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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

DEPARTMENT 28 HON. YVETTE M. PALAZUELOS, JUDGE

KATHERINE JACKSON, ET AL.,)
PLAINTIFFS,)
VS.) NO. BC445597
AEG LIVE, LLC, ET AL.,)
DEFENDANTS.)
_____)

REPORTER'S TRANSCRIPT OF PROCEEDINGS
WEDNESDAY, SEPTEMBER 25, 2013 - AFTERNOON SESSION

APPEARANCES:

FOR THE PLAINTIFFS: PANISH, SHEA & BOYLE LLP
BY: BRIAN J. PANISH
KEVIN R. BOYLE
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KOSKOFF, KOSKOFF & BIEDER
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(CONTINUED ON FOLLOWING PAGE)

RHONDA NORBERG, CSR 9265
OFFICIAL REPORTER

1 APPEARANCES (CONTINUED):

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FOR THE DEFENDANTS:

O'MELVENY & MYERS LLP

BY: MARVIN S. PUTNAM

JESSICA STEBBINS BINA

SABRINA STRONG

KATHRYN CAHAN

ATTORNEYS AT LAW

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LOS ANGELES, CALIFORNIA 90067

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MASTER INDEX

WEDNESDAY, SEPTEMBER 25, 2013

CHRONOLOGICAL AND ALPHABETICAL INDEX OF WITNESSES

(NONE)

EXHIBITS

(NONE)

1 CASE NUMBER: BC445597
2 CASE NAME: JACKSON VS. A.E.G.
3 LOS ANGELES, CALIFORNIA SEPTEMBER 25, 2013
4 DEPARTMENT NO. 28 HON. YVETTE M. PALAZUELOS,
5 JUDGE
6 APPEARANCES: (AS HERETOFORE NOTED.)
7 REPORTER: RHONDA NORBERG, CSR 9265
8 TIME: 1:39 P.M.

9
10 (THE FOLLOWING PROCEEDINGS WERE HELD
11 IN OPEN COURT, IN THE PRESENCE OF THE
12 JURORS:)

13
14 THE COURT: KATHERINE JACKSON VERSUS A.E.G. LIVE,
15 BC445597. GOOD AFTERNOON, EVERYBODY.
16 COUNSEL, YOU MAY CONTINUE WITH YOUR CLOSING
17 ARGUMENT.

18 MR. PUTNAM: THANK YOU, YOUR HONOR.

19 THANK YOU, ALL. SO WHERE WE LEFT OFF, I'M
20 GOING THROUGH THE VERDICT FORM, QUESTION 1, QUESTION 2.
21 QUESTION 1, I BELIEVE THE ANSWER IS NO, A.E.G. LIVE DID
22 NOT HIRE DR. CONRAD MURRAY. BUT IF YOU SAY YES, YOU
23 MOVE ON TO QUESTION 2.

24 QUESTION 2, I HAVE TO SAY AGAIN THAT I
25 DON'T BELIEVE -- IF DR. CONRAD MURRAY WAS UNFIT, WHY
26 A.E.G. LIVE WOULD HAVE HIRED HIM. BUT IF YOU SAY YES,
27 YOU WILL MOVE ON TO QUESTION 3. AND QUESTION 3 IS
28 ABOUT NOTICE. IF YOU GET TO THE NEXT QUESTION, YOU

1 HAVE TO DECIDE DID THEY PROVE NOTICE.

2 WHAT DID A.E.G. LIVE KNOW AND WHAT SHOULD
3 IT HAVE KNOWN? PLAINTIFFS MUST PROVE THIS. WAS A.E.G.
4 LIVE ON NOTICE OF DR. MURRAY'S UNFITNESS? ONCE AGAIN,
5 PLAINTIFFS' BURDEN. THEY HAVE TO PROVE THAT A.E.G.
6 LIVE HAD NOTICE.

7 NOW, NOTICE IS REALLY IMPORTANT HERE
8 BECAUSE THE LAW RECOGNIZES THAT IT IS NOT FAIR TO FIND
9 SOMEONE, A COMPANY, AT FAULT FOR NEGLIGENT HIRING
10 UNLESS THE COMPANY KNEW OR SHOULD HAVE KNOWN THAT THE
11 PERSON IT HIRED POSED A RISK TO OTHERS. THE COMPANY
12 HAS TO BE ON NOTICE OF THAT; OTHERWISE, IT'S NOT FAIR
13 TO HOLD THEM LIABLE.

14 PLAINTIFFS HAVE TO PROVE A.E.G. KNEW OR
15 SHOULD HAVE KNOWN THAT DR. MURRAY -- AND THAT'S OUR
16 FOCUS -- DR. MURRAY POSED A RISK TO MR. JACKSON, AND
17 THEY HAVEN'T PROVED THAT. THERE IS NOT A SINGLE PIECE
18 OF EVIDENCE IN THIS CASE THAT ANYONE, ANYONE, HAD ANY
19 IDEA WHAT DR. MURRAY WAS DOING.

20 WHATEVER IT WAS HE WAS DOING, THEY DIDN'T
21 KNOW HOW HE WAS TREATING HIM, AND THEY CERTAINLY DIDN'T
22 KNOW ANYTHING ABOUT ANY RISK HE WAS CREATING. REMEMBER
23 THIS WAS IN MICHAEL JACKSON'S BEDROOM. I KEEP SAYING
24 IT; BEDROOM, NIGHT, LOCKED DOOR, SECURITY OUT FRONT,
25 GATES.

26 NOBODY KNEW WHAT WAS GOING ON UP THERE.
27 THERE WAS NO NOTICE. MR. PANISH SAID YESTERDAY THAT
28 THERE WERE -- AND I'M GOING TO QUOTE THIS, BECAUSE I

1 WROTE IT DOWN -- NUMEROUS; OCCASIONS -- HE SAID THERE
2 WERE NUMEROUS OCCASIONS WHERE A.E.G. LIVE KNEW THAT
3 DR. MURRAY WAS INCOMPETENT.

4 BUT HE DIDN'T SHOW YOU A SINGLE ONE, AND
5 THAT'S BECAUSE THEY CAN'T. THERE'S NO EVIDENCE A.E.G.
6 LIVE HAD ANY IDEA ABOUT PROPOFOL. HE TRIED TO TELL YOU
7 IT'S NOT ABOUT PROPOFOL. HOW IS IT NOT ABOUT PROPOFOL?
8 THEY HAD TO BE ON NOTICE. CERTAINLY IF THEY HIRED HIM,
9 THAT BEING DR. MURRAY, IT WASN'T FOR PROPOFOL. I'LL
10 SAY IT AGAIN.

11 THERE'S NO EVIDENCE THAT A.E.G. LIVE HAD
12 ANY IDEA DR. MURRAY WAS GIVING MR. JACKSON PROPOFOL TO
13 SLEEP. NONE. IN FACT, THERE'S NO EVIDENCE INTO A.E.G.
14 LIVE HAD NOTICE THAT DR. MURRAY WAS DOING ANYTHING
15 OTHER THAN PROVIDING FOR MR. JACKSON'S GENERAL MEDICAL
16 NEEDS. NONE.

17 SO THE QUESTION ISN'T WHAT A.E.G. LIVE
18 KNEW. IT CAN'T BE. THE ONLY QUESTION THEN HERE FOR
19 YOU IS WHAT SHOULD A.E.G. LIVE HAVE KNOWN? WHAT SHOULD
20 A.E.G. LIVE HAVE KNOWN? IF YOU GET THIS FAR ON THE
21 VERDICT FORM, THAT'S WHAT YOU'LL HAVE TO DECIDE WHEN
22 YOU DELIBERATE.

23 MR. PANISH TRIED YESTERDAY TO SAY, WELL,
24 A.E.G. LIVE DIDN'T HAVE TO KNOW THE SPECIFIC RISK.
25 THAT'S WHAT HE SAID. THEY DIDN'T HAVE TO KNOW THE
26 SPECIFIC RISK, JUST THE PARTICULAR RISK. I THOUGHT
27 ABOUT THAT WHEN HE SAID THAT, I SAID THAT SOUNDS GOOD.

28 BUT THEN I THOUGHT ABOUT IT A LITTLE BIT

1 MORE, AND THAT'S THE SAME THING. SPECIFIC AND
2 PARTICULAR MEAN THE SAME THING. THE LAW REQUIRES THAT
3 A.E.G. LIVE KNEW SOMETHING SPECIFIC, SOMETHING
4 PARTICULAR ABOUT DR. MURRAY THAT SHOWED HE WAS A RISK
5 TO MR. JACKSON.

6 IT'S ABOUT WHAT A.E.G. LIVE SHOULD HAVE
7 KNOWN ABOUT DR. CONRAD MURRAY. AND PLAINTIFFS CAN'T
8 SHOW THAT A.E.G. LIVE SHOULD HAVE KNOWN THAT DR. MURRAY
9 POSED A PARTICULAR RISK OF HARM TO OTHERS. THERE WAS
10 NO WAY TO KNOW. SO WHAT DO PLAINTIFFS DO? THEY MAKE
11 UP THINGS THAT A.E.G. LIVE SHOULD HAVE KNOWN, THINGS
12 THAT THEY SHOULD HAVE DONE.

13 THEY FOCUSED ON WHAT A.E.G. LIVE KNEW ABOUT
14 MR. JACKSON, NOT WHAT A.E.G. LIVE KNEW ABOUT
15 DR. MURRAY. THE WORLD NOW KNOWS WHAT MR. JACKSON DIED
16 OF. HE OVERDOSED. HE OVERDOSED ON PROPOFOL IN HIS
17 BEDROOM. PROPOFOL THAT DR. MURRAY GAVE HIM. THAT'S
18 NOT THE QUESTION YOU HAVE TO ANSWER.

19 YOU'RE NOT ANSWERING WHAT WE ALL NOW KNOW.
20 YOU HAVE TO DECIDE WHAT A.E.G. LIVE SHOULD HAVE KNOWN
21 AT THE TIME ABOUT DR. CONRAD MURRAY. PUT YOURSELVES IN
22 A.E.G. LIVE'S SHOES BEFORE MR. JACKSON PASSED. YOU
23 HAVE TO DECIDE BASED ON WHAT YOU'VE HEARD AT THIS TRIAL
24 WHETHER THEY SHOULD HAVE KNOWN WHAT WAS GOING ON.

25 MR. PANISH: EXCUSE ME, YOUR HONOR. THAT'S A
26 VIOLATION OF THE GOLDEN RULE BY COUNSEL ASKING THE
27 JURORS TO PLACE THEMSELVES IN THE SHOES OF ONE OF THE
28 PARTIES. THAT'S AN IMPROPER ARGUMENT.

1 MR. PUTNAM: ACTUALLY, YOUR HONOR, IT'S NOT
2 AGAINST THE GOLDEN RULE. THE GOLDEN RULE IS PLACING
3 YOURSELF IN THE VICTIM'S PLACE, NOT THE PLACE OF THE
4 PERSON WHO HAD TO MAKE A REASONABLE DECISION. THEY
5 HAVE TO DECIDE IF IT'S REASONABLE --

6 MR. PANISH: IT'S EITHER SIDE, IT'S IMPROPER.

7 THE COURT: ALL RIGHT. SUSTAINED.

8 MR. PUTNAM: THANK YOU.

9 NOW LET'S TALK ABOUT THE TERM PLAINTIFFS
10 USE A LOT HERE, RED FLAGS. THEY SAY BASED ON THE
11 SO-CALLED RED FLAGS, A.E.G. LIVE SHOULD HAVE KNOWN
12 DR. MURRAY WAS LIKELY TO HARM MR. JACKSON. BUT NONE OF
13 THOSE FLAGS POINT TO DR. MURRAY. NONE OF THEM SHOW
14 HE'S A BAD DOCTOR.

15 THEY MAY SHOW DR. MURRAY ASKED FOR A LOT OF
16 MONEY, THEY MAY SHOW MR. JACKSON WAS SICK ON JUNE 19,
17 BUT THEY DON'T SHOW THAT DR. MURRAY WAS HARMING
18 MR. JACKSON, THAT HE WAS DANGEROUS TO MR. JACKSON. AND
19 THAT'S IMPORTANT, THAT'S WHAT'S CRITICAL HERE.
20 PLAINTIFFS NEED TO PROVE THAT TO WIN, AND THEY HAVEN'T.

21 OKAY. LET'S TALK A LITTLE BIT AGAIN ABOUT
22 DR. MURRAY. WHAT DO WE KNOW, OR WHAT DID WE KNOW, I
23 SHOULD SAY, IN 2009? THE FIRST THING WE KNOW WAS THAT
24 DR. MURRAY WAS HIS LONGTIME DOCTOR, HE'D BEEN TREATING
25 MR. JACKSON AND HIS FAMILY FOR YEARS, AND FOR THAT
26 REASON ALONE, A.E.G. LIVE HAD NO REASON TO DOUBT
27 DR. MURRAY.

28 MR. JACKSON HAD ALREADY VETTED HIM BY

1 SELECTING HIM AS HIS FAMILY DOCTOR, AND HE HAD BEEN
2 DOING IT FOR YEARS, APPARENTLY WITHOUT ISSUE.

3 MR. JACKSON LIKED DR. MURRAY. REMEMBER, HE TOLD
4 MR. ADAMS IN LAS VEGAS THAT DR. MURRAY WAS A VERY
5 PROFESSIONAL DOCTOR.

6 THAT'S WHAT HE SAID. THEY'RE MR. JACKSON'S
7 WORDS. AND IN FEBRUARY 2009, HE TOLD DR. SLAVIT THAT
8 DR. MURRAY WAS HIS PERSONAL PHYSICIAN WHO WAS CARING
9 FOR HIM REGULARLY. HE TOLD DR. SLAVIT THAT HE LIKED
10 DR. MURRAY AND WAS SATISFIED WITH THE CARE THAT HE WAS
11 RECEIVING FROM DR. MURRAY.

12 PLAINTIFFS, AGAIN, MAY TRY TO DISTANCE
13 THEMSELVES. YOU HEARD MR. PANISH SAY YESTERDAY THAT
14 MR. JACKSON ONLY SAW DR. MURRAY SEVEN TIMES FROM THE
15 BEGINNING OF 2006 TO THE BEGINNING OF 2009. NOW, ONE
16 MIGHT SAY THAT'S REGULARLY.

17 BUT WHETHER YOU DO OR NOT, YOU KNOW WHAT
18 MR. JACKSON WAS SAYING, THAT IT WAS HIS PERSONAL
19 DOCTOR. PLAINTIFFS DON'T WANT YOU TO THINK THAT
20 MR. JACKSON PICKED DR. MURRAY, THAT HE LIKED
21 DR. MURRAY, THAT DR. MURRAY WAS HIS DOCTOR FOR YEARS,
22 BUT THOSE ARE THE FACTS.

23 THAT'S THE EVIDENCE. JUST LOOK AT
24 MR. JACKSON'S MEDICAL RECORDS. THEY PROVE IT. NOT
25 ONLY WAS DR. MURRAY MR. JACKSON'S LONGTIME DOCTOR,
26 THERE WAS NOTHING IN HIS BACKGROUND -- IN DR. MURRAY'S
27 BACKGROUND THAT REMOTELY SUGGESTED THAT HE POSED ANY
28 RISK OF HARMING ANYONE.

1 REMEMBER THE IDEA OF A NEGLIGENT HIRING IS
2 THAT COMPANIES AREN'T SUPPOSED TO HIRE SOMEONE WHEN
3 SOMETHING IN THEIR BACKGROUND SHOWS THAT THEY ARE UNFIT
4 OR INCOMPETENT. THERE'S NOTHING LIKE THAT HERE. THERE
5 WAS NOTHING TO INDICATE THERE WAS ANY ISSUE WITH
6 DR. MURRAY.

7 IN MAY 2009, BACK WHERE YOU HAVE TO LOOK,
8 DR. MURRAY WAS A LICENSED PHYSICIAN. HE WAS LICENSED
9 IN FOUR DIFFERENT STATES. THAT'S THE EVIDENCE. HE HAD
10 OFFICES IN SEVERAL STATES. HIS LICENSE TO PRACTICE
11 MEDICINE HAD NEVER BEEN SUSPENDED, AND HE HAD NEVER
12 BEEN SUED FOR MALPRACTICE.

13 AND IN CALIFORNIA, GETTING A LICENSE
14 INCLUDES A FINGERPRINT SCAN AND A CRIMINAL BACKGROUND
15 CHECK. DR. MURRAY PASSED THAT CHECK IN CALIFORNIA AND
16 THREE OTHER STATES. HE HAD A VALID MEDICAL LICENSE
17 FROM THE TIME HE FIRST STARTED PRACTICING THROUGH
18 MR. JACKSON'S PASSING, AND THAT MEDICAL LICENSE WAS
19 NEVER SUSPENDED.

20 DR. MURRAY WENT TO A GOOD MEDICAL SCHOOL,
21 HE HAD GOOD RESIDENCIES AND GOOD INTERNSHIPS, AND
22 DR. MURRAY WAS NOT A KNOWN PROBLEM. HE DIDN'T HAVE A
23 HISTORY OF GIVING CELEBRITIES ANYTHING THEY WANTED. HE
24 WAS A CARDIOLOGIST, HE WAS AN INTERNIST, HE HAD FOUR
25 PRACTICES, HE TREATED PASTORS AND MEMBERS OF LOCAL
26 CHURCHES.

27 HE HAD NEVER GIVEN ANYONE PROPOFOL BEFORE.
28 HE'D NEVER BEEN ACCUSED OF GIVING SOMEONE TOO MUCH

1 MEDICATION, MEDICATION THEY DIDN'T NEED. THIS ISN'T
2 SOME SITUATION WHERE SOMEBODY HIRES A DRIVER WITH A
3 HISTORY OF RECKLESS DRIVING, OR GIVES A GUY WITH A
4 HISTORY OF VIOLENCE ACCESS TO WEAPONS.

5 DR. MURRAY HAD NO HISTORY OF OVERDOSING
6 PATIENTS. HE HAD A HISTORY OF BEING A DEDICATED
7 DOCTORS, DEDICATED TO HIS PATIENTS. THAT'S WHAT WAS
8 KNOWABLE IN 2009. AND IN SPITE OF ALL OF THIS,
9 PLAINTIFFS SAY A.E.G. LIVE SHOULD HAVE SOMEHOW KNOWN
10 THAT DR. MURRAY WAS GOING TO GIVE MICHAEL JACKSON AN
11 OVERDOSE OF A DRUG THEY NEVER HEARD OF CALLED PROPOFOL.

