

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

Electronically FILED by  
Superior Court of California,  
County of Los Angeles  
3/21/2024 4:09 PM  
David W. Slayton,  
Executive Officer/Clerk of Court,  
By K. Valenzuela, Deputy Clerk

**COURTHOUSE ADDRESS:**

West District, Beverly Hills Courthouse, 9355 Burton Way, Beverly Hills, CA 90210

**PLAINTIFF:**

Wade Robson

**DEFENDANT:**

MJJ Productions, Inc. et al.

**COMPLEX CIVIL CASE QUESTIONNAIRE**

CASE NUMBER

BC508502

DEPARTMENT/UNIT

207

TELEPHONE NUMBER

(310) 281-2400

Name of person filling out this form: Thomas A. Mesereau

Telephone Number: (310) 651-9960

If this form is completed by counsel, identify the party that counsel represents: Defendants, et al.

Name of bench officer to whom case is assigned: Judge Michael E. Whitaker

Department to which case is assigned: 207

**—INSTRUCTIONS—**

Pursuant to California Rule of Court, rule 3.403, the Court must decide as soon as reasonably practicable whether an action is a complex case, and the Court has the continuing authority to determine that a civil action is a complex case. When a judge to whom a case is assigned determines that the case should be designated as “complex” within the meaning of California Rule of Court, rule 3.400, the judge may seek to transfer the case to the Complex Litigation Program using the procedure specified in Local Rules, rule 3.3(k). This form is designated by the Assistant Supervising Judge, Complex Litigation Courts as the Complex Civil Case Questionnaire to be completed by the judge assigned to the case, or by a party, on order of the Court.

The purpose of this questionnaire is to help the Court identify cases appropriate for inclusion in the Complex Litigation Program. Responses should be derived from the Court’s experience with the case since it was filed, examination of the court case record, and information provided by parties and counsel, to the extent that information is readily available to the individual(s) completing this questionnaire. The questionnaire and the court case record will be reviewed by the Assistant Supervising Judge, Complex Litigation Courts. The information provided in this questionnaire should be as thorough as possible to facilitate this review and to expedite determination of whether the case should be included in the Program. The Assistant Supervising Judge, Complex Litigation Courts may request a telephonic status conference with the parties to obtain additional information. The Assistant Supervising Judge, Complex Litigation Courts may decide whether or not to accept the case for the Complex Litigation Program with or without a hearing. If the case is not accepted for the Complex Litigation Program, the assigned judge’s complex case designation nevertheless governs the case.

1. According to California Rules of Court, rule 3.400, a complex case is: "An action that requires exceptional judicial management to avoid placing unnecessary burdens on the court or the litigants and to expedite the case, keep costs reasonable, and promote effective decision making by the court, the parties and counsel."

This definition accurately and fully describes this case.

Although the definition does not precisely fit this case, it should be deemed complex because:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Which of the following case type(s) best describe(s) this case?

a.  Antitrust or trade

b.  Construction defect case

c.  Securities claims or investment losses involving many parties

d.  Environmental or toxic tort claims involving many parties

e.  Claims involving mass torts

f.  Claims involving class actions

g.  Insurance coverage claims arising out of any of the above. Please indicate case type forming basis of insurance coverage claim:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

h.  Other case type. Please describe:

The Plaintiff in this case (Robson) and the consolidated matter (Safechuck) allege Michael Jackson sexually assaulted the plaintiffs over thirty years ago for a a multi-year period that ended in 1997 (Robson) and 1991 (Safechuck). Plaintiffs are seeking to hold Mr. Jackson's companies liable.

3. This case should be processed as a complex civil litigation case because it involves or is likely to involve the following:

- a. [x] Numerous pre-trial motions raising difficult or novel issues that will be time-consuming to resolve.

Please briefly describe:

Please see Attachment A.

- b. [x] Management of a large number of witnesses or substantial amount of documentary evidence.

Estimated number of witnesses: 65-75

Estimated number of pages of documentary evidence: Attachment A

- c. [ ] Management of a large number of separately represented parties.

Estimated number of parties: and number of counsel:

- d. [x] Coordination with related actions pending in one or more courts in other counties, states, countries or in a federal court. Please indicate case names, numbers and jurisdictions (attach additional sheet if necessary):

Consolidated Case: (1) James Safechuck v. MJJ Productions, Inc., et al., Case No. BC545264

Related Case: (1) In re the Estate of Michael Joseph Jackson (Deceased), Case No. BP117321

- e. [ ] Substantial post-judgment judicial supervision. Please describe the nature and duration of the judicial supervision required and types of post-judgment activity needing supervision:

- f. [x] Describe any other unique characteristics which qualify this case for inclusion in the Court's Complex Litigation Program:

Please see Attachment A.

