JOHN C. MANLY, Esq. (State Bar No. 149080)
VINCE W. FINALDI, Esq. (State Bar No. 238279)
ALEX CUNNY, Esq. (State Bar No. 291567)
MANLY, STEWART & FINALDI
19100 Von Karman Ave., Suite 800
Irvine, CA 92612
Telephone: (949) 252-9990
Fax: (949) 252-9991

Attorneys for Plaintiff, WADE ROBSON, an individual

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF LOS ANGELES

WADE ROBSON, an individual,

Plaintiff,

vs.

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

Defendants.

Case No.: BC508502
[Related to Probate Case No. BP117321, In re the Estate of Michael Joseph Jackson, and civil case BC545264, James Safechuck v. Doe 1, et al.]
[Assigned to the Hon. Mark A. Young, Dept. M]

DECLARATION OF VINCE WILLIAM FINALDI, ESQ., IN OPPOSITION TO DECLARATION OF JONATHAN P. STEINSAPIR REGARDING THE AMOUNT OF SANCTIONS TO BE AWARDED AGAINST PLAINTIFF IN CONNECTION WITH PLAINTIFF'S MOTION FOR PROTECTIVE ORDER RE: CONDCUT OF COUNSEL AT DEPOSITION OF LEROY WHALEY.

Date: October 16, 2020
Time: 8:30 a.m.
Location: Dept. M

Date Action Filed: May 10, 2013
Trial Date: June 14, 2021

MANLY, STEWART & FINALDI
ATTORNEYS AT LAW
19100 Von Karman Ave., Suite 800
Irvine, California 92612
Telephone: (949) 252-9990

MANLY, STEWART & FINALDI
ATTORNEYS AT LAW
19100 Von Karman Ave., Suite 800
Irvine, California 92612
Telephone: (949) 252-9990

DECLARATION OF VINCE WILLIAM FINALDI, ESQ.

I, VINCE WILLIAM FINALDI, ESQ., hereby declare:

1. I am an attorney, duly licensed to practice law in the State of California. I am a partner with the law firm of Manly, Stewart & Finaldi, attorneys of record for Plaintiff Wade Robson (the "Plaintiff") in the matter entitled *Wade Robson v. MJJ Productions, Inc., et al.,* Los Angeles Superior Court Case No. BC508502. I am personally familiar with the facts of this case and the factual contents of this Declaration, and if called upon, could and would competently testify thereto.

2. This Declaration is made in opposition to the Declaration of Jonathan P. Steinsapir Respecting the Amount of Sanctions to be Awarded Against Plaintiff in Connection with Plaintiff's Motion for Protective Order re: Conduct of Counsel at Deposition of Leroy Whaley, pursuant to the Court's September 24, 2020 Minute Order "order[ing] sanctions against Plaintiff's counsel because the Court concludes that Plaintiff's counsel did not act with substantial justification in seeking the protective order, [and] failed to properly meet and confer before filing this motion." (9/24/20 Minute Order at p. 5). I hereby oppose Mr. Steinsapir's Declaration, as well as any imposition of sanctions against my client, firm or any attorney therein arising from Plaintiff's Motion for Protective Order re: Conduct of Counsel at Deposition of Leroy Whaley, on the following grounds:

I. Imposing Sanctions Would Violate Due Process, as Plaintiff's Counsel was not Provided Notice or a Reasonable Opportunity to be Heard Before the Court Ruled that Sanctions Would Issue.

3. As a preliminary matter, we object to the imposition of any sanctions whatsoever, on the grounds that neither the Plaintiff nor anyone in our firm was provided with adequate notice or a reasonable opportunity to be heard prior to the Court's September 24, 2020 Order imposing such sanctions.

