes of action which are the subject of those discovery requests. It is not appropriate in our view to simply treat them as somehow "equivalent" to the childhood sexual abuse cause of action. Thus, what we are proposing is that in lieu of responding to Nos. 36-143 as presently drafted, the Corporate Defendants shall instead respond to the MODIFIED, amended set below which will be subject to the following definition for childhood sexual abuse: "The term CHILDHOOD SEXUAL ABUSE as used herein shall mean and include causes of action for sexual molestation, sexual battery, battery, seduction, willful misconduct, intentional infliction of emotional distress, fraud, negligence, and negligent infliction of emotional distress." The set would then contain one series of 8 special interrogatories:

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Northern Songs Limited; Optimum Productions, Inc.; Rhymeglen Music; Smooth Pictures, Inc.; Triumph International (Las Vegas Museum) ; Triumph International, Inc.; TTC Touring Corp; Ultimate Productions; Welbeck Music, and any other corporations or foundations owned or controlled by Jackson."

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Also, the Court ordered the Executors to provide 17.1 responses to *all* of the contested RFAs in the probate action, so we have good reason to believe that the Court will also order the Corporate Defendants to do likewise.

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I appreciate the effort to obviate, or narrow, the pending motion. Because our reply brief is due on October 30, and we would need to revise it if we do reach agreement, please get back to me if you can by the end of the day tomorrow.

Thanks,
Jon

PROOF OF SERVICE
STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 6310 San Vicente Boulevard, Suite 510, Los Angeles, California 90048-5418.

On November 3, 2014 I served the document described as

PLAINTIFF WADE ROBSON'S SUPPLEMENTAL RESPONSE TO UNWITHDRAWN PORTION OF DEFENDANTS MJJ PRODUCTIONS, INC. AND MJJ VENTURES, INC.'S MOTION FOR A PROTECTIVE ORDER; DECLARATION OF MARYANN R. MARZANO

on the interested parties to this action by placing a true copy thereof enclosed in a sealed envelope(s) addressed as follows:

Howard Weitzman
Jonathan P. Steinsapir
KINSELLA WEITZMAN ISER KUMP & ALDISERT
808 Wilshire Boulevard, 3rd Floor
Santa Monica CA 90401
T: (310) 566-9800
F: (310) 566-9850
Email: hweitzman@kwikalaw.com; jsteinsapir@kwikalaw.com; aliskin@kwikalaw.com

Counsel for the Executors of the Estate of Michael Joseph Jackson

Paul Gordon Hoffman
Jeryll S. Cohen
HOFFMAN, SABBAN & WATENMAKER
10880 Wilshire Boulevard, Suite 2200
Los Angeles CA 90024
T: (310) 470-6010
F: (310) 470-6735
Email: paul@hswlaw.com; jcohen@hswlaw.com

Counsel for the Executors of the Estate of Michael Joseph Jackson (courtesy copy)

BY MAIL: I am readily familiar with the firm's practice for the collection and processing of correspondence, pleadings and notices for mailing. Under that practice it is deposited with the United States Postal Service that same day in the ordinary course of business with postage thereon fully prepaid at Los Angeles, California.

BY ELECTRONIC MAIL: A true and correct copy of the document was also transmitted to the parties by electronic mail as indicated above and no error was reported.

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

Executed November 3, 2014 at Los Angeles, California.

Sidney Summers