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**FILED**  
 SUPERIOR COURT OF CALIFORNIA  
 COUNTY OF LOS ANGELES

OCT 30 2014

SHERRI R. CARTER, Officer/Clerk  
 BY *[Signature]* Deputy  
 Sherri Robinson

7 Attorneys for Defendants  
 MJJ Ventures, Inc. and MJJ Productions, Inc.

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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 9 COUNTY OF LOS ANGELES, CENTRAL DISTRICT

**FAXED**

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11 WADE ROBSON, an individual,  
 12 Plaintiff,

14 vs.

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

Case No. BC 508502  
 Assigned to Judge Beckloff – Department 51

**CORPORATE DEFENDANTS' REPLY  
 BRIEF IN SUPPORT OF MOTION FOR A  
 PROTECTIVE ORDER RE PLAINTIFF'S  
 FIRST SETS REQUESTS FOR  
 ADMISSION AND FORM  
 INTERROGATORIES TO  
 DEFENDANTS; AND  
 WITHDRAWAL OF MOTION AS MOOT  
 SOLELY AS IT RELATES TO  
 PLAINTIFF'S FIRST SET OF SPECIAL  
 INTERROGATORIES**

Date: November 6, 2014  
 Time: 8:30 a.m.  
 Dept: 51

Action Filed: May 10, 2013  
 Trial Date: None Set

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4 10 / 03 / 2014

1 **PARTIAL WITHDRAWAL OF THIS MOTION**

2 Between the filing of the opposition brief and this brief, the parties met and conferred and  
3 have “settled” their dispute regarding the special interrogatories. Plaintiff will withdraw all  
4 special interrogatories over 35. The Corporate Defendants <sup>1</sup>, in turn, have agreed to answer eight  
5 additional interrogatories in a shortened timeframe. The parties’ agreement is without prejudice to  
6 their respective rights to serve further discovery or to object to such further discovery on  
7 appropriate grounds, including but not limited to objections on the basis of the number of  
8 interrogatories. Also, as is typical of any “settlement,” neither party admits that the other party  
9 was right. For these reasons, the Corporate Defendants withdraw their motion for a protective  
10 order *solely* as it relates to the special interrogatories.

11 Although the parties met and conferred in good faith to reach agreement on their dispute  
12 regarding the requests for admissions (“RFAs”), they were unable to do so. Because of that, we  
13 now turn to the merits of this particular dispute.

14 I. **INTRODUCTION**

15 Plaintiff Wade Robson’s RFAs cannot be justified. Because of that, he instead devotes the  
16 majority of his Opposition to discussing issues that have precisely nothing to do with the merits of  
17 this Motion. Nothing in the Opposition changes the following facts: (1) the Corporate Defendants  
18 attempted to engage in a meaningful meet and confer process prior to filing the Motion, and  
19 Plaintiff declined to engage in that process; (2) Plaintiff’s boilerplate declarations of necessity,  
20 which simply quote statutory language with no supporting facts explaining the reasons for scores  
21 of additional RFAs, are deficient on their face—indeed, Plaintiff does *not* argue to the contrary;  
22 and (3) Requests for Admission Nos. 36-93 are redundant of other RFAs and interrogatories, are  
23 unwarranted, and are little more than additional, disguised special interrogatories because of the  
24 corresponding Form Interrogatory 17.1 requests.

25 “If the responding party seeks a protective order on the ground that the number of requests  
26

27 <sup>1</sup> As with prior papers, the “Corporate Defendants” refers to Defendants MJJ Ventures, Inc.  
28 and MJJ Productions, Inc.

1 for admission is unwarranted, the *propounding party shall have the burden of justifying the*  
2 *number of requests for admission.*” Code Civ. Proc. §§ 2030.040(b), 2033.040(b) (emphasis  
3 added). To meet this burden, Plaintiff must show that the number of requests for admission is  
4 warranted by the complexity or quantity of the issues in the case. *See* Code Civ. Proc. §§  
5 2030.040(a); 2033.040(a). Plaintiff has not met this burden. On that basis alone, this motion  
6 should be granted.