4. "[D]ue process requires that notice be given prior to the imposition of sanctions." *Alliance Bank v. Murray,* (1984) 161 Cal.App.3d 1, 5; *see also O'Brien v. Cseh,* (1983) 148 Cal.App.3d 957, 961 ("Adequate notice prior to imposition of sanctions is mandated…by the due process clauses of both the state and federal Constitutions. CAL CONST., art. 1, § 7; U.S. CONST.,

14th Amend."). Because "the most basic principles of due process preclude the taking of [a person's] property without notice of an intention to do so," California law "condemns imposition of sanctions without prior notice." *In re Marriage of Fuller,* (1985) 163 Cal.App.3d 1070, 1076; *see also Sole Energy Co. v. Hodges,* (2005) 128 Cal.App.4th 199, 207 ("The statute authorizing sanctions for abuse or misuse of the discovery requires notice: 'To the extent authorized by the section governing any particular discovery method or any other provision of this article, ***the court, after notice to any affected party, person, or attorney, and after opportunity for hearing, may impose the following sanctions*** against anyone engaged in misuse of the discovery process.'" (quoting *C.C.P.* § 2023.300) (emphasis in original)). This notice requirement applies with equal force where—as in this case—monetary sanctions are imposed via the Court's own motion; while various statutes authorize the courts to impose discovery sanctions, "it is clear that the common thread running through all of the sections giving the court this power is the requirement of notice." *Fuller, supra,* 163 Cal.App.3d at 1076.

5. In accordance with this maxim, it is well-established that sanctions cannot be imposed against an attorney unless he or she is first "put on notice of the need to prove his or her own blamelessness in the complained of actions." *Corralejo v. Quiroga,* (1984) 152 Cal.App.3d 871, 874 (reversing imposition of monetary sanctions against attorney where notice of motion seeking sanctions did "not clearly provide that sanctions were being sought against the attorney"). The imposition of sanctions "clearly contemplates an evidentiary hearing in the trial court on the question of whether the attorney is deserving of blame;" thus, sanctions against an attorney cannot stand where "counsel had no reason to suspect sanctions would be awarded against him individually." *Blumenthal v. Superior Court,* (1980) 103 Cal.App.3d 317, 320.

6. Here, the Court ruled in its September 24, 2020 Minute Order that it "will order sanctions against Plaintiff's counsel," despite the fact that Defendants did not request any sanctions in their Opposition to Plaintiff's Motion for Protective Order. Prior to receiving the Court's tentative ruling on the afternoon of September 23, 2020—the afternoon before the hearing on Plaintiff's Motion for Protective Order—neither myself, nor any other attorney with my office, had any reason to suspect that the Court was even considering imposing sanctions

MANLY, STEWART & FINALDI
ATTORNEYS AT LAW
19100 Von Karman Ave., Suite 800
Irvine, California 92612
Telephone: (949) 252-9990

against me or my firm, much less that any sanctions would actually be ordered. Thus, both myself and my firm were wrongfully deprived of sufficient notice of, and an opportunity to meaningfully oppose, the imposition of sanctions before the Court issued its September 24, 2020 Order imposing such sanctions.

7. While the Court did set a further hearing on its Order imposing sanctions for October 16, 2020 and permitted my office to file the instant Declaration in advance of that hearing, based upon the Court's September 24, 2020 Order, the October 16, 2020 hearing will only address the ***amount*** of monetary sanctions that will be imposed against my firm, rather than the threshold question of whether ***any*** monetary sanctions should issue. *See* 9/24/2020 Minute Order, p. 5 ("The Court ***will order*** sanctions against Plaintiff's counsel…") (emphasis added). Further, we were only permitted to file a declaration in support of the opposition and not a full pleading with evidentiary support. Accordingly, neither this Declaration nor the October 16, 2020 hearing will afford myself and my firm a reasonable opportunity to defend against the Order imposing sanctions and, as such, will not remedy the due process violation caused by the Court's Order.

8. Because neither myself nor my firm were provided with notice and a reasonable opportunity to be heard before the Court issued its September 24, 2020 Order imposing sanctions, the sanctions award constitutes a violation of Plaintiff's and counsels' due process rights and, thus, should be vacated.