4. When was this case filed? 2013

5. How many causes of action are alleged in the complaint? 6

How many plaintiffs are named in the complaint? 1

How many defendants are named in the complaint? 2

6. How many cross actions have been filed? No

How many are anticipated? 0

7. What involvement has the Court had to date in pretrial matters?

a. Law and Motion proceedings. Please indicate type, complexity and rulings made:

Please see Attachment A.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

b. Discovery proceedings. Please indicate type, complexity and rulings made:

Please see Attachment A.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

c. Settlement negotiations or alternate dispute resolution (ADR) proceedings. Please indicate number of sessions, parties participating and any other relevant non-privileged details:

Please see Attachment A.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

d. Other involvement in pre-trial activities:

Please see Attachment A.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

e. What issues remain to be resolved, and how many hearings over what period of time will be required to resolve them?

Please see Attachment A.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- f. Has a trial date been set?  No  Yes Date: \_\_\_\_\_
- g. Has any party filed a motion for preference in setting trial, or does any party currently intend to file such a motion?  No  Yes Party: \_\_\_\_\_
- h. Does the assigned court wish to keep the case?  Yes  No

Why or why not?

The Court has not stated definitively whether it prefers to keep the case. At a CMC on 2/28/2024, the Court stated that this consolidated matter had "all the hallmarks of a complex case." The Court also stated, however, that it could keep the case for pre-trial and then send the matter to Long Cause for trial. It is unclear which the Court would prefer.

# **ATTACHMENT A**

**Wade Robson v. MJJ Productions, Inc., et al., Case No. BC 508502**

**Consolidated With: James Safechuck v. MJJ Productions, Inc., et al., Case No. BC 545264**

**3. This case should be processed as a complex civil litigation case because it involves or is likely to involve the following:**

***a. Numerous pre-trial motions raising difficult or novel issues that will be time-consuming to resolve.***

In 2013, four years after Michael Jackson died, Plaintiff Wade Robson filed this case along with a companion case against Michael Jackson’s estate in the probate court. The following year Plaintiff James Safechuck filed his cases (a probate case and a civil case). The Court dismissed both Plaintiffs’ probate cases as time-barred by the filing deadlines under California’s Probate Code. Neither Plaintiff can bring any claims against Mr. Jackson or his estate, and so they are left to pursue their claims against two corporate entities that were created to hold Mr. Jackson’s intellectual property, Defendants MJJ Productions and MJJ Ventures.

Because Plaintiffs can no longer pursue their claims against Mr. Jackson or his estate directly, Plaintiffs—represented by the same sets of attorneys since the cases’ inception—now claim that Mr. Jackson’s corporate entities, acting through the employees, had a duty to protect Plaintiffs from those entities’ sole shareholder, Mr. Jackson. Many of Plaintiffs’ allegations regarding what the entities’ employees observed are based on decades-old testimony and declarations from other cases or (unsworn) interviews with law enforcement or the media. The nature of Plaintiffs’ theories of liability, the decades-long gap between the alleged misconduct and Plaintiffs’ bringing their claims, and both Plaintiffs’ participation in a 2019 film, *Leaving Neverland*, create complicated discovery, law-and-motion, and trial issues.

On February 28, 2024, the currently assigned court ordered this case consolidated with the related case, *James Safechuck v. MJJ Productions, Inc., et al.*, Case No. BC545264. The parties had previously treated the matters as related, but the matters were proceeding on different tracks. Because of the timing of various pleading challenges and the amount of time it took for the pleadings to be “settled,” significant discovery was conducted in *Robson*, while almost no discovery was completed in *Safechuck*. The discovery conducted demonstrated, however, both matters have intertwined percipient witnesses and involve similar legal issues. Accordingly, Defendants agreed that consolidation of this matter with the *Robson* matter for all purposes, including trial, was appropriate, and the matters should remain consolidated upon their transfer to the Complex Litigation Program.

The court’s decision to consolidate the matters has, however, created numerous repercussions for how discovery will proceed. Going forward, Defendants expect the assigned court will need to oversee much of the discovery, including oversight of certain depositions that

have already been taken, as those depositions will need to be reopened and expanded to cover the allegations from both Robson and Safechuck, along with the new allegations from their participation in *Leaving Neverland* and other interviews and public appearances.

Beyond just Plaintiffs' depositions, there will be additional discovery issues that need to be addressed related to both Plaintiffs' involvement in a highly publicized film, *Leaving Neverland*, in which Plaintiffs reiterated the substance of their allegations against Mr. Jackson. *Leaving Neverland* focused exclusively on Plaintiffs' allegations. Both Plaintiffs' allegations in *Leaving Neverland* differ materially from the statements in their complaints, however. Defendants believe there are significant amounts of unused interview footage with Plaintiffs that are essential to the defense and go directly to Plaintiffs' credibility. But Defendants do not currently know the custodian(s) or location(s) of the footage. One likely source, *Leaving Neverland's* producer, Dan Reed, is located in the United Kingdom, as is his production company, Amos Pictures Ltd. Defendants will need to use the Hague Convention process to obtain information from Mr. Reed and his production company. For those custodians in the United States, depending on the particular custodian's location, one or more subpoena recipients may assert privilege objections that could involve intricate choice-of-law issues requiring pre-trial motion practice as well.