12 BUT A.E.G. LIVE DID NOT HAVE A CRYSTAL
13 BALL. SO WHAT DOES MR. PANISH DO? THEY INVENT THINGS
14 THAT A.E.G. LIVE SHOULD HAVE DONE. THEY INVENT THINGS
15 THAT A.E.G. LIVE SHOULD HAVE SEEN. THEY MADE TWO MAIN
16 ARGUMENTS. FIRST THEY SAID THAT A.E.G. LIVE SHOULD
17 HAVE RUN A CREDIT CHECK.

18 A.E.G. LIVE SHOULD HAVE FIGURED OUT
19 DR. MURRAY WAS IN DEBT, THEN THEY SHOULD HAVE REFUSED
20 TO ADVANCE HIM MONEY IF HE WENT ON TOUR. SECOND,
21 MR. PANISH ARGUES ALL THE SO-CALLED RED FLAGS. ALL
22 THAT TALK ABOUT MR. JACKSON'S HEALTH, THE "TROUBLE AT
23 THE FRONT" E-MAILS, ALL OF THAT SHOULD HAVE MADE A.E.G.
24 THINK DR. MURRAY WAS HARMING MR. JACKSON, THAT HE WAS
25 GOING TO KILL HIM.

26 LET'S TALK ABOUT EACH OF THOSE. BACKGROUND
27 CHECK FIRST. HEARD A LOT ABOUT IT. PLAINTIFFS SAY
28 A.E.G. LIVE SHOULD HAVE CONDUCTED A BACKGROUND CHECK ON

1 DR. MURRAY. AND NOT JUST ANY BACKGROUND CHECK, BUT AN
2 EXTENSIVE CHECK, AN EXTENSIVE INVESTIGATION OF HIS
3 PERSONAL FINANCES; AND BASED ON DR. MURRAY'S FINANCES,
4 A.E.G. LIVE SHOULD HAVE REALIZED THAT HE WASN'T A GOOD
5 DOCTOR.

6 MEMBERS OF THE JURY, THAT'S ANOTHER
7 ARGUMENT THAT DOES NOT MAKE ANY SENSE. YOU HEARD FROM
8 MS. SEAWRIGHT, THEIR EXPERT, MS. YOUNG, OUR EXPERT,
9 MR. TRELL, THAT BACKGROUND CHECKS ARE GENERALLY NOT
10 DONE ON INDEPENDENT CONTRACTORS, ANY BACKGROUND CHECK.
11 AND WHY?

12 BECAUSE INDEPENDENT CONTRACTORS ARE JUST
13 THAT, INDEPENDENT. THEY'RE RESPONSIBLE FOR THEIR OWN
14 CONDUCT. THEY AREN'T SUPERVISED. PLAINTIFFS TALKED
15 EARLIER ABOUT SUPERVISION, BUT YOU HEARD FROM MR. TRELL
16 AND MS. YOUNG THAT INDEPENDENT CONTRACTORS AREN'T
17 SUPERVISED, AND PLAINTIFFS DIDN'T GIVE YOU ANY EVIDENCE
18 SHOWING OTHERWISE.

19 PLAINTIFFS SHOWED YOU PART OF MR. TRELL'S
20 DEPOSITION YESTERDAY, BUT THEY DIDN'T SHOW YOU ALL OF
21 IT. AND IF THEY'D SHOWN YOU THE REST OF IT, YOU'D SEE
22 WHERE MR. TRELL TESTIFIED IN NO UNCERTAIN TERMS THAT
23 A.E.G. LIVE DOESN'T SUPERVISE INDEPENDENT CONTRACTORS
24 WHO PROVIDE PERSONAL SERVICES TO ARTISTS. IT DOESN'T
25 DO THAT.

26
27 (A VIDEO RECORDING WAS PLAYED.)
28

1 MR. PANISH: YOUR HONOR, IS THIS IN EVIDENCE?

2 MR. PUTNAM: YOU DIDN'T SEE THAT PART. AND EVEN
3 FOR THOSE WHO ARE SUPERVISED, AS YOU SAW MR. TRELL SAY
4 YESTERDAY, IT'S NOT ABOUT HOW THEY DO THE WORK, JUST
5 CHECKING AT THE VERY HIGHEST LEVEL WHETHER IT WAS DONE
6 OR NOT. THAT'S WHAT HE SAID YESTERDAY IN THE CLIP THEY
7 SHOWED YOU.

8 THAT'S BECAUSE INDEPENDENT CONTRACTORS ARE
9 EXPERTS IN THEIR FIELDS. WHETHER THEY'RE PAINTERS,
10 PLUMBERS, ELECTRICIANS, DOCTORS, THEY HAVE AN EXPERTISE
11 IN THEIR OWN FIELD THAT THE PERSON WHO IS HIRING THEM
12 DOES NOT HAVE.

13 YOU DON'T TELL AN ELECTRICIAN HOW TO WIRE A
14 HOUSE, OR A PLUMBER HOW TO FIX A RUNNY PIPE, AND YOU
15 CERTAINLY DON'T TELL A DOCTOR HOW TO DO THEIR JOB.
16 A.E.G. LIVE WAS NEVER GOING TO BE IN A POSITION TO
17 SUPERVISE DR. MURRAY BECAUSE THEY HAD NO ABILITY TO
18 TELL HIM HOW TO TREAT A PATIENT.

19 THEY DIDN'T KNOW HOW. BACKGROUND CHECKS
20 ARE UNHEARD OF FOR DOCTORS. WHY? THE CALIFORNIA
21 MEDICAL BOARD DOES ITS OWN BACKGROUND CHECKS ON
22 DOCTORS, AS I JUST TOLD YOU. IT DOES THAT BEFORE IT
23 LICENSES DOCTORS. AND KATHY JORRIE, A.E.G. LIVE'S
24 DOCTOR (SIC), SHE CHECKED TO MAKE SURE DR. MURRAY WAS A
25 LICENSED DOCTOR.

26 SHE TESTIFIED TO THAT. SHE CHECKED. SHE
27 CHECKED HIM OUT. NOW, SHE DIDN'T DO A CREDIT CHECK,
28 BUT THERE WAS NO REASON TO DO SO. WHY NOT? WELL,

1 BECAUSE ANY BACKGROUND CHECK A.E.G. LIVE DID ON
2 DR. MURRAY WOULD HAVE TO BE JOB RELATED.

3 DO YOU REMEMBER THE EXPERTS TALKING ABOUT
4 THAT IDEA, JOB-RELATED CHECKS? A DOCTOR'S FINANCES
5 HAVE ABSOLUTELY NOTHING TO DO WITH WHETHER A DOCTOR IS
6 GOOD AT HIS JOB OR NOT. MR. PANISH TOLD YOU YESTERDAY
7 THAT ALL A.E.G. LIVE NEEDED WAS DR. MURRAY'S SIGNATURE
8 TO RUN A CREDIT CHECK ON HIM.

9 THAT'S NOT TRUE. YOU HEARD MS. YOUNG TALK
10 ABOUT HOW CREDIT CHECKS MUST BE RELATED TO THE
11 APPLICANT'S JOB. A COMPANY LIKE A.E.G. LIVE CANNOT
12 LEGALLY RUN A CREDIT CHECK ON SOMEONE UNLESS IT IS
13 NECESSARY FOR THEIR JOB. YOU GET IN A LOT OF TROUBLE
14 FOR THAT.

15 NOW THINK BACK TO 2009 ESPECIALLY.
16 DR. MURRAY WASN'T THE ONLY PERSON IN THIS COUNTRY IN
17 FINANCIAL TROUBLE. HE WASN'T THE ONLY ONE WITH A HOUSE
18 IN FORECLOSURE, AND CERTAINLY NOT IN LAS VEGAS. THAT'S
19 WHY MOST COMPANIES DON'T AND AREN'T ALLOWED TO KNOW
20 EVERY SINGLE DETAIL OF ONE'S FINANCIAL -- OF A
21 FINANCIAL -- EVERY FINANCIAL DETAIL OF A PERSON THAT
22 THEY'RE THINKING OF HIRING.

23 YOU'VE HEARD TESTIMONY IN THIS CASE THAT
24 STANFORD UNIVERSITY, THE CALIFORNIA MEDICAL BOARD, THEY
25 DON'T RUN THOSE CHECKS ON THEIR DOCTORS; BUT PLAINTIFFS
26 WANT YOU TO HOLD A.E.G. LIVE TO A HIGHER STANDARD, ONE
27 THAT DOESN'T APPLY TO OTHERS.

28 AND THE STANDARD YOU MUST APPLY, THAT'S

1 WHAT WOULD A REASONABLE PERSON DO. YOU HEARD THAT
2 YESTERDAY. AND THE TRUTH IS ANY REASONABLE PERSON
3 WOULD ASSUME THAT A DOCTOR IS GOING TO ACT -- ACT
4 ETHICALLY, EVEN IF THEY'RE IN DEBT. THAT'S WHAT THEY
5 PROMISE TO DO.

6 THAT'S THEIR HIPPOCRATIC OATH. DOCTORS
7 SWEAR IN THAT OATH TO DO NO HARM AND TO PUT PATIENTS
8 FIRST, AND A.E.G. LIVE HAD EVERY RIGHT TO EXPECT THAT
9 DR. MURRAY WOULD FOLLOW HIS HIPPOCRATIC OATH. THERE'S
10 AN INSTRUCTION OF LAW THAT YOU RECEIVED ON THIS, AS
11 WELL.

12 YOU WERE INSTRUCTED THAT, QUOTE, EVERY
13 PERSON HAS A RIGHT TO EXPECT THAT EVERY OTHER PERSON
14 WILL USE REASONABLE CARE. A.E.G. LIVE HAD A RIGHT TO
15 EXPECT DR. MURRAY TO BE JUST LIKE THAT, TO DO JUST
16 THAT, LIKE ALL DOCTORS. A DOCTOR WOULD NOT VIOLATE THE
17 LAW OR HIS HIPPOCRATIC OATH, THEY HAD THE RIGHT TO
18 EXPECT THAT.

19 REMEMBER, HE HAD NEVER HARMED A PATIENT
20 BEFORE. PLAINTIFFS HAVE TO PROVE THAT A.E.G. LIVE KNEW
21 OR SHOULD HAVE KNOWN THAT DR. MURRAY MIGHT,
22 NONETHELESS, HARM MR. JACKSON. SHOWING THAT DR. MURRAY
23 WAS IN DEBT JUST DOESN'T CUT THAT.

24 NOTHING IN DR. MURRAY'S BACKGROUND SUGGESTS
25 THAT HE WOULD BE DANGEROUS. NOTHING. NOW LET'S GO TO
26 THE RED FLAGS. ONE OF THOSE IS PAST DRUG USE.
27 PLAINTIFFS SAY THAT MR. GONGAWARE, PAUL GONGAWARE, KNEW
28 BACK IN 1993 WHAT THE WHOLE WORLD KNEW, THAT

1 MR. JACKSON HAD A PROBLEM WITH PAINKILLERS.

2 PLAINTIFFS CLAIM THIS MEANS THAT A.E.G.
3 LIVE SHOULD HAVE IMMEDIATELY BEEN SUSPICIOUS WHEN
4 MR. JACKSON TOLD A.E.G. THAT HE WAS BRINGING HIS DOCTOR
5 ON TOUR TWO DECADES LATER. THAT PRIOR DRUG USE SAYS
6 NOTHING ABOUT DR. MURRAY. THAT'S NOT EVIDENCE THAT
7 A.E.G. LIVE KNEW THAT DR. MURRAY WAS A PROBLEM, THAT
8 THEY KNEW WHAT DR. MURRAY WAS DOING.

9 REMEMBER, DR. MURRAY DIDN'T PRESCRIBE A
10 SINGLE OPIATE PAINKILLER. NEVER. HE DIDN'T. ALL THE
11 EVIDENCE SHOWS THAT MR. GONGAWARE KNEW IN 1993 WHAT THE
12 WHOLE WORLD KNEW; THAT MR. JACKSON HAD A PROBLEM WITH
13 PAINKILLERS, AND THAT HE WENT OUT AND GOT HELP FOR THAT
14 PROBLEM. HE'D GONE INTO REHAB.

15 YOU HEARD FROM MR. GONGAWARE AND FROM
16 JOHN MEGLLEN, THE TWO A.E.G. LIVE EXECUTIVES WHO FIRST
17 MET WITH MR. JACKSON IN 2007. MR. GONGAWARE DIDN'T SEE
18 ANY SIGNS OF DRUG USE FROM MICHAEL JACKSON DURING THOSE
19 NEGOTIATIONS IN 2007 OR 2008 OR IN 2009. NEITHER DID
20 MR. MEGLLEN.

21 AND MR. JACKSON'S SECURITY OFFICER, HIS
22 SECURITY OFFICER, MR. LAPERRUQUE -- DO YOU REMEMBER
23 HIM? HE BACKED MR. GONGAWARE AND MR. MEGLLEN UP.
24 MR. JACKSON SEEMED TOTALLY CLEAN DURING THOSE
25 NEGOTIATIONS. HE WAS THERE. REMEMBER, HE BROUGHT HIM
26 TO AND FROM?

27 HE LOOKED GREAT, SOUNDED GREAT, WAS
28 CLEAR-EYED, HE WAS FOCUSED. THAT'S MR. JACKSON'S

1 SECURITY GUARD SAYING THAT. THE SAME ONE, REMEMBER,
2 WHO YEARS BEFORE RECALLED THE SLURRED PHONE CALLS LATE
3 AT NIGHT. HE KNEW WHAT TO LOOK FOR. THE SAME ONE WHO
4 REVIVED MR. JACKSON IN AN APPARENT OVERDOSE AFTER HIS
5 CHILDREN CALLED 911 AT DISNEY WORLD.

6 DO YOU REMEMBER HIM? HE'S THE ONE WHO
7 LATER NOW BROUGHT MR. JACKSON TO AND FROM THESE
8 MEETINGS, AND HE SAID MR. JACKSON LOOKED GREAT. AND
9 THAT'S WHAT A.E.G. LIVE SAW, AS WELL. NOW, FEBRUARY
10 2009, AFTER THE DEAL WITH MR. JACKSON WAS SIGNED,
11 MR. JACKSON PASSED A PHYSICAL.

12 REMEMBER, IT WAS -- WITH FLYING COLORS,
13 THAT WAS THE QUOTE. THAT WAS DR. SLAVIT AGAIN. HE WAS
14 DOING THE PHYSICAL SO MR. JACKSON AND A.E.G. LIVE
15 TOGETHER COULD GET INSURANCE FOR THE TOUR. BUT
16 MR. JACKSON DIDN'T TELL DR. SLAVIT ANYTHING ABOUT
17 PAINKILLERS OR INSOMNIA, STUFF HE'D BEEN STRUGGLING
18 WITH FOR DECADES.

19 DR. SLAVIT COULD ONLY MAKE A DECISION BASED
20 ON WHAT HE WAS TOLD, ON WHAT HE SAW, ON THE HEALTHY
21 INDIVIDUAL STANDING IN FRONT OF HIM. SO HE ISSUED A
22 REPORT GIVING MR. JACKSON A CLEAN BILL OF HEALTH. AS A
23 RESULT, A.E.G. LIVE BELIEVED MR. JACKSON WAS PERFECTLY
24 HEALTHY, HE HAD PUT THOSE DAYS OF DRUG USE BEHIND HIM
25 FROM TWO DECADES BEFORE WHEN HE WAS YOUNGER.

26 THAT WAS GONE. HE WAS NOW A 50-YEAR-OLD
27 MAN WITH KIDS, READY TO RETURN TO THE WORLD STAGE. HE
28 WAS READY FOR HIS REDEMPTION, AND THAT'S WHAT A.E.G.

1 LIVE SAW. PERHAPS MORE IMPORTANT, A.E.G. LIVE HEARD
2 FROM MR. JACKSON HIMSELF THAT HE WAS HEALTHY, THAT HE
3 WAS READY TO PERFORM.

4 MR. JACKSON TOLD A.E.G. LIVE THAT HE WAS
5 HEALTHY, THAT THERE WERE NO HEALTH CONCERNS THAT WOULD
6 INTERFERE WITH HIS ABILITY TO TOUR. NOW, HOW DO WE
7 KNOW THAT? BECAUSE THAT'S THE PROMISE HE MADE IN HIS
8 CONTRACT WITH A.E.G. LIVE.

9 THAT'S WHAT MR. JACKSON TOLD A.E.G. LIVE,
10 AND THAT'S WHAT A.E.G. LIVE BELIEVED, AND CERTAINLY
11 WHAT THEY SAW. AND YOU CAN SEE IT RIGHT THERE FOR
12 YOURSELF. THAT'S EXHIBIT 66, PAGE 10. AT THE END OF
13 THE DAY, WHAT PLAINTIFFS ARE SAYING IS THAT NO
14 REASONABLE PERSON COULD POSSIBLY BELIEVE MR. JACKSON
15 WAS TELLING THE TRUTH.

16 WHEN MR. JACKSON SAID HE WAS HEALTHY ENOUGH
17 TO DO THE TOUR, A.E.G. LIVE APPARENTLY SHOULD HAVE
18 ASSUMED HE WAS LYING. BECAUSE OF A PAINKILLER PROBLEM
19 TWO DECADES BEFORE FOR WHICH HE HAD GONE TO REHAB?
20 MEMBERS OF THE JURY, THAT ALSO DOESN'T MAKE SENSE.

21 A REASONABLE PERSON IN MR. GONGAWARE'S
22 POSITION WOULD BELIEVE EXACTLY WHAT MR. GONGAWARE DID
23 BELIEVE IN 2009; THAT MR. JACKSON WAS CLEAN, SOBER, AND
24 HONEST. BY ALL APPEARANCES, THAT WAS TRUE. NOW, THE
25 5 MILLION.

26 LET'S TALK ABOUT THAT FOR A MOMENT, THIS
27 RED FLAG, WHICH IS THAT DR. MURRAY FIRST ASKED
28 PAUL GONGAWARE FOR A LOT OF MONEY, \$5 MILLION, TO GO ON

1 TOUR WITH MR. JACKSON. NOW, THEY SAY THAT BECAUSE
2 DR. MURRAY ASKED FOR SUCH -- SO MUCH MONEY, A.E.G. LIVE
3 SHOULD HAVE REALIZED INSTANTLY THAT THERE WAS SOMETHING
4 SUSPICIOUS ABOUT THAT, HE MUST BE A BAD DOCTOR.

5 ASKING FOR A LARGE AMOUNT OF MONEY DOES NOT
6 MAKE SOMEONE A BAD DOCTOR OR A BAD PERSON. MAYBE A BAD
7 NEGOTIATOR, BUT NOT A BAD DOCTOR, AND ONE MIGHT EVEN
8 ARGUE NOT A BAD NEGOTIATOR. JUST BECAUSE SOMEONE ASKED
9 FOR A LOT OF MONEY, THAT CERTAINLY DOESN'T MEAN THEY'RE
10 GOING TO GO ON TO COMMIT THE CRIME OF MANSLAUGHTER.

