

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]*

**NOTICE OF RULING AS TO MOTIONS
FOR RECONSIDERATION HEARD ON
DECEMBER 4, 2020**

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

TO THE COURT, ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on December 4, 2020, the Court called for hearing the
Plaintiff Wade Robson's ("Plaintiff") Motions for Reconsideration as to (1) the Motion for
Reconsideration of the Court's Prior Ruling on the Motion for Protective Order as to Jonathan
Spence, (2) the Motion for Reconsideration of the Court's Prior Ruling on Motion for Protective
Order as to Marian Fox, and (3) the Motion for Reconsideration of the Court's Prior Ruling on
the Motion for Protective Order as to Tabitha Marks and Lily Chandler. Alex E. Cunny, Esq.
appeared on behalf of the Plaintiff, Sean Hardy, Esq. appeared on behalf of non-party Jonathan

1 Spence and Marion Fox, Gerald Siegel, Esq. appeared on behalf of non-parties Lily Chandler and
2 Tabitha Marks, and Jonathan Steinsapir, Esq. appeared on behalf of Defendants MJJ Productions,
3 Inc. and MJJ Ventures, Inc. The Court issued a Minute Order on December 4, 2020 and all three
4 (3) motions for reconsideration were denied. A true and correct copy of the December 4, 2020
5 Minute Order is attached hereto as Exhibit "1".

6 The Plaintiff agreed to provide notice.

7 Date: December 11, 2020

MANLY, STEWART & FINALDI

8
9 By:

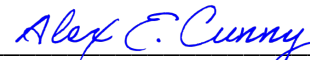

ALEX E. CUNNY, Esq.
Attorneys of Record for Plaintiff
WADE ROBSON

EXHIBIT “1”

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

West District, Santa Monica Courthouse, Department M

BC508502

WADE ROBSON VS DOE 1 ET AL

December 4, 2020

9:00 AM

Judge: Honorable Mark A. Young

Judicial Assistant: K. Metoyer

Courtroom Assistant: S. Mixon

CSR: Kristin Cyphers, CSR# 13518

ERM: None

Deputy Sheriff: None

APPEARANCES:

For Plaintiff(s): Vince William Finaldi By: Alex Cunny Video)

For Defendant(s): Onc. MJJ Ventures By: Jonathan Steinsapir (Telephonic)

Other Appearance Notes: Lily Chandler (Interested Party): By Gerald Siegel (Video), Marion Fox (Interested Party): By Sean Hardy (Telephonic)

NATURE OF PROCEEDINGS: Hearing on Motion for Reconsideration Of Order Granting Non-Party Marion Fox's Motion For Protective Order; Hearing on Motion for Reconsideration Of Order Granting Non-Party Jonathan Spence's Motion For Protective Order; Hearing on Motion for Reconsideration Of Order Granting Non-Party Lily Chandler's and Tabitha Rose Marks' Motion For Protective Order; Hearing on Ex Parte Application to Advance Hearing on MSJ

Pursuant to Government Code sections 68086, 70044, and California Rules of Court, rule 2.956, Kristin Cyphers, CSR# 13518, certified shorthand reporter is appointed as an official Court reporter pro tempore in these proceedings, and is ordered to comply with the terms of the Court Reporter Agreement. The Order is signed and filed this date.

The matters are called for hearing.

The Court has read and considered all documents filed hereto regarding the above-captioned motions and provides counsel with its written Tentative Ruling. Counsel are given the opportunity to argue. All counsel submit on the Tentative Ruling. The Court adopts its Tentative Ruling as the Final Ruling as follows:

****FINAL RULING****

BACKGROUND

Plaintiff Wade Robson seeks reconsideration of the orders granting protective orders in favor of non-parties Marion Fox, Jonathan Spence, Lily Chandler and Tabitha Rose Marks.

LEGAL STANDARD

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

West District, Santa Monica Courthouse, Department M

BC508502

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ERM: None

Deputy Sheriff: None

A court may reconsider a prior ruling if the party affected provides notice within 10 days of the order it seeks reconsideration of “new or different facts, circumstances, or law.” (Code Civ. Proc. §1008(a).)