II. Sanctions are Not Warranted to Remedy Past Conduct or Insure Future Conduct.

9. Defendants, at the oral argument, after reading this Court's tentative, piled on about how abusive the behavior of Plaintiff's counsel was during depositions, as well as how harassing and intimidating and inappropriate they are. Yet, they failed to mention the fact that after the Whaley and Francia depositions, ***there were at least fifteen (15) subsequent depositions taken in this case—most of which I attended or took***. Those include the depositions of John Branca, Mary Coller-Albert, Rosibel Smith, Cynthia Koziolas, Orietta Murdock, Vincent Neglia, Mani Niall, Anthony Pellicano, Linda Ramm, Amanda Robson, Federico Sicard, Rosibel Smith, Donald Starks, Evelyn Tavasci, and Leroy Thomas. One of the depositions—Anthony

MANLY, STEWART & FINALDI
ATTORNEYS AT LAW
19100 Von Karman Ave., Suite 800
Irvine, California 92612
Telephone: (949) 252-9990

Pellicano—was taken after this case returned from the appellate court and has been proceeding before Judge Mark A. Young (taken on August 24, 2020). ***These depositions proceeded and concluded with no allegations of discovery misconduct being lodged with the Court by Defendants or the witnesses***. There were no motions for protective order or for sanctions filed with respect to these depositions. So, it begs the obvious question: if the behavior of myself and the attorneys of my firm before these 15 depositions were taken was so beyond the pale, so wildly inappropriate, harassing and abusive, then why in the world would Defendants allow their most important client—Mr. John Branca, the Executor of the Jackson Estate, to sit at deposition, without a judicial officer present, in my conference room, at my law firm? Their protestations of abuse do not align with the factual record. Defendants are piling on because of a ruling by this Court which was made upon an incomplete record, and this error should be remedied.

10. This Court made statements, at oral argument, about wanting to make sure the rules are followed and that attorneys in the case act appropriately. However, this record evidences, quite clearly, that the Court's impression of the relations between counsel, and depositions that have been taken in this case—of which there are many since the deposition of Whaley—is mistaken. ***This matter has been pending for over 7 years***. It has traveled all the way to the Appellate Court, Second District, and back, due to Plaintiff's successful appeal of Judge Beckloff's ruling. The Honorable Judge Mark A. Young has only presided over this case for a short period of time. ***These were his first set of rulings in this case, and this was only the second time I have ever appeared before him***. As such, the rulings were made without full knowledge of the history of the case, interactions between the parties, and demeanor of counsel in the action, especially including me.

III. Plaintiff's Counsel Fulfilled its Meet and Confer Requirement Before Filing the Subject Motion for Protective Order.

11. One of the two bases upon which the Court imposed sanctions was that "Plaintiff's counsel…failed to properly meet and confer before filing this motion." 9/24/2020 Minute Order, p. 5. However, no monetary sanction should issue against myself or my firm on this ground, because we duly met and conferred with defense counsel—both at the deposition of Mr. Whaley

MANLY, STEWART & FINALDI
ATTORNEYS AT LAW
19100 Von Karman Ave., Suite 800
Irvine, California 92612
Telephone: (949) 252-9990

and over the course of multiple rounds of written correspondence—and only filed the Motion for Protective Order once it was clear that an impasse had been reached.

12. A party who moves for a protective order satisfies the meet and confer requirement upon showing that it made a "reasonable and good faith attempt at an informal resolution of each issue presented by the motion" prior to filing the motion. *C.C.P.* § 2016.040. Such attempts at informal resolution may be made by conferring "in person, by telephone or by letter with an opposing party or attorney." *C.C.P.* § 2023.010(i). When determining whether the obligation to meet and confer in good faith was met, "'[a]n evaluation of whether, from the perspective of a reasonable person in the position of the discovering party, additional effort appeared likely to bear fruit, should also be considered. Although some effort is required in all instances…the level of effort that is reasonable is different in different circumstances, and may vary with the prospects of success.'" *Clement v. Alegre,* (2009) 177 Cal.App.4th 1277, 1293-1294 (*quoting Obregon v. Superior Court,* (1998) 67 Cal.App.4th 424, 432-433 and holding that meet and confer requirement is satisfied where "the record of correspondence between the parties provides adequate support for the finding that the parties were at an impasse"). Moreover, "a party who attempts informal resolution, but mispredicts the judge's location on the reasonable spectrum of possible levels of effort, should not inevitably be penalized..." *Obregon, supra,* 67 Cal.App.4th at 434.

