

1 PAUL GORDON HOFFMAN, ESQ. (SBN 71243)  
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 5 10880 Wilshire Boulevard, Suite 2200  
 6 Los Angeles, California 90024  
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**FILED**  
 LOS ANGELES SUPERIOR COURT

JUL 23 2009  
 JOHN A. CLARKE, CLERK  
 BY C.L. GINES, DEPUTY

Attorneys for Special Administrators, John Branca and  
 John McClain

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

In the Estate of

MICHAEL JOSEPH JACKSON,

Deceased.

Case No. BP 117 321

**[PROPOSED] ORDER AUTHORIZING  
 SPECIAL ADMINISTRATORS TO ENTER  
 INTO PROPOSED BOOK PUBLISHING  
 AGREEMENTS AND TO EXECUTE  
 DOCUMENTS RELATING THERETO**

Date: July 23, 2009  
 Time: 8:30 a.m.  
 Dept.: 5  
 Judge: Hon. Mitchell L. Beckloff

ORDER AUTHORIZING SPECIAL ADMINISTRATORS TO BP 117 321  
 ENTER INTO PROPOSED PUBLISHING AGREEMENTS AND TO EXECUTE ALL DOCUMENTS  
 RELATING THERETO

HOFFMAN  
 SABBAN &  
 WATENMAKER

0000000000



1 Dated: July 23, 2009

DEWEY & LEBOEUF LLP

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By: DOESN'T APPEAR  
Dean Hansell  
Attorneys for Katerine Esther Jackson

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6 IT IS SO ORDERED.

7 Dated: 7/23/09

  
THE HONORABLE MITCHELL L. BECKLOFF  
JUDGE OF THE SUPERIOR COURT

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ORDER AUTHORIZING SPECIAL ADMINISTRATORS TO BP 117 321  
ENTER INTO PROPOSED PUBLISHING AGREEMENTS AND TO EXECUTE ALL DOCUMENTS  
RELATING THERETO

HOFFMAN  
SABBAN &  
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5/23/09

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9 Attorneys for Special Administrators, John Branca and  
 10 John McClain

**ORIGINAL**

**FILED**  
LOS ANGELES SUPERIOR COURT

JUL 23 2009  
JOHN A. CLARKE, CLERK  
BY C.L. GINES, DEPUTY

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

13 In the Estate of

14 MICHAEL JOSEPH JACKSON,

15 Deceased.

16 Case No. BP 117 321

17 **DECLARATION OF JERYLL S. COHEN**  
 18 **RE NOTICE AND URGENCY IN**  
 19 **CONNECTION WITH: EX PARTE**  
 20 **PETITION FOR ORDER AUTHORIZING**  
 21 **PAYMENT OF FAMILY ALLOWANCE**  
 22 **FOR THE BENEFIT OF MINOR**  
 23 **CHILDREN; PETITION FOR ORDER**  
 24 **AUTHORIZING SPECIAL**  
 25 **ADMINISTRATORS TO ENTER BOOK**  
 26 **PUBLISHING AGREEMENTS; AND**  
 27 **APPLICATION FOR ORDER**  
 28 **SHORTENING TIME**

Date: July 23, 2009  
 Time: 8:30 a.m.  
 Dept.: 5  
 Judge: Hon. Mitchell L. Beckloff

29 I, Jeryll S. Cohen, declare:

30 1. I am an attorney licensed to practice law in the State of California and am  
 31 a partner at the law firm Hoffman, Sabban & Watenmaker, counsel of record for John Branca  
 32 ("Mr. Branca") and John McClain ("Mr. McClain") (collectively, the "Special Administrators"),  
 33 the Special Administrators of the Estate of Michael Joseph Jackson (the "Estate").