7       Instead of discussing the requests at issue, the Opposition spends most of its time attacking  
8 a number of straw-man arguments that the Corporate Defendants have *never* made. For example,  
9 it is *not* the Corporate Defendants’ position that this matter is insufficiently complex to warrant  
10 more than 35 special interrogatories or requests for admission at all. The Corporate Defendants’  
11 arguments are directed *solely* to the *specific* discovery before the Court. The Corporate  
12 Defendants’ argument is simple: Plaintiff has failed to meet his burden of showing that *the*  
13 *discovery requests before the Court* are warranted. Plaintiff has failed to provide sufficient  
14 declarations of necessity. Plaintiff failed to engage in a meaningful meet and confer process with  
15 regard to the scope of discovery prior to the filing of this motion. The Corporate Defendants do  
16 not doubt that Plaintiff will attempt to serve several rounds of special interrogatories and requests  
17 for admission at later times in this litigation. If Plaintiff can justify why such discovery is  
18 warranted and consistent with the Code of Civil Procedure—and not merely submit a boilerplate  
19 declaration attempting to justify those requests—the Corporate Defendants will absolutely respond  
20 to such discovery.<sup>2</sup>

21       This motion is *not* about future discovery. This motion is about the discovery before the  
22 Court today. That discovery is almost entirely redundant of other discovery. Regardless, it is  
23

24  
25 <sup>2</sup> That being said, as the Corporate Defendants indicated in the moving papers, this case is ripe  
26 for adjudication on demurrer. The Court sustained the Corporate Defendants’ demurrer with leave  
27 to amend. Ultimately, the Corporate Defendants are confident that Robson cannot amend his  
28 pleadings to meet the requirements for bringing claims after Plaintiff has reached age 26 against  
the Corporate Defendants under Code of Civil Procedure § 340.1(b)(2) regardless of how much  
discovery is taken by Plaintiff. Of course, that issue—like the propriety of any future discovery—  
is for another day.

1 undisputed that Plaintiff has failed to meet his burden of showing why the number of requests are  
2 warranted.

3 **II. ARGUMENT**

4 Much of Plaintiff's opposition is focused on matters that are not at issue here (such as the  
5 sufficiency of the Corporate Defendants' responses to the first 35 interrogatories that were  
6 answered or the sufficiency of nonparties the Executors of the Estate of Michael Jackson's  
7 responses to interrogatories in the related probate matter). We do not discuss these issues as they  
8 are immaterial to the motion here. Furthermore, Plaintiff's opposition focuses heavily on the meet  
9 and confer process. Because we are focused on the merits of this motion, we discuss the meet and  
10 confer process (such as it was) at the end of the brief.

11 **A. Plaintiff's Declarations of Necessity are Indisputably Deficient.**

12 Plaintiff's declarations of necessity are insufficient on their face because Plaintiff did  
13 nothing more than list the *potential* factors warranting additional discovery under California law  
14 without providing "*the reasons why* any factor relied on is applicable to the instant lawsuit." Code  
15 Civ. Proc. §§ 2033.050(8) (emphasis added). Stated otherwise, the declaration simply stated  
16 inadmissible legal conclusions, with no facts to support those conclusions. Not surprisingly,  
17 therefore, Plaintiff ignores this issue altogether in opposition.<sup>3</sup> The Court can and should grant  
18 the Motion based on this deficiency alone. Code Civ. Proc. § 2033.040(a) (it is plaintiff's burden  
19 to justify discovery in excess of 35 requests).

20 **B. Plaintiff Has Not Met His Burden of Justifying RFAs Nos. 36 Through 93.**

21 Plaintiff has failed to meet his affirmative burden of showing that RFAs Nos. 36-93 are  
22 warranted or necessary. Requests for admission "differ fundamentally from other forms of  
23 discovery." *Murillo v. Superior Court*, 143 Cal.App.4th 730, 735-36 (2006). Instead of "seeking  
24 to uncover information, they seek to eliminate the need for proof." *Id.*; *Stull v. Sparrow*, 92

25 \_\_\_\_\_  
26 <sup>3</sup> Plaintiff's attempt to justify the additional requests for the first time in Plaintiff's Opposition  
27 is inadequate. Even in the one letter Plaintiff's counsel sent in response to the Corporate  
28 Defendants' meet and confer letter, Plaintiff's counsel made no effort to explain or justify the need  
for the additional discovery. (*See* Motion, Liskin Decl., Ex. 8.)

1 Cal.App.4th 860, 864 (2001). The function of requests for admission are to “set[] at rest a triable  
2 issue so it will not have to be tried.” *Jahn v. Brickey*, 168 Cal.App.3d 399, 404 (1985).