13. Although this Court characterizes Plaintiff's counsel's meet and confer efforts as take it or leave it ultimatums, that is not the case. Plaintiff's counsel merely asked for defense counsel to agree to follow the Los Angeles civility guidelines by not making speaking objections or coaching the witness. These were reasonable requests. Plaintiff's counsel also asked for Defendants to pay for the second session of the deposition because it was they who created the issue in the first place. These were reasonable positions. Meeting and conferring in good faith does not mean that you have to concede reasonable positions that are firmly grounded in law and fact. It simply means you have to make a good faith attempt to resolve the issues. Defendants' response was that a discovery referee should be appointed at the cost of both sides. But, that was a non-starter because Plaintiff should not be punished for the behavior of defense counsel. Our

MANLY, STEWART & FINALDI
ATTORNEYS AT LAW
19100 Von Karman Ave., Suite 800
Irvine, California 92612
Telephone: (949) 252-9990

position was inherently reasonable. We effectively communicated it to the other side, including why it was reasonable. They refused to agree to our requests, and thus a motion was necessary. And, importantly, both sides agreed that the meet and confer had concluded.

14. Here, the record makes clear that Plaintiff's counsel attempted in good faith to informally resolve the issues arising out of Mr. Whaley's deposition, and refrained from filing the Motion for Protective Order until it was clear that the parties had reached an impasse. First, during Mr. Whaley's deposition, I repeatedly asked Ms. MacIsaac to refrain from making speaking objections and coaching the witness, to no avail. *See, e.g.,* Whaley Depo., 10:25-11:24, 47:22-48:9, 50:19-52:4, 58:24-60:24, 63:7-65:6, 78:18-80:12; 82:-83:12, 96:25-97:18. I was polite and repeatedly referred to her as "ma'am," and only suspended the deposition when I made the determination that the witness was being overly hostile and the attorney was improperly influencing the testimony that was being provided through speaking objections and coaching on the record. Then, upon receiving the deposition transcript, an attorney with our firm, Alex Cunny, re-initiated our meet and confer efforts, via email, on March 2, 2017. Following Mr. Cunny's initial meet and confer email, on March 8, 2017, myself and counsel for Defendants, Mr. Aaron Liskin, exchanged four meet and confer emails, setting forth and responding to our respective positions. Following these exchanges, it became apparent that further meet and confer efforts would not be fruitful; indeed, on Mr. Liskin confirmed in his final meet and confer email, "Yes, we agree that the meet and confer on this issue is concluded." My office did not file the Motion for Protective Order until over a week after reaching this consensus that "the meet and confer on this issue is concluded."

15. On these facts, it is evident that my firm and I fulfilled our meet and confer obligations and only sought the Court's intervention after the parties had obviously reached an impasse. Additionally, it must be remembered that these meet and confer efforts were undertaken over three-and-a-half years ago, in March of 2017, while Judge Mitchell Beckloff was still presiding over this case. Because the case was not before this Court at that time, it would have been impossible for our office to predict this Court's "location on the reasonable spectrum of possible levels of [meet and confer] effort" (*Obregon, supra,* 67 Cal.App.4th at 434); thus,

MANLY, STEWART & FINALDI
ATTORNEYS AT LAW
19100 Von Karman Ave., Suite 800
Irvine, California 92612
Telephone: (949) 252-9990

penalizing our office for not being able to predict this Court's meet and confer standards is inherently unfair. Accordingly, sanctions should not issue on the ground that we "failed to properly meet and confer."

