

Alex Cunny

From: Vince Finaldi
Sent: Wednesday, March 08, 2017 4:44 PM
To: Aaron C. Liskin; Alex Cunny
Cc: John Manly; Jonathan Steinsapir; Suann C. MacIsaac; Jennifer Stein
Subject: RE: Robson v. MJJ Productions - Whaley Deposition Meet & Confer

Mr. Liskin,

We already paid for the deposition at a place of your choice, at a time and at a location of your choice. We had to rent out a hotel conference room for it, in fact, on a Saturday. Why in the world would I agree to pay for a referee for a second session when it was Mrs. MacIsaac's abhorrent behavior that caused the deposition to cease in the first place? It's an absolutely preposterous proposal. And the remainder of your letter is nothing but a bold-faced red herring.

We will be filing the motion, seeking sanctions against your clients and your co-counsel.

Have a good day sir.

Vince William Finaldi, Esq.
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From: Aaron C. Liskin [mailto:ALiskin@kwikalaw.com]
Sent: Wednesday, March 08, 2017 4:40 PM
To: Vince Finaldi <vfinaldi@manlystewart.com>; Alex Cunny <acunny@manlystewart.com>
Cc: John Manly <jmanly@manlystewart.com>; Jonathan Steinsapir <JSteinsapir@kwikalaw.com>; Suann C. MacIsaac <SMaclsaac@kwikalaw.com>
Subject: RE: Robson v. MJJ Productions - Whaley Deposition Meet & Confer

Mr. Finaldi:

In response to the final paragraph of your email, yes, we agree that the meet and confer on this issue is concluded. However, I think you should give some serious thought to the proposal in our letter to split the costs of a resumed deposition with a discovery referee at that deposition (with both sides splitting the costs), as that seems like the most natural resolution of this dispute. However, if you are intent on filing a motion, we cannot stop you and we agree that the meet and confer on this matter is over. Regarding the rest of your email, we do not believe it would be productive to respond.

02-07-20

Thanks.

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From: Vince Finaldi [<mailto:vfinaldi@manlystewart.com>]
Sent: Wednesday, March 08, 2017 3:48 PM
To: Aaron C. Liskin; Alex Cunny
Cc: John Manly; Jonathan Steinsapir; Suann C. MacIsaac
Subject: RE: Robson v. MJJ Productions - Whaley Deposition Meet & Confer

Mr. Liskin,

Your letter is nothing more than an absolute perversion of the record in each of the depositions, at which, might I add, you were not even present. The actions of your fellow attorney were deplorable and we will not allow you or her to attempt to "change the subject" by referencing irrelevant issues. If she, or you for that matter, thought our actions during the Francia or other depositions were so "deplorable", then why is it that such was never brought to the attention of us or the Court? Because it is a plain and simple fabrication. Mrs. MacIsaac's conduct, during each of the depositions she has attended, has been in direct contravention of the Rules of Civil Procedure and rules of civility. And your attempts to use this to try and gain advantage through your "proposal" is just in bad faith. Her actions were purposeful and strategic—to prevent these Plaintiffs, who were brutally sexually abused and raped by your clients' principal, from gathering the evidence to which they are legally entitled so they can prepare their cases for trial.

I find it interesting that you mentioned Mr. Cunny's demeanor in depositions you have attended with him. Even more interesting that you never mentioned my demeanor at depositions I have attended with you, at which Mrs. MacIsaac was not present. No issues of professionalism or civility were raised during those depositions. Were those just an anomaly? Of course not. Your letter is nothing but a sham.

The conduct of Mrs. MacIsaac during these depositions, culminating in the deposition of Mr. Whaley, was nothing short of deplorable and despicable. And we will be bringing this to the attention of the Court, since apparently your client's position is that such behavior should be tolerated. I was under no duty to "meet and confer" with her further during the deposition, before suspending it. I had already suffered enough misconduct, compounded by the fact that I agreed to conduct the deposition on your client's terms, on a Saturday, at the place of his choice, at my client's expense. Rest assured we will not be making such accommodations in the future.

As to Mr. Whaley, and Mrs. Whaley, their conduct at their depositions will also be addressed in the motion. Importantly, because your office represented and defended them, we hold your office responsible for their misconduct therein (e.g., Mr. Whaley cursing on the record, repeatedly calling me an "ambulance chaser" as Mrs. MacIsaac snickered, and blatantly perjuring himself in the face of documents from the Los Angeles Police Department; and Mrs. Whaley suffering from "amnesia" during my questioning, snickering and blatantly perjuring herself, but then suddenly recovering from her spat of "amnesia" during Mrs. MacIsaac's questioning).

Mr. Jackson, through the use of your clients MJJ Productions and Ventures, repeatedly raped and sexually abused many children including my clients. And the behavior of these entities through this litigation, using your office as a conduit, has been nearly as bad. It is a discredit to our profession and the rule of law. With or without your cooperation, we are

intent upon insuring that these cases are prepared for trial according the Rules of Civil Procedure and Professional Conduct.

We consider this meet and confer exhausted and will be filing our motion forthwith. If you feel differently, then by all means email me with your position.

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From: Aaron C. Liskin [<mailto:ALiskin@kwikalaw.com>]
Sent: Wednesday, March 08, 2017 3:26 PM
To: Alex Cunny <acunny@manlystewart.com>
Cc: Vince Finaldi <vfinaldi@manlystewart.com>; John Manly <jmanly@manlystewart.com>; Jonathan Steinsapir <JSteinsapir@kwikalaw.com>; Suann C. MacIsaac <SMacIsaac@kwikalaw.com>
Subject: Robson v. MJJ Productions - Whaley Deposition Meet & Confer

Hello Mr. Cunny,

Please see the attached letter.

Thanks,

Aaron C. Liskin
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March 8, 2017

VIA E-MAIL

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Re: *Robson v. MJJ Productions, Inc. et al.*; Case No. BC508502

Dear Mr. Cunny:

We write in response to your emails dated March 2, 2017 and March 3, 2017. As a preliminary matter, Mr. Finaldi improperly terminated the deposition of Leroy Whaley, a non-party witness, on February 4, 2017. Mr. Finaldi refused to meet and confer with Ms. MacIsaac at the time of the deposition so as to permit the parties to work out whatever issues Mr. Finaldi purportedly had regarding her objections. It seems rather obvious that Mr. Finaldi simply terminated the deposition because it was not going well (and apparently Mr. Finaldi was busy with another trial).

Mr. Finaldi's improper termination and refusal to allow Ms. MacIsaac to question the witness prevented Defendants from obtaining testimony that will further undermine your client's frivolous allegations in this matter. Mr. Finaldi then ignored the issue for approximately a month, followed by your email on March 2 threatening sanctions and giving us *one day* to respond to your demands. It is remarkable that your firm would threaten to seek sanctions against Ms. MacIsaac or our firm in light of the fact that your colleagues have made a complete mockery of appropriate deposition decorum and procedure. Mr. Finaldi and Mr. Manly have repeatedly attempted to bully Ms. MacIsaac and have engaged in utterly boorish behavior at a number of depositions. Additionally, your colleagues have badgered witnesses whenever they give testimony that does not comport with your client's absurd allegations. We would be delighted to bring that childish behavior to the Court's attention should you choose to file a motion on this issue.

The above notwithstanding, we would like to reach an agreement in order to avoid wasting the Court's time. However, if you do file a motion on this issue, we will seek sanctions for Mr. Finaldi's improper termination of the deposition and for refusing to allow Ms. MacIsaac to question this witness.

02/07/20

Your meet and confer email, dated March 2, 2017, feigns outrage over Ms. MacIsaac's objections, but *you fail to cite even one example* of improper conduct. In reality, Ms. MacIsaac did not raise a single objection to the vast majority of Mr. Finaldi's questions during Mr. Whaley's deposition. The few so-called "speaking objections" only followed Mr. Finaldi's blatant attempts to confuse the witness by asking misleading and compound questions, embedding purported "facts" for which Mr. Finaldi had failed to lay any foundation. The questions were clearly geared toward confusing a witness who had never been deposed before. Mr. Finaldi's tactics are highlighted *by his refusal to provide Ms. MacIsaac with a copy of the exhibits* he was using during the deposition. Mr. Finaldi left Ms. MacIsaac with little or no ability to determine: (a) what the exhibits were; (b) if Mr. Finaldi was accurately quoting the documents; (c) the authenticity of the documents, etc. Providing copies of exhibits to opposing counsel is a basic litigation courtesy. It is standard practice to provide copies of exhibits to opposing counsel at depositions so counsel can follow along and lodge appropriate objections. Needless to say, it is inappropriate for an attorney to deliberately mislead witnesses, and to do so without even providing the witness's counsel with copies of the documents so that we can raise appropriate objections.

With regard to your complaint about Ms. MacIsaac's purported speaking objections, you should review the conduct of your colleagues in recent depositions. You were perfectly respectful at the two depositions that you and I recently conducted. However, your colleagues have repeatedly demeaned Ms. MacIsaac, going as far as to comment on her appearance, her ability as a lawyer, and outrageously questioning the credentials of a 20-year practicing attorney and partner at our firm. Worse yet, your colleagues have teamed up to attack Ms. MacIsaac in tandem at depositions with Mr. Manly and Mr. Finaldi sitting together firing off insults and improper objections in order to blatantly obstruct Ms. MacIsaac's questioning.

Blanca Francia's October 3, 2016 deposition is a prime example of your colleagues' inappropriate behavior. Mr. Manly and Mr. Finaldi repeatedly spoke down to Ms. MacIsaac, purporting to tell her how to do her job and telling her that she did not know how to do her job. In one instance, Mr. Manly claimed a question was harassing, and he went on to give the following speaking objection: "You have to ask questions that would be acceptable in a court of law, and there's no judge that would ever let you ask that question." Ms. MacIsaac stated that her question was appropriate, and Mr. Manly responded with the following: "Well, maybe if you had a judge that's bought and paid for, but I doubt this judge would. Okay?" Mr. Manly was (1) being incredibly condescending toward Ms. MacIsaac; (2) was insulting to the entire California judiciary, including the Judge presiding over this case; and, most egregiously, (2) was trying to place the false impression into the mind of a non-party witness (without her own lawyer) that the Estate of Michael Jackson, the Defendants, or our firm's lawyers somehow "bought and paid for" judges. In the same deposition, Mr. Manly gave the following speaking objection: "Counsel, have you actually tried a lawsuit before?" Ms. MacIsaac responded, "Yeah, I have. Is that shocking to you?" Mr. Manly responded, "Yeah, it is, the way you're asking questions." Later in the same deposition, Mr. Manly and Mr. Finaldi teamed up on Ms. MacIsaac, yelling at her, and Mr. Finaldi made inappropriate objections like "your face is red, you're screaming." Then, when Ms. MacIsaac responded to the "face is

red” comment, Mr. Finaldi cut her off to say “Don’t talk while I’m talking.” Mr. Manly then responded instantly by telling Ms. MacIsaac that her “face is red.”

During the same deposition, Mr. Manly repeatedly cut off Ms. Francia while she was giving testimony that was damaging to your client’s case. When Ms. MacIsaac finally called Mr. Manly out on his improper tactics, he outrageously claimed that Ms. MacIsaac’s “client molested [Francia’s] son,” and that Ms. MacIsaac “was treating her like garbage.” In a recent deposition of Jolie Levine, Mr. Whaley’s mother, Mr. Finaldi again felt the need to tell Ms. MacIsaac that she was upset, emotional and angry and that her face was red. Your firm needs to refrain from bullying and demeaning behavior, particularly on the record, in front of non-party witnesses.

In addition to the improper behavior toward Ms. MacIsaac, your firm has been unrelentingly hostile with the many, many witnesses who are confident to this day that Michael Jackson never did anything in appropriate with children—as a jury of twelve found in 2005 and as all persons who have *honestly* reviewed the tabloid-style “evidence” that was presented against him in a two-decade witchhunt. Your firm has badgered a number of witnesses who made it abundantly clear that they fully trusted Michael Jackson, that they believed and still believe he is innocent, and that they either let their children or would have let their children sleep in the same room with Michael. Several of these witnesses were Michael’s former employees, and they testified truthfully under oath *despite* being angry with Michael about how they were terminated decades ago. These witnesses have utterly eviscerated your client’s nonsensical allegations, for which your client has no knowledge, information, or reasonable belief, that (1) Michael’s corporations were running a sophisticated child procurement ring; (2) Michael’s employees knew that Michael was abusing children; and (3) Michael’s employees, such as Jolie Levine, intentionally procured children for Michael to molest. Your firm has been completely abusive of these witnesses.

Remarkably, you appear to blame Ms. MacIsaac for Mr. Whaley’s justified hostility toward your firm. In light of your client’s defamatory allegations toward Mr. Whaley’s mother, it is hardly surprising that Mr. Whaley has hostility toward your firm. Mr. Finaldi continuously demeans Ms. MacIsaac in front of witnesses, and this behavior has upset a number of witnesses including Mr. Whaley and his mother at her deposition. Furthermore, when Mr. Whaley actually used questionable language in expressing his outrage regarding how your firm’s process server blocked him and his child in his car, Ms. MacIsaac immediately cautioned the witness to refrain from swearing. During break, Ms. MacIsaac tried to calm Mr. Whaley down. However, she cannot control Mr. Whaley’s emotions or his response to Mr. Finaldi’s repeated and false insinuation that he is an abuse victim and that *his mother* was a child procurer for Michael Jackson, despite the direct testimony to the contrary from both Mr. Whaley and his mother.

Quite frankly, Mr. Whaley and his mother have very justifiable hostility toward your firm. You refuse to accept when a witness such as Mr. Whaley tells you that he was not abused by Michael Jackson. Worse yet, in publicly filed documents, you have now accused Mr. Whaley’s mother of being a child procurer for Michael Jackson and knowingly allowing him to abuse children (presumably including her own son), which you claim she could have

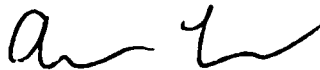
Alex Cunny, Esq.
March 8, 2017
Page 4

prevented. You have repeatedly defamed his mother by falsely claiming she was a child procurer and by accusing her of allowing her own son to be alone with Michael while purportedly knowing that Michael was a child molester—an outrageously offensive false accusation to make against any parent. Your firm has effectively made the sick insinuation that Ms. Levine procured her own child for abuse by Michael. Worse yet, your firm continues to include these knowingly false allegations about Ms. Levine in various complaints, without any credible evidence, and despite having deposed Ms. Levine and knowing full well that the allegations are blatantly false. The fact that your firm continues to include (and expand on) these false allegations about Ms. Levine is sanctionable under C.C.P. section 128.5 as well as being grounds for a malicious prosecution action.

If you file a motion regarding Mr. Whaley's deposition, we are confident that the Court will see that Mr. Finaldi and Mr. Manly are the ones who have engaged in improper deposition conduct. That being said, we are still willing to meet and confer to attempt to resolve these issues without motion practice. In the spirit of compromise, we would agree to the following, subject to Mr. Whaley's consent: (1) Mr. Whaley will appear for a second day of deposition in or around Gardena, CA; (2) a discovery referee will be present for the deposition; and (3) the parties will split the costs for the second day of deposition and the discovery referee, because we intend to ask questions of Mr. Whaley during the deposition.¹ This proposal is of course subject to the approval of the witness once counsel have a basic agreement in place. We would similarly agree to have a discovery referee present at all future depositions, with the costs split equally between the parties. However, we will not agree to pay the costs of the prior deposition that Mr. Finaldi improperly terminated while refusing to meet and confer with Ms. MacIsaac. Finally, your firm simply needs to stop making unprofessional personal attacks on Ms. MacIsaac, her character, her emotions, her skin tone, etc., or any similar attacks on the other lawyers from our firm.

Please let us know if you will agree to this proposal or would like to discuss this matter further.

Very truly yours,



Aaron C. Liskin

ACL:dy

cc: John Manly, Esq.
Vince Finaldi, Esq.

10386.00226/380927

¹ Frankly, we are perplexed as to why you would want to bring Mr. Whaley back when he already stated he has "no clue who Wade Robson is" and that he "do[esn't] know Wade Robson."