

DECLARATION OF JONATHAN P. STEINSAPIR

I, Jonathan P. Steinsapir, declare as follows:

1. I am an attorney duly admitted to practice before this Court. I am a partner with Kinsella Weitzman Iser Kump & Aldisert LLP, attorneys of record for the Defendants MJJ Productions, Inc., and MJJ Ventures, Inc. (“the Corporations” or “Defendants”). If called as a witness, I could and would competently testify to the following facts.

2. I submit this declaration 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, failed to properly meet and confer before filing this motion.” (9/24/20 Minute Order at p. 5.)

3. As discussed at the hearing on the motion for a protective order, Defendants believe that an appropriate sanction is to award Defendants their reasonable attorneys’ fees in connection with defending this motion, including in connection with the “meet and confer” prior to the filing of it. This is essentially what Plaintiff asked the Court to award him in his motion, i.e., for “[a]n Order or monetary sanctions to be imposed against Ms. MacIsaac and her law firm, Kinsella, Weitzman, Iser, Kump & Aldisert, in the amount of \$8,194.38, for the reasonable attorneys’ fees in drafting the instant Motion, and the costs of the deposition that was halted due to this conduct.” (3/17/17 Motion for Protective Order filed by Plaintiffs at p. iii.)

4. Although Mr. Weitzman and a paralegal also billed time in connection with opposing Plaintiff’s motion, Defendants only seek reimbursement for the billed time of myself, Suann MacIsaac, and Aaron Liskin (and do not seek all of it). All three of these attorneys were necessary to defending the motions. Most obviously, Ms. MacIsaac had to be involved in defending the motion because she is the only attorney at our firm that had personal knowledge of the subject matter of the deposition at issue. That said, because Ms. MacIsaac was accused of serious wrongdoing, even though we believed the accusations were entirely without merit, we believed it did not make sense for her to take the laboring oar in defending the motion. Given her personal interest in the motion, she may not have been able to coldly and objectively evaluate what arguments should be made and not made and how she should be defended. Because of that, I

1 asked Mr. Liskin to take primary responsibility for defending the motion along with meeting and
2 conferring with opposing counsel. Mr. Liskin has been working on this case since the day it was
3 filed in May 2013 and is very familiar with it and the related Safechuck proceedings. He has also
4 taken and defended several depositions in the case.

5 5. My involvement in defending the motion was also necessary in that I have had
6 primary day-to-day responsibility for this case (and the related Safechuck proceedings) since this
7 case was filed. As part of those responsibilities, I need to ensure that our pleadings in this case are
8 consistent with one another and are consistent with the overall strategy of the cases, which are
9 taken extremely seriously by the Defendants for obvious reasons. Ensuring such consistency was,
10 moreover, of heightened importance at the time we filed our opposition to the protective order
11 involving Ms. MacIsaac. Specifically, at that time, our team was in the middle of preparing, filing
12 papers in connection with, and attending to two case-dispositive motions: (1) Defendants' Motion
13 for Summary Judgment in this case (filed on or around June 26, 2017, a few weeks after our
14 opposition to the motion for protective order was filed on June 6, 2017); and (2) Defendants'
15 Demurrer to the Third Amended Complaint in the related Safechuck proceedings, which was
16 argued on May 31, 2017 (about a week before our opposition to the motion for protective order
17 was filed on June 6, 2017) and was still under submission at the time we filed the opposition to the
18 motion for a protective order. (The demurrer would be sustained without leave to amend on June
19 28, 2017.) Given that these key issues were pending before the Court, it was extremely important
20 that I carefully review the briefs on the motion for a protective order so that nothing said in any
21 filings detract from the strategy and overall message being conveyed to the Court in those two
22 case-dispositive motions.

23 6. In order to determine whether fees charged to a client are reasonable, I understand
24 that a Court needs to know the relevant experience of the attorneys along with whether their fees
25 are consistent with market rates charged for similar work by similar attorneys. I therefore discuss
26 these matters below.

27 7. Suann MacIsaac. Ms. MacIsaac graduated from Penn Law School (University of
28 Pennsylvania) in 1996 and was elected to the Order of the Coif. She practiced at Arnold & Porter

1 for a year in New York, New York, and then was a law clerk to the Hon. Ferdinand Fernandez of
2 the United States Court of Appeals for the Ninth Circuit for the 1997-98 term. Following her
3 clerkship, Ms. MacIsaac joined O'Melveny & Myers LLP in Los Angeles as a litigation associate
4 and was admitted to the California Bar in 1999. In around 2001, she left O'Melveny for Greenberg
5 Glusker et al., and was elected as a partner of the firm a few years later. In around 2009, she
6 resigned from the partnership at Greenberg Glusker to join Kinsella Weitzman Iser Kump &
7 Aldisert, LLP as a partner. In 2017, her billing rate, as charged to the Defendants here, was \$575
8 an hour. Ms. MacIsaac has spent her entire legal career, outside of her clerkship, as a litigator and
9 has worked full-time as such since being admitted to the Bar.