16. In its Order awarding sanctions, the Court held that "Plaintiff's counsel rejected efforts at the deposition to meet and confer regarding these issues, which is further evidence that counsel has failed to meet and confer in good faith." 9/24/2020 Minute Order, p. 5. However, as set forth in Paragraph 11, *supra,* I did attempt to meet and confer with Ms. MacIsaac on the record during Mr. Whaley's deposition, but these efforts were in vain as she continued to lodge inapplicable objections and lengthy speaking objections, in contravention of the Los Angeles Guidelines for Civility, Appendix 3A(e)(1)(7, 8, 10-11). Moreover, I was the victim of Mr. Whaley's repeated abusive conduct—and Ms. MacIsaac's enabling thereof—throughout the deposition. During the deposition, I was called an "ambulance chaser" (Whaley Depo., 12:12), was repeatedly told that my questions were "bullshit" (Whaley Depo., 49:23 and 72:22), and was called a "douchebag" (Whaley Depo., 99:23-24)—all of which was said on the record, while I was present. At the hearing on these Motions, the Court incorrectly stated that I was not even present when Mr. Whaley called me a "douchebag" but, in oral argument, I informed the Court that it was mistaken. That was a false assumption that the Court had made. I was actually there, in the deposition room, when Mr. Whaley made that comment to me, in an angry manner, in front of his counsel, and Ms. MacIsaac said nothing to her client to address that wildly inappropriate comment. No reasonable attorney would remain in the room to attempt to meet and confer regarding the deposition when in the presence of such a hostile witness who is attacking them in such a manner, especially when the attorney already made several attempts to address the conduct on the record, which were disregarded. And it makes no difference whether there are 20, 30 or 40 pages in the deposition where no objections were made. If an attorney or her counsel engages in abusive conduct in the deposition, it must be addressed and I was, most certainly, not the attorney who was engaged in abusive conduct during that or any deposition in this case.

17. No attorney should be forced to suffer this sort of treatment during an official proceeding in a civil case, especially where opposing counsel is condoning and encouraging such

MANLY, STEWART & FINALDI
ATTORNEYS AT LAW
19100 Von Karman Ave., Suite 800
Irvine, California 92612
Telephone: (949) 252-9990

behavior while coaching the witness, repeatedly lodging inapplicable objections and making lengthy speaking objections, in direct contravention of the Los Angeles Rules of Civility and despite multiple requests that she cease such misconduct. It follows that no attorney should be sanctioned for refusing to continue to endure such abusive and wildly inappropriate conduct, especially after making numerous efforts to meet and confer on the record, only to have those efforts rebuffed and the abuse continue. The reasonable course of action would be to suspend the deposition and return to meet and confer efforts from the comfort of their respective offices, after a sufficient cooling off period for all parties, and that is exactly what I did.

18. The Court also pointed to the fact that Mr. Cunny—who was not present at Mr. Whaley's deposition—drafted our initial, March 2, 2017 meet and confer correspondence. However, there is no requirement that the initiator of meet and confer correspondence regarding events that transpired at a deposition must have been present at the deposition in question, and the Court did not cite any authority for this position. Further, when Mr. Cunny drafted his March 2, 2017 meet and confer correspondence, he had access to the transcript of the deposition of Mr. Whaley and, thus, had the requisite knowledge of the events that occurred at the deposition to initiate Plaintiff's counsel's meet and confer efforts. Additionally, it must be noted that Mr. Liskin—who also was not present at Mr. Whaley's deposition—drafted each of Defendants' meet and confer communications on this issue, yet this Court did not penalize Defense counsel or otherwise determine that Defense counsel's meet and confer efforts were inadequate.

19. As set forth above, the record before this Court absolutely does not support a finding that me or my firm failed to fulfill our meet and confer obligations prior to filing the subject Motion for Protective Order, and sanctions should not issue on this ground. This Court has inferred that I engaged in hostility towards opposing counsel based on gender, or that my behavior was approaching such, and that accusation is offensive and untrue. I have never engaged in such behavior in my many years of practice, and in fact, it is my concentration of practice to represent victims of abuse in all forms, including gender abuse. This allegation is offensive, untrue, and based upon an incomplete record before the Court.