Given the extended duration of the alleged abuse in Plaintiffs' claims, the thirty (Robson) and thirty-five (Safechuck) year gap between the alleged abuse and now, and the recent, highly publicized film about Plaintiffs' claims, there are dozens of third-party witnesses with relevant information. Many of these witnesses are outside California, and numerous witnesses are believed to be located outside the United States. As there are numerous third-party witnesses who will need to be subpoenaed for documents and testimony, some of whom were already deposed in the *Robson* case before the film's release, Defendants expect there will be extensive motion practice regarding third-party discovery.

After discovery concludes, Defendants anticipate bringing dispositive motions based on the lack of any admissible evidence supporting Plaintiffs' theory of liability. Additionally, because the discovery record is not yet complete, there may be grounds for other dispositive motions.

Should those motions be unsuccessful, there will be numerous difficult, complex evidentiary and legal issues to be addressed in the leadup to trial. For example, the dozens of potential witnesses and previous sworn and unsworn statements from those witnesses over the past three decades will require the parties to litigate and the Court to resolve myriad motions *in limine* to ensure only proper, competent evidence can be introduced during trial. Additionally, as the Court is likely aware, there have been other highly publicized claims previously asserted against Mr. Jackson for sexual abuse that Plaintiffs may seek to introduce. Two of these cases, a 1993 grand jury investigation and a 2005 trial both brought by the Santa Barbara district attorney, resulted in substantial testimonial evidence that (depending on the witness and evidence) the parties may seek to introduce or exclude in whole or in part.

At trial, there will be nuanced decisions that need to be made about the propriety of certain arguments and evidence given the nature of Plaintiffs' claims. Plaintiffs are not bringing their claims directly against Mr. Jackson or his estate; rather, their claims are brought against Mr. Jackson's companies, and they now claim that those companies—acting through their employees—failed to supervise Mr. Jackson, placing Plaintiffs in harm's way. As such, the evidence will need to be entered and arguments constrained to only Plaintiffs' theory of liability, and Plaintiffs should not be allowed to metastasize their claims into ones against Mr. Jackson directly (since he's deceased) or Mr. Jackson's estate (since those claims were already foreclosed as untimely filed).

***b. Management of a large number of witnesses or substantial amount of documentary evidence... Estimated number of pages of documentary evidence:***

It is unclear what the total amount of documentary evidence will be when this case is ready for trial. Currently, however, there are already over 110,000 pages of documentary evidence produced by the parties and certain third-parties in the *Robson* case alone. These documents include transcripts of the long-ago criminal trial, witness statements, interviews, court records, and grand jury testimony for the 2005 trial, 1993 investigation, and certain employment litigation matters related to Mr. Jackson and his companies. Additionally, there are numerous documents related to the operations of Mr. Jackson's various properties where the alleged acts took place. Discovery has barely begun in *Safechuck's* case, however, and—particularly with both Plaintiffs' involvement in *Leaving Neverland* and the notoriety that film has created—there are dozens of third parties from whom Defendants will seek additional documents and testimony.

There will also be substantial amounts of video evidence. For example, there is the four-hour *Leaving Neverland* video by and about these very complainants (Messrs. Robson and Safechuck), unaired *Leaving Neverland* footage, the innumerable interviews and public statements Plaintiffs made after *Leaving Neverland's* release, the follow-up video Defendants understand is being produced about Plaintiffs and these allegations, and a multi-part podcast series by Messrs. Robson and Safechuck.

***f. Describe any other unique characteristics which qualify this case for inclusion in the Court's Complex Litigation Program:***

This consolidated case has all of the hallmarks of a complex matter: it involves two different Plaintiffs asserting thirty (Robson) and thirty-five-year old (Safechuck) claims based on a novel theory of liability that will require careful management and limitation of issues at trial; it will require the testimony of dozens of percipient witnesses and multiple expert witnesses; it will have large volumes of documentary and videographic evidence; it will require resolution of multiple, complicated evidentiary questions regarding previous statements—both sworn and



unsworn—by the witnesses and parties; and it will have numerous pre-trial dispositive motions and complicated, third-party discovery issues.

But, beyond these factors, there is another issue that necessitates this case being transferred to the Complex Litigation Program and tried in the complex court: put bluntly, this case will be a media firestorm. Michael Jackson is one of the most celebrated, prolific performers of the past forty years. His fans (and detractors) are legion, and many of them are highly devoted. The 2005 criminal trial, in which he was acquitted and resoundingly vindicated, was attended by hundreds inside and outside the courthouse, in addition to being covered by the worldwide media. Indeed, so great was the media attention that the FBI was monitoring the trial. Here, the salacious nature of Plaintiffs' claims and their widespread efforts to promote their allegations in the *Leaving Neverland* film, interviews, and public appearances, will only exacerbate the already substantial media and public attention devoted to this case. Even basic hearings, such as the February 28, 2024, case management conference were attended by multiple reporters. Downtown Los Angeles, and the Spring Street Courthouse in particular, have large courtrooms, ample facilities, and are generally both far better equipped to handle a case involving such large numbers of the media and public than the Beverly Hills courthouse.