1                   2.     On July 22, 2009, between 9:10-9:45 a.m., I gave notice of the hearings on  
2 the Special Administrators' Petition for Order Authorizing Payment of Family Allowance for the  
3 Benefit of Minor Children; Petition for Order Authorizing Special Administrators to Enter Book  
4 Publishing Agreements; and Application for Order Shortening Time on Special Administrators'  
5 Petition for Order Authorizing Payment of Family Allowance to Katherine Jackson to the  
6 following individuals: Joseph Zimring for the California Attorney General; Burt Levitch of  
7 Rosenfeld, Meyer & Susman, LLP, counsel for Katherine Jackson; Dean Hansell, of Dewey &  
8 LeBoeuf, LLP, counsel for Katherine Esther Jackson; and Diane Goodman of Goodman and  
9 Metz, counsel for Katherine Jackson.

10                   3.     In a letter dated July 22, 2009 addressed to me, Mr. Zimring indicated that  
11 the Attorney General's office does not intend to appear at the hearing on the matters described in  
12 Paragraph 2 above and that the Attorney General has not reviewed, and takes no position  
13 regarding the proposed contracts. Mr. Zimring also indicated that at this time, the Attorney  
14 General takes no position regarding the proposed family allowances for the Minor Children and  
15 Mrs. Jackson, but that the Attorney General reserves the right to revisit this issue based on  
16 information received in the future.

17                   4.     On July 22, 2009, shortly after becoming aware that a Request for Special  
18 Notice had been filed on behalf of AEG Live, I gave notice of the hearing on the above  
19 described matters to Kathie Jorrie of Luce Forward Hamilton & Scripps, LLP, counsel for AEG  
20 Live. A Waiver of Notice executed by Ms. Jorrie is filed with this Declaration.

21                   5.     It is necessary that the Petition for Order Authorizing Payment of Family  
22 Allowance for the Benefit of the Minor Children be brought ex parte for the following reasons:

23                             Michael Jackson is survived by three minor children (the "Minor  
24 Children"). Michael Jackson had sole custody of the Minor Children. The Minor Children were  
25 completely and wholly financial dependent upon their father, Michael Jackson. Other than social  
26 security benefits, which the Minor Children have not started to receive, the Minor Children  
27 currently have no other financial resources to provide for their care and support. Michael  
28 Jackson's mother, Katherine Esther Jackson, is the Temporary Guardian of the Estates and

1 Persons of the Minor Children. We are informed that Mrs. Jackson was also financially  
 2 dependent upon Michael Jackson and that other than extremely modest social security benefits,  
 3 Mrs. Jackson has no independent means of support. Michael Jackson died four weeks ago.  
 4 Therefore, there is an urgent need for the Special Administrators to be authorized to pay a family  
 5 allowance for the benefit of the Minor Children in order to ensure that the Minor Children's  
 6 needs for maintenance and support are met.

7           5. It is necessary for the Petition for Order Authorizing the Special  
 8 Administrators to Enter Book Publishing Agreements to be brought ex parte for the following  
 9 reasons:

10           With respect to the proposed agreement with Michael Lafon, the agreement must be  
 11 confirmed by this Court and signed by the Special Administrators by July 24, 2009 in order for  
 12 the book to be released in France in August. If that agreement is not confirmed and signed prior  
 13 to that date, due to issues peculiar to publication circumstances in France, the book may not be  
 14 released until September. It is in the best interest of the Estate for all book publishing agreements  
 15 to be entered as soon as possible, as sales of the book and profits for the Estate will be  
 16 maximized the sooner the book is released due to the notoriety surrounding Michael Jackson's  
 17 unexpected death and the resulting heightened demand for such products at this time.