11 THINK ABOUT THAT. DOES THAT MAKE SENSE?
12 THIS IS THE KING OF POP WE'RE TALKING ABOUT HERE. HE
13 SAID IT I DON'T KNOW HOW MANY TIMES YESTERDAY. EVERY
14 SINGLE PERSON A.E.G. LIVE NEGOTIATED A CONTRACT FOR WAS
15 ASKING FOR TOP DOLLAR. YOU SAW THAT WITH KENNY ORTEGA,
16 WITH TRAVIS PAYNE, WITH KAREN FAYE.

17 A.E.G. LIVE HAD NO REASON TO THINK TWICE
18 ABOUT A BIG INITIAL ASK. IT HAPPENED ALL THE TIME, IT
19 WAS NOT UNUSUAL. YOU START HIGH AND NEGOTIATE DOWN.
20 MR. GONGAWARE TESTIFIED TO THAT HIMSELF. HE SAID IT'S
21 NOT UNUSUAL IN HIS BUSINESS TO, QUOTE, SEE PEOPLE
22 ASKING FOR WAY TOO MUCH MONEY, END QUOTE.

23 THE FACT THAT DR. MURRAY ASKED FOR
24 \$5 MILLION DOESN'T SAY ANYTHING ABOUT WHAT DR. MURRAY
25 DID BEHIND CLOSED DOORS. ALL RIGHT. THE FACT OF THE
26 DOCTOR, THAT'S THE NEXT RED FLAG. PLAINTIFFS HAVE
27 ARGUED THAT THE MERE FACT THAT MR. JACKSON ASKED FOR A
28 DOCTOR SHOULD HAVE CAUSED A.E.G. LIVE CONCERN BECAUSE

1 IT WAS AN UNUSUAL REQUEST.

2 REMEMBER, ALL THESE WERE ABOUT MR. JACKSON.
3 NOW, YOU DON'T SEE ANYBODY ELSE SAYING THAT. YOU SEE
4 PLAINTIFFS' COUNSEL SAYING THAT. THE WITNESSES DIDN'T
5 SAY IT, AND THE EVIDENCE DOESN'T SUPPORT IT.
6 MR. PANISH SAID YESTERDAY THAT MR. BERMAN SAID IT WAS
7 HIGHLY UNUSUAL TO BRING A DOCTOR ON TOUR.

8 MR. BERMAN WOULDN'T KNOW. REMEMBER, HE'S A
9 RECORD EXECUTIVE. THAT'S WHAT HE DID FOR A LIVING. HE
10 NEVER ONCE IN HIS WHOLE LIFE WORKED ON A TOUR. HE
11 ADMITTED THAT. LISTEN TO THE EVIDENCE FROM PEOPLE WHO
12 ACTUALLY HAVE EXPERIENCE ON TOURS, EVIDENCE THAT
13 ACTUALLY WAS PRESENTED IN THIS TRIAL.

14 STACY WALKER, SHE WAS A DANCER,
15 CHOREOGRAPHER. REMEMBER HER? SHE CAME IN -- REMEMBER
16 WE HAD TO BRING HER IN A LITTLE EARLY BECAUSE THEY WERE
17 GOING ON TOUR? SHE'S DONE THIS FOR 20 YEARS IN THIS
18 INDUSTRY, AND SHE TESTIFIED THAT IT'S NOT RARE FOR
19 DOCTORS TO GO ON TOURS.

20 MARTY HOM, AGAIN, AN EXPERT WITH YEARS OF
21 EXPERIENCE IN THE TOURING INDUSTRY. HE ALSO TESTIFIED
22 THAT DOCTORS GO ON TOURS WITH ARTISTS. SHAWN TRELL
23 IDENTIFIED THAT BOTH CELINE DION AND THE ROLLING
24 STONES, TWO OTHER BIG ARTISTS A.E.G. WORKS WITH, THEY
25 BOTH BROUGHT DOCTORS ON TOUR.

26 JOHN MEGLEN ALSO TESTIFIED THAT JOHN DENVER
27 BROUGHT A DOCTOR ON TOUR. SOME OF YOU WILL KNOW WHO
28 THAT IS. NOW, DR. METZGER, HE TESTIFIED. YOU HEARD

1 HIM. THAT WAS MR. JACKSON'S OWN PHYSICIAN FOR MANY
2 YEARS, AND HE TESTIFIED THAT HE WENT ON TOUR WITH
3 MR. JACKSON IN 1996, AND APPARENTLY DID NOTHING
4 INAPPROPRIATE.

5 THE FACT THAT MR. JACKSON ASKED FOR
6 DR. MURRAY SAYS NOTHING ABOUT WHAT DR. MURRAY WAS DOING
7 TO MR. JACKSON BEHIND LOCKED BEDROOM DOORS. WEIGHT.
8 OH, MY. WE HEARD A LOT ABOUT MR. JACKSON'S WEIGHT. A
9 PERSON'S WEIGHT, WHETHER OVER OR UNDER WHAT IT SHOULD
10 BE, DOESN'T MEAN THEY HAVE A BAD DOCTOR, ESPECIALLY IN
11 THIS CASE.

12 YOU HEARD DR. METZGER IDENTIFY THAT IT WAS
13 COMMON FOR MR. JACKSON TO LOSE SEVEN TO EIGHT POUNDS A
14 NIGHT WHEN HE WAS PERFORMING. AND YOU HEARD SIMILAR
15 TESTIMONY FROM KAREN FAYE AND DEBBIE ROWE. LET'S LOOK
16 AT THE FACTS HERE, THE FACTS, OF MR. JACKSON'S WEIGHT.
17 FIRST, ACCORDING TO THE CORONER, HE WASN'T UNDERWEIGHT
18 WHEN HE DIED.

19 HE WAS 136 POUNDS. AND AS THE CORONER --
20 THE CORONER ALSO TESTIFIED, MR. JACKSON'S BODY MASS
21 INDEX, WHEN WE TALK ABOUT B.M.I.'S, THAT WAS IN THE
22 NORMAL RANGE. HIS WEIGHT WAS NORMAL, HE WAS 136
23 POUNDS. AND THAT WAS ABOUT WHAT MR. JACKSON HAD
24 WEIGHED HIS ENTIRE ADULT LIFE.

25 HOW DO WE KNOW THAT? WE LOOKED AT ALL THE
26 MEDICAL RECORDS, AND THAT'S WHAT WE SAW. IT HARDLY
27 FLUCTUATED. BUT MR. PANISH SAYS HE WAS REALLY THIN IN
28 THIS ONE PICTURE FROM HIS DRESSING ROOM. LET'S LOOK AT

1 THAT PICTURE AGAIN. EVERY WITNESS WAS SHOWN IT.

2 THE BIGGEST PROBLEM WITH THIS PICTURE IS
3 THAT IT'S FROM MR. JACKSON'S DRESSING ROOM. WE DON'T
4 HAVE TO TALK ABOUT EVERYBODY CAN TAKE A BAD PICTURE,
5 IT'S FROM THE ANGLE. LET'S JUST LOOK AT THE SIMPLE
6 FACT OF IT. THIS WAS FROM HIS DRESSING ROOM.

7 NOBODY OUTSIDE THAT DRESSING ROOM EVER SAW
8 MR. JACKSON IN A THIN T-SHIRT. LOOK AT WHAT EVERYONE
9 ELSE SAW. THIS IS WHAT EVERYONE ELSE SAW. THIS IS
10 MR. JACKSON FOUR DAYS LATER, ON JUNE 23RD. AND YOU
11 HAVE TO LOOK AT WHAT PEOPLE ACTUALLY KNEW, WHAT DID
12 THEY SEE.

13 PEOPLE AREN'T GOING INTO MR. JACKSON'S
14 DRESSING ROOM FROM A.E.G. LIVE. YOU HAVE NO EVIDENCE
15 THAT THEY DID. REMEMBER AT REHEARSALS HE WORE JACKETS,
16 POOFY SHIRTS, ALL KINDS OF LAYERS? AND KENNY ORTEGA
17 WAS THERE. MR. ORTEGA TESTIFIED THAT HE NEVER SAW
18 MICHAEL JACKSON LOOK AS THIN AS HE APPEARS TO LOOK IN
19 THIS PICTURE.

20 HE SAID HE NEVER SAW HIM LIKE THAT. HE WAS
21 THERE EVERY DAY. HE NEVER SAW HIM LIKE THAT BECAUSE HE
22 WASN'T BACK IN THE DRESSING ROOM. AND KAREN FAYE
23 TESTIFIED THAT IT MIGHT HAVE BEEN DIFFICULT FOR OTHERS
24 ON THE TOUR WHO DIDN'T SEE MR. JACKSON IN HIS DRESSING
25 ROOM -- IT WOULD BE DIFFICULT FOR THEM TO NOTICE THE
26 WEIGHT LOSS. EXACTLY.

27 ONCE AGAIN, PLAINTIFFS WANT A.E.G. LIVE TO
28 BE AWARE OF WHAT MR. JACKSON DID IN HIS BEDROOM AT

1 NIGHT, AND WHAT HE DID WHEN HE WAS GETTING CHANGED.
2 THEY DIDN'T KNOW THAT, NOR SHOULD THEY. THE WHOLE
3 THINNESS THING IS JUST A BIG DISTRACTION. AS THE
4 CORONER TOLD YOU, MR. JACKSON DID NOT DIE BECAUSE HE
5 WAS TOO THIN.

6 AND WEIGHT LOSS IS NOT THE SORT OF THING
7 THAT WOULD LEAD ANY REASONABLE PERSON TO CONCLUDE THAT
8 MR. JACKSON'S DOCTOR WAS ADMINISTERING AN ANESTHESIA IN
9 HIS BEDROOM AT NIGHT. THEY DON'T CONNECT UP.

10 MR. JACKSON'S WEIGHT SAYS NOTHING ABOUT WHAT DR. MURRAY
11 WAS DOING BEHIND MR. JACKSON'S LOCKED BEDROOM DOORS.
12 DECLINING HEALTH.

13 WE TALKED ABOUT THE SUPPOSED DECLINING
14 HEALTH, AND THAT SOMEHOW WAS A RED FLAG THAT IDENTIFIED
15 DR. CONRAD MURRAY. SUPPOSEDLY HE'D BEEN IN DECLINE FOR
16 WEEKS OR MONTHS, AND EVERYONE SHOULD HAVE SEEN IT.
17 THAT'S THEIR CLAIM. THAT'S SIMPLY NOT TRUE.

18 AND EVEN IF IT WAS, IT DOESN'T MEAN THAT
19 DR. MURRAY WAS THE CAUSE. PEOPLE GET SICK AND THEY GET
20 TIRED. THAT DOESN'T MEAN THEIR DOCTORS ARE UNFIT OR
21 INCOMPETENT. IT DOESN'T MEAN THEIR DOCTOR IS THE CAUSE
22 OF THAT. THINK ABOUT THAT. WHEN YOU SEE SOMEONE ILL
23 AND THERE'S A PROBLEM, THEY HAVE A BAD DOCTOR?

24 THAT'S NOT HOW IT WORKS. REMEMBER, AS THE
25 JUDGE INSTRUCTED YOU, A PERSON IS NOT NEGLIGENT JUST
26 BECAUSE THEY DON'T TAKE AFFIRMATIVE STEPS TO SAVE
27 SOMEONE. THE ONLY WAY THAT DR. -- I'M SORRY -- THE
28 ONLY WAY THAT MR. JACKSON'S HEALTH MATTERS IS IF YOU

1 ALSO BELIEVE THAT SOMETHING ABOUT MR. JACKSON'S HEALTH
2 SHOULD HAVE PUT A.E.G. LIVE ON NOTICE THAT DR. MURRAY
3 POSED A DANGER TO MR. JACKSON AND OTHERS, AND THE
4 EVIDENCE JUST DOESN'T SUPPORT THAT.

5 LET'S TALK ABOUT THE ACTUAL EVIDENCE OF
6 THIS TIME PERIOD. REMEMBER THEY TALKED ABOUT EIGHT
7 WEEKS OF DECLINE? LET'S TALK ABOUT THAT. THE ONLY
8 EVIDENCE PLAINTIFFS HAVE FOR THEIR CLAIM THAT
9 MR. JACKSON WAS IN DECLINE FOR EIGHT WEEKS IS ONE
10 E-MAIL FROM A PRODUCTION MANAGER, BUGZEE HOUGDAHL.

11 THAT WAS ON JUNE 19, 2009, ALL THOSE
12 "TROUBLE AT THE FRONT" E-MAILS. DID MR. HOUGDAHL
13 REALLY THINK MR. JACKSON WAS DECLINING OVER EIGHT
14 WEEKS? WELL, LET'S LOOK AT WHAT HE WAS SAYING AT THE
15 TIME. BECAUSE FIVE DAYS BEFORE THIS E-MAIL, FIVE DAYS,
16 THERE WAS THE ONE THAT KENNY ORTEGA SENT TO
17 MR. GONGAWARE ON JUNE 14.

18 WE SAW IT EARLIER, SAW IT YESTERDAY, THE
19 ONE WHERE HE RAISED HIS CONCERNS THAT MR. JACKSON MIGHT
20 NEED A PHYSICAL THERAPIST OR A NUTRITIONIST.
21 MR. GONGAWARE FORWARDED THAT E-MAIL TO MR. HOUGDAHL;
22 AND IT WAS ALSO FORWARDED TO TRAVIS PAYNE, AS YOU MAY
23 RECALL.

24 AND REMEMBER THEIR RESPONSES. MR. PAYNE
25 SUGGESTED A MASSAGE CHAIR FOR MR. JACKSON. THAT'S WHAT
26 MR. PAYNE SAID. MR. HOUGDAHL SUGGESTED A CHEESEBURGER.
27 REMEMBER HE SAID HE JUST NEEDS A CHEESEBURGER AND
28 SOME -- WHAT WAS IT? -- BRATS? REMEMBER THAT WAS SAID?

1 NOW, IF MR. HOUGDAHL WAS REALLY SERIOUS,
2 REALLY CONCERNED ABOUT MR. JACKSON'S HEALTH OVER THE
3 PRIOR EIGHT WEEKS, HE WOULDN'T HAVE MADE A JOKE ABOUT
4 HIS WEIGHT JUST A FEW DAYS BEFORE. REMEMBER EVERYONE
5 WHO HAS TESTIFIED SAYS MR. HOUGDAHL WAS A CARING PERSON
6 WHO WOULDN'T JOKE IF HE THOUGHT MR. JACKSON WAS REALLY
7 IN TROUBLE.

8 THE FACT IS THAT NOBODY HAD SERIOUS
9 CONCERNS ABOUT MR. JACKSON AT THIS POINT IN TIME. DO
10 YOU THINK MR. PAYNE -- REMEMBER TRAVIS PAYNE, THE
11 CHOREOGRAPHER. AGAIN, HE CAME A BIT EARLY BECAUSE THEY
12 WERE GOING TO GO AWAY? THE FACT IS HE CAME IN AND HE
13 WAS WORKING WITH MR. JACKSON EVERY DAY AT HIS HOUSE.

14 DO YOU REMEMBER THAT TESTIMONY, THEY WERE
15 WORKING AT THE HOUSE? SO HE'S SEEING HIM ALL THE TIME.
16 DO YOU THINK HE WOULD HAVE SUGGESTED A MASSAGE CHAIR AT
17 THAT TIME PERIOD IF EVERYONE WAS CONCERNED ABOUT
18 MR. JACKSON'S DECLINING HEALTH OVER THE PAST EIGHT
19 WEEKS? THAT DOESN'T MAKE ANY SENSE.

20 IT'S EASY TO LOOK BACK WITH WHAT WE NOW
21 KNOW AND TRY TO CONNECT DOTS. THAT'S THAT HINDSIGHT
22 20/20 THING THAT WE TALKED ABOUT. REMEMBER WHAT
23 MR. PAYNE SAID ABOUT THAT. BUT YOU HAVE TO CONSIDER
24 WHAT PEOPLE KNEW AT THE TIME, ABOUT HOW THEY LOOKED
25 BACK AT IT.

26 AND REMEMBER AT THE TIME TRAVIS PAYNE WAS
27 WITH MR. JACKSON BASICALLY EVERY DAY, AND HAD BEEN FOR
28 EIGHT WEEKS. AND AT THE TIME, HE'D NEVER HAD ANY

1 INKLING ABOUT ANYTHING BEING WRONG. NOTHING. AND IF
2 HE DIDN'T, HOW SHOULD A.E.G. LIVE? HE WAS THERE EVERY
3 DAY, THEY WEREN'T.

4 IF HE DIDN'T HAVE AN INKLING, HOW COULD
5 THEY? THEY ONLY VISITED ON OCCASION TO REHEARSALS.
6 YOU HEARD THAT TESTIMONY. THAT DOESN'T MAKE SENSE.
7 THERE'S NO RED FLAG THERE. SO LET'S LOOK AT THE
8 TIMELINE OF THE SUPPOSED EIGHT-WEEK DECLINE.

9 EIGHT WEEKS BEFORE WOULD HAVE BEEN LATE
10 APRIL. ALL RIGHT? YOU HEARD FROM DR. METZGER, YOU
11 HEARD FROM DR. LEE, TWO HEALTHCARE PROFESSIONALS, THAT
12 MR. JACKSON APPEARED COMPLETELY HEALTHY IN APRIL. AND
13 EVERYONE WORKING ON THE TOUR SAID THE SAME THING. THE
14 SAME IS TRUE FOR MAY.

15 MR. LAPERRUQUE TESTIFIED THAT MR. JACKSON
16 LOOKED HAPPY, HE LOOKED GOOD AT HIS PARENTS'
17 ANNIVERSARY ON MAY 14. HE SAID MR. JACKSON WAS
18 LAUGHING, IN A GOOD MOOD. YOU REMEMBER, MR. LAPERRUQUE
19 KNEW WHAT IT LOOKED LIKE WHEN MR. JACKSON WASN'T IN
20 THAT STATE.

21 HE SAW HIM ON THE 14TH, TOOK HIM ASIDE --
22 MR. JACKSON ASIDE TO A ROOM DURING HIS PARENTS'
23 ANNIVERSARY PARTY. AND ASKED HOW HE LOOKED, HE SAID HE
24 LOOKED GREAT. HE SAID MR. JACKSON WAS LAUGHING AND IN
25 A GOOD MOOD. ALIF SANKEY, THE ASSISTANT CHOREOGRAPHER
26 ON THE SHOW, SHE SAID MR. JACKSON HAD A MAGICAL
27 PERFORMANCE ON JUNE 6TH, AND SHE SAID MR. JACKSON WAS
28 VERY EXCITED AND ENGAGED BEFORE THAT.