## **7. What involvement has the Court had to date in pretrial matters?**

### ***a. Law and Motion proceedings. Please indicate type, complexity and rulings made:***

There have been extensive law and motion proceedings in both Plaintiffs' cases. Both cases were dismissed twice, with the dismissals then reversed twice by the Court of Appeal. All of the below issues were decided before the case was remanded to the currently assigned court; and all of the issues (except the consolidation motion) were decided by judicial officers who are no longer presiding over the case. This list does not include the numerous legal issues still to be decided.

#### **Robson**

Robson filed his case on or around May 10, 2013, about a week after filing a petition to file a late creditor's claim in the related probate proceedings involving Michael Jackson, *In re the Estate of Michael Joseph Jackson (Decedent)*, Case No. BP117321. Robson's civil action originally named only three "Doe" defendants, who were later identified as Michael Jackson (Doe 1), MJJ Productions, Inc. (Doe 2), and MJJ Ventures, Inc. (Doe 3). The Hon. Mitchell Beckloff who was then, and still is, the presiding judge over the probate proceedings was the original, presiding judge in this civil action as well.

Demurrer to Second Amended Complaint: Robson filed a first amended complaint in July 2014, making largely non-substantive changes to his original complaint. On February 14, 2014, after being given permission under C.C.P. § 340.1 to name MJJ Productions, Inc., and MJJ Ventures, Inc., in place of Does 2 and 3, respectively, Robson filed a second amended complaint. Those

two defendants filed a demurrer to the second amended complaint, which was sustained with leave to amend on or around October 1, 2014.

Motion for Summary Judgment on Probate Petition: In order to name Michael Jackson or his Estate as “Doe 1” in this civil action, Robson first had to file a creditor’s claim against his Estate, but the deadline to do so had passed over three years before Robson filed suit. Robson therefore filed a Probate Code § 9103 petition to file a late creditor’s claim against the Jackson Estate in May 2013. After extensive discovery was taken on that petition, Judge Beckloff issued an order summarily adjudicating that petition and denying Robson permission to file a late creditor’s claim on or around May 26, 2015. Robson never sought appellate review of that final order; and Robson’s subsequent complaints in this civil action have omitted Michael Jackson and his Estate as defendants.

Demurrer to Third Amended Complaint: On or around December 16, 2014, Robson filed a third amended complaint. Defendants demurred to the third amended complaint in February 2015. The demurrer was overruled on or around September 24, 2015.

Motion for Leave to File Fourth Amended Complaint: On or around September 9, 2016, Robson filed a motion for leave to file a fourth amended complaint. Defendants opposed the motion on various grounds. The Court granted the motion on or around October 7, 2016. Robson filed his fourth amended complaint, which is the operative complaint, the same day.

First Motion for Summary Judgment: On or around June 26, 2017, Defendants filed a motion for summary judgment. The court heard on the motion on December 5, 2017, and granted it in full on December 19, 2017. The court (Beckloff, J.) held that the case was time-barred under the then-applicable version of the statute of limitations, C.C.P. § 340.1, because Robson was over the age of 26 when he filed the case and the evidence did not fall within the then “narrow exception” to the age 26 cutoff for the claims alleged in the case.

First Appeal: Robson appealed the summary judgment entered in the Defendants’ favor. In late 2019, after the case was fully briefed and awaiting oral argument in the Court of Appeal, the Governor signed AB 218, which substantially revised C.C.P. § 340.1. Among other things, the revised statute eliminated the age 26 cutoff, extending it to age 40. Because the statute, by its terms, applied to all cases pending at the time (including those on appeal), all parties agreed that the specific grounds for the trial court’s judgment were no longer applicable. The Court of Appeal thus reversed and remanded in early 2021.

Assignment to Judge Mark Young: This action was filed in the Stanley Mosk Courthouse, but when Judge Beckloff moved from Department 51 in Stanley Mosk to Department M in the Santa Monica Courthouse in 2016, the case moved with him. When the case returned from the Court of Appeal, Judge Beckloff was no longer in Department M and had moved to Writs and Receivers, Department 86. (Judge Beckloff, however, continues to preside over the probate proceedings regarding the Jackson Estate, Case No. BP117321.) Judge Mark Young sat in Department M and he presided over the case until the second summary judgment.

Second Motion for Summary Judgment: On December 7, 2020, the Defendants again moved for summary judgment, this time on the merits of the various causes of action (rather than the statute of limitations). On or around April 26, 2021, the Court granted the motion in full and dismissed the case.

Second Appeal: Robson appealed the second summary judgment entered in the Defendants' favor. On or around August 18, 2023, the Court of Appeal reversed and remanded the case. The California Supreme Court subsequently denied a petition for review. The case returned to Department M, and Plaintiff filed a C.C.P. § 170.6 challenge to Judge Young; Defendants then filed a C.C.P. § 170.6 challenge to Judge Moreton. The case was reassigned to Judge Michael E. Whitaker, the same judge presiding over *Safechuck* after the Court of Appeal reversed and remanded that matter.