10 8. Aaron Liskin. Mr. Liskin graduated from the University of Texas School of Law in
11 2008 and was elected to the Order of the Coif. He then was a law clerk to the Hon. R. Lanier
12 Anderson, III of the United States Court of Appeals for the Eleventh Circuit for the 2008-09 term.
13 Following his clerkship, Mr. Liskin joined Irell & Manella LLP as a litigation associate and was
14 admitted to the California Bar in 2009. Mr. Liskin left Irell to join Kinsella Weitzman Iser Kump
15 & Aldisert, LLP as an associate in around 2011. He was elected partner effective January 1, 2017.
16 In 2017, his billing rate, as charged to the Defendants here, was \$500 an hour. Mr. Liskin has
17 spent his entire legal career, outside of his clerkship, as a litigator and has worked full-time as
18 such since being admitted to the Bar.

19 9. Jonathan Steinsapir. I graduated from the UCLA School of Law in 2002 and was
20 elected to the Order of the Coif. I then was a law clerk to the Hon. Cynthia Holcomb Hall of the
21 United States Court of Appeals for the Ninth Circuit for the 2002-03 term and was admitted to the
22 California Bar at the end of that clerkship. I then was a law clerk for the Hon. Margaret M.
23 Morrow of the United States District Court for the Central District of California for the 2003-04
24 term. Following my clerkships, I joined Irell & Manella LLP as a litigation associate in 2004. In
25 late 2007, I left Irell to join Kinsella Weitzman Iser Kump & Aldisert, LLP as an associate. I was
26 elected partner effective January 1, 2011. In 2017, my billing rate, as charged to the Defendants
27 here, was \$550 an hour. I have spent my entire legal career, outside of my clerkships, as a litigator
28 and have worked full-time as such since being admitted to the Bar (except for my clerkships).

1 10. Reasonableness of Rates. As I have practiced law in private practice in the greater
2 Los Angeles area for sixteen years, I am very familiar with the market for legal fees in the area.
3 The above rates charged by our firm for the services in this case in 2017 are substantially lower
4 than those charged by many firms, including all of the firms counsel used to work for referenced
5 above, for lawyers of comparable experience.¹ This case is a high-stakes case, where potentially
6 tens of millions (or more) of actual damages will be claimed, along with punitive damages. It is
7 also extremely important to the Defendants given the serious nature of the allegations being made.
8 Accordingly, lawyers charging these rates, if not higher rates, are fully appropriate for this case.

9 11. Moreover, all fees charged in this case must ultimately be approved by the Probate
10 Court overseeing the Estate of Michael Jackson, Case No. BP 117321, after the beneficiaries of
11 the Estate (Jackson's three children, his mother, and the California Attorney General's Office who
12 represents the interests of charitable bequests in Jackson's testamentary instruments) have an
13 opportunity to review and object to them. The beneficiaries did not object to the rates charged by
14 my firm in 2017 (or at any other time I am aware of), and the Probate Court raised no issues
15 regarding the rates charged. In fact, all of the fees charged in connection with this motion were
16 approved by the Probate Court (as were all fees in connection with both the Robson and
17 Safechuck matters during the time periods at issue).

18 12. Amount of Hours Expended. Although more hours were expended, billed and paid
19 in connection with the motion for protective order than being sought herein (including, for
20 example, time spent preparing for and attending the hearing on this motion last week), the time we
21 seek falls into three categories. First, the initial meet-and-confer in March 2017. Second, time
22 spent in connection with an ex parte application in April 2017 to advance the hearing date on the
23 motion. Third, time spent in connection with preparing and filing our opposition brief in June
24 2017.

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26 ¹ Indeed, according to his declaration in connection with this motion, Mr. Finaldi charged
27 \$550 an hour in 2017. This appears to be a perfectly reasonable rate for his services. Mr. Finaldi is
28 apparently a 2005 graduate of the UCLA School of Law and was admitted to the California Bar in
2005. His rate is thus very comparable to the rates charged by the attorneys above.