18           Executed on July 23, 2009, at Los Angeles, California.

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

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 23 **JERYLL S. COHEN**

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07/23/09

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9 Attorneys for Applicants, John Branca and  
10 John McClain

**ORIGINAL**

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JUL 23 2009  
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BY C.L. GINES, DEPUTY

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

13 In the Estate of

14 MICHAEL JOSEPH JACKSON,

15 Deceased.

Case No. BP 117 321

*Redacted*  
**EX PARTE PETITION FOR ORDER  
AUTHORIZING SPECIAL  
ADMINISTRATORS TO ENTER INTO  
PROPOSED BOOK PUBLISHING  
AGREEMENTS AND TO EXECUTE  
DOCUMENTS RELATING THERETO**

**[FILED CONDITIONALLY UNDER SEAL]**

Date: July \_\_, 2009  
Time: 8:30 a.m.  
Dept: 5  
Judge: Hon. Mitchell L. Beckloff

-1-

**EX PARTE PETITION FOR ORDER AUTHORIZING SPECIAL ADMINISTRATORS TO BP 117 321  
ENTER INTO PROPOSED PUBLISHING AGREEMENTS AND TO EXECUTE ALL DOCUMENTS  
RELATING THERETO**

HOFFMAN  
SABBAN &  
WATENMAKER

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John Branca ("Mr. Branca") and John McClain ("Mr. McClain"), the Special Administrators of the Estate of Michael Joseph Jackson (the "Estate") respectfully apply to the Court *ex parte* for an Order authorizing them to enter into four book publishing agreements relating to the reprint of Michael Jackson's autobiography, *Moonwalk*, and allege on information and belief as follows:

### BACKGROUND

1. Michael Jackson died testate on June, 25, 2009, in the County of Los Angeles. Michael Jackson was not married at the time of his death. Michael Jackson was survived by his three minor children, namely, Michael Joseph Jackson, Jr. born on February 13, 1997, Paris-Michael Katherine Jackson, born on April 3, 1998, and Prince Michael Jackson II, born on February 21, 2002 (collectively, the "Minor Children").
2. On June 29, 2009, the Court appointed Katherine Esther Jackson, Michael Jackson's mother ("Mrs. Jackson"), as the Temporary Guardian of the Persons and Estates of the Minor Children.
3. On June 29, 2009, Michael Jackson's parents, Joseph Walter Jackson and Mrs. Jackson (collectively, "Mr. and Mrs. Jackson") filed a Petition for Appointment of Special Administrator and a Petition for Appointment of Administrator (collectively, the "Jackson Petitions"). The Jackson Petitions allege that Michael Jackson died intestate and seek the appointment of Mrs. Jackson as the Special Administrator and Administrator with general powers, respectively.
4. On July 1, 2009, Messrs. Branca and McClain also filed a Petition for Appointment of Special Administrators (the "Branca/McClain Petition Re Special Administrator") and a Petition for Probate (the "Branca/McClain Petition for Probate"). The Branca/McClain Petition for Probate seeks to have admitted to probate the Last Will of Michael Joseph Jackson dated July 7, 2002 (the "Will"), which Messrs. Branca and McClain lodged with the Court on July 1, 2009. The Will names Messrs. Branca and McClain as the Executors of the

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EX PARTE PETITION FOR ORDER AUTHORIZING SPECIAL ADMINISTRATORS TO ENTER INTO PROPOSED PUBLISHING AGREEMENTS AND TO EXECUTE ALL DOCUMENTS RELATING THERETO

BP 117 321

1 Will. The Branca/McClain Petition for Probate seeks to have Messrs. Branca and McClain  
2 appointed the Executors of the Will.

3 5. On July 6, 2009, this Court held a hearing on the competing Petitions for  
4 Appointment of Special Administrator of the Estate. This Court granted the Branca/McClain  
5 Petition Re Special Administrator and appointed Messrs. Branca and McClain as the Co-Special  
6 Administrators of the Estate, over-ruling the objections filed by Mrs. Jackson and denying the  
7 Jackson Petition for Appointment of Special Administrator. Letters of Special Administration  
8 were issued to Messrs. Branca and Mr. McClain (collectively, the "Special Administrators") on  
9 July 14, 2009. The Court granted the Special Administrators a number of special powers,  
10 including without limitation:

11 The power to negotiate and enter into agreements in all areas of the entertainment  
12 industry including agreements relating to records, music, publishing, tv, pay for  
13 view, theatrical, and use of the decedent's performances, name and likeness and  
14 merchandising. Any new business is subject to court approval.