### **Safechuck**

James Safechuck filed his civil action on or around May 9, 2014, just after filing a petition to file a late creditor's claim in the related probate proceedings involving Michael Jackson, *In re the Estate of Michael Joseph Jackson (Decedent)*, Case No. BP117321. Safechuck's civil action originally named only three "Doe" defendants, who were later identified as Michael Jackson (Doe 1), MJJ Productions, Inc. (Doe 2), and MJJ Ventures, Inc. (Doe 3). The Hon. Mitchell Beckloff who was then, and still is, the presiding judge over the probate proceedings was the original, presiding judge in this civil action as well.

Demurrer to Original Probate Petition: In order to name Michael Jackson or his Estate as "Doe 1" in this civil action, Safechuck first filed a creditor's claim against Mr. Jackson's Estate, but the deadline to do so had passed over four years before Safechuck filed suit. Safechuck therefore filed a Probate Code § 9103 petition to file a late creditor's claim against the Jackson Estate in May 2014. The Estate demurred to the petition and Judge Beckloff sustained the demurrer with leave to amend on December 30, 2014.

Demurrer to First Amended Probate Petition: On September 21, 2015, Judge Beckloff sustained a demurrer without leave to amend to Safechuck's first amended Probate Code § 9103 petition to file a late creditor's claim against the Jackson Estate, holding that Safechuck had not, and could not, allege sufficient facts showing that he was entitled to file a late claim. The petition was thus dismissed with prejudice. Safechuck never sought appellate review of that final order; and Safechuck's subsequent complaints in this civil action have omitted Michael Jackson and his Estate as defendants.

Demurrer to First Amended Complaint: After Judge Beckloff dismissed Safechuck's amended petition to file a late creditor's claim with prejudice, Safechuck filed a First Amended Complaint in this civil action on October 21, 2015, substituting MJJ Productions, Inc., and MJJ Ventures, Inc. in place of Does 2 and 3, respectively, and omitting Michael Jackson and his Estate as defendants (either fictitiously or directly named). Defendants demurred to the complaint,

arguing Safechuck had not sufficiently alleged a legal basis for liability. The Court agreed and sustained the demurrer with leave to amend on August 23, 2016.

Demurrer to Second Amended Complaint: On or around September 19, 2016, Safechuck filed a second amended complaint alleging six causes of action: (1) intentional infliction of emotional distress; (2) negligence; (3) negligent supervision; (4) negligent retention/hiring; (5) negligent failure to warn, train or educate; and (6) breach of fiduciary duty. Defendants again demurred arguing that: (1) Safechuck's claims did not allege sufficient facts to bring the case within the then "narrow exception" to the age 26 cutoff for claims of this nature under C.C.P. § 340.1; and (2) Safechuck's claims did not allege sufficient facts to state causes of action, separate from the statute of limitations. The Court reached only the second issue and sustained the demurrer with leave to amend, finding that the facts alleged did not adequately state any cause of action.

Demurrer to Third Amended Complaint: On or around February 15, 2017, Safechuck filed a third amended complaint alleging the same causes of action as the second amended complaint. Defendants again demurred on the same bases. This time, the Court addressed the statute of limitations and held that Plaintiff did not allege sufficient facts to bring the case within the then "narrow exception" to the age 26 cutoff for his claims under C.C.P. § 340.1. The Court thus sustained the demurrer without leave to amend and dismissed the entire action on June 28, 2017.

First Appeal: Safechuck appealed the judgment entered in the Defendants' favor. In late 2019, after the case was fully briefed and awaiting oral argument in the Court of Appeal, the Governor signed AB 218, which substantially revised C.C.P. § 340.1. Among other things, the revised statute eliminated the age 26 cutoff, extending it to age 40. Because the statute, by its terms, applied to all cases pending at the time (including those on appeal), all parties agreed that the grounds for the trial court's judgment were no longer applicable. The Court of Appeal thus reversed and remanded in early 2021.

Assignment to Judge Mark Young: Safechuck's action was filed downtown in the Stanley Mosk Courthouse, but when Judge Beckloff moved from Department 51 in Stanley Mosk to Department M in the Santa Monica Courthouse in 2016, the case (along with the related *Robson* case) moved with him. When the case returned from the Court of Appeal, Judge Beckloff was no longer in Department M and had moved to Writs and Receivers, Department 86. (Judge Beckloff, however, continues to preside over the probate proceedings regarding the Jackson Estate, Case No. BP 117321.) Judge Mark Young sat in Department M and presided over the case until its second dismissal in late 2020.

Renewed Demurrer to Third Amended Complaint: On remand, Defendants filed a renewed demurrer to the third amended complaint arguing that, even if the action were now timely as a result of the amended C.C.P. § 340.1, Safechuck had still not stated facts sufficient to state viable causes of action. On October 20, 2020, Judge Young sustained the demurrer without leave to amend.