20. Defendants' Opposition to the Motion for Protective Order referenced another,

MANLY, STEWART & FINALDI
ATTORNEYS AT LAW
19100 Von Karman Ave., Suite 800
Irvine, California 92612
Telephone: (949) 252-9990

separate, deposition, accusing Plaintiffs' counsel of engaging in misconduct therein. However, even assuming *arguendo* that such was true—it is not—such would still be a red herring because the protective order motion at issue noticed and only dealt with the Whaley deposition. If Defendants truly believed counsel for Plaintiff had engaged in misconduct in another deposition, they were well within their rights to bring a motion thereon, providing adequate notice and an opportunity to be heard regarding such allegations. But, that was ***not*** what was done. Defendants referenced it in an attempt to deflect attention from the issue at hand—the Whaley deposition—and it worked. We did not fully address those arguments in briefing because they were *irrelevant* to the issues at hand. A full reading of the ***entire transcript*** of the Blanca Francia deposition, and a viewing of the video thereof, with sound, makes clear that the comments which were made by counsel for Plaintiff were only uttered after Mrs. MacIsaac ***slammed her hand down on the table and yelled at Plaintiff's counsel***—clearly abusive conduct during the deposition. That is what prompted counsel for Plaintiff to document what was occurring, because the camera was not on her, by documenting that she slammed her hand on the table, was pointing her finger at counsel, her face was red and she was screaming. These comments had nothing to do with her gender, and any accusations to the contrary are false and insulting. We will bring the video of that deposition to the sanctions hearing so that the Court may review it and listen to the sound of Mrs. MacIsaac's misconduct.

21. At oral argument, we requested the opportunity to provide additional briefing on this issue, so we could provide the complete transcripts of these depositions and the videos to the Court, so it can make a determination with the ***full, complete record before it***. As this Court knows, evidence is contained in video and audio records that is not contained in a written transcript. There is no reasonable reason why the Court should not allow this, as this Court must be interested in insuring that its rulings are correct on the law and the true facts. That is all we are seeking: proper notice, an opportunity to be heard, and a ruling from this Court on all the relevant facts, which include the entire deposition transcripts and the videos of these depositions.

22. Lastly, these are important issues for Plaintiff's counsel. After the hearing on these Motions, we were contacted by the Daily Journal, who wanted to write a story about the sanctions

MANLY, STEWART & FINALDI
ATTORNEYS AT LAW
19100 Von Karman Ave., Suite 800
Irvine, California 92612
Telephone: (949) 252-9990

order. Importantly, they were not interested in reporting on the other orders of the Court that day. Plaintiff's counsel did not contact the Daily Journal, and suspects it was counsel for Defendants, or their agents, who did. Nevertheless, a story was written and published, a true and correct copy of which is attached hereto as Exhibit "A". I drafted a response, a true and correct copy of which is attached hereto as Exhibit "B". This news story evidences the true reason for Defendants' spurious, unfounded allegations—to unjustly paint Plaintiffs and their counsel in a bad light.

23. For the reasons above, this Court should allow the parties to supplement the record on this issue so that the Court can address them with the full record before it—justice demands such, especially because it relates to the business reputations of counsel and will also color this Court's future impressions should further issues arise in this case.

I hereby declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 8th day of October, 2020, in Irvine, California.

VINCE WILLIAM FINALDI, Esq.

MANLY, STEWART & FINALDI
ATTORNEYS AT LAW
19100 Von Karman Ave., Suite 800
Irvine, California 92612
Telephone: (949) 252-9990

Exhibit "A"

Sep. 30, 2020

Judge sanctions lawyer, accuses him of 'gender incivility'

Los Angeles Superior Court Judge Mark A. Young said this week plaintiff's counsel Vince W. Finaldi of Manly Stewart & Finaldi LLP — representing Wade Robson, a choreographer who claims Jackson sexually abused him as a child — had unjustifiably accused opposing counsel of coaching a third-party witness and encouraging witness hostility during a deposition.

A superior court judge said he will sanction an attorney who he believes displayed "gender incivility" in his behavior toward opposing counsel, a woman who is defending the Michael Jackson production company in a suit alleging it enabled child abuse. The attorney said he disagreed and took offense at the judge's comment.

The attorney to be sanctioned Vince W. Finaldi of Manly Stewart & Finaldi LLP, said he will further appeal to Los Angeles County Superior Court Judge Mark A. Young to rescind the "gender incivility" accusation.

"You don't make such a strong allegation against an attorney on the record without having the evidence of it," Finaldi said in a phone interview Monday. "I said, 'Your honor, all I do is represent victims of harassment and abuse for a living; most of whom are women... I represent hundreds of women in other litigation throughout the U.S."