1 a. Meet and Confer (March 2017): In March 2017, Mr. Liskin spent over 6
2 hours in connection with the meet and confer with opposing counsel regarding this motion,
3 including 0.75 hours reviewing the various meet-and confer correspondence and
4 strategizing regarding a response; 3.5 hours reviewing the deposition transcript,
5 researching and then preparing responses to the various correspondence; 0.75 hours
6 conferring with Ms. MacIsaac regarding the issues and seeking comments and edits from
7 her; and 1 hour conferring with Mr. Steinsapir regarding the issues and seeking comments
8 and edits from him. Ms. MacIsaac spent 0.75 hours in connection with the meet-and-
9 confer, including by conferring with Mr. Liskin regarding the issues and providing
10 comments and edits to correspondence. Mr. Steinsapir spent more than 1 hour in
11 connection with the meet-and-confer, including by conferring with Mr. Liskin regarding
12 the issues and providing comments and edits to correspondence. Multiplying by the
13 relevant rates, Defendants spent in excess \$3,981.25 on the meet-and-confer process
14 [Liskin: \$3,000 (6 * \$500) + MacIsaac: \$431.25 (0.75 * \$575) + Steinsapir: \$550 (1 *
15 \$550)].

16 b. Ex Parte to Advance Hearing (April 2017): On April 19, 2017, Plaintiff
17 filed an ex parte application to advance the hearing on the motion for protective order. I
18 spent at least one hour preparing the papers in connection with Defendants' response
19 thereto. I also spent at least one hour travelling to and from and at Court in connection with
20 the ex parte application (Judge Beckloff generally ruled on ex parte applications at the end
21 of his calendar without a hearing). Mr. Liskin also spent some time helping me with
22 preparing the response to the ex parte application but we will not seek that here.
23 Accordingly, and multiplying by the relevant rates, Defendants spent in excess \$1,100 on
24 the response to the ex parte application to advance the hearing [Steinsapir: \$1,100 (2 *
25 \$550).]

26 c. Researching for and Preparing Opposition Brief (June 2017): On June 6,
27 2017, Defendants filed their opposition brief to the motion for a protective order. Although
28 several hours of legal and factual research were spent preparing for the opposition in prior

months, Defendants only seek the fees incurred in June. Mr. Liskin spent in excess of 14 hours researching for the opposition brief, drafting the papers (including various declarations and a response to a motion to seal), editing the papers, and supervising the filing of the opposition brief. I spent in excess of 4 hours reviewing cases and evidence cited by Mr. Liskin in the draft opposition, editing the papers, drafting a new “preliminary statement” for the motion, and in drafting my own declaration. Accordingly, and multiplying by the relevant rates, Defendants spent in excess \$9,200 preparing the opposition papers to the motion for a protective order [Liskin: \$7,000 (14 * \$500) + Steinsapir: \$2,200 (4 * \$550)].

13. All told, Defendants therefore seek \$14,281.25 (\$3,912.25 + \$1,100 + \$9,200) in sanctions. As noted above, this is substantially less than was actually incurred in opposing the motion. Moreover, the hours expended were perfectly reasonable. When one reviews the papers, along with the correspondence on the meet and confer, it is clear that the amounts of time spent were necessary to create them. Given the seriousness of the accusations against Ms. MacIsaac, who has represented the Estate of Michael Jackson and related entities in numerous different cases, the papers needed to be prepared with the highest level of care, as a sanctions award could not only affect Defendants’ case here but also affect other cases where Ms. MacIsaac represents the Estate.

14. Notably, moreover, all fees charged in 2017 (from March forward) in this matter were *approved in whole by the Probate Court* supervising the Estate of Michael Jackson.

15. For the reasons stated, Defendants respectfully request that the Court award \$14,281.25 in fees as a sanction here.

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

Executed September 29, 2020, in Santa Monica, California.

/s/Jonathan P. Steinsapir
Jonathan P. Steinsapir

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

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

On September 29, 2020, I served true copies of the following document(s) described as **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 DOCUMENT** on the interested parties in this action as follows:

Vince W. Finaldi

Attorneys for Plaintiff Wade Robson

Alex E. Cunny

Manly, Stewart & Finaldi

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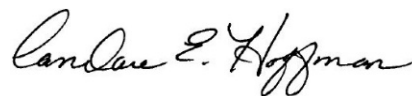
Email: vfinaldi@manlystewart.com
acunny@manleystewart.com

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

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

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

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on September 29, 2020, at Santa Monica, California.



Candace Hoffman