









































5 10 2 8 1 9 0

1 (Demurrer 6:22-24)

2 Despite Defendants' contention, it is entirely unclear whether the Legislature intended for  
3 subdivisions (a)(2) and (3) to be an independent cause of action, or simply a statute of limitations  
4 governing already-existing causes of action. Defendants cite to no further legislative history or case  
5 law clarifying this point. However, what *is* absolutely clear is that the Legislature intended for these  
6 subdivisions to be an "umbrella" category under which all claims of a certain type fall; *i.e.*, claims for  
7 negligent or intentional acts by third party defendants that were the legal cause of an act of childhood  
8 sexual abuse (which as defined in the statute means any violation of certain enumerated sections of  
9 the Penal Code). (*See* CCP §§ 340.1(a)(2), (3) and (e)) In addition, language from relevant cases  
10 suggests that the courts do in fact view subdivisions (a)(2) and (3) and (b)(2) as creating a substantive  
11 cause of action for childhood sexual abuse. For example, in *Aaronoff*, the court stated that "[t]he  
12 amendment revived for the one year period beginning January 1, 2003, any claim permitted to be filed  
13 *under* subdivision (b)(2)..." (*Id.* at 915) (emphasis added)

14 However, regardless of whether CCP §§ 340.1(a)(2) and (3) create a specific cause of action  
15 for childhood sexual abuse, what *is* certain is that Robson's First Cause of Action falls squarely in the  
16 scope thereof. It alleges a wide array of negligent and/or intentional acts on the part of Defendants  
17 which were a legal cause of the harm suffered by Robson at the hands of Jackson (TAC 4:8-13, 4:18-  
18 5:13, 7:2-8, 7:15-8:1, 10:1-12, and 12:1-8), and lists all of Jackson's acts of childhood sexual abuse  
19 (*i.e.*, violations of the Penal and Civil Codes) which were a proximate result of Defendants' conduct.  
20 (TAC 17:4-23:22) And it sufficiently alleges a duty of care on the part of Defendants by pleading  
21 facts consistent with the elements of CCP § 340.1(b)(2) and the *Rowland* factors.

22 **IV. CONCLUSION**

23 *All* of Robson's causes of action against Defendants have been sufficiently alleged to come

24 //  
25 //  
26 //  
27 //  
28 //

1 within the scope of CCP §§ 340.1(a)(2) and (3). Defendants' Demurrer should be overruled in its  
2 entirety.

3 Dated: June 16<sup>th</sup>, 2015

Respectfully submitted,

4 GRADSTEIN & MARZANO, P.C.

5  
6 By: \_\_\_\_\_



Maryann R. Marzano  
Attorneys for Plaintiff  
WADE ROBSON

GRADSTEIN & MARZANO, P.C.  
6310 SAN VICENTE BLVD, SUITE 510  
LOS ANGELES, CALIFORNIA 90048

06/18/2015

**PROOF OF SERVICE**

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.

On June 17, 2015 I served the document described as

**PLAINTIFF WADE ROBSON'S OPPOSITION TO DEFENDANTS MJJ PRODUCTIONS, INC. AND MJJ VENTURES, INC.'S DEMURRER TO ROBSON'S THIRD AMENDED COMPLAINT**

on the interested parties to this action by placing a true copy thereof in a sealed envelope for mailing address as follows

Howard Weitzman  
Jonathan P. Steinsapir  
KINSELLA WEITZMAN ISER KUMP &  
ALDISERT LLP  
808 Wilshire Blvd, 3<sup>rd</sup> Floor  
Santa Monica CA 90401  
Tel. (310) 566-9800  
Facsimile: (310) 566-9850  
Email: hweitzman@kwikalaw.com;  
jsteinsapir@kwikalaw.com

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

Counsel for the Executors of the Estate of  
Michael Joseph Jackson

Counsel for the Executors of the Estate of  
Michael Joseph Jackson

**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 by electronic mail as indicated above and no error was reported.

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

Executed June 17, 2015 at Los Angeles, California.

  
Sidney Summers

GRADSTEIN & MARZANO, P.C.  
6310 SAN VICENTE BLVD, SUITE 510  
LOS ANGELES, CALIFORNIA 90048

06/18/2015