1 EVEN MS. FAYE, THE MAKEUP ARTIST, SHE
2 DIDN'T BECOME TRULY CONCERNED THAT SOMETHING MIGHT BE
3 WRONG WITH MR. JACKSON UNTIL THE LAST WEEK OF HIS LIFE.
4 THAT'S WELL INTO JUNE. THE ONLY THING ANYBODY NOTICED
5 IN MAY IS THAT SOMETIMES MR. JACKSON WAS A LITTLE
6 GROGGY AFTER VISITS TO HIS DERMATOLOGIST, DR. KLEIN,
7 FOR SKIN CARE, COSMETIC PROCEDURES.

8 THAT DIDN'T RAISE RED FLAGS BECAUSE HE
9 SEEMED TO BE GETTING LEGITIMATE TREATMENT FROM
10 DR. KLEIN. IT CERTAINLY DIDN'T RAISE RED FLAGS ABOUT
11 DR. MURRAY. NOBODY WAS SERIOUSLY CONCERNED ABOUT
12 MR. JACKSON'S HEALTH IN MAY. JUNE. LET'S LOOK AT
13 MR. JACKSON IN JUNE. I'LL SHOW YOU THIS. YOU SAW IT
14 AT TRIAL.

15 PAM?

16
17 (A VIDEO RECORDING WAS PLAYED.)

18
19 MR. PUTNAM: THAT'S JUNE. JUNE 5TH, 2009. HE
20 LOOKS GREAT, HE LOOKS INCREDIBLE. YOU SAW THE WHOLE
21 THING, AND IF YOU WANTED TO GO BACK AND SEE THE WHOLE
22 THING, YOU CAN DO SO. IT'S EXHIBIT 12927. THERE'S
23 NOTHING THAT REMOTELY SUGGESTS THAT MR. JACKSON WAS IN
24 TROUBLE, AND CERTAINLY NOTHING TO SUGGEST THAT HE WAS
25 BEING HARMED BY HIS LONG-TERM PERSONAL PHYSICIAN.

26 BECAUSE REMEMBER, YOU'RE BEING ASKED ABOUT
27 WHAT A.E.G. LIVE KNEW ABOUT DR. MURRAY. IT WASN'T
28 UNTIL AROUND THE END OF THE SECOND WEEK OF JUNE SOME

1 PEOPLE STARTED TO HAVE SOME CONCERNS, AROUND JUNE 14.
2 BUT WHAT WERE THOSE CONCERNS? AND THAT'S IMPORTANT,
3 BECAUSE THOSE CONCERNS WERE VERY SPECIFIC.

4 MR. ORTEGA WAS CONCERNED ABOUT
5 MR. JACKSON'S PREPAREDNESS FOR THE SHOWS; SPECIFICALLY
6 THAT HE MIGHT NOT BE IN GOOD ENOUGH PHYSICAL SHAPE OR
7 MIGHT BE SUFFERING FROM JOINT PAIN. HE WAS ALSO
8 CONCERNED ABOUT MR. JACKSON MAYBE NOT EATING ENOUGH TO
9 KEEP UP WITH THE WORKOUTS.

10 THAT'S WHY HE SUGGESTED ON JUNE 14TH, 2009,
11 THAT MR. GONGAWARE, WITHOUT INVADING M.J.'S PRIVACY --
12 DO YOU REMEMBER THAT? -- SEE IF MR. JACKSON COULD USE A
13 PHYSICAL THERAPIST OR A NUTRITIONIST. IN THE E-MAIL WE
14 TALKED ABOUT EARLIER, MR. GONGAWARE RESPONDED THAT HE
15 AND MR. DILEO, MR. JACKSON'S MANAGER, WERE WORKING ON
16 SETTING UP A MEETING WITH MR. JACKSON'S DOCTOR PER
17 MR. ORTEGA'S SUGGESTION.

18 AND MR. ORTEGA'S RESPONSE SHOWS THAT HE
19 UNDERSTOOD WHAT MR. GONGAWARE MEANT AT THE TIME. THINK
20 BACK TO WHAT WE TALKED ABOUT AT TRIAL. WOULD THEY BE
21 ASKING TO SEE HIM IF THEY HIRED HIM? DO YOU REMEMBER
22 ALL THOSE THINGS WITH THE "RE" LINE WITH THE STYLIST?
23 GO BACK AND LOOK AT THAT EXCHANGE.

24 THE TERM THERE WAS VERY SPECIFIC.
25 PREPAREDNESS. PLAINTIFFS WANT YOU TO BELIEVE THAT
26 MR. GONGAWARE WANTED MR. JACKSON TO PERFORM AT ALL
27 COSTS, AND WAS GOING TO PRESSURE DR. MURRAY TO ENSURE
28 THAT HE DID SO; BUT NOTHING IN THIS E-MAIL EVEN

1 SLIGHTLY SUGGESTS THAT.

2 LOOK AT THE WHOLE EXCHANGE, PUT IT IN THE
3 CONTEXT IT NEEDS TO BE PUT IN. AND REMEMBER AT THE
4 SAME TIME HE SENT THIS E-MAIL, MR. GONGAWARE ALSO
5 STARTED ASKING AROUND WHETHER ANYBODY COULD RECOMMEND A
6 GOOD PHYSICAL THERAPIST OR NUTRITIONIST FOR
7 MR. JACKSON.

8 YOU SAW THE EVIDENCE OF THAT, TOO.
9 MR. GONGAWARE WANTED NOTHING OTHER THAN TO HELP
10 MR. JACKSON ANY WAY HE COULD. HE WANTED MR. JACKSON'S
11 COMEBACK TO BE A SUCCESS. AND YOU HEARD THAT
12 MR. DILEO, MR. JACKSON'S MANAGER, SET UP MEETINGS WITH
13 HIMSELF, MR. JACKSON, DR. MURRAY, PAUL GONGAWARE AND
14 MR. PHILLIPS TO ADDRESS THESE EXACT ISSUES; NUTRITION,
15 STAMINA, PHYSICAL THERAPY.

16 AND DR. MURRAY ASSURED EVERYONE THAT
17 MR. JACKSON WAS FINE, DOING WELL. HE WAS DRINKING
18 THOSE SPECIAL SHAKES TO GAIN WEIGHT. THAT WAS THAT
19 MEETING. AND DON'T FORGET THIS IS THE FIRST TIME
20 ANYONE AT A.E.G. LIVE HAD MET DR. MURRAY IN PERSON.
21 PLAINTIFFS TRY TO PAINT A DARK PICTURE OF THIS MEETING.

22 MS. CHASE SAYS DR. MURRAY WAS UPSET AND
23 SAID, "I CAN'T HANDLE THIS SHIT." REMEMBER HE RUNS
24 OUT, "I CAN'T HANDLE THIS SHIT"? WELL, MS. CHASE, OF
25 COURSE, DIDN'T SAY ANY OF THIS UNTIL AFTER PLAINTIFFS'
26 LAWYER HIRED HER AND REPRESENTED HER AT HER DEPOSITION.

27 BUT EVEN IF HER TESTIMONY IS COMPLETELY
28 ACCURATE, IT SIMPLY DOESN'T PROVE WHAT PLAINTIFF

1 SUGGESTS. MAYBE DR. MURRAY WAS STRESSED ABOUT THE FACT
2 THAT HE WAS -- HE HAD JUST BEEN IN A LENGTHY MEETING
3 LYING TO A.E.G. LIVE AND MICHAEL JACKSON'S MANAGER
4 ABOUT WHAT WAS ACTUALLY GOING ON.

5 MAYBE THAT'S WHAT HAPPENED. OR MAYBE
6 DR. MURRAY WAS UPSET BECAUSE HE HAD REALIZED THAT HE
7 WAS WORKING FOR AN ADDICT, AND HE DIDN'T KNOW THAT
8 BEFORE, SO HE WAS IN OVER HIS HEAD. WE DON'T KNOW WHAT
9 HE WAS THINKING. BUT MR. PANISH WANTS YOU TO SPECULATE
10 THAT IT MUST BE SOMETHING BAD.

11 WHY ELSE WOULD HE HAVE RUN OUT AND SAID
12 THAT? BUT HE DOESN'T SAY WHAT. WHAT WAS THE BAD THING
13 THAT HE WAS RUNNING OUT FROM? WHAT WAS THE BAD THING
14 THAT HE WAS THINKING AS A RESULT OF HIM SAYING THAT?
15 WHAT HAPPENED AT THAT MEETING? IT'S SPECULATION.

16 CERTAINLY WHATEVER HAPPENED DIDN'T MAKE
17 MS. CHASE SUSPICIOUS THAT DR. MURRAY WAS HARMING
18 MR. JACKSON. SHE DIDN'T GET SUSPICIOUS FROM IT. SHE'S
19 THE ONE WHO SAW IT. SHE TESTIFIED THAT SHE LIKED
20 DR. MURRAY AND BELIEVED HE WAS A GOOD DOCTOR TAKING
21 GOOD CARE OF MR. JACKSON.

22 THAT WAS HER TESTIMONY, A PERSON WHO SAW
23 IT. IF IT DIDN'T MAKE MS. CHASE, WHO WAS THERE AT
24 CAROLWOOD WITH HIM AND MR. JACKSON EVERY DAY -- DIDN'T
25 MAKE HER SUSPICIOUS OF DR. MURRAY, WHY WOULD IT MAKE
26 A.E.G. LIVE SUSPICIOUS OF HIM? REMEMBER, IT IS
27 PLAINTIFFS' BURDEN TO PROVE THAT A.E.G. SHOULD HAVE
28 KNOWN THAT DR. MURRAY WAS UNFIT OR INCOMPETENT AND THAT

1 HE WAS LIKELY TO HARM MR. JACKSON.

2 THE QUESTION YOU HAVE TO ANSWER HERE IS
3 WHETHER PLAINTIFFS PROVED THAT. NOW LET'S GO BACK TO
4 ACTUAL EVIDENCE. THERE'S NO EVIDENCE THAT'S BEEN
5 PRESENTED TO YOU AT THIS TRIAL THAT MR. JACKSON
6 SUFFERED FROM ANYTHING OTHER THAN WEIGHT LOSS,
7 TIREDNESS, MUSCLE SORENESS AND NERVOUSNESS BEFORE
8 JUNE 19.

9 THERE'S NO EVIDENCE TO THE CONTRARY.
10 THAT'S ALL YOU'VE HEARD PRIOR TO JUNE 19. THESE
11 SYMPTOMS WOULDN'T MAKE ANYONE THINK DR. MURRAY WAS
12 GIVING ANESTHESIA TO MR. JACKSON IN HIS BEDROOM FOR
13 SLEEP. THERE MUST BE A REASONABLE EXPLANATION FOR
14 THOSE SYMPTOMS.

15 THE ONE EVERYONE BELIEVED AT THE TIME WAS
16 THAT A 50-YEAR-OLD MAN WHO HADN'T PERFORMED IN A DECADE
17 WAS TIRED, OUT OF SHAPE, AND VERY NERVOUS. THAT'S WHAT
18 THEY UNDERSTOOD AT THE TIME, AND IT MAKES SENSE.
19 MR. JACKSON -- MR. JACKSON'S SYMPTOMS SAY NOTHING ABOUT
20 WHAT DR. MURRAY WAS DOING IN MR. JACKSON'S LOCKED
21 BEDROOM.

22 NOW "TROUBLE AT THE FRONT." LET'S DEAL
23 WITH THOSE E-MAILS. REMEMBER THAT'S ON JUNE 19. AND
24 REMEMBER, AS WAS OFTEN THE CASE, THIS IS A DAY WHERE NO
25 A.E.G. LIVE EMPLOYEES ACTUALLY WERE PRESENT AT
26 REHEARSAL. SO REMEMBER THAT, THEY WEREN'T THERE.
27 PAUL GONGAWARE WASN'T THERE, RANDY PHILLIPS WASN'T
28 THERE, AND MR. JACKSON WAS ILL.

1 HE WAS CHILLED, HE HAD THE SHAKES, PEOPLE
2 WERE CONCERNED. KENNY ORTEGA WAS VERY CONCERNED.
3 BUGZEE HOUGDAHL WAS CONCERNED, AND THEY E-MAILED
4 MR. PHILLIPS AND MR. GONGAWARE ABOUT THEIR CONCERNS.
5 THEY WEREN'T THERE TO SEE THEM, THESE PEOPLE WERE
6 CONCERNED, THEY E-MAILED THEM.

7 NOW, PLAINTIFFS MADE A LOT OF THE E-MAILS
8 THAT NIGHT, "TROUBLE AT THE FRONT" THREAD. THEY SHOWED
9 THEM YESTERDAY, AND I ENCOURAGE YOU TO READ THE WHOLE
10 CHAIN, NOT JUST A HANDFUL OF WORDS THAT HAVE BEEN THE
11 FOCUS OF PLAINTIFFS' CASE.

12 PUT IT IN CONTEXT, GO READ ALL OF THEM, AND
13 REMEMBER IT'S ONE OF THOSE CHAINS THAT THEN BREAKS OFF
14 LIKE A TREE INTO OTHER CHAINS, THERE ARE PEOPLE
15 READING. LOOK AT THE CHAINS TOGETHER AND SEE WHAT
16 ACTUALLY HAPPENED. NONE OF THESE E-MAILS, NOT ONE,
17 SHOWED A.E.G. LIVE HAD REASON TO KNOW DR. MURRAY WAS
18 THE SOURCE OF MR. JACKSON'S PROBLEM THAT EVENING.

19 NO ONE KNEW WHAT THE PROBLEM WAS. THAT'S
20 WHAT EVERYONE SAID. YOU SEE IT IN THE E-MAILS, YOU SEE
21 IT IN TESTIMONY AT TRIAL. THEY DIDN'T KNOW WHAT WAS
22 WRONG, IS IT CHEMICAL OR PHYSIOLOGICAL? WAS
23 MR. JACKSON DOING THIS TO HIMSELF? THAT'S WHAT
24 KAREN FAYE SUSPECTED.

25 WAS HE HAVING PSYCHIATRIC PROBLEMS? WAS IT
26 THE FLU? WAS IT ONE OF HIS COSMETIC TREATMENTS FROM
27 DR. KLEIN? EVERYONE AGREES MR. JACKSON WAS SICK ON
28 JUNE 19TH, BUT NO ONE KNEW WHY. YOU HAVE TO GO BACK TO

1 WHAT THEY KNEW ON JUNE 19TH, 2009. NOR WOULD IT BE
2 SOMETHING ANY LAYPERSON COULD POSSIBLY FIGURE OUT.

3 IN FACT, EVEN THE EXPERTS DISAGREE TO THIS
4 DAY ABOUT WHAT THOSE SYMPTOMS WERE. THINK ABOUT IT.
5 YOU'VE BEEN SITTING AS JURORS IN THIS CASE FIVE MONTHS?
6 TESTIMONY FOR FOUR? IS THAT RIGHT? DO YOU KNOW TODAY
7 WHAT WAS WRONG WITH MR. JACKSON ON JUNE 19TH? DO YOU
8 KNOW? DID SOMEONE TELL YOU?

9 NO, BECAUSE NOBODY KNOWS. AND NONE OF
10 THESE SYMPTOMS POINTED TO DR. MURRAY, THAT HE WAS THE
11 REASON MR. JACKSON WAS ILL. REMEMBER, AS FAR AS ANYONE
12 AT A.E.G. LIVE KNEW, DR. MURRAY HAD BEEN MR. JACKSON'S
13 DOCTOR FOR YEARS THROUGH ALL OF THOSE GREAT
14 NEGOTIATIONS IN LAS VEGAS, THROUGH THE SIGNING OF THE
15 TOUR AGREEMENT, THROUGH THE WHOLE PERIOD.

16 MR. JACKSON BEING ILL ON ONE NIGHT, ONE
17 NIGHT, DOESN'T SUDDENLY HAVE EVERYBODY POINTING THEIR
18 FINGERS AT DR. MURRAY. WE CAN DO THAT IN RETROSPECT;
19 BUT AT THE TIME, THERE WAS NO REASON TO DO THAT. NOT
20 KNOWING WHAT IS WRONG WITH MR. JACKSON SAYS NOTHING
21 ABOUT WHAT DR. MURRAY WAS DOING WITH MR. JACKSON IN HIS
22 LOCKED BEDROOM.

23 PLAINTIFFS SPENT A LOT OF TIME ON
24 JUNE 19TH. TO BE FRANK WITH YOU, I WOULD SAY I BELIEVE
25 IT'S THEIR WHOLE CASE. BUT IT'S NOT THE WHOLE STORY.
26 BECAUSE WHAT HAPPENED AFTER JUNE 19TH WAS VERY, VERY
27 IMPORTANT BECAUSE MR. JACKSON CONTINUED TO CONCEAL WHAT
28 WAS REALLY GOING ON.

1 HE CONTINUED TO TELL EVERYONE HE WAS FINE
2 BECAUSE HE WANTED THIS TOUR. IT WAS HIS TOUR, HIS
3 DREAM AND HIS CHOICE. LET'S LOOK AT ONE OF
4 MR. ORTEGA'S E-MAILS FURTHER DOWN THE CHAIN. AND THIS
5 IS EXHIBIT 307.

6 MR. ORTEGA SAYS MR. JACKSON, QUOTE, REALLY
7 WANTS THIS, END QUOTE, AND QUOTE, IT WOULD SHATTER HIM,
8 BREAK HIS HEART, IF WE PULLED THE PLUG, END QUOTE. SO
9 WHAT DID A.E.G. LIVE DO? THEY DID WHAT ANY REASONABLE
10 PERSON IN THEIR POSITION WOULD DO. THEY LET
11 MR. JACKSON'S MANAGEMENT TEAM KNOW WHAT WAS GOING ON.

12 REMEMBER, MR. JACKSON HAD A WHOLE TEAM OF
13 ADVISORS. THEY WERE HIS TEAM. AND THEY ALL RECEIVED
14 THESE E-MAILS. AND THEN MR. PHILLIPS PERSONALLY MET
15 WITH MR. JACKSON TO SEE IF HE WAS OKAY. THESE "TROUBLE
16 AT THE FRONT" E-MAILS DIDN'T END WITH A.E.G. THEY THEN
17 SENT IT TO ALL OF HIS ADVISORS.

