

1 address other issues raised in the appeals, leaving them for the trial court to address on remand.
2 The remittiturs in both appeals issued on March 6, 2020.

3 **A. Further Anticipated Filings**

4 **1. SAFECHUCK Case**

5 **Defendants' Position.** Defendants' demurrer that led to the judgment in this case raised
6 numerous issues unrelated to the statute of limitations. Defendants raised these issues in the Court
7 of Appeal as alternate bases for affirmance, but the Court of Appeal expressly declined to address
8 them, "leav[ing] those issues to the trial court on remand." *Safechuck*, 43 Cal.App.5th at 1100.
9 Accordingly, issues raised in the demurrer to the operative complaint remain unresolved. Thus,
10 Defendants intend to file a renewed demurrer to the operative complaint raising those issues in the
11 prior demurrer unrelated to the statute of limitations.

12 Defendants will likely file a motion for summary judgment after further fact discovery is
13 taken, on any causes of action that survive demurrer. Defendants anticipate being in a position to
14 file such a motion when certain fact discovery is completed, within roughly ten months.

15 Defendants will oppose any request to consolidate the Safechuck and Robson cases, and
16 are prepared to brief that issue should Safechuck and Robson file such motions. The cases involve
17 common issues of law, but the facts respecting both cases are very different.

18 **Plaintiff's Position.** SAFECHUCK and ROBSON believe their cases should not just be
19 related, they also should be consolidated for all purposes (as the appellate court did), including
20 trial, especially considering they involve the same fact patterns, defendants, witnesses, and overlap
21 in time, and doing so would save considerable resources of the parties and Court. If the Court is
22 not willing to consolidate the cases as such *sua sponte*, they will file a motion requesting that the
23 Court do so.

24 SAFECHUCK does not anticipate any further filings at this time, other than oppositions to
25 Defendants' above-noted filings, the standard filings that are required per Code in preparation of
26 the matters for jury trial, as well as a motion for leave to seek financial discovery, in support of
27 punitive damage allegations against Defendants.

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1 **B. Status of Discovery and Discovery Disputes**

2 **1. SAFECHUCK Case**

3 *Defendants' Position.* Defendants, and third-parties the Co-Executors of the Estate of
4 Michael Jackson, have produced roughly 75,000 pages of documents in this case and the Robson
5 case.

6 Given that the case is not yet at issue, Defendants have taken almost no discovery specific
7 to Safechuck. Defendants intend to have an independent mental examination of Safechuck taken
8 and will meet and confer with Plaintiff's counsel on the issue. Defendants also need to serve
9 written discovery on Safechuck and take his deposition. Defendants will also seek discovery from
10 Safechuck's family, and other persons with relevant information. Defendants also need to take
11 third-party discovery aimed at Safechuck's extensive participation in a film released during appeal
12 where he and his family participated in numerous, detailed interviews relating to Safechuck's
13 allegations of abuse which are at the center of this action. Because the principal party that made
14 the film is in the United Kingdom, Defendants will need to invoke international discovery
15 processes to take that party's deposition and seek the production of documents and other things
16 such as recordings. Defendants anticipate that all of this discovery will take roughly ten months to
17 complete.

18 Extensive third-party discovery, including dozens of depositions, were taken by
19 Safechuck's counsel in the related Robson case. These depositions did not begin until over a year
20 after the Safechuck case was filed (the parties were largely focused on related probate petitions by
21 Robson and Safechuck in the first few years of these litigations). This third-party discovery often
22 included extensive questioning relating to Safechuck's allegations as well as Robson's. In many
23 cases, the witnesses knew Safechuck but did not know Robson (given the relevant time periods
24 when the witnesses had relationships with the Defendants). With a few exceptions, however, the
25 depositions were only noticed in the Robson case, however. Defendants believe that this discovery
26 should not be repeated in the Safechuck case and that these depositions should be treated as if they
27 were taken in both cases. Defendants will meet and confer with Plaintiff if and when it seeks to
28 take depositions of these parties.

1 Expert discovery will also need to be taken at the appropriate time.

2 **Plaintiff's Position.** SAFECHUCK does not intend to oppose Defendants' intent to
3 conduct an IME upon him, or require Defendants to file a motion to conduct such examination.
4 SAFECHUCK is confident that the parties can work together to craft a mutually-agreeable IME
5 stipulation that sets forth the code-compliant parameters of such an endeavor.