Young tentatively ruled on Sept. 24 that Finaldi improperly sought sanctions and a protective order against the opposing attorney, Suann MacIsaac of Kinsella, Weitzman, Iser, Kump & Aldisert LLP, and unjustifiably accused her of coaching a third-party witness and encouraging witness hostility during a deposition.

"Plaintiff's counsel's statements made at other depositions regarding Ms. MacIsaac, including statements regarding her alleged lack of legal experience or ability as an attorney, belittling of her appearance ('red in the face'), making allegations regarding her emotional state and excessive breathing, and general dismissiveness will not be tolerated by the court and could appear to indicate gender incivility," Young wrote.

The judge said Finaldi cut the deposition short without stating he was seeking a protective order against defense counsel MacIsaac, who represents MJJ Productions. Finaldi also failed to properly meet and confer with her before filing his motion seeking over $8,000 in sanctions, the judge said.

A hearing for the amount of sanctions is set for Oct. 16.

A hearing for the amount of sanctions is set for Oct. 16.

While MJJ Productions did not request sanctions against Finaldi, Young said in his tentative ruling he is obligated to impose them against "any party, person, or attorney who unsuccessfully makes or opposes a motion for a protective order."

The plaintiff Robson, 38, featured in the 2019 documentary "Leaving Neverland," claims that starting in 1990 and continuing over the next seven years until he was 14, Jackson sexually molested him. Robson filed the lawsuit in May 2013, when he was 30 and named Jackson's corporations MJJ Productions Inc. and MJJ Ventures Inc. as third-party non-perpetrator defendants.

Robson's complaint accuses the corporations of intentional infliction of emotional distress; negligence and negligent supervision, among other claims. However in 2017, the corporations moved for summary judgment on statute of limitations grounds. The trial court granted the motion because Robson filed his claims after his 26th birthday, and after the statute of limitations for such a claim had passed.

However on Jan. 1, 2020, the law governing statutes of limitations was amended to allow a victim to bring claims of childhood sexual assault against third-party non-perpetrators until the victim's 40th birthday. As a result, a 2nd District Court of Appeal panel revived the suit.

MacIsaac did respond to a request for comment.

Exhibit "B"

Oct. 1, 2020

Article misquotes judge on 'gender incivility'

The headline to the Sept. 30 story, "Judge accuses lawyer of 'gender incivility'," inaccurately states that the judge in MJJ Productions v. Wade Robson accused me of "gender incivility."

VINCE W FINALDI
Senior Attorney, Manly Stewart & Finaldi

19100 Von Karman Ave
Irvine , CA 92612

Email: vfinaldi@manlystewart.com

See more...

My sole line of legal practice for the past 17 years has been representing victims of sexual abuse and harassment. My clients throughout the U.S. currently number more than 1,000 and most are women or young girls. Nothing is more offensive to me than mistreatment based on gender or any class.

The headline to the Sept. 30 story, "Judge accuses lawyer of 'gender incivility'," inaccurately states that the judge in *MJJ Productions v. Wade Robson* accused me of "gender incivility." It specifically states the judge "accuses lawyer of 'gender incivility'" and the story says the judge "believes [I] displayed 'gender incivility.'" That is simply false. The judge noted, on the record, that he was *not* directly accusing me of it, but rather, that it "*could appear to indicate* gender incivility." The judge stated, clearly, that *he was not making that actual allegation when we argued it on the record.* This is an important distinction.

The dispute in question arose during a heated deposition where I challenged opposing counsel's objections and efforts to prevent a witness from answering questions. We ended up moving for a protective order and sanctions.

We are appealing this ruling, because my statements had nothing to do with opposing counsel's gender. I never commented upon her legal experience or ability as an attorney, or accused her of breathing heavily. The transcript clearly evidences that I did document the attorney's behavior, including that she slammed her hand on the desk and was screaming at counsel while red in the face. However, men and women can get red in the face and angry when upset. That is a fact -- I was simply documenting what was occurring because there was

no camera in the room trained on counsel, and those facts had nothing to do with gender.

In this day and age, a charge of gender bias or "incivility" is inflammatory and repugnant. Most certainly, it should not be leveled without proof.