3 The requests here ask about conduct that the Corporate Defendants, by necessity, were not  
4 party to. For example, requests 59-77 ask the Corporate Defendants, two corporations, to admit  
5 that a variety of private sexual activities took place between Michael and Robson, despite the fact  
6 that *both* Michael *and* Robson vigorously denied that any such activities ever took place at all  
7 times when Michael was still alive. And even though Plaintiff has now changed his story, he  
8 contends that only he and Michael knew about the alleged conduct. More to the point, the  
9 Corporate Defendants have *already categorically and unequivocally denied* that any sexual  
10 conduct ever occurred between Michael and Plaintiff. In addition to unequivocal denials in  
11 responses to special interrogatories, the Corporate Defendants *unequivocally denied* Request for  
12 Admission Nos. 6-7, 12, and 13, which *all* ask the Corporate Defendants to admit that Robson and  
13 Michael engaged in sexual activities together in the 1990s and that Michael sexually abused  
14 Robson. (Marzano Decl., Ex. I at pp. 6-7, 9-10.) Having categorically denied that sexual  
15 activities or sexual abuse of any kind took place, what possible purpose do the RFAs Nos. 59  
16 through 77 serve? If sexual abuse has been categorically denied, why does Robson want the  
17 Corporate Defendants to further deny every imaginable and specific act of abuse? (*Ibid.*, Ex. I at  
18 pp. 37-45 (RFAs Nos. 59-77).) The only purpose—other than wasting reams of paper and further  
19 contributing to the deterioration of our environment—is to force the Corporate Defendants to deny  
20 the same thing over-and-over again, and then to somehow provide an interrogatory response  
21 (under Form Interrogatory No. 17.1) about why they are denying the same thing over-and-over  
22 again.

23 Instead of using the requests for a proper purpose, Plaintiff uses the majority of his  
24 requests to try and elicit Form Interrogatory 17.1 responses by asking for admissions of fact that  
25 Plaintiff knows the Corporate Defendants cannot possibly admit. (*See also* RFAs Nos. 83-86  
26 (asking for admissions of statements allegedly made during *private* conversations between  
27 Michael and Robson).) These are not requests aimed at eliminating the need for proof at trial. In  
28 actuality, these requests are nothing more than disguised special interrogatories (through form

1 interrogatory 17.1) that increase the Corporate Defendants' burden well beyond the hundreds of  
2 special interrogatories that were already served on the Corporate Defendants (and the Corporate  
3 Defendants have agreed to answer, between them, 86 special interrogatories and scores of form  
4 interrogatories). Plaintiff has not and cannot justify the additional requests.

5 Plaintiff attempts to justify requests Nos. 36-45 because they relate to the employment  
6 and/or supervision of Robson and Robson's mother by Michael and/or the Corporate Defendants.  
7 Although the relevance of the requests is arguable at best, the requests are burdensome and  
8 unjustified in light of the fact that Plaintiff's Special Interrogatories, Nos. 5-23, ask for *the same*  
9 *information about Robson's and his mother's visas, employment, supervision during employment,*  
10 *and Robson's education,* rendering the requests for admission entirely redundant and unnecessary.  
11 (Marzano Decl., Ex. H at pp. 5-17.) Again, other than wasting paper and making any potential  
12 motion practice on these issues more complicated than they should be, no point is served in using  
13 three different forms of written discovery (RFAs, Form Interrogatory No. 17.1, and Special  
14 Interrogatories) to discover the exact same information.

15 Simply put, Plaintiff has failed to tailor the discovery requests to the issues in this  
16 litigation, and Plaintiff easily could have asked for all relevant information sought to date in 35 or  
17 fewer special interrogatories and 35 or fewer requests for admission. The Corporate Defendants  
18 should not be put to the burden of answering duplicative, overly broad and burdensome requests  
19 just because Plaintiff asserts that this is a complex case. Moreover, as noted above, if motion  
20 practice results from the Corporate Defendants' responses to these requests, that motion practice  
21 will be much more manageable and straightforward if the requests at issue are focused and non-  
22 redundant.

23 **C. Prior To The Filing Of This Motion, Plaintiff Did Not Engage In The Meet**  
24 **and Confer Process.**

25 Bickering over the meet and confer process serves no real purpose but it must be noted that  
26 Plaintiff does not fairly characterize the meet and confer process that actually occurred. (*See*  
27 *Opposition at pp. 4-6.*) Plaintiff claims that the Corporate Defendants made ultimatums and that  
28 the Corporate Defendants would accept nothing other than amended sets of 35 interrogatories.