18 AND THE NEXT DAY, AT THE REQUEST OF
19 MR. JACKSON'S MANAGER, MR. PHILLIPS AND MR. ORTEGA MET
20 WITH MR. JACKSON AND HIS DOCTOR. THEY HADN'T SEEN
21 MR. JACKSON YET AFTER THIS EPISODE. IT WAS WHAT, 12
22 HOURS LATER, 14 HOURS LATER? AND BOTH MR. JACKSON AND
23 HIS DOCTOR TOLD MR. PHILLIPS AND TOLD MR. ORTEGA THAT
24 MR. JACKSON WAS FINE.

25 DR. MURRAY ASSURED THEM THAT HE HAD
26 MR. JACKSON'S HEALTH UNDER CONTROL. HE SAID MR. ORTEGA
27 SHOULD DIRECT THE SHOW AND LEAVE MR. JACKSON'S HEALTH
28 TO HIM. REMEMBER "STAY IN YOUR LANE"? MR. PANISH SAID

1 YESTERDAY THAT A.E.G. LIVE SAID THAT TO DR. MURRAY.
2 THAT'S NOT TRUE.

3 "STAY IN YOUR LANE" IS WHAT DR. MURRAY SAID
4 TO MR. ORTEGA AND TO MR. PHILLIPS. THAT'S WHAT THE
5 TESTIMONY IS. NOW LET'S TALK FOR A MINUTE ABOUT WHAT
6 MR. JACKSON HAD TO SAY, BECAUSE MR. JACKSON WAS THERE.
7 THEY WENT TO SEE HOW HE WAS DOING AND IF HE WAS OKAY.
8 MR. JACKSON -- SORRY.

9 BECAUSE MR. PANISH SAID YESTERDAY IT WAS
10 MR. PHILLIPS WHO REASSURED MR. ORTEGA, I WANT YOU TO
11 ACTUALLY LOOK AT WHAT HAPPENED. MR. JACKSON, A
12 50-YEAR-OLD MAN, TOLD HIS BUSINESS PARTNERS HE WAS
13 FINE. HE TOLD THEM HE WAS OKAY, HE WAS READY TO TAKE
14 THE REINS ON THE TOUR, AND HE TOLD MR. ORTEGA NOT TO BE
15 AFRAID, THERE WAS NOTHING TO WORRY ABOUT.

16 THOSE WERE MR. JACKSON'S WORDS IN THAT
17 MEETING. AND DR. MURRAY, MR. JACKSON'S LONG-TERM
18 PERSONAL PHYSICIAN, BACKED HIM UP. HE SAID MR. JACKSON
19 WAS FINE. WHATEVER HAD HAPPENED THE NIGHT BEFORE, HE
20 WAS BETTER, THE TOUR STAFF SHOULD STOP TRYING TO ACT
21 LIKE DOCTORS AND LEAVE MR. JACKSON'S HEALTH TO THEM.

22 MR. PANISH LIKES TO SAY A.E.G. LIVE SHOULD
23 HAVE DONE SOMETHING MORE, BUT WHAT MORE COULD A
24 REASONABLE PERSON DO WHEN A GROWN MAN SAYS HE'S FINE
25 AND DOESN'T NEED HELP? ON JUNE 20TH, MR. JACKSON WAS
26 MUCH BETTER. THE NEXT DAY, HE WAS MUCH BETTER.

27 HE WAS CALM, HE WAS CLEAR, HE WAS NORMAL,
28 AND HIS DOCTOR SAID HE WAS FINE. THAT'S THE TESTIMONY.

1 AND SO DID MR. JACKSON. AT THIS POINT, THERE WAS
2 NOTHING MORE FOR MR. ORTEGA OR MR. PHILLIPS TO DO.
3 NOW, OF COURSE, BEFORE THE MEETING, AS YOU ALL KNOW,
4 MR. -- DR. MURRAY ALSO CALLED MR. PHILLIPS.

5 DR. MURRAY CALLED MR. PHILLIPS, NOT THE
6 OTHER WAY AROUND, AND THEY SPOKE ON THE PHONE FOR ABOUT
7 20 MINUTES ON THE WAY TO THE MEETING. PLAINTIFFS TRIED
8 TO IMPLY THAT THERE WAS SOMETHING BAD OR IMPROPER ABOUT
9 THIS CALL; BUT THERE IS ZERO EVIDENCE, AGAIN, TO
10 SUPPORT THAT. ZERO.

11 AND REMEMBER, SPECULATION IS NOT EVIDENCE.
12 THIS IS THE ONLY ACTUAL EVIDENCE OF WHAT HAPPENED ON
13 THAT CALL, THE E-MAIL THAT MR. PHILLIPS WROTE RIGHT
14 AFTER IT ENDED. DR. MURRAY TOLD MR. PHILLIPS THE SAME
15 THING HE TOLD DR. (SIC) ORTEGA LATER THAT SAME DAY,
16 SAID THE SAME THING, "DON'T BE AN AMATEUR PHYSICIAN OR
17 PSYCHIATRIST. MICHAEL JACKSON IS FINE, HE IS
18 PHYSICALLY AND MENTALLY EQUIPPED TO PERFORM."

19 DR. MURRAY ASSURED MR. PHILLIPS THAT HE WAS
20 AT THE HOUSE WITH MR. JACKSON AND THAT MR. JACKSON WAS
21 FINE. THAT'S WHAT HAPPENED DURING THAT CALL. NOT SOME
22 SINISTER MEETING BETWEEN DR. MURRAY AND RANDY PHILLIPS,
23 WHICH IS WHAT THEY'D LIKE YOU TO BELIEVE.

24 AND WHAT ABOUT THIS PART THAT MR. PANISH
25 LOVES TO FOCUS ON, "I'M GAINING IMMENSE RESPECT FOR
26 DR. MURRAY, AND HE IS TOTALLY UNBIASED AND ETHICAL"?
27 THAT SHOWED THAT DR. MURRAY HAD COMPLETELY DECEIVED
28 MR. PHILLIPS, FOR THAT IS WHAT MR. PHILLIPS BELIEVED ON

1 JUNE 20TH, 2009, AND THAT'S WHAT YOU'RE SUPPOSED TO
2 LOOK TO.

3 HE DECEIVED HIM IN THE SAME WAY HE HAD
4 DECEIVED KAI CHASE, APPARENTLY, WHO WAS IN THE HOUSE
5 EVERY DAY. THE SAME WAY THAT HE HAD DECEIVED
6 MR. JACKSON'S SON PRINCE, WHO SAID THE SAME THING. AND
7 THE "WE CHECK EVERYONE OUT" -- YESTERDAY THEY SAID THAT
8 WAS A LIE.

9 THEY LOVE TO CLAIM THAT MR. PHILLIPS WAS
10 LYING HERE, USUALLY THEY'LL MOCK HOW HE SPEAKS. OKAY?
11 MR. PHILLIPS IS TALKING ABOUT HIS CONVERSATION WITH
12 KATHY JORRIE. SHE SAID SO. THEY DISCUSSED THAT
13 DR. MURRAY WAS SUCCESSFUL, HE HAD LICENSES AND
14 PRACTICES IN MULTIPLE STATES.

15 SHE IS A.E.G. LIVE'S OUTSIDE COUNSEL.
16 MR. PANISH SPENT A LOT OF TIME IN CLOSING ATTACKING
17 MR. PHILLIPS, DOING THE VOICES, MOCKING HIS MEMORY. ON
18 A BREAK, HE CAME BACK AND SAID, "I SHOULDN'T HAVE DONE
19 THAT." HE TRIED TO PAINT MR. PHILLIPS AS A LIAR; BUT
20 AT HIS DEPOSITION, PLAINTIFFS PLAYED A GAME OF GOTCHA.

21 THEY SHOWED HIM FOUR-YEAR-OLD E-MAILS IN A
22 CONTEXT THAT CONFUSED HIM; AND EVEN WHEN HE EXPLAINED
23 HIMSELF AT THE DEPOSITION, PLAINTIFFS SAY, "WELL, WAIT,
24 NOW -- SHOW THE OTHER E-MAILS." THEY THEN CAME BACK
25 HERE AND JUST PLAYED THE CONFUSED ANSWER PARTS AT TRIAL
26 INSTEAD OF THE CLEAR ONES. YOU SAW THAT.

27 REMEMBER THAT LINE WHERE MR. PHILLIPS ASKED
28 IF MR. PANISH WANTED THE TRUTH OR HIS TESTIMONY? DO

1 YOU REMEMBER THAT THAT THEY DID YESTERDAY? IT'S
2 BECAUSE HE HAD MADE A MISTAKE IN HIS TESTIMONY. HE
3 OWNED UP TO IT, AND HE TRIED TO EXPLAIN IT, BUT
4 MR. PANISH DIDN'T WANT TO HEAR THAT.

5 HE WANTED HIM TO REPEAT HIS MISTAKEN ANSWER
6 SO HE COULD CONTRADICT IT WITH THE TRUTH, OR TELL THE
7 TRUTH SO HE COULD CONTRADICT IT WITH MISTAKEN
8 TESTIMONY, A GAME OF GOTCHA WITH THE TRUTH BEING THE
9 LOSER. THAT'S NOT A SEARCH FOR THE TRUTH. IT'S UP TO
10 YOU TO DETERMINE WHETHER TO BELIEVE MR. PHILLIPS OR
11 NOT.

12 THAT'S YOUR DECISION. BUT I WANT YOU TO
13 THINK ABOUT WHETHER HIS TESTIMONY EVER CHANGED ON THE
14 POINTS THAT ARE MOST IMPORTANT HERE. MR. JACKSON
15 CHOOSING DR. MURRAY AND DETERMINING HE CAME -- THAT --
16 AND DEMANDING THAT HE COME ON TOUR, DID HE EVER CHANGE
17 THAT TESTIMONY? NO.

18 MR. JACKSON REASSURING MR. PHILLIPS AND
19 MR. ORTEGA ON JUNE 20TH? NO. MR. JACKSON'S AMAZING
20 PERFORMANCES ON JUNE 23RD AND 24TH? THE SAME, BECAUSE
21 THAT'S CONSISTENT. IT'S THE SAME THING HE SAID IN
22 JUNE 2009.

23 REMEMBER THE REST OF THAT VIDEO PLAINTIFFS
24 OFTEN LIKE TO SHOW A FEW SECONDS OF THAT WE HIRED HIM
25 ON, AND THEN WE CAME BACK AND SAID LOOK AT EVERYTHING
26 HE SAID UP TO THAT POINT? WE SHOWED YOU THE WHOLE
27 THING, AND MR. PHILLIPS SAID ALL THE SAME THINGS ABOUT
28 DR. MURRAY JUST ONE WEEK AFTER MR. JACKSON'S DEATH, AND

1 HE DID IT IN THIS COURT AND AT HIS DEPOSITION.

2 AND IT'S ALSO THE SAME STORY IN HIS E-MAILS
3 AT THE TIME, YOU CAN SEE. THE TAKE-AWAY FROM THE
4 "TROUBLE AT THE FRONT" E-MAILS IS THAT NO ONE KNEW WHAT
5 WAS GOING ON. THAT BRINGS US TO THE LAST PART OF THAT
6 JUNE STORY, THE EIGHT-WEEK DECLINE, THE PART MR. PANISH
7 NEVER TALKS ABOUT, NEVER HERE IN TRIAL, NOT YESTERDAY,
8 BECAUSE IT SHOWS HOW MUCH PLAINTIFFS' CASE DOESN'T MAKE
9 SENSE.

10 AFTER BEING SICK ON JUNE 19TH, MR. JACKSON
11 TOOK A COUPLE OF DAYS TO REST. HE CANCELED A SESSION
12 WITH MR. PAYNE; AND HE CAME BACK ON JUNE 23RD, 2009,
13 AND GAVE THE BEST PERFORMANCE OF THE ENTIRE REHEARSAL
14 PERIOD. AND HE DID IT AGAIN ON JUNE 24TH.

15 LET'S TALK ABOUT THOSE REHEARSALS, THE LAST
16 TIME MR. PHILLIPS AND MR. GONGAWARE SAW MR. JACKSON.
17 LET'S LOOK AT THE CLIP OF THE "THIS IS IT" MOVIE FROM
18 JUNE 23RD. IN FACT, I ENCOURAGE YOU TO WATCH THE
19 MOVIE. IT'S EXHIBIT 12927. I'LL SAY IT AGAIN.
20 EXHIBIT 12927. IT'S AN EXHIBIT.

21 WATCH IT. WATCH THE WHOLE MOVIE. YOU CAN
22 ASK TO VIEW IT. YOU CAN WATCH THE REHEARSALS, AND YOU
23 CAN SEE WHAT EVERYONE SAW AT THE TIME. TAKE TWO HOURS,
24 TAKE A LOOK, SEE WHAT YOU THINK. YESTERDAY THEY PLAYED
25 COUNTLESS CLIPS OF MR. JACKSON FROM THE '60'S AND THE
26 '70'S AND THE '80'S AND THE '90'S.

27 WHY DON'T YOU GO LOOK AT THE MOVIE AND SEE
28 HOW HE LOOKED IN 2009? PARTICULARLY ON JUNE 23RD AND

1 JUNE 24. EXHIBIT 12927. ANYWAY, RIGHT NOW I WANT TO
2 SHOW YOU A CLIP FROM THE 23RD.

3
4 (A VIDEO RECORDING WAS PLAYED.)

5
6 MR. PUTNAM: WATCH THE RED SHIRT.

7
8 (THE VIDEO RECORDING CONTINUED TO
9 PLAY.)

10
11 MR. PUTNAM: THAT'S THE 23RD. NOW, I WENT
12 THROUGH THE MOVIE TO CHOOSE THAT CLIP BECAUSE IF YOU
13 LOOK AT THE MOVIE, WHAT YOU'LL SEE IS THERE ARE CLIPS
14 FROM DIFFERENT DAYS THAT WILL SHOW AN ENTIRE SONG.
15 THAT'S WHY I CHOSE THAT ONE TO SHOW YOU. THAT ONE USES
16 JUST IN THAT DAY.

17 I WANT TO SHOW THE RED SHIRT BECAUSE IF YOU
18 GO BACK AND LOOK AT THE MOVIE, LOOK FOR THE RED SHIRT.
19 WHEN YOU SEE THE RED SHIRT, THAT'S WHAT HE WAS WEARING
20 ON THE 23RD. HE PUT ON DIFFERENT JACKETS FOR THE
21 REHEARSAL, BUT THE RED SHIRT STAYS THE SAME. IF YOU
22 LOOK AT THE MOVIE AND SEE THE RED SHIRT, THAT'S ON THE
23 23RD.

24 THERE ARE ABOUT SIX DIFFERENT JACKET
25 CHANGES DURING THAT. OKAY? AND THAT'S WHAT YOU'LL SEE
26 AT REHEARSAL FOR HOURS. THAT'S AFTER JUNE 19TH.
27 THAT'S THREE DAYS AFTER THAT MEETING ON JUNE 20TH.
28 NOW, REMEMBER, THE FOOTAGE WASN'T FILMED FOR A MOVIE,

1 THAT WASN'T THE INTENTION.

2 REMEMBER IT WAS A REHEARSAL. IT WAS A
3 REHEARSAL, THEY WANTED TO -- LIKE KENNY ORTEGA SAID,
4 THEY WANTED TO SHOW YOU WHAT THE SHOW WAS GOING TO BE
5 LIKE. YOU'LL SEE HOW HE WAS AT REHEARSAL. NOT BAD.
6 HE WAS OLDER THAN ME. SOMETIMES MR. JACKSON'S
7 MICROPHONE WAS TURNED ON, SOMETIMES IT'S TURNED OFF,
8 YOU'LL SEE.

9 IN THAT CLIP YOU JUST SAW, YOU CAN SEE THAT
10 SOMETIMES HE'S SINGING AND SOMETIMES HE'S JUST DANCING
11 TO THE BACKGROUND TRACK. YOU'LL SEE THAT THROUGHOUT.
12 LET'S TAKE ONE MORE LOOK AT ANOTHER SHORT CLIP, ALSO
13 FROM JUNE 23RD, WHERE YOU CAN SEE MR. JACKSON SINGING
14 LIVE.

15 SAME SHIRT.

17 (A VIDEO RECORDING WAS PLAYED.)

19 MR. PUTNAM: MR. PANISH TRIES TO MAKE IT SEEM
20 LIKE A BIG DEAL THAT MR. JACKSON COULDN'T SING
21 FAST-PACED NUMBERS AND DANCE AT THE SAME TIME.
22 MR. PAYNE TOLD YOU HE NEVER DID THAT IN ALL OF HIS
23 PRIOR TOURS, AND YOU CAN SEE THAT FROM THE MOVIES
24 PLAINTIFFS HAVE SHOWN YOU.

25 WHAT IS IMPORTANT HERE IS THE TESTIMONY AND
26 THAT THERE'S NO DIFFERENCE IN HOW MR. JACKSON LOOKS
27 HERE, OR HOW HE ACTS, AND THAT'S WHAT MATTERS. THAT'S
28 WHAT'S IMPORTANT HERE. BECAUSE HOW MR. JACKSON LOOKS

1 IN THE MOVIE IS HOW HE LOOKED TO PEOPLE AT REHEARSAL ON
2 THOSE NIGHTS. THAT'S WHAT THEY SAW.

3 SO, AGAIN, THIS IS MR. JACKSON JUST DAYS
4 AFTER HE WAS ILL ON JUNE 19. WE ASKED MR. ORTEGA ABOUT
5 THAT, HE SAID IT WAS A MIRACLE, MR. JACKSON HAD HAD A
6 METAMORPHOSIS, HE WAS FIRED UP, HE WAS IN CHARGE.
7 REMEMBER STACY WALKER? SHE WAS SO EXCITED FROM THAT
8 REHEARSAL SHE CALLED HER MOM, TOLD HER TO GO BY A
9 TICKET TO COME SEE OPENING NIGHT, IT WAS GOING TO BE
10 AMAZING. THAT REHEARSAL.

11 THE CHANGE WAS SO GREAT THAT MR. ORTEGA
12 TESTIFIED THAT HE STARTED TO DOUBT HIS OWN MEMORY OF
13 WHAT HAD HAPPENED ON JUNE 19TH. AND REMEMBER,
14 MR. ORTEGA IS NOT THE ONLY ONE WHO SAYS THIS. EVEN
15 KAREN FAYE SAYS THAT MR. JACKSON WAS NOT LIKE HE WAS ON
16 JUNE 19TH ON ANY OTHER DAY OF REHEARSALS.

17 THE SAME FOR ALIF SANKEY, THE SAME FOR
18 TRAVIS PAYNE. JUNE 19 WAS AN ANOMALY. THERE WAS NO
19 DAY LIKE IT BEFORE OR AFTER. REMEMBER, BY THE WAY,
20 MR. ORTEGA TESTIFIED THAT BY JUNE 23RD, HE WASN'T
21 WORRIED ABOUT DR. MURRAY ANYMORE, NOT AT ALL.