Second Appeal: Safechuck appealed the second judgment entered in the Defendants' favor. On or around August 18, 2023, the Court of Appeal reversed and remanded the case. The California Supreme Court subsequently denied a petition for review. The case returned to Department M, and Plaintiff then filed a C.C.P. § 170.6 challenge to Judge Young. The case was reassigned to Judge Michael E. Whitaker.

***b. Discovery proceedings. Please indicate type, complexity and rulings made:***

Unlike *Robson*, the parties in *Safechuck* engaged in minimal discovery as challenges to the pleadings were never resolved. In *Robson*, however, there have been extensive discovery disputes requiring court involvement. All of the below issues were decided before the case was remanded to the trial court; and all of the issues were decided by judicial officers who are no longer presiding over the case.

Defendants' Motion for Protective Order re Robson's First Set of Special Interrogatories, Requests for Admission, and Form Interrogatories: In July 2014, Defendants filed a motion for protective order regarding an excessive number of special interrogatories, requests for admission, and form interrogatories (form interrogatory no. 17.1 corresponding to the excessive requests for admission), which essentially sought the same information, repeatedly. Robson withdrew some of the discovery and the Court otherwise granted the protective order in-part on October 1, 2014.

Defendants' Motion for Protective Order regarding Robson's Noticing His Own Deposition: On August 3, 2016, Robson attempted to notice his own deposition for August 24, 2016, and took the position that this would be Defendants' only chance to depose him. Defendants applied *ex parte* to shorten time on a motion for a protective order precluding Robson from noticing his own deposition and/or making clear that Defendants had a right to take Robson's deposition at a date and time of their choosing when they were ready to proceed. Judge Beckloff granted the application and shortened time on Defendants' motion for a protective order. He thereafter granted Defendants' request on August 10, 2016, and made clear that Defendants could take Robson's deposition at a date and time of their choosing. Robson then declined to go forward with the deposition he himself noticed. Robson was eventually deposed in December 2016. Thereafter, the parties agreed that Robson's deposition would be continued to allow Defendants to ask questions that Robson was instructed not to answer. Robson's deposition has not concluded.

Defendants' Motion to Compel Wade Robson's Compliance In Producing Documents: On or around December 27, 2016, Defendants filed a motion to compel Robson to, among other things: produce all documents he had previously agreed to produce; produce documents in a usable format; produce withheld attachments to emails; produce documents without redactions for "privilege" where third-party non-attorneys were copied; and provide a declaration explaining his efforts to search for and produce documents. In depositions of Robson's family, and of Robson himself, it became clear that Robson had not produced all documents he had agreed to

produce. Most notably, Robson's family produced *thousands* of pages of documents, including communications with Robson himself, that he failed to produce. On or around February 2, 2017, Judge Beckloff granted the motion in substantial part, ordered Robson to produce all documents he had agreed to produce, to produce unredacted documents, to produce email attachments, and to provide a declaration explaining his search for documents. A written order was entered February 22, 2017.

Defendants' Motion to Quash Subpoenas to (1) the Santa Barbara County District Attorney; (2) the Los Angeles District Attorney; and (3) the Los Angeles Police Department: On or around December 18, 2017, Defendants filed a motion to quash a subpoena to the Santa Barbara County District Attorney relating to a search of Michael Jackson on December 20, 1993; and to quash subpoenas to the Los Angeles District Attorney and Police Department, respectively, relating to investigations of Michael Jackson in 1993 and 1994. The motions were granted in full on or around July 5, 2018.

Robson's Motion for Protective Order Re: Conduct of Counsel at Deposition of Leroy Whaley and Request for Sanctions: In February 2017, Robson filed a motion to reopen the deposition of Leroy Whaley, after his counsel terminated it, and sought sanctions against Defendants' counsel for supposed misconduct during the deposition. The motion was not heard until the case returned from appeal the first time. The court denied Robson's motion on September 24, 2020. The court also *sua sponte* sanctioned Robson's counsel for bringing the motion in an order on October 16, 2020. Robson appealed these orders as part of his second appeal; they were all affirmed.

Non-Party Deponents Lily Chandler's and Tabitha Marks' Motions for Protective Order Re: Depositions: In October 2016, third-parties Lily Chandler and Tabitha Marks brought motions for protective orders seeking to preclude their depositions being taken by Robson's counsel. The motion was not heard until the case returned from appeal the first time. The court granted the motions on September 24, 2020, ordering that neither deposition could go forward. Robson appealed this order as part of his second appeal, but it was affirmed.

Robson's Motion for Order to Show Cause Re: Contempt by Jonathan Spence: In mid-2017, Robson brought a motion for an order to show cause why third-party Jonathan Spence should be held in contempt for failing to appear at a deposition, after Mr. Spence objected to a subpoena for the deposition. The motion was not heard until the case returned from appeal the first time. Robson's motion was denied on September 24, 2020.