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1 This is not true. The entirety of the correspondence between the parties is all before the Court and  
2 the Court can judge for itself. And because Plaintiff's counsel did not meet and confer with  
3 counsel for the Corporate Defendants, the written correspondence is the entire record here.

4 The Corporate Defendants did what they are required to do under the California meet and  
5 confer process; the Corporate Defendants' counsel took legal positions in the initial letter  
6 regarding the scope of Plaintiff's discovery requests, and the Corporate Defendants' counsel  
7 specifically asked that Plaintiff's counsel provide a time to meet and confer regarding the  
8 appropriate scope of discovery. (See Motion, Liskin Decl., Ex. 7.) Although the Corporate  
9 Defendants' counsel expressly laid out Plaintiff's burden requirement in his letter, Plaintiff's  
10 counsel refused to provide a time to meet and confer and made no attempt to justify the need for  
11 special interrogatories and requests for admission in excess of the statutorily prescribed number of  
12 35 requests. (See Motion, Liskin Decl., Ex. 8.) The Corporate Defendants' counsel *again* asked  
13 for Plaintiff's availability for a meet and confer on the issues and explained exactly what the  
14 Corporate Defendants would do if Plaintiff was unwilling to meet and confer. (See Motion, Liskin  
15 Decl., Ex. 9.) Plaintiff *never* responded. The parties therefore *never* engaged in a meaningful  
16 verbal discussion, and the Corporate Defendants had no choice whatsoever but to file this Motion.

17 Although the Corporate Defendants contest the substantive arguments made in Plaintiff's  
18 Opposition, those arguments should have been raised by Plaintiff's counsel in the response to  
19 Defendant's letter or by telephonic or in-person meet and confer. We have little doubt that the  
20 parties could have reached a compromise—or, at least, substantially narrowed the issues between  
21 them—for this motion.

1 **III. CONCLUSION**

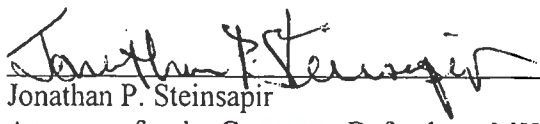
2 For the reasons stated in the Corporate Defendants' Motion and Reply, the Corporate  
3 Defendants' respectfully request that the Court grant the Corporate Defendants' protective order  
4 and rules that Robson's Requests for Admission Nos. 36-93 need not be answered.

5  
6 DATED: October 30, 2014

Respectfully Submitted:

7 KINSELLA WEITZMAN ISER  
8 KUMP & ALDISERT LLP

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11 By:   
12 Jonathan P. Steinsapir  
13 Attorneys for the Corporate Defendants MJJ  
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**PROOF OF SERVICE**

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Los Angeles, State of California. My business address is 808 Wilshire Boulevard, 3rd Floor, Santa Monica, CA 90401.

On October 30, 2014, I served true copies of the following document(s) described as **CORPORATE DEFENDANTS' REPLY BRIEF IN SUPPORT OF MOTION FOR A PROTECTIVE ORDER RE PLAINTIFF'S FIRST SETS REQUESTS FOR ADMISSION AND FORM INTERROGATORIES TO DEFENDANTS; AND WITHDRAWAL OF MOTION AS MOOT SOLELY AS IT RELATES TO PLAINTIFF'S FIRST SET OF SPECIAL INTERROGATORIES** on the interested parties in this action as follows:

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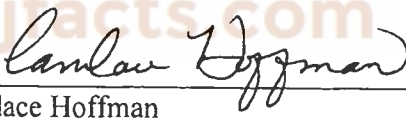
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**BY MAIL:** I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed above and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Kinsella Weitzman Iser Kump & Aldisert LLP's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

**BY E-MAIL OR ELECTRONIC TRANSMISSION:** I caused a courtesy copy of the document(s) to be sent from e-mail address [choffman@kwikalaw.com](mailto:choffman@kwikalaw.com) to the persons at the e-mail addresses listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

**BY OVERNIGHT DELIVERY:** I enclosed said document(s) in an envelope or package provided by the overnight service carrier and addressed to the persons at the addresses listed above or on the attached Service List. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight service carrier or delivered such document(s) to a courier or driver authorized by the overnight service carrier to receive documents.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on October 30, 2014, at Santa Monica, California.

  
Candace Hoffman