6 As to depositions, ROBSON's case was filed well before Plaintiff SAFECHUCK's case,
7 and as such, there is substantial discovery that has taken place in that case that has not taken place
8 in SAFECHUCK's case, including multiple depositions. As those depositions were only set,
9 noticed and taken in the ROBSON case, however, and thus did not focus on the SAFECHUCK-
10 specific case issues in a detailed manner (despite sometimes referring to those case issues in a
11 cursory manner, especially for foreseeability/notice issues), many of those depositions will have to
12 be re-taken in the SAFECHUCK case as to any issues or areas not covered in the first depositions.
13 Plaintiffs are willing to stipulate that the depositions taken in the ROBSON case are admissible in
14 SAFECHUCK to the same extent as if they were noticed and taken in SAFECHUCK, and that the
15 further depositions of any of these individuals in the SAFECHUCK matter will only cover new
16 issues not covered in the ROBSON sessions.

17 Plaintiffs and their families did participate in an Emmy award-winning documentary
18 entitled "Leaving Neverland," during the pendency of their appeals, and also participated in media
19 and sexual abuse survivor advocacy events related thereto. Plaintiffs believe the relevance of such
20 is minimal at best, but does not have any objection in principle to Defendants seeking discovery
21 related to such events.

22 SAFECHUCK intends to conduct substantial party and third-party discovery in this action,
23 including taking the depositions of multiple current and former employees and agents of MJJ
24 Productions and Ventures, persons most knowledgeable and custodians of records of such, and
25 third-party witnesses. SAFECHUCK believes this discovery will take somewhere between 12-24
26 months to complete, given the length of the abuse he suffered, the complicated nature of the action
27 given the fact that SAFECHUCK was acting as an employee of such companies during his abuse,
28 and range of national and international locations where SAFECHUCK was abused by Jackson,

1 and the vast number of witnesses in the case.

2 **2. ROBSON Case**

3 **Defendants' Position.** Fact discovery was close to complete in the Robson case when
4 summary judgment was granted, but the parties agreed to reopen Robson's deposition to answer
5 questions where he was instructed not to answer (but that did not happen prior to dismissal of the
6 case). Defendants also planned to take a handful of third-party depositions.

7 Although the Robson case was coming up on the five-year rule at the time it was dismissed
8 (about six months remained to try the case), Code of Civil Procedure section 583.320(a)(3)
9 provides for an additional three years for the case to be tried when a judgment has been reversed
10 on appeal. Although Defendants will not need anything close to three years, they do need more
11 time to take discovery, largely relating to statements and actions of Robson and his family during
12 the pendency of the appeal (or prior to it but which were only discovered as the appeal was
13 pending). Specifically, in light of Robson's and his family's extensive participation in a film
14 released during appeal where he and his family participated in numerous, detailed interviews
15 relating to his allegations of abuse which are at the center of this action, Defendants intend to take
16 third-party discovery relating to Robson's and his family's statements. Defendants also intend to
17 take limited further discovery directed to Robson relating to the film and statements he made in it
18 and related to it. Because the principal party that made the film is in the United Kingdom,
19 Defendants will need to invoke international discovery processes to take that party's deposition
20 and seek the production of documents and other things such as recordings. Based on prior
21 experience with discovery in the United Kingdom, this will likely take six months to complete.

22 Expert discovery will also need to be taken at the appropriate time.

23 **Plaintiff's Position.** ROBSON asserts the same position as to Defendants' intent to seek
24 discovery as to "Leaving Neverland" as SAFECHUCK.

25 ROBSON intends to continue to conduct substantial party and third-party discovery in this
26 action, including taking the depositions of multiple current and former employees and agents of
27 MJJ PRODUCTIONS and Ventures, persons most knowledgeable and custodians of records of
28 such, and third-party witnesses. ROBSON believes this discovery will take somewhere between 6-

1 12 months to complete, given the length of the abuse he suffered, the complicated nature of the
2 action given the fact that ROBSON was acting as an employee of such companies during his
3 abuse, and range of locations where ROBSON was abused by Jackson, and the vast number of
4 witnesses in the case.

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KINSELLA, WEITZMAN, ISER, KUMP, et al.

6 By: /s/ Jonathan P. Steinsapir
7 JONATHAN P. STEINSAPIR
8 Attorneys of Record for Defendants MJJ PRODUCTIONS,
9 INC. and MJJ VENTURES, INC.

MANLY, STEWART & FINALDI

10 By: /s/ Vince W. Finaldi
11 VINCE W. FINALDI
12 Attorneys of Record for Plaintiffs JAMES SAFECHUCK
13 and WADE ROBSON (Related case 508502).
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