Non-Party Jonathan Spence's Motion for Protective Order and for Sanctions: This motion was the mirror-image of Robson's motion for an order to show cause re contempt against Mr. Spence. The motion was not heard until the case returned from appeal the first time. The court granted the motion on September 24, 2020, and ordered monetary sanctions against Robson's then-counsel. Robson appealed this order as part of his second appeal, but it was affirmed.

Robson's Motion for Order to Show Cause Re: Contempt by Marion Fox: In mid-2017, Robson brought a motion for an order to show cause as to why contempt should not issue against third-

party Marion Fox (Mr. Spence's mother) for failing to appear at a deposition, after Ms. Fox objected to a deposition subpoena. The motion was not heard until the case returned from appeal the first time. The court denied Robson's motion on September 24, 2020.

Non-Party Witness Marion Fox's Motion for Protective Order: This motion was the mirror-image of Robson's motion for an order to show cause re contempt against Ms. Fox. The motion was not heard until the case returned from appeal the first time. The court granted the motion on September 24, 2020, and ordered monetary sanctions against Robson's then-counsel. This order was affirmed on the second appeal.

***c. Settlement negotiations or alternate dispute resolution (ADR) proceedings. Please indicate number of sessions, parties participating and any other relevant non-privileged details:***

Neither Defendants, nor the Estate of Michael Jackson, have engaged in any settlement discussions—formal or informal—in this case. In early 2020, after the case returned to the trial court on the first appeal, Judge Young discussed potential mediation or other formal ADR processes with the parties, but agreed with Defendants that mediation or other formal processes would not make sense given the nature of this case.

***d. Other involvement in pre-trial activities:***

Other than the extensive issues discussed above, none.

***e. What issues remain to be resolved, and how many hearings over what period of time will be required to resolve them?***

Effects of the recent consolidation order: On February 28, 2024, the currently assigned court ordered the *Robson* and *Safechuck* matters consolidated. Even before the court consolidated the cases, the parties had been treating the matters as related, but the matters were proceeding on different tracks. Because of the timing of various pleading challenges and the amount of time it took for the pleadings to be "settled," significant discovery was conducted in *Robson*, while almost no discovery was completed in *Safechuck*. Defendants believe the matters should remain consolidated upon their transfer to the Complex Litigation Program. But this will not end the Court's involvement, as the Court will need to oversee much of the discovery, including certain depositions that have already been concluded, but which will need to be expanded to cover the allegations from both *Robson* and *Safechuck*, along with the new allegations from their participation in *Leaving Neverland*.

Fact discovery:

*Robson:* The deposition of third-party Charli Michaels remains open and needs to be completed. Robson's deposition was also left open. As discussed below, however, there is

extensive additional discovery needed both because of the passage of time (most of the depositions took place nearly 8 years ago) and as a result of Robson's participation in the *Leaving Neverland* film.

*Safechuck*: Although extensive fact discovery was taken in the *Robson* matter, and some of that discovery will be usable in *Safechuck*, the parties did not engage in substantial discovery in *Safechuck*. Accordingly, Defendants expect to take fact depositions of James Safechuck and his family, along with others who may have knowledge of facts relevant to this case. Defendants expect that Safechuck will also want to engage in extensive discovery.

While Defendants are optimistic that court involvement will be minimal, based on the case's history, it is likely that the Court will need to resolve disputes relating to these matters.

Further fact discovery related to *Leaving Neverland*: While this case was pending, James Safechuck and Wade Robson, along with many of their respective family members, participated in *Leaving Neverland*, a four-hour film detailing their allegations against Michael Jackson. Defendants understand that both Safechuck and Robson are participating in a follow-up film regarding the same subject. In *Leaving Neverland*, both Safechuck and Robson made numerous statements that were relevant to their testimony in this matter. Defendants intend to pursue discovery from people who participated in the film. Plaintiffs' credibility is crucial to this case, where the only other alleged "witness" to the supposed abuse (Michael Jackson) is deceased. Defendants expect objections to this discovery necessitating the Court's intervention.

Defendants also believe there are significant amounts of unused interview footage with Robson and Safechuck that will be essential to evaluating their claims and their later recitations of the alleged abuse, again going directly to both Plaintiffs' credibility. But Defendants do not currently know the custodian(s) or location(s) of the footage. One likely source, *Leaving Neverland's* producer, Dan Reed, is located in the United Kingdom as is his production company, Amos Pictures, Ltd.; Defendants may need to use the Hague Convention process to obtain information from Mr. Reed and his production company. For those custodians in the United States, depending on the particular custodian and location of the footage, one or more subpoena recipients may assert privilege objections that could involve intricate choice-of-law issues requiring pre-trial motion practice as well.

Independent medical examination: Safechuck will need to participate in an independent medical examination, as he has not done so to date. Robson's independent medical examination was performed nearly a decade ago, and will need to be redone to account for Robson's current mental state, and his emotional development over the past eight years.

Expert discovery: Expert discovery and disclosures have not commenced. Defendants expect there will be extensive expert discovery and potential disputes will arise regarding it.