22 AND REMEMBER HE ALSO TESTIFIED THAT HE
23 NEVER TOLD ANYONE AT A.E.G. LIVE THAT HE HAD EVER HAD
24 ANY WORRY ABOUT DR. MURRAY.

25 THE COURT: MR. PUTNAM, FIVE MINUTES BEFORE WE
26 TAKE OUR BREAK.

27 MR. PUTNAM: YES, YOUR HONOR. YOU SCARED ME.

28 LISTEN AGAIN AT HOW MR. JACKSON LOOKED ON

1 THE 23RD.

2 DO WE HAVE TIME FOR THIS CLIP? NO. OKAY.

3 I'M GOING TO SKIP ON SO I DON'T RUN OUT OF
4 TIME. IT WASN'T A ONE-TIME THING, HE DID IT AGAIN THE
5 NEXT NIGHT, AND DID IT AGAIN AND AGAIN. 12 HOURS AFTER
6 THIS PERFORMANCE, MR. JACKSON WAS DEAD.

7 PAM?

8

9 (A VIDEO RECORDING WAS PLAYED.)

10

11 MR. PUTNAM: I GUESS THAT'S THE END. ALL RIGHT.

12 WE'LL TAKE A BREAK IN A MOMENT; BUT I WANT TO SAY 12

13 HOURS LATER, MR. JACKSON WOULD BE DEAD.

14 THE COURT: OKAY. SEE YOU IN 15 MINUTES.

15

16 (23-MINUTE RECESS TAKEN.)

17

18 THE COURT: KATHERINE JACKSON VERSUS A.E.G. LIVE,

19 BC445597.

20 YOU MAY CONTINUE

21 MR. PUTNAM: THANK YOU, YOUR HONOR.

22 SO WE'RE ON THE FOURTH QUESTION, NOTICE.

23 AND NO ONE COULD HAVE KNOWN WHAT WAS GOING ON HERE. I

24 SHOWED YOU THE 23RD, SHOWED YOU THE 24TH. WHO COULD

25 HAVE KNOWN OTHERWISE? AND REMEMBER WHAT PLAINTIFFS

26 HAVE TO PROVE HERE.

27 THEY HAVE TO PROVE TO YOU THAT A.E.G. LIVE

28 SHOULD HAVE KNOWN THAT DR. MURRAY WAS UNFIT AND

1 INCOMPETENT, AND THAT HIS UNFITNESS OR INCOMPETENCE
2 CREATED A PARTICULAR RISK TO OTHERS; SPECIFICALLY,
3 MR. JACKSON.

4 NOBODY COULD HAVE KNOWN THAT FROM THE FACTS
5 PLAINTIFFS HAVE PRESENTED HERE; WEIGHT LOSS, FLU
6 SYMPTOMS, DEBT, A REQUEST FOR A BIG PAYCHECK FROM THE
7 KING OF POP, ILLNESS FOR ONE EVENING. NONE OF THESE
8 ARE FACTS THAT WOULD MAKE A REASONABLE CONCERT PROMOTER
9 SECOND GUESS AN ARTIST'S CHOICE OF WHO HIS PERSONAL
10 DOCTOR SHOULD BE.

11 CERTAINLY NONE OF THEM PUT A.E.G. LIVE ON
12 NOTICE THAT DR. MURRAY WAS UNFIT OR INCOMPETENT, AND
13 THAT IT WAS DANGEROUS FOR HIM TO TREAT MR. JACKSON.
14 REMEMBER, HE HAD BEEN TREATING MR. JACKSON FOR THREE
15 YEARS. IF YOU REACH THIS QUESTION, MEMBERS OF THE
16 JURY, PLEASE USE YOUR COMMON SENSE.

17 HINDSIGHT IS 20/20, BUT THINK ABOUT WHAT A
18 REASONABLE PERSON WOULD HAVE THOUGHT AT THE TIME.
19 REMEMBER, NO ONE IN 2009 THOUGHT DR. MURRAY WAS HARMING
20 MR. JACKSON. NO ONE. DR. MURRAY AND MR. JACKSON
21 FOOLED EVERYONE. THEY WANT YOU TO BLAME A.E.G. LIVE
22 FOR FAILING TO SEE SOMETHING THAT NO ONE ELSE SAW.

23 THEY WANT TO BLAME THEM FOR SOMETHING THEY
24 DIDN'T SEE. THAT'S NOT HOW THE LAW WORKS, AND THAT'S
25 CERTAINLY NOT A SEARCH FOR THE TRUTH. NOW, GOING TO
26 THE VERDICT FORM, WE'RE NOW AT CAUSATION, QUESTION 5.
27 NOW, AGAIN, THAT'S ONLY IF YOU GET THAT FAR. AND
28 PLAINTIFFS HAVE, AGAIN, TO PROVE THIS.

1 THEY HAVE TO PROVE CAUSATION, WAS A.E.G.
2 LIVE'S CONDUCT WITH REGARD TO DR. MURRAY A SUBSTANTIAL
3 FACTOR IN CAUSING MR. JACKSON'S DEATH? THERE WAS AN
4 INSTRUCTION ON THIS. THIS SUBSTANTIAL FACTOR LANGUAGE
5 IS IMPORTANT. AS THE JUDGE INSTRUCTED YOU, QUOTE,
6 CONDUCT IS NOT A SUBSTANTIAL FACTOR IN CAUSING HARM IF
7 THE SAME HARM WOULD HAVE OCCURRED WITHOUT THAT CONDUCT.

8 PLAINTIFFS WANT YOU TO BELIEVE THAT
9 MR. JACKSON WOULDN'T HAVE GOTTEN PROPOFOL ABSENT A.E.G.
10 LIVE'S INTERACTIONS WITH DR. MURRAY. IN FACT,
11 MR. PANISH TOLD YOU IN HIS OPENING STATEMENT AND AGAIN
12 YESTERDAY THAT EVERY DOCTOR OTHER THAN DR. MURRAY SAID
13 NO. THAT'S WHAT HE SAID.

14 THAT'S NOT THE CASE. MR. JACKSON HAD
15 ABUSED THIS DRUG SINCE THE '90'S. YOU SAW FOR DECADES
16 THAT HE WOULD SEEK OUT PROPOFOL FOR EVEN THE MOST
17 MUNDANE PROCEDURES, LIKE BOTOX. GOING FOR BOTOX, HE'D
18 GET PROPOFOL, THE THING PEOPLE GET FOR MAJOR SURGERY.
19 AND HE USED IT IN GERMANY TO SLEEP ON THE "HISTORY"
20 TOUR. WE KNOW THAT.

21 TWICE THAT DEBBIE ROWE KNOWS OF, BUT LOTS
22 MORE -- LOTS MORE THAN THAT ACCORDING TO WHAT
23 MR. JACKSON -- WHAT HE HIMSELF TOLD DR. VAN VALIN, HIS
24 WORDS. MR. JACKSON CHOSE TO ASK FOR PROPOFOL MANY
25 TIMES AFTER THAT. NOW, IT'S IMPORTANT TO REMEMBER THAT
26 NO ONE HAS SAID MR. JACKSON WAS ADDICTED TO PROPOFOL.

27 NO ONE HAS SAID THAT. HE LIKED IT, HE
28 PURSUED IT, HE GOT IT, BUT THERE'S NO EVIDENCE THAT HE

1 WAS PHYSICALLY OR MENTALLY UNABLE TO STOP USING IT IF
2 HE CHOSE TO DO SO. BUT HE DIDN'T. HE NEVER CHOSE TO
3 STOP. IT GOES BACK TO WHAT KAREN FAYE SAID.

4 MR. JACKSON WASN'T THE SORT OF MAN WHO TOOK
5 NO FOR AN ANSWER. HE WANTED THE DOCTORS HE WANTED, AND
6 HE WANTED THE DRUGS HE WANTED. THERE'S ANOTHER THING.
7 HE WAS VERY GOOD AT GETTING WHAT HE WANTED. HE HAD
8 BEEN AN OPIOID ADDICT FOR A LONG TIME. WE NOW KNOW
9 THAT.

10 HE HAD BECOME VERY GOOD AT MANIPULATING
11 DOCTORS. HE USED THOSE SAME SKILLS FOR ANOTHER DRUG,
12 PROPOFOL. MR. JACKSON IS RESPONSIBLE FOR HIS HEALTH,
13 HE'S RESPONSIBLE FOR HIS HEALTHCARE, HE IS RESPONSIBLE
14 FOR HIS CHOICES. HE WAS A GROWN MAN. MR. JACKSON'S
15 HEALTHCARE WAS NOT A.E.G. LIVE'S JOB; AND IT CERTAINLY
16 WASN'T KENNY ORTEGA'S JOB, NO MATTER WHAT THEY CLAIMED
17 YESTERDAY.

18 REMEMBER MR. ORTEGA'S ACTUAL TESTIMONY?
19 "ADULTS ARE RESPONSIBLE FOR THEIR OWN HEALTH. I DIDN'T
20 THINK MICHAEL JACKSON WAS BEING VERY RESPONSIBLE, BUT
21 IT WAS HIS RESPONSIBILITY." THAT'S WHAT KENNY ORTEGA
22 SAID, AND YOU CAN'T SAY KENNY ORTEGA DIDN'T LOVE AND
23 CARE FOR MICHAEL JACKSON.

24 WHAT YOU HAVE TO REMEMBER HERE IS THAT
25 MICHAEL JACKSON CHOSE DR. MURRAY, AND MICHAEL JACKSON
26 CHOSE PROPOFOL. NOW LET'S TALK ABOUT MR. JACKSON'S
27 HISTORY WITH PROPOFOL A LITTLE BIT, OR WHAT WE WERE
28 ABLE TO LEARN FROM THE LIMITED RECORDS WE COULD GET.

1 AND WHAT WE WERE ABLE TO LEARN IS THAT IT'S AN
2 UNQUESTIONABLY LONG HISTORY AND IT STARTED YEARS BEFORE
3 "THIS IS IT."

4 YOU HEARD FROM DEBBIE ROWE THAT MR. JACKSON
5 RECEIVED PROPOFOL FOR SLEEP IN 1997 AT THE HOTEL IN
6 GERMANY. DR. METZGER LINED EVERYTHING UP AND HAD
7 DOCTORS COME TO MR. JACKSON'S HOTEL ROOM TO GIVE HIM
8 PROPOFOL FOR SLEEP. AND MR. JACKSON CHOSE THIS DRUG.
9 THAT WAS MR. JACKSON'S CHOICE.

10 HOW DO WE KNOW? MS. ROWE SAID PROPOFOL WAS
11 DR. METZGER'S SECOND CHOICE IN GERMANY. IT'S NOT WHAT
12 HE WANTED TO DO. IT WASN'T HIS FIRST CHOICE, IT WAS
13 MR. JACKSON WHO WANTED IT. ADULTS ARE RESPONSIBLE FOR
14 THE CHOICES THEY MAKE. DEBBIE ROWE WARNED MR. JACKSON
15 THAT PROPOFOL WAS DANGEROUS.

16 REMEMBER, SHE ASKED MR. JACKSON, "WHAT
17 HAPPENS IF YOU DIE?" AND EVEN -- AND EVEN THE DOCTORS
18 IN GERMANY TOLD MR. JACKSON, QUOTE, YOU CAN'T DO THIS.
19 WE'RE NOT DOING THIS AGAIN. NOW, PLAINTIFFS DON'T WANT
20 TO ADMIT THAT FACT.

21 YOU HEARD MR. PANISH TELL YOU THAT THE
22 FIRST TIME MR. JACKSON RECEIVED PROPOFOL OUTSIDE OF THE
23 HOSPITAL SETTING WAS FROM DR. MURRAY IN 2009. THAT'S
24 WHAT HE SAID. THAT'S NOT TRUE. IT WAS MORE THAN TEN
25 YEARS EARLIER. MR. JACKSON WAS USING PROPOFOL FOR
26 SLEEP MORE THAN TEN YEARS BEFORE "THIS IS IT."

27 HE CHOSE IT, HE ALONE IS RESPONSIBLE FOR
28 THAT CHOICE. AND IT WASN'T JUST ON TOURS. THEY'RE

1 TRYING TO SAY IT WAS A TOUR ISSUE. THAT'S NOT TRUE.
2 REMEMBER IN 1998 OR '99, UNDER CARE FROM THE DOCTOR
3 WHEN THERE WAS NO TOUR, WE KNOW THAT, NOTHING GOING ON,
4 MR. JACKSON ASKED DR. CHRISTINE QUINN, A DENTAL
5 ANESTHESIOLOGIST, HIS DENTAL ANESTHESIOLOGIST, IF SHE
6 WOULD GIVE HIM PROPOFOL FOR SLEEP.

7 HE HAD HIS SON PRINCE WITH HIM, YOU
8 REMEMBER, THERE AT THE HOTEL. PRINCE WAS TWO YEARS
9 OLD. YOU HEARD HER STORY. MR. JACKSON ASKED
10 DR. QUINN'S SISTER, WHOM HE'D NEVER MET BEFORE, TO
11 WATCH HIS YOUNG SON WHILE HE WENT INTO ANOTHER ROOM
12 WITH DR. QUINN; AND THEN HE ASKED DR. QUINN FOR
13 PROPOFOL FOR SLEEP.

14 '98, '99, NO TOUR. HE KNEW PROPOFOL BY
15 NAME. HE TOLD DR. QUINN IT WAS THE BEST REST HE'D EVER
16 HAD. THIS WAS THE LATE '90'S. BUT SHE TOLD HIM NO.
17 DR. QUINN SAID NO, IT'S NOT REAL SLEEP. THAT'S WHAT
18 SHE SAID. IT DOESN'T SOLVE THE PROBLEM OF BEING TIRED.
19 AND SHE TOLD HIM IT'S NOT PROPER TO USE PROPOFOL
20 OUTSIDE A MEDICAL SETTING, IT'S NOT SAFE.

21 AND MR. JACKSON TOLD DR. QUINN THAT HE KNEW
22 HE WASN'T GETTING REAL SLEEP FROM PROPOFOL. THAT'S
23 WHAT HE SAID. HE KNEW HE WASN'T GETTING REAL SLEEP.
24 THIS IS IN THE LATE '90'S. HE UNDERSTOOD THIS. HE
25 ADMITTED HE KNEW IT WASN'T REAL SLEEP, BUT HE WANTED IT
26 ANYWAY. HE CHOSE IT.

27 AND THIS WAS NOT 98 OR '99, THIS WAS NOT
28 2009. NOW, PLAINTIFFS DON'T WANT TO ADMIT THAT,

1 EITHER. THAT'S WHY YOU HEARD MR. PANISH TELL YOU IN
2 HIS OPENING STATEMENT THAT MICHAEL THOUGHT HE WAS
3 GETTING REAL SLEEP FROM PROPOFOL. THAT'S WHAT THEY
4 SAID IN THE OPENING.

5 BUT THAT'S NOT TRUE. DR. QUINN TOLD
6 OTHERWISE, AND HE KNEW IT. IN 2002 OR 2003,
7 MR. JACKSON ASKED DR. VAN VALIN FOR THE SAME THING.
8 MR. JACKSON WASN'T TOURING IN THIS TIME PERIOD, EITHER;
9 AND WHEN HE ASKED DR. VAN VALIN FOR THAT,
10 MICHAEL JACKSON HAD A BOX FULL OF BOTTLES OF PROPOFOL
11 IN HIS BEDROOM, AND HE SHOWED THEM TO DR. VAN VALIN.

12 DO YOU REMEMBER THAT? HE ASKED
13 DR. VAN VALIN -- HE PULLED OUT A BOX OF PROPOFOL.
14 MR. JACKSON HAD THEM. DR. VAN VALIN DIDN'T BRING THEM.
15 MR. JACKSON TOLD DR. VAN VALIN HE HAD USED PROPOFOL TO
16 SLEEP ON MANY, MANY OCCASIONS ALL THOSE YEARS BETWEEN
17 SHOWS ON TOURS.

18 NOW LET ME REMIND YOU EXACTLY WHAT HE SAID.

19
20 (A VIDEO RECORDING WAS PLAYED.)

21
22 MR. PUTNAM: DR. VAN VALIN. HE DIDN'T EVEN KNOW
23 WHAT PROPOFOL WAS WHEN MR. JACKSON ASKED HIM TO GIVE IT
24 TO HIM. HE WAS A DOCTOR, AND HE DIDN'T KNOW WHAT IT
25 WAS, BUT MR. JACKSON DID. AND DR. VAN VALIN TESTIFIED
26 HE HAD NEVER HEARD OF ANYTHING OR ANYONE DOING THIS
27 BEFORE, AND HE WAS A FAMILY DOCTOR.

28 HE HAD TO CALL AN ANESTHESIOLOGIST TO FIND

1 OUT WHAT PROPOFOL WAS. HE HADN'T HEARD OF IT. AND
2 WHEN HE ASKED, HE FOUND OUT JUST HOW DANGEROUS IT WAS.
3 THAT'S WHY DR. VAN VALIN REFUSED TO GIVE IT TO HIS GOOD
4 FRIEND, MR. JACKSON, JUST LIKE DR. QUINN DID. AND JUST
5 LIKE DR. QUINN, DR. VAN VALIN WARNED MR. JACKSON.

6 HE SAID PROPOFOL IS DANGEROUS, IT SHOULD
7 NEVER BE USED OUTSIDE AN OPERATING ROOM, IT SHOULD
8 NEVER BE USED WITHOUT AN ANESTHESIOLOGIST PRESENT WHO
9 SPECIALIZES IN IT. THAT'S WHAT HE TOLD HIM. HE TOLD
10 MR. JACKSON WITHOUT PROPER MONITORING A PATIENT CAN
11 STOP BREATHING AND DIE OF PROPOFOL.

12 AND REMEMBER, THIS IS 2003, 2002, IN THAT
13 PERIOD. THIS IS NOT 2009. MR. JACKSON ISN'T GOING ON
14 TOUR, NOT IN THAT PERIOD; BUT HE STILL WANTS HIS
15 PROPOFOL. HE'S GOT A BOX OF IT AT HOME.
16 MICHAEL JACKSON WAS TOLD OVER AND OVER AND OVER AGAIN
17 THAT PROPOFOL WAS DANGEROUS, IT WASN'T REAL SLEEP, IT
18 COULD KILL HIM, BUT HE -- BUT HE WOULDN'T TAKE NO FOR
19 AN ANSWER.