“[F]acts of which the party seeking reconsideration was aware at the time of the original ruling are not ‘new or different.’” (In re Marriage of Herr (2009) 174 Cal.App.4th 1463, 1468 [citing Garcia v. Hejmadi (1997) 58 Cal.App.4th 674, 690].) “The party making the application shall state by affidavit what application was made before, when and to what judge, what order or decisions were made, and what new or different facts, circumstances, or law are claimed to be shown.” (Code Civ. Proc., § 1008(a).)

REQUEST FOR JUDICIAL NOTICE

Plaintiff filed three requests for judicial notice. Plaintiff seeks judicial notice of Exhibit 6 to the Pendry declarations and Exhibit 8 to the declaration of Taylor Boren. Exhibits 6 and 8 contain a copy of the prior version of Code of Civil Procedure section 340.1. The Court takes judicial notice of the prior version of section 340.1.

EVIDENTIARY OBJECTIONS

Non-party Marion Fox’s objections to the declaration of Courtney Pendry, Objections 1 – 9 are SUSTAINED.

Non-party Johnathan Spence’s objections to the declaration of Courtney Pendry, Objections 1 – 4 are SUSTAINED.

ANALYSIS

The declarations provided by counsel fail to meet the requirements of Code of Civil Procedure section 1008(a), which requires a party moving for reconsideration to state by affidavit “what application was made before, when and to what judge, what order or decisions were made, and what new or different facts, circumstances, or law are claimed to be shown.” Here, Plaintiff does not state this information by affidavit, but attempts to rely upon exhibits to the affidavits, including transcripts and other documents that contain the necessary information. That is insufficient under section 1008(a), and as a result, Plaintiff has failed to meet the jurisdictional requirement for the Court to consider these motions and reconsider its prior rulings. (See Civ. Proc. § 1008(e).)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

West District, Santa Monica Courthouse, Department M

BC508502

WADE ROBSON VS DOE 1 ET AL

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ERM: None

Deputy Sheriff: None

Moreover, even if Plaintiff's declarations complied with section 1008, Plaintiff has not presented new or different facts, circumstances, or law that were not already known to Plaintiff prior to the September 24, 2020 hearing.

Therefore, the motions for reconsideration are DENIED.

****END OF FINAL RULING****

The Ex Parte Application to Advance Hearing on MSJ filed by MJJ Ventures, Inc., MJJ Productions, Inc. on 12/02/2020 is Granted.

Pursuant to the request of defendant, the Hearing on Motion for Summary Judgment scheduled for 05/04/2021 is advanced to this date and continued to 02/24/21 at 08:30 AM in Department M at Santa Monica Courthouse.

Notice is waived.

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 December 11, 2020, I served the following document described as NOTICE OF RULING AS TO MOTIONS FOR RECONSIDERATION HEARD ON DECEMBER 4, 2020 on the interested parties to this action by placing a true copy thereof enclosed in sealed envelopes addressed as follows:

SEE ATTACHED MAILING LIST

[X] BY U.S. MAIL

[] I deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.

[X] 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.

[X] BY E-MAIL OR ELECTRONIC TRANSMISSION I caused the documents to be sent to the persons on the e-mail addresses as listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

[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 December 11, 2020, at Irvine, California.

Kathy Frederiksen
Kathy Frederiksen

MAILING LIST

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

Howard Weitzman
Jonathan P. Steinsapir
Aaron C. Liskin
Katherine Kleindienst
Suann C. MacIsaac
KINSELLA WEITZMAN ISER KUMP & ALDISERT
808 Wilshire Boulevard, 3rd Floor
Santa Monica CA 90401
T: (310) 566-9800
F: (310) 566-9850
hweitzman@kwikalaw.com
jsteinsapir@kwikalaw.com
aliskin@kwikalaw.com
KKleindienst@kwikalaw.com
smacisaac@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
1801 Century Park West, 5th Floor
Los Angeles, CA 90067
T: (310) 201-0005
F: (310) 201-0045
bfreedman@ftllp.com
smhardy@ftllp.com
Attorneys for Non-Parties JONATHAN SPENCE and MARION FOX