Evidentiary Issues: Given the sensitive nature of the allegations in this case, Defendants expect there to be extensive litigation, including myriad motions *in limine* over what evidence can, and cannot, be admitted at trial. As Plaintiffs' claims involve the testimony of numerous witnesses,



many of whom have either provided sworn testimony or provided unsworn interviews in the media (or both), evidentiary issues relating to the admissibility of prior, unproven, and disputed allegations against Michael Jackson will almost certainly arise.

Pre-trial & Trial Issues Relating to the Jackson Estate: As noted above, both Plaintiffs' claims directly against the Jackson Estate have long since been dismissed in a final order from which Plaintiffs did not seek appellate review. Given this, Defendants expect that legal issues will arise—in the context of both evidentiary rulings and jury instructions, among others—relating to Plaintiffs' attempt to use the Defendants here as “proxies” for Michael Jackson's Estate, which is impermissible. For just one example, punitive damages against a decedent's Estate are barred entirely (C.C.P. § 377.42); yet, this case seeks punitive damages against the two Defendants. Measures will have to be taken to ensure that punitive damages are only evaluated (if the Court permits Plaintiffs' seeking their recovery at all) based on conduct that can be legally imputed to Defendants under corporate agency principles, and not the alleged misconduct of Michael Jackson personally.

Pre-trial & Trial Issues Related to Jury Instructions: Defendants expect the jury instructions will require extensive Court involvement both pre-trial and during trial. Plaintiffs are not bringing their claims directly against Mr. Jackson or his estate. Rather, the claims are brought against Mr. Jackson's companies and Plaintiffs' theory of liability is that those companies—acting through their employees—failed to supervise Mr. Jackson, placing Plaintiffs in harm's way. The jury instructions will need to be drafted carefully and in full compliance with existing law and the Court of Appeal's decision in this case to ensure the jury is charged properly. Defendants anticipate this issue will require significant pre-trial briefing and likely additional briefing during trial.

Meticulous Trial Supervision: More than most cases, the unique nature of Plaintiffs' liability theory (discussed above) necessitates nuanced decisions from the trial court about the propriety of certain arguments and evidence given the nature of Plaintiffs' claims. As such, the evidence will need to be entered and arguments constrained to only Plaintiffs' theory of liability, and to prevent Plaintiffs from metastasizing their claims into ones against Mr. Jackson directly (since he's deceased) or Mr. Jackson's estate (since those claims were already precluded as untimely filed). Defendants expect significant briefing during trial related to these issues.

1 **PROOF OF SERVICE**

2 **STATE OF CALIFORNIA, COUNTY OF ORANGE**

3 I am over the age of 18 and not a party to the within action. My business address is 18300  
4 Von Karman Avenue, Suite 930, Irvine, California 92612-1057.

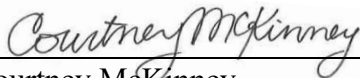
5 On March 21, 2024 I served the foregoing documents described

6 **COMPLEX CIVIL CASE QUESTIONNAIRE**

7 on the interested parties through their counsel identified on the attached service list by the  
8 following means of service:

- 9  **BY EMAIL:** The document(s) was sent electronically to each of the individuals at the email  
10 address(es) indicated on the attached service list. The transmission was made with no error  
11 reported.
- 12  **BY MAIL:** I placed true copies thereof in sealed envelope(s) addressed as stated on the  
13 attached service list, on the above-mentioned date. I deposited the sealed envelope(s) on the  
14 above-mentioned date with the United States Postal Service with postage fully prepaid for  
15 mailing to the persons identified above.
- 16  **BY HAND DELIVERY:** The document(s) were sealed in envelope(s) addressed as stated  
17 on the attached service list and given to ASAP Legal Solution with instructions to deliver by  
18 messenger before 5:00 p.m. on the above-mentioned date.
- 19  **BY OVERNIGHT NEXT DAY DELIVERY:** On the above-mentioned date, I placed a  
20 true copy of the above mentioned document(s), together with a signed copy of this  
21 declaration, in a sealed envelope or package designated by the overnight delivery provider,  
22 with delivery fees paid or provided for, addressed to the person(s) as indicated on the  
23 attached service list and deposited same in a box or other facility regularly maintained by the  
24 overnight delivery provider or delivered same to an authorized courier or driver authorized  
25 by the overnight delivery provider to receive documents.
- 26  **(STATE)** I declare under penalty of perjury under the laws of the State of California that  
27 the foregoing is true and correct.

28 Executed on March 21, 2024.

  
\_\_\_\_\_  
Courtney McKinney

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

**SERVICE LIST**

John Carpenter  
Asa O. Eaton  
Alina S. Vulic  
CARPENTER & ZUCKERMAN  
8827 West Olympic Blvd.  
Beverly Hills, California 90211  
Tel. (310) 273-1230  
Fax. (310) 858-1063  
E-mail: carpenter@cz.law  
          eaton@cz.law  
          avulic@cz.law  
          teamcarpenter@cz.law  
CC: Valerie Tompkins, Legal Assistant  
     vtompkins@cz.law

*Attorneys for Plaintiffs*  
Wade Robson and James Safechuck