20 IF ONE DOCTOR SAID NO, HE'D JUST GO TO
21 ANOTHER. AND HE WAS GOOD AT SHOPPING FOR DOCTORS WHO
22 WOULD GIVE HIM WHAT HE WANTED AND WHO WOULD SAY YES.
23 DID A WARNING THAT HE COULD DIE STOP MR. JACKSON? NO.
24 HE KEPT ASKING, AND MORE DOCTORS TOLD HIM PROPOFOL WAS
25 DANGEROUS.

26 IN 2009, DR. METZGER WARNED MR. JACKSON
27 THAT GIVING SLEEP MEDICATION THROUGH AN I.V. IS
28 DANGEROUS AND POTENTIALLY LIFE-THREATENING. AND YOU

1 KNOW WHAT? HE WAS RIGHT. TWO MONTHS LATER,
2 MR. JACKSON WOULD BE DEAD. AND THAT DIDN'T STOP
3 MR. JACKSON BECAUSE THE VERY NEXT DAY, THE VERY NEXT
4 DAY -- THAT'S APRIL 18.

5 APRIL 19, THE VERY NEXT DAY, HE ASKED
6 CHERILYN LEE FOR THE SAME DRUG, THE VERY NEXT DAY. HE
7 HAD JUST BEEN WARNED THAT IT WAS LIFE-THREATENING BY
8 HIS DOCTOR AND FRIEND OF 30 YEARS. YOU HEARD DR. LEE'S
9 EMOTIONAL TESTIMONY. SHE SAID NO, TOO, JUST LIKE
10 DR. QUINN, DR. VAN VALIN AND DR. METZGER.

11 BUT SHE WENT FURTHER. LIKE DR. VAN VALIN,
12 DR. LEE ALSO DIDN'T KNOW WHAT PROPOFOL WAS. AND WHEN
13 SHE FOUND OUT, SHE WAS STARTLED. AND SHE TOLD
14 MR. JACKSON THAT PROPOFOL WAS NOT A SLEEP -- SORRY -- A
15 SAFE SLEEPING AID, THAT IT IS NOT SUPPOSED TO BE USED
16 AT HOME, AND ANYBODY THAT WOULD ADMINISTER IT TO HIM
17 FOR SLEEP, THEY DIDN'T CARE ABOUT HIM.

18 FINALLY, DR. LEE TOLD MR. JACKSON THAT
19 USING PROPOFOL COULD KILL HIM, THE BOTTOM LINE WAS
20 DEATH. THAT'S WHAT SHE TOLD HIM; AND TRAGICALLY, SHE,
21 TOO, WAS RIGHT. REMEMBER, SHE ARGUED WITH HIM FOR
22 HOURS; BUT SHE COULDN'T CONVINCHE HIM NOT TO USE
23 PROPOFOL.

24 HE WOULDN'T TAKE NO FOR AN ANSWER.
25 MR. JACKSON WAS WARNED BY AT LEAST FIVE PEOPLE OF HOW
26 DANGEROUS PROPOFOL WAS, AT LEAST FIVE WE COULD FIND.
27 MR. JACKSON HEARD THESE WARNINGS, HE UNDERSTOOD THEM,
28 AND HE IGNORED THEM, AND HE CONTINUED TO SEEK OUT

1 PROPOFOL LIKE HE HAD DONE FOR MORE THAN A DECADE.

2 SEEING THIS EVIDENCE, IT IS LUDICROUS FOR
3 PLAINTIFFS TO NOW ARGUE THAT MR. JACKSON ONLY TOOK
4 PROPOFOL BECAUSE HE HAD A MISPLACED TRUST IN DOCTORS,
5 OR THAT HE WAS SUDDENLY OVERWHELMED BY THE "THIS IS IT"
6 TOUR PREPARATIONS. HE HEARD THE WARNINGS, HE
7 UNDERSTOOD THE WARNINGS, HE CHOSE TO IGNORE THE
8 WARNINGS.

9 WHEN DOCTORS REFUSED TO GIVE MR. JACKSON
10 WHAT HE WANTED, HE DOCTOR SHOPPED AND HE CUT
11 UNCOOPERATIVE DOCTORS OUT OF HIS LIFE PERMANENTLY.
12 THIS SLIDE CONTAINS EVERY MEDICAL PROFESSIONAL WE CAN
13 PROVE TREATED MR. JACKSON, THE ONES WE COULD FIND, THE
14 ONES WE COULD GET INFORMATION FROM.

15 REMEMBER MR. FOURNIER, THE NURSE
16 ANESTHESIST (PHONETIC) -- I'M GOING TO SCREW IT UP
17 AGAIN, KATHRYN.

18 MS. CAHAN: ANESTHETIST.

19 MR. PUTNAM: -- NURSE ANESTHETIST WHO HAD TAKEN
20 CARE OF MR. JACKSON FOR TEN YEARS? DO YOU REMEMBER
21 WHEN HE CAME IN? MR. FOURNIER REFUSED TO ADMINISTER
22 PROPOFOL ONE TIME, REFUSED ONE TIME TO MR. JACKSON
23 BECAUSE HE THOUGHT HE WAS ON OTHER DRUGS. PROPOFOL.

24 AND REMEMBER THE PRIOR TIME MR. FOURNIER
25 SAW -- SORRY. REMEMBER, THE PRIOR TIME MR. FOURNIER
26 SAW MR. JACKSON, HE'D STOPPED BREATHING DURING A
27 PROCEDURE THE PRIOR TIME. SO THIS TIME, MR. FOURNIER
28 WAS JUSTIFIABLY CONCERNED.

1 BUT MR. JACKSON DENIED IT, SAID HE WASN'T
2 TAKING ANYTHING ELSE; AND AFTER THAT, MR. FOURNIER
3 NEVER HEARD FROM MR. JACKSON AGAIN. REMEMBER
4 DR. STEPHEN GORDON? HE TESTIFIED THAT MR. JACKSON
5 ASKED HIM FOR 300 MILLIGRAMS OF DEMEROL FOR THE ROAD
6 AFTER A PROCEDURE.

7 DR. GORDON REFUSED. HE DIDN'T HEAR AGAIN
8 FROM MR. JACKSON FOR FOUR YEARS. HOW ABOUT
9 CHERILYN LEE? DR. LEE HAD BEEN AT HIS HOME FOR DOZENS
10 OF TIMES IN THE PRIOR FOUR MONTHS, AND SHE SAID NO TO
11 PROPOFOL. THAT WAS THE LAST TIME SHE STEPPED FOOT IN
12 MR. JACKSON'S HOUSE.

13 MR. JACKSON ALSO MANIPULATED THE DOCTORS HE
14 DID SEE INTO GIVING HIM WHAT HE WANTED BY NOT TELLING
15 ONE DOCTOR WHAT ANOTHER ONE WAS GIVING HIM. REMEMBER
16 THE INCIDENT WITH DR. VAN VALIN WHEN HE GAVE
17 MR. JACKSON A SHOT OF DEMEROL AND THEN NOTICED THAT
18 BLOODY SHOT ON HIS SHIRT FROM ANOTHER -- FROM ANOTHER
19 SHOT?

20 DR. VAN VALIN KNEW IT WAS A SHOT FROM
21 ANOTHER DOCTOR AND THAT MR. JACKSON WAS DOUBLING THE
22 DOSE. DR. VAN VALIN WARNED HIM THAT THIS COULD KILL
23 HIM. REMEMBER THE INCIDENT WITH DR. SAUNDERS WHEN
24 MR. JACKSON HAD TO GO TO THE EMERGENCY ROOM?

25 DR. SAUNDERS GAVE HIM A SHOT OF DEMEROL AND
26 MR. JACKSON HAD WHAT SEEMED TO BE A BAD REACTION, AND
27 THEN REVEALED THAT ANOTHER DOCTOR HAD GIVEN HIM ONE
28 EARLIER. THE ONLY REASON MR. JACKSON WAS ABLE TO GET

1 THESE DANGEROUS DOUBLE DOSES IS BECAUSE HE LIED TO HIS
2 DOCTORS.

3 HE DIDN'T TELL THEM WHAT HE WAS GETTING
4 FROM ONE OR THE OTHER. YOUR DOCTOR CAN'T TREAT YOU
5 PROPERLY IF YOU AREN'T HONEST WITH THEM. YOU HEARD
6 ABOUT MR. JACKSON'S SECRETS FROM DR. METZGER, HIS
7 LONGTIME FRIEND AND DOCTOR, AND DR. SAUNDERS, ALSO HIS
8 FRIEND, FROM DR. VAN VALIN, ALSO HIS FRIEND.

9 DR. METZGER, WHO TREATED HIM FOR DECADES,
10 NEVER EVEN DISCUSSED WITH MR. JACKSON HE HAD WENT TO
11 REHAB. DO YOU REMEMBER THAT? I ASKED HIM, "DID YOU
12 DISCUSS REHAB WITH HIM?"

13 "NO."

14 "HOW DID YOU LEARN ABOUT IT?"

15 "SAW IT IN THE NEW YORK TIMES."

16 "DID YOU TALK TO HIM ABOUT IT AFTERWARDS,
17 THE NEXT DECADES WHEN YOU WERE HIS DOCTOR?"

18 "NO." MR. JACKSON WAS SMART. HE HAD
19 DECADES OF EXPERIENCE GETTING THE DOCTORS HE WANTED AND
20 GETTING THE DRUGS HE WANTED FROM THOSE DOCTORS. ADULTS
21 ARE RESPONSIBLE FOR THEIR OWN CHOICES. MICHAEL JACKSON
22 WAS GOING TO GET PROPOFOL NO MATTER WHAT BECAUSE HE
23 CHOSE TO SEEK IT OUT, BECAUSE HE WOULDN'T TAKE NO FOR
24 AN ANSWER, BECAUSE HE WOULDN'T LISTEN TO THE WARNINGS.

25 A.E.G. LIVE HAD NOTHING TO DO WITH THAT.
26 THEY HAD NOTHING TO DO WITH MICHAEL JACKSON'S CHOICE TO
27 TAKE PROPOFOL. HOW DO WE KNOW THAT? WELL, LET'S LOOK
28 AT ALL THE THINGS THAT HAPPENED BEFORE MICHAEL JACKSON

1 EVEN MENTIONED DR. MURRAY TO A.E.G. LIVE. AND HE TOLD
2 THEM -- AND HE TOLD THEM THAT HE WAS TAKING HIS DOCTOR
3 ON TOUR.

4 WE KNOW THAT DR. MURRAY MOVED TO CALIFORNIA
5 TO TREAT MR. JACKSON BEFORE A.E.G. LIVE HAD EVER EVEN
6 HEARD OF HIM. BY JANUARY 25TH, 2009, DR. MURRAY WAS
7 PRESCRIBING MEDICINE FOR MR. JACKSON'S CHILDREN FOR
8 COLDS HERE IN CALIFORNIA. AND WE KNOW MR. JACKSON TOLD
9 DR. MURRAY HE WAS GOING ON TOUR WITH HIM BY MARCH AT
10 THE LATEST.

11 IT MAY HAVE BEEN EARLIER, BUT WE KNOW IT
12 WAS BY MARCH. HOW? BECAUSE IN LATE MARCH, DR. MURRAY
13 AND MR. JACKSON MET WITH THE ANESTHESIOLOGIST,
14 DR. ADAMS, IN LAS VEGAS TO INTERVIEW HIM ABOUT COMING
15 ON TOUR WITH THEM AND USING I.V.'S TO, QUOTE, HELP
16 MR. JACKSON GET HIS REST, UNQUOTE.

17 DR. MURRAY WAS ALREADY COMING ON TOUR AT
18 THIS POINT REGARDLESS OF A.E.G. LIVE, AND HE AND
19 MR. JACKSON WERE ALREADY PLANNING FOR MR. JACKSON TO
20 GET I.V. PROPOFOL TO SLEEP, ALL BEFORE A.E.G. LIVE HAD
21 EVER HEARD OF DR. MURRAY. NOW WE GET TO SOME REALLY
22 IMPORTANT DATES.

23 APRIL 6TH, 2009. DR. MURRAY ORDERED
24 PROPOFOL AND HAD IT SHIPPED TO LOS ANGELES. AGAIN,
25 THIS IS STILL BEFORE ANYONE AT A.E.G. LIVE HAD EVER
26 HEARD THE NAME DR. CONRAD MURRAY. SO WE KNOW THAT
27 BEFORE A.E.G. LIVE EVER HEARD OF HIM, DR. MURRAY HAD
28 MOVED TO CALIFORNIA, HAD BEEN ASKED BY MR. JACKSON TO

1 GO ON TOUR, HAD ACCEPTED, WAS INTERVIEWING DOCTORS TO
2 HELP HIM GIVE MR. JACKSON PROPOFOL, AND HAD ALREADY
3 ORDERED PROPOFOL.

4 AND PLAINTIFFS ARE SAYING A.E.G. LIVE
5 CAUSED THIS? NO. THIS WAS ALREADY HAPPENING, AND IT
6 WAS HAPPENING REGARDLESS OF WHAT A.E.G. LIVE WOULD
7 LATER DO. NOW, WHAT HAPPENED WHEN A.E.G. LIVE FINALLY
8 HEARD THE NAME DR. MURRAY? IT HAPPENED AT SOME POINT,
9 THE SECOND HALF OF APRIL.

10 WE KNOW IT WAS AFTER APRIL 13, 14 OR 15
11 BECAUSE PAUL GONGAWARE SAID IT WAS AFTER THE DANCERS
12 HAD THEIR TRYOUTS. MR. JACKSON TOLD PAUL GONGAWARE HE
13 WAS BRINGING HIS PERSONAL PHYSICIAN, DR. MURRAY, ON
14 TOUR. TOLD HIM THAT. AND HE ASKED MR. GONGAWARE TO
15 CALL DR. MURRAY TO SEE WHAT HE WOULD CHARGE.

16 SO MR. GONGAWARE CALLED DR. MURRAY AND HE
17 ASKED HIM. DR. MURRAY SAID \$5 MILLION. AND
18 PAUL GONGAWARE SAID, "NO WAY." BOOM, DONE. OVER.
19 IT'S NOT HAPPENING. SO WHAT DOES DR. MURRAY DO? DID
20 HE BACK OFF OF WHAT HE WAS DOING BECAUSE HE THOUGHT
21 A.E.G. LIVE WOULDN'T BE ADVANCING HIM THE MONEY NOW IF
22 HE ENDED UP GOING ON THAT TOUR? NO.

23 HE ORDERED MORE PROPOFOL. ON APRIL 28,
24 2009, DR. MURRAY MADE A SECOND ORDER OF PROPOFOL AND
25 HAD IT SHIPPED TO LOS ANGELES. AT THIS POINT,
26 DR. MURRAY CERTAINLY DIDN'T KNOW HE HAD A CONTRACT WITH
27 A.E.G. LIVE. THERE'S NO WAY HE COULD HAVE. HE'D JUST
28 BEEN TOLD NO WAY.

1 BUT HE STILL ORDERED THE PROPOFOL FOR A
2 SECOND TIME BECAUSE IT WAS WHAT HIS CLIENT, HIS CLIENT,
3 MICHAEL JACKSON, WANTED. MR. PANISH WANTS YOU TO
4 BELIEVE THAT DESPITE DR. MURRAY ORDERING PROPOFOL TWICE
5 IN APRIL, THAT DR. MURRAY NEVER ADMINISTERED IT, THAT
6 HE DIDN'T GIVE IT TO HIM.

7 AGAIN, THE EVIDENCE DOESN'T SUPPORT THAT.
8 WHY WOULD DR. MURRAY NEED TO ORDER MORE PROPOFOL IF HE
9 HADN'T USED WHAT HE ALREADY ORDERED? AND DON'T FORGET
10 KAI CHASE, WHO SAW DR. MURRAY AT MR. JACKSON'S HOUSE
11 MULTIPLE TIMES A WEEK IN THE VERY BEGINNING OF APRIL,
12 JUST AFTER SHE STARTED WORK, CARRYING THOSE OXYGEN
13 TANKS DOWN THE KITCHEN STAIRS.

14 THAT WAS HER TESTIMONY, SHE SAW THAT EARLY
15 APRIL. NOW, MR. PANISH TOLD YOU YESTERDAY THAT
16 MS. CHASE SAID THAT THERE WERE NO OXYGEN A TANKS IN
17 APRIL, ONLY IN JUNE. THAT'S NOT TRUE. THE ONLY
18 SO-CALLED EVIDENCE THAT MR. PANISH HAS THAT DR. MURRAY
19 WAS NOT GIVING MR. JACKSON PROPOFOL IN APRIL IS THAT
20 MR. JACKSON ASKED ANOTHER TWO PEOPLE FOR PROPOFOL IN
21 THE SAME TIME PERIOD.

22 REMEMBER THAT WAS THE ARGUMENT? DR. MURRAY
23 COULDN'T HAVE BEEN DOING IT BECAUSE HE THEN TALKED TO
24 DR. METZGER AND WENT TO TALK TO DR. LEE. ON
25 APRIL 18TH, HE ASKED DR. METZGER FOR I.V. SLEEP
26 MEDICATION. THAT'S TRUE. ON APRIL 19TH, HE ASKED
27 CHERILYN LEE FOR PROPOFOL.

28 WE DON'T KNOW WHY BECAUSE MR. JACKSON

1 DIDN'T TELL A.E.G. LIVE ABOUT DR. METZGER OR DR. LEE
2 EVER. YOU'VE HEARD THAT DR. MURRAY WANTED AN
3 ASSISTANT, BACKUP NURSE OR A DOCTOR, TO TAKE TO LONDON
4 WITH HIM. MAYBE THESE WERE INTERVIEWS FOR THAT BACKUP
5 PERSON, JUST LIKE DR. ADAMS, WHO THEY TALKED TO.

6 MAYBE MR. JACKSON WANTED SOMEONE TO GIVE
7 HIM PROPOFOL ON DR. MURRAY'S DAYS OFF. IT SEEMS
8 PLAUSIBLE. AFTER ALL, IF YOU RECALL, WE KNOW HE SAW
9 DR. METZGER ON APRIL 18TH, THAT'S A SATURDAY, AND
10 DR. LEE ON APRIL 19TH, THAT WAS A SUNDAY. AND WE ALSO
11 KNOW THAT DR. MURRAY DIDN'T WORK SUNDAYS.

12 SO MAYBE HE WAS LOOKING FOR SOMEONE TO GIVE
13 HIM PROPOFOL ON THE DAYS WHEN DR. MURRAY WASN'T THERE.
14 WHATEVER THE REASON, THIS IS NOT EVIDENCE THAT
15 DR. MURRAY WASN'T ADMINISTERING PROPOFOL. WHY ELSE
16 WOULD HE BE THERE ALL NIGHT WITH OXYGEN AND REORDERING
17 A SECOND SHIPMENT OF PROPOFOL IN LOS ANGELES IN APRIL?
18 YOU KNOW WHY.