In this case, I was not given appropriate notice and an opportunity to be heard. Instead, I was faced with a ruling as to these issues the evening before oral argument, and not provided an opportunity to address it in writing by supplementing the record. The charge strikes at the heart of my character, my reputation, and my practice, and as such, I will not allow it to go unchallenged. We will appeal the ruling and attempt to set the record straight. In the meantime, the headline and article that your outlet wrote should accurately report the judge's ruling.

-- Vince William Finaldi

Manly, Stewart & Finaldi

#359774

Ben Armistead
Legal Editor
ben_armistead@dailyjournal.com

MANLY, STEWART & FINALDI
ATTORNEYS AT LAW
19100 Von Karman Ave., Suite 800
Irvine, California 92612
Telephone: (949) 252-9990

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am employed in the county of Orange, State of California. I am over the age of 18 and not a party to the within action; my business address is 19100 Von Karman Ave., Suite 800, Irvine, CA 92612.

On October 9, 2019, I served the following document described as **DECLARATION OF VINCE WILLIAM FINALDI, ESQ., IN OPPOSITION TO DECLARATION OF JONATHAN P. STEINSAPIR REGARDING THE AMOUNT OF SANCTIONS TO BE AWARDED AGAINST PLAINTIFF IN CONNECTION WITH PLAINTIFF'S MOTION FOR PROTECTIVE ORDER RE: CONDCUT OF COUNSEL AT DEPOSITION OF LEROY WHALEY.** on the interested parties to this action by placing a true copy thereof enclosed in sealed envelopes addressed as follows:

SEE ATTACHED MAILING LIST

[ ] **BY MESSENGER SERVICE**
[ ] I served the documents by placing them in an envelope or package addressed to the persons at the addresses listed above and providing them to a professional messenger service for service.
[ ] **BY U.S. MAIL**
[ ] I deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.
[ ] I placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that 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 PERSONAL SERVICE**
[ ] I personally delivered the documents to the persons at the addresses listed above.

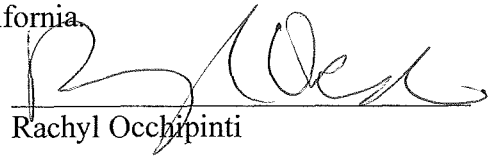
[ ] **VIA FACSIMILE** - I caused a facsimile machine transmission from (949) 252-9991 of the aforementioned document to the interested parties.

[X] **BY FEDERAL EXPRESS DELIVERY** - I caused such envelopes to be delivered via Federal Express service with instructions to personally deliver same to offices of the addressee on the next business date.

[X] **(State)** I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

[ ] (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on October 9, 2020, at Irvine, California.



Rachyl Occhipinti

MAILING LIST

Wade Robson v. MJJ Productions, et al.
LASC Case No. BC508502

Howard Weitzman
Jonathan P. Steinsapir
Katherine Kleindienst
KINSELLA WEITZMAN ISER KUMP & ALDISERT
808 Wilshire Boulevard, 3rd Floor
Santa Monica CA 90401
T: (310) 566-9800
F: (310) 566-9850
Email:
jsteinsapir@kwikalaw.com
aliskin@kwikalaw.com
KKleindienst@kwikalaw.com
Counsel for Defendants MJJ Ventures, Inc. and MJJ Productions, Inc.

Gerald M. Siegel, Esq.
Richard C. Moore, Esq.
Tharpe & Howell, LLP
15250 Ventura Blvd., Ninth Floor
Sherman Oaks, CA 91403
T: (818) 205-9955
F: (818) 205-9944
jsiegel@tharpe-howell.com
rmoore@tharpe-howell.com
Counsel for Non-Party Deponents LILY CHANDLER and TABITHA ROSE MARKS

Bryan J. Freedman
Sean M. Hardy
FREEDMAN + TAITELMAN, LLP
1901 Avenue of the Stars, Suite 500
Los Angeles, California 90067
bfreedman@ftllp.com
smhardy@ftllp.com

MANLY, STEWART & FINALDI
ATTORNEYS AT LAW
19100 Von Karman Ave., Suite 800
Irvine, California 92612
Telephone: (949) 252-9990