15 Order Appointing Special Administrator, p.2.

16 6. A hearing is scheduled for August 3, 2009 on the competing petitions, i.e.,  
17 the Branca/McClain Petition for Probate and the Jackson Petition for Appointment of  
18 Administrator (collectively, the "Competing Petitions").

19 **PROPOSED BOOK PUBLISHING AGREEMENTS**

20 7. The Special Administrators have negotiated four book publishing  
21 agreements for the reprint of Michael Jackson's autobiography, Moonwalk. Moonwalk was  
22 originally published in 1988 pursuant to agreements entered into by Michael Jackson. Each of  
23 the four publishing agreements is for a distinct regional territory in which publication will occur.  
24 The significant deal terms of each publishing agreement is set forth on Exhibit A attached to this  
25 Application and incorporated by this reference. Exhibit A is filed conditionally under seal.

26 8. With respect to the proposed agreement with Michael Lafon, the  
27 agreement must be confirmed by this Court and signed by the Special Administrators by July 24,

28 -3-

EX PARTE PETITION FOR ORDER AUTHORIZING SPECIAL ADMINISTRATORS TO BP 117 321  
ENTER INTO PROPOSED PUBLISHING AGREEMENTS AND TO EXECUTE ALL DOCUMENTS  
RELATING THERETO



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2. For such other and further relief as the Court deems just and proper.

Dated: July 23, 2009

Respectfully submitted,

**HOFFMAN, SABBAN & WATENMAKER  
A Professional Corporation**

By: Paul Gordon Hoffman  
**PAUL GORDON HOFFMAN**  
Attorneys for John Branca and  
John McClain, Special Administrators of  
the Estate of Michael Joseph Jackson

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**VERIFICATION**

I, John Branca, a co-Special Administrator of the Estate of Michael Joseph Jackson, an Applicant in the above-entitled matter, declare that I have read the foregoing *Ex Parte* Petition for Order Authorizing Special Administrators to Enter into Proposed Book Publishing Agreements and Execute Documents Relating Thereto, and know its contents. It is true of my knowledge, except to those matters which are stated on information and belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this document is executed on 07/22, 2009, at Los Angeles, California.

  
\_\_\_\_\_  
JOHN BRANCA

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EX PARTE PETITION FOR ORDER AUTHORIZING SPECIAL ADMINISTRATORS TO BP 117 321  
ENTER INTO PROPOSED PUBLISHING AGREEMENTS AND TO EXECUTE ALL DOCUMENTS  
RELATING THERETO

HOFFMAN  
SARBAN &  
WATZMAKER

07/23/09

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VERIFICATION

I, John McClain, a co-Special Administrator of the Estate of Michael Joseph Jackson, an Applicant in the above-entitled matter, declare that I have read the foregoing *Ex Parte* Petition for Order Authorizing Special Administrators to Enter into Proposed Book Publishing Agreements and Execute Documents Relating Thereto, and know its contents. It is true of my knowledge, except to those matters which are stated on information and belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this document is executed on July 22, 2009, at Los Angeles, California.

  
\_\_\_\_\_  
JOHN McCLAIN

-7-

EX PARTE PETITION FOR ORDER AUTHORIZING SPECIAL ADMINISTRATORS TO ENTER INTO PROPOSED PUBLISHING AGREEMENTS AND TO EXECUTE ALL DOCUMENTS RELATING THERETO

BP 117 321

HOFFMAN  
SABHAN &  
WATENMARKER

07/23/09  
50/27/10



07/23/09

EXHIBIT A

EXHIBIT A

Filed Conditionally Under Seal

07/23/09

L.A.S.C. - FINANCE #32  
111 N. HILL STREET  
LOS ANGELES CA 90012

DATE PAID: 07/23/09 08:18:08 AM  
RECEIPT #: FIN467720003

CITY/CASE: BP117321 LEA/DEF#:

PAYMENT: \$350.00 0310

RECEIVED:

CHECK: 350.00

CASH:

CHANGE:

CARD:

07/23/09