19 AND DR. MURRAY CONTINUED TO ORDER PROPOFOL
20 FOR MR. JACKSON ON MAY 12TH AND AGAIN ON JUNE 10TH.
21 NOW, YOU'RE GOING TO BE ASKED TO CONSIDER ALL OF THESE
22 FACTS AND DECIDE WOULD THIS HAVE HAPPENED WITHOUT
23 A.E.G. LIVE'S CONDUCT WITH DR. MURRAY? WELL, LET'S
24 LOOK AT A.E.G. LIVE'S CONDUCT WITH DR. MURRAY.

25 IF A.E.G. LIVE HAD REFUSED TO ADVANCE
26 DR. MURRAY HIS SALARY WHEN MR. JACKSON ASKED THEM TO,
27 WOULD THIS STILL HAVE HAPPENED? YES. BEFORE A.E.G.
28 LIVE EVER HEARD OF DR. MURRAY, DR. MURRAY HAD ALREADY

1 MOVED TO CALIFORNIA. MR. JACKSON HAD ALREADY ASKED
2 DR. MURRAY TO GO ON TOUR.

3 DR. MURRAY HAD ALREADY ACCEPTED, DR. MURRAY
4 HAD ALREADY ORDERED PROPOFOL, HE HAD ALREADY STARTED
5 ADMINISTERING IT TO MR. JACKSON. DR. MURRAY MADE ALL
6 FOUR OF THE PROPOFOL ORDERS HE EVER MADE FOR
7 MR. JACKSON BEFORE JUNE 20TH, BEFORE THAT MEETING THAT
8 WE TALKED ABOUT THAT HAPPENED THE DAY AFTER THE 19TH,
9 BEFORE THAT TELEPHONE CALL.

10 AND AT LEAST THREE, AND LIKELY ALL FOUR,
11 WERE BEFORE THE EARLY JUNE MEETING, AS WELL. ALL YOU
12 HAVE TO DO IS LOOK AT A CALENDAR TO SEE THERE IS NO
13 CONNECTION WHATSOEVER BETWEEN DR. MURRAY ORDERING
14 PROPOFOL AND ANY ACTION BY A.E.G. LIVE.

15 PLAINTIFFS TRIED TO ARGUE THAT DR. MURRAY
16 DID WHAT HE DID BECAUSE OF A CONFLICT OF INTEREST,
17 BECAUSE DR. MURRAY FELT PRESSURE FROM A.E.G. LIVE TO
18 RETURN MR. JACKSON TO PLAY BEFORE HE WAS READY. IT'S A
19 VERY CLEVER THEORY, BUT THE EVIDENCE JUST DOESN'T
20 SUPPORT IT.

21 PLAINTIFFS CLAIM DR. MURRAY WAS INFLUENCED
22 BY A CANCELTION PROVISION IN THE DRAFT WRITTEN
23 CONTRACT. REMEMBER, THEY KEPT SAYING THERE'S A
24 CANCELTION PROVISION, THAT'S WHY THERE'S A CONFLICT.
25 HE HAD NEVER EVEN SEEN THAT CONTRACT BEFORE JUNE 16TH.
26 THAT'S THE FIRST TIME HE SAW THAT DRAFT.

27 HE'D BEEN ORDERING THE PROPOFOL FOREVER AT
28 THAT POINT, AFTER HE'D ALREADY ORDERED THE FOUR

1 SHIPMENTS. ALL THE PROPOFOL THAT HE EVER ORDERED
2 HAPPENED BEFORE THAT. IT WASN'T A RESULT OF THE
3 CONFLICT. DR. MURRAY DIDN'T DO THIS BECAUSE OF A.E.G.
4 LIVE OR SOME PRESSURE HE FELT FROM A.E.G. LIVE.

5 HE DID IT BECAUSE IT WAS WHAT HIS CLIENT,
6 MR. JACKSON, WANTED. EVEN PLAINTIFFS' OWN EXPERT,
7 DR. MATHESON -- HE ADMITTED THAT THERE WAS NO
8 CONNECTION BETWEEN A CONFLICT OF INTEREST AND
9 DR. MURRAY'S DECISION TO ORDER PROPOFOL FOR
10 MR. JACKSON.

11 REMEMBER, IT WASN'T A.E.G. LIVE'S JOB TO
12 MANAGE DR. MURRAY'S POTENTIAL CONFLICTS, CONFLICTS THAT
13 ARISE ALL THE TIME IN MEDICINE. DR. GREEN TOLD YOU
14 THAT THE AMERICAN MEDICAL ASSOCIATION AND EVERY OTHER
15 PROFESSIONAL ORGANIZATION PLACES THAT RESPONSIBILITY
16 SQUARELY ON THE PHYSICIANS.

17 CONFLICTS EXIST ALL THE TIME, IT'S THE
18 DOCTOR'S JOB TO MANAGE THEM. PLAINTIFFS WANT YOU TO
19 BELIEVE THAT THERE'S SOME CONNECTION WITH A.E.G. LIVE,
20 AND THERE'S NOT.

21 PLAINTIFFS ARGUE A.E.G. LIVE SHOULD NEVER
22 HAVE AGREED TO ADVANCE THE MONEY TO DR. MURRAY SHOULD
23 HE HAVE EVER GONE ON TOUR, THAT A.E.G. LIVE NEVER
24 SHOULD HAVE AGREED TO DRAFT A CONTRACT WITH DR. MURRAY
25 IN THE FIRST PLACE, THAT A.E.G. LIVE SHOULD HAVE
26 REFUSED TO ADVANCE THE MONEY FOR MR. JACKSON'S PERSONAL
27 PHYSICIAN.

28 BUT THERE WAS NO CONFLICT OF INTEREST HERE.

1 THE ONLY INTEREST THAT A.E.G. LIVE HAD WAS IN
2 MR. JACKSON BEING HEALTHY AND ABLE TO PERFORM ON TOUR.
3 THAT'S THEIR INTEREST. AND THE ARRANGEMENT THAT WAS
4 GOING TO EXIST HERE WASN'T SOME SECRET THIRD-PARTY
5 AGREEMENT WHERE MR. JACKSON WOULDN'T KNOW WHO WAS
6 PAYING HIS DOCTOR.

7 THAT WOULD BE A PROBLEM. MR. JACKSON ASKED
8 A.E.G. LIVE TO PAY HIS DOCTOR ON HIS BEHALF.
9 MR. JACKSON SET THE SALARY; AND DR. MURRAY KNEW THAT,
10 AS WELL. WHEN PAUL GONGAWARE CALLED HIM, HE TOLD HIM
11 THE OFFER OF 150,000 A MONTH WAS, QUOTE, DIRECT FROM
12 THE ARTIST, END QUOTE.

13 EVEN DR. MATHESON ADMITTED THAT
14 MR. JACKSON, AS AN ADULT, HAD THE ABILITY TO CONSENT TO
15 AN ARRANGEMENT WHERE A.E.G. LIVE PAID HIS DOCTOR.
16 THAT'S THEIR EXPERT. AND THOSE CONTRACT TERMS THAT
17 DR. MATHESON WAS SO CONCERNED ABOUT, MR. JACKSON HAD TO
18 APPROVE THOSE, AS WELL.

19 REMEMBER, THERE WOULD BE NO AGREEMENT
20 BETWEEN A.E.G. LIVE AND DR. MURRAY UNLESS MR. JACKSON
21 APPROVED THE ARRANGEMENT, INCLUDING ALL OF THE CONTRACT
22 TERMS IN WRITING. THERE WAS NO SECRET DANGEROUS
23 CONFLICT. AND LET'S PAUSE FOR A MOMENT AND THINK ABOUT
24 WHAT MR. PANISH SAYS A.E.G. LIVE SHOULD HAVE DONE.

25 HE SAYS THEY SHOULD HAVE JUST GIVEN
26 MR. JACKSON THE MONEY TO PAY DR. MURRAY INSTEAD. BUT
27 EVEN IF MR. JACKSON PAID DR. MURRAY OUT OF MONEY A.E.G.
28 LIVE GAVE HIM, IT WOULDN'T HAVE MADE ANY DIFFERENCE.

1 MR. JACKSON STILL WOULD HAVE ASKED FOR PROPOFOL.

2 DR. MURRAY STILL WOULD HAVE -- WOULD HAVE
3 GIVEN IT TO HIM, AND MR. JACKSON STILL WOULD HAVE DIED.
4 THE SAD TRUTH IS THAT MR. JACKSON WAS BOUND AND
5 DETERMINED TO GET PROPOFOL, AN INVISIBLE DRUG WITH
6 IMPOSSIBLE-TO-SEE CONSEQUENCES, AND NOTHING WOULD HAVE
7 STOPPED HIM.

8 ADULTS ARE RESPONSIBLE FOR THE CHOICES THEY
9 MAKE. SO IF YOU GET TO THIS QUESTION, IF YOU GET TO
10 QUESTION 5 ON THE FORM ASKING WHETHER A.E.G. LIVE'S
11 CONDUCT IN HIRING, RETAINING OR SUPERVISING DR. MURRAY
12 WAS A SUBSTANTIAL FACTOR IN MR. JACKSON'S DEATH, I
13 THINK THE ONLY ANSWER CAN BE NO.

14 NOW, WHEN YOU GO THROUGH ALL THAT, YOU SAY
15 YES ON ALL OF THOSE, THAT GETS YOU TO DAMAGES. I NOW
16 WILL SAY A FEW WORDS TO YOU ABOUT DAMAGES. THERE'S NO
17 REASON YOU SHOULD GET TO THIS QUESTION, I BELIEVE,
18 GIVEN THE EVIDENCE IN THIS CASE.

19 TO GET TO THIS POINT, YOU'LL HAVE TO DECIDE
20 THAT A.E.G. LIVE HIRED DR. MURRAY, THAT DR. MURRAY WAS
21 INCOMPETENT TO BE MR. JACKSON'S PRIMARY CARE DOCTOR,
22 THAT A.E.G. LIVE KNEW OR SHOULD HAVE KNOWN WHAT
23 DR. MURRAY WAS ACTUALLY DOING, AND THAT A.E.G. LIVE'S
24 INTERACTIONS WITH DR. MURRAY CAUSED MR. JACKSON'S
25 DEATH.

26 YOU HAVE TO SAY YES TO ALL OF THEM. THAT'S
27 A LOT OF IFS. BUT WE HAVE TO TALK ABOUT THE AMOUNT OF
28 MONEY PLAINTIFFS ARE REQUESTING IN THIS CASE BECAUSE

1 IT'S RIDICULOUS. \$1.5 BILLION. 1.2 IS ECONOMIC, 340
2 MILLION IS NON-ECONOMIC. THE JUDGE INSTRUCTED YOU YOU
3 CANNOT AWARD DAMAGES BASED ON SPECULATION.

4 YOU GET TO THIS AND YOU NEED TO DO DAMAGES,
5 IT CAN'T BE ON SPECULATION, IT CAN'T BE GUESSWORK.
6 IT'S NOT HOW IT WORKS. AND THAT'S ALL PLAINTIFFS' 1.5
7 BILLION IN DAMAGES ARE, SPECULATION AND GUESSWORK.
8 THINK ABOUT IT FOR A MOMENT.

9 AS I SAID IN THE BEGINNING, PLAINTIFFS'
10 ENTIRE CASE IS THAT MR. JACKSON WAS SO OBVIOUSLY DYING
11 OF A TERRIBLE DRUG ADDICTION THAT IT WAS OBVIOUS TO
12 EVERYONE. HE'S SAYING A.E.G. LIVE SHOULD HAVE KNOWN
13 DR. MURRAY WAS GOING TO KILL MR. JACKSON, IT WAS
14 OBVIOUS.

15 BUT THEN THEY TURN AROUND AND SAY
16 MR. JACKSON WOULD HAVE DONE HUNDREDS OF MORE CONCERTS,
17 WELL INTO HIS 60'S, AND HE WOULD HAVE MADE BILLIONS OF
18 DOLLARS. THEY CAN'T HAVE IT BOTH WAYS. THAT, LADIES
19 AND GENTLEMEN OF THE JURY, IS THE DEFINITION OF
20 SPECULATION. WHICH IS IT?

21 HE WAS SO SICK IT WAS OBVIOUS, OR HE WAS SO
22 WELL HE WOULD HAVE EARNED MORE MONEY THAN HE EVER HAD
23 IN HIS LIFETIME? HOW CAN PLAINTIFFS CLAIM IT'S NOT
24 GUESSWORK THAT MR. JACKSON WOULD HAVE MADE 1.2 BILLION?
25 WELL, YOU REMEMBER MR. ERK, RIGHT? THEIR EXPERT? HE
26 WAS THEIR DAMAGES EXPERT.

27 NORMALLY IT'S HIS JOB TO DETERMINE WHETHER
28 SOME SHOW OR MOVIE MADE ENOUGH IN ROYALTIES? HE'D

1 NEVER DONE ANYTHING LIKE THE CALCULATIONS HE DID IN
2 THIS COURT BEFORE. MR. ERK SAYS MR. JACKSON WAS GOING
3 TO PERFORM 260 SHOWS ON THE "THIS IS IT" TOUR, MORE
4 THAN ANY HE HAD DONE ON ANY TOUR IN HIS ENTIRE LIFE,
5 EVEN IN HIS 20'S, AND 210 MORE SHOWS THAN ANYONE HAD
6 AGREED TO DO AT THE TIME OF MR. JACKSON'S PASSING.

7 AND MR. ERK SAYS HE WAS GOING TO GO ON TO
8 DO SOMETHING NEITHER MR. JACKSON NOR ANY OTHER
9 PERFORMER HAS EVER DONE IN HISTORY, FIVE WORLD TOURS
10 PERFORMING A TOTAL OF 455 SHOWS FROM THE AGE OF 50 TO
11 66, EVEN THOUGH MR. JACKSON PERFORMED ONLY A FRACTION
12 OF THAT DURING HIS ENTIRE SOLO CAREER FROM HIS 20'S
13 THROUGH THE AGE OF 50.

14 EVEN THOUGH HE TOLD EVERYBODY THAT "THIS IS
15 IT" WOULD BE THE LAST TOUR THAT HE EVER DID. THE JUDGE
16 INSTRUCTED YOU YOU DON'T HAVE TO BELIEVE AN EXPERT'S
17 TESTIMONY. YOU HAVE TO CONSIDER THE FACTS THE EXPERT
18 RELIED ON.

19 PLAINTIFFS NEVER SHOWED MR. ERK ANY OF THE
20 EVIDENCE SHOWING THAT MR. JACKSON HAD A SECRET DRUG --
21 DRUG PROBLEM FOR DECADES BEFORE HIS DEATH. NOT JUST
22 PROPOFOL, BUT ALSO DEMEROL. THEY NEVER SHOWED HIM
23 THAT. WE ASKED HIM. TO MR. ERK, THOSE WERE JUST MEDIA
24 REPORTS. REMEMBER THAT'S WHAT HE SAID?

25 THOSE ARE MEDIA REPORTS. HE WASN'T LOOKING
26 AT THAT. IS THAT A SEARCH FOR TRUTH? NO. PLAINTIFFS
27 NEVER TOLD HIM ABOUT MR. JACKSON'S DRUG ABUSE BECAUSE
28 THEY WANTED HIM TO COME UP WITH THE HIGHEST NUMBER

1 POSSIBLE, AND THEY DID. \$1.2 BILLION.

2 NOW, I'M NOT SAYING THAT MR. JACKSON WOULD
3 HAVE NEVER MADE ANOTHER PENNY. THAT'S WHAT THEY TRIED
4 TO SAY YESTERDAY. WE'VE NEVER SAID THAT. MR. BRIGGS
5 DIDN'T SAY THAT. BUT WHAT HE SAID, AND WHAT WE'RE
6 SAYING HERE, IS THAT WHAT THEY'VE SHOWN YOU IS
7 SPECULATIVE.

8 THEY HAD TO PROVE TO YOU SOMETHING, AND
9 THEY DIDN'T. THE ONLY THING AGREED TO AT MR. JACKSON'S
10 DEATHS WAS 50 SHOWS. THAT'S TRUE. AND THAT WAS GOING
11 TO BE TRUE IF AND ONLY IF THOSE WENT WELL. THERE MIGHT
12 BE MORE, BUT THAT'S SPECULATIVE. WE DON'T KNOW BECAUSE
13 OF MR. JACKSON'S HISTORY OF FAILED PROJECTS, WHICH YOU
14 SAW, BECAUSE OF HIS DRUG USE AND THIS GAME OF RUSSIAN
15 ROULETTE HE WAS PLAYING.

16 WHEN YOU CONSIDER THE BILLIONS OF DOLLARS
17 THAT PLAINTIFFS ARE ASKING FOR, REMEMBER THIS CHART.
18 CAN YOU SAY, WITHOUT SPECULATING, WITHOUT GUESSING,
19 THAT THE "THIS IS IT" TOUR WAS GOING TO GROSS MORE THAN
20 TWICE AS MUCH AS THE HIGHEST GROSSING TOUR OF ALL TIME?

21 CAN YOU SAY, WITHOUT SPECULATING, THAT
22 MR. JACKSON WOULD HAVE NETTED MORE FOR ANY TOUR FOR ANY
23 ARTIST IN HISTORY WHEN HIS PRIOR TOURS HAD BOTH LOST
24 MONEY? THAT'S SPECULATION. PLAINTIFFS WANT YOU TO
25 IGNORE ALL THAT. THEY'RE ASKING FOR BILLIONS OF
26 DOLLARS ON THE HOPE THAT MR. JACKSON MIGHT BE ABLE TO
27 PULL OFF SOMETHING NO ONE HAD EVER DONE BEFORE.

28 THAT IS THE DEFINITION OF SPECULATION.

1 NOW, IF YOU DECIDE TO AWARD ANY ECONOMIC DAMAGES HERE,
2 AND I CERTAINLY DON'T BELIEVE THAT YOU SHOULD, YOU HAVE
3 TO BASE IT ON REALITY, ON WHAT KATHERINE JACKSON AND
4 MR. JACKSON'S CHILDREN ACTUALLY LOST. WHAT WOULD
5 MR. JACKSON HAVE GIVEN THEM?

6 IT'S NOT WHAT HE WOULD HAVE EARNED, IT
7 WOULD BE WHAT WOULD THEY HAVE RECEIVED. ECONOMIC
8 DAMAGES MUST BE BASED ON THE AMOUNT OF SUPPORT
9 MR. JACