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Attorneys for Defendants John Branca, as  
Co-Executor of the Estate of Michael J.  
Jackson, Sony Music Entertainment, and  
MJJ Productions, Inc.

[Additional counsel listed herein]

**SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR  
THE COUNTY OF LOS ANGELES**

VERA SEROVA, an individual, on behalf of  
herself and all others similarly situated,  
  
Plaintiff,  
  
v.

SONY MUSIC ENTERTAINMENT, a  
Delaware general partnership; JOHN  
BRANCA, as Co-Executor of the Estate of  
Michael J. Jackson; EDWARD JOSEPH  
CASCIIO, an individual; JAMES VICTOR  
PORTE, an individual; MJJ  
PRODUCTIONS, INC., a California  
Corporation; ANGELIKSON  
PRODUCTIONS LLC, a New York Jersey  
Limited Liability Company; and DOES 1  
through 50, inclusive,  
  
Defendants.

Case No. BC 548468

**JOINT STIPULATION AND [PROPOSED]  
ORDER RE DEFENDANTS' ANTI-SLAPP  
MOTIONS**

Case Assigned for All Purposes to  
Judge Jane L. Johnson

**CONFORMED COPY  
ORIGINAL FILED**  
Superior Court of California  
County of Los Angeles

**APR 18 2016**

Sherri R. Carter, Executive Officer/Clerk  
By: Benigno Del Barrio, Deputy

## STIPULATION

Plaintiff Vera Serova ("Plaintiff"), on the one hand, and defendants Sony Music Entertainment, John Branca, as co-executor of the Estate of Michael Jackson, MJJ Productions, Inc., Edward Cascio, James Porte, and Angelikson Productions, Inc. (collectively, "Defendants"), on the other hand (collectively, the "Parties"), by and through their counsel of record, HEREBY STIPULATE that:

1. The Court shall address the special motions to strike filed by Defendants on February 3, 2016 pursuant to section 425.16 of the California Code of Civil Procedure (the "Motions") in one or more phases.

2. The first phase shall be limited to answering the questions: (1) whether Defendants have satisfied their burden on the first prong of the anti-SLAPP statute; and (2) if so:

- a. whether the various representations on which Plaintiff bases her Unfair Competition Law ("UCL") and Consumers Legal Remedies Act ("CLRA") claims constitute non-commercial speech and/or are inextricably intertwined with non-commercial speech, such that Plaintiff has failed to allege facts sufficient to constitute a cause of action under these statutes; and
- b. whether the following documents include any statements that a reasonable trier of fact could decide are sufficiently false or misleading to support a claim under the UCL or CLRA, assuming solely for purposes of this determination on the Motions that Michael Jackson did not sing the lead vocals on "Breaking News," "Monster," and "Keep Your Head Up":
  - i. the front and back covers of the compact disc ("CD") music album entitled *Michael*;
  - ii. the video at issue relating to the *Michael* album in which the narrator states "a brand new album from the greatest artist of all time."

3. Plaintiff does not base her UCL or CLRA claim on the November 5, 2010 statement alleged in the First Amended Complaint ("FAC") at ¶ 21.

1           4. All other issues potentially raised by the Motions, including, *inter alia*, Plaintiff's  
2 burden to establish a *prima facie* case (if applicable), whether Mr. Weitzman's November 11, 2010  
3 public statement includes any false or misleading statements, and each Defendant's responsibility for  
4 the various representations on which Plaintiff bases her claims, shall be reserved for one or more  
5 subsequent phases, if necessary.

6           5. Solely for the purpose of deciding the first phase of Defendants' anti-SLAPP motions,  
7 the Court shall assume the following:

- 8           a. The November 11, 2010 statement alleged at FAC ¶ 22 was an email from  
9 Howard Weitzman Esq. to Jeff Jampol for distribution to Michael Jackson  
10 fans. A true and correct copy of that email is attached hereto as Exhibit A.
- 11           b. The photocopies of the front and back covers of the CD album entitled  
12 *Michael*, including the enlargement of the statement on the album's back  
13 cover, that are attached as Exhibit A to the Request for Judicial Notice that  
14 Defendants John Branca, as Co-Executor of the Estate of Michael J. Jackson,  
15 Sony Music Entertainment, and MJJ Productions, Inc. filed on February 3,  
16 2016 are authentic.
- 17           c. The version of the video found at the following website on April 8, 2016 is a  
18 true and correct copy of the video alleged at FAC ¶ 24:  
19 [https://www.youtube.com/watch?v=\\_CXWxAuHi\\_4](https://www.youtube.com/watch?v=_CXWxAuHi_4). Within one week of the  
20 filing of this stipulation, Plaintiff shall lodge a CD containing a true and  
21 correct copy of that video with the Court and serve copies of that CD on  
22 Defendants.
- 23           d. The version of the video found at the following website on April 8, 2016 is a  
24 true and correct copy of a portion of the December 6, 2010 episode of the  
25 *Oprah Winfrey Show* where Edward Cascio appeared as a guest as alleged at  
26 FAC ¶ 25: <https://www.youtube.com/watch?v=uzFR2aga5GE>. Within one  
27 week of the filing of this stipulation, Plaintiff shall lodge a CD containing a  
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1 true and correct copy of that video with the Court and serve copies of that CD  
2 on Defendants.

3 6. The Parties agree on the following briefing schedule and page limits:

- 4 a. Plaintiff's Opposition is due by May 16, 2016 and may be up to 25 pages;  
5 b. Defendants' Reply Briefs are due by June 16, 2016 and may be up to 15 pages  
6 each;  
7 c. Defendants' Motions shall be heard on June 30, 2016 at 11:00 a.m.

8 7. If a subsequent phase is necessary to decide the Motions, then the parties will meet  
9 and confer regarding whether discovery is necessary and will submit a joint statement within two  
10 weeks of the Court's Order.

11 STIPULATED AND AGREED:

12  
13 DATED: April 13, 2016

GALLO LLP

14 By: Dominic Valerian  
15 Dominic Valerian  
Attorneys for Plaintiff

16  
17 DATED: April 13, 2016

KINSELLA WEITZMAN ISER KUMP  
& ALDISERT LLP

18 By: Dominic Valerian For  
19 Howard Weitzman w/permission  
20 Attorneys for Defendants John Branca, as Co-  
21 Executor of the Estate of Michael J. Jackson, Sony  
Music Entertainment and MJJ Productions, Inc.

22 DATED: April 13, 2016

KATTEN MUCHIN ROSENMAN LLP

23 By: Dominic Valerian For  
24 Zia F. Modabber w/permission  
25 Attorneys for Defendants John Branca, as Co-  
26 Executor of the Estate of Michael J. Jackson, Sony  
Music Entertainment and MJJ Productions, Inc.

27 DATED: April 13, 2016

FREEDMAN AND TAITELMAN, LLP

28 By: Dominic Valerian For  
Bryan J. Freedman w/permission  
Attorneys for Defendants Edward Joseph Cascio,

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James Victor Porte, and Angelikson Productions,  
Inc.

**SO ORDERED:**

Dated: 4/18/16

**JANE L. JOHNSON**

Hon. Jane L. Johnson  
Judge of the Superior Court of California

**Katten**

Katten Muchin Rosenman LLP

2039 Century Park East, Suite 2600  
Los Angeles, CA 90067-3012  
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# EXHIBIT A

[www.thermicast.com](http://www.thermicast.com)

From: Howard Weitzman  
Date: Wed, 10 Nov 2010 22:15:06 -0800  
To: [jeff@mjonlineteam.com](mailto:jeff@mjonlineteam.com)  
Subject: MJ - "Breaking News"

*Jeff: Below is a letter to you, in response to your inquiry yesterday about "Breaking News" and the due diligence and investigation I was asked to perform by the Co-Executors of the Estate of Michael Jackson regarding the "Cascio tracks". As I'm sure you are aware, Michael Jackson's fans were very special to him personally, as they continue to be to his Estate. I hope the attached is helpful for you and other fans throughout the world. - Howard*

November 11, 2010

Jeff:

I am writing you in response to your questions regarding "Breaking News," and your reports of fan comments and concerns. There is nothing more important to the Estate than Michael's music, his legacy and his fans. I hope the information below is helpful and responsive to your concerns.

As the *Michael* album was being put together, it was decided to bring Teddy Riley on board to work on several songs, including "Breaking News," a song Michael recorded with Eddie Cascio and James Porte in late 2007 while living at the Cascio family home with his children. Riley produced and submitted "Breaking News" to Sony for inclusion on the album. At that time, no one ever mentioned that the vocals we heard on the Cascio songs, which were basically in demo format, might not be Michael. It was known, however, that the background vocals were a combination of Michael and James Porte.

After the tracks were submitted to Sony, three of these Cascio songs were selected to be on the album, and "Breaking News" was one of the three. The day after the submission and selection of the album tracks, for the very first time, the authenticity of Michael's vocals on the Cascio tracks was questioned.

Because of these questions, I was immediately asked by co-Executors John Branca and John McClain to conduct an investigation regarding the authenticity of the lead vocals on the Cascio tracks.

Six of Michael's former producers and engineers who had worked with Michael over the past 30 years - **Bruce Swedien, Matt Forger, Stewart Brawley, Michael Prince, Dr. Freeze and Teddy Riley** - were all invited to a listening session to hear the raw vocals of the Cascio tracks in question. All of these persons listened to the a cappella versions of the vocals on the Cascio tracks being considered for inclusion on the album, so they could give an opinion as to whether or not the lead vocals were sung by Michael. They all confirmed that the vocal was definitely Michael.

Michael's musical director and piano player on many of his records over a 20-year period, **Greg Phillinganes**, played on a Cascio track being produced for the album, and said the voice was definitely Michael's. **Dorian Holley**, who was Michael's vocal director for his solo tours for 20 plus years (including the O2 Concert Tour) and is seen in the *This Is It* film, listened to the Cascio tracks and told me the lead vocal was Michael Jackson.

These are all engineers, producers and musicians who worked on tours and/or in the studio with Michael when he was recording *Bad*, *Thriller*, *Off The Wall*, *Dangerous*, *Invincible*, *HIStory* and *Blood On The Dance Floor*, and they all reconfirmed their belief that the lead vocals were Michael's voice on the Cascio tracks.

The Estate then retained one of the best-known forensic musicologists in the nation to listen to the vocals without any instrumental accompaniment ("a cappella"), and to compare them with a cappella vocals from previous Michael songs. This expert performed waveform analysis, an objective scientific test used to determine audio authenticity, on the Cascio tracks, as well as previously released tracks with Michael's voice, and reported that ALL of the lead vocals analyzed (which included Cascio tracks) were the voice of Michael Jackson.

Sony Music conducted their own investigation by hiring yet a second well-respected forensic musicologist who also compared the a cappella lead vocals from Cascio tracks against previously released vocals of Michael's, and found that Michael's voice was the on all sets of the raw vocals. The Cascio tracks were also played for two very prominent persons in the music industry who played crucial roles in Michael's career. Both of these individuals believed that the lead vocals were Michael's.

Just to be absolutely certain, I also contacted **Jason Malachi**, a young singer who some persons had wrongfully alleged was a "soundalike" singer that was hired to sing on the Cascio tracks, and I confirmed that he had no involvement with this project whatsoever.

Sony decided that, given the overwhelming objective evidence resulting from the exhaustive investigations outlined above, they wanted to release a record that included three of the Cascio-Porte tracks - because they believed, without reservation, that the lead vocal on all of those tracks were sung by Michael Jackson.

Although there still seem to be concerns being expressed in some quarters about the authenticity of the lead vocals, notwithstanding the opinion of those who worked with Michael, and two independent forensic analysts, ultimately, Michael's fans will be the judges of these songs, as they always are. We take all fan comments very seriously, and as I'd stated above, there is nothing more important to the Estate than Michael's music, his legacy and his fans.

Michael's fans are extraordinary in their quest for accuracy and their passions to raise their voices in a search for truth! We join with them in our care and concern for Michael. We are continuing to follow up with those who have worked in the studio or on tours with Michael, and if any new information comes to light, we will keep you and the fans advised.

Thanks,

Howard

**Howard Weitzman, Esq.**  
**Attorney for the Estate Of Michael Jackson**  
**Santa Monica, CA**

This message is intended solely for the use of the addressee(s) and is intended to be privileged and confidential within the attorney client privilege. If you have received this message in error, please immediately notify the sender and delete all copies of this email message along with all attachments. Thank you.

www.themjcast.com

PROOF OF SERVICE

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF MARIN )

I am over the age of 18 years and not a party to this action. My business address is 1299 Fourth St., Suite 505, San Rafael, CA 94901. My address for electronic service is mvananda@gallo-law.com.

On April 13, 2016, I served true and correct copies of the foregoing document(s):

JOINT STIPULATION AND [PROPOSED] ORDER RE DEFENDANTS' ANTI-SLAPP MOTIONS

By the following means of service:

X : By CASE ANYWHERE/E-MAIL TRANSMISSION – I caused the above document(s) to be electronically served on counsel of record at 1:52 a.m. (p.m.) Pacific Time by using the electronic notification service www.caseanywhere.com and the e-mail addresses maintained on the Service List of www.caseanywhere.com for this case as follows:

Howard Weitzman, hweitzman@kwikalaw.com Suann C. MacIsaac, smacisaac@kwikalaw.com <b>KINSELLA WEITZMAN ISER KUMP &amp; ALDISERT LLP</b> 808 Wilshire Blvd., 3rd Floor Santa Monica, CA 90401 Phone: (310) 566-9800 Fax: (310) 566-9850	Attorneys for Defendants Sony Music Entertainment; MJJ Productions, Inc.; and John Branca, as co-executor of the Estate of Michael J. Jackson
Zia F. Modabber, zia.modabber@kattenlaw.com Andrew J. Demko, andrew.demko@kattenlaw.com <b>KATTEN MUCHIN ROSENMAN LLP</b> 2029 Century Park East, Suite 2600 Los Angeles, CA 90067 Phone: (310) 788-4400 Fax: (310) 788-4471	Attorneys for Defendants Sony Music Entertainment; MJJ Productions, Inc.; and John Branca, as co-executor of the Estate of Michael J. Jackson
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3 **GALLO LLP**  
4 1299 Fourth St., Suite 505  
5 San Rafael, CA 94901  
6 Phone: (415) 257-8800  
7 Fax: (415) 257-8844

*Attorneys for Plaintiff Vera Serova*

8 I declare under penalty of perjury under the laws of the State of California that the  
9 foregoing is true and correct and that this declaration was executed on April 13, 2016, at  
10 San Rafael, California.  
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Marc van Anda  
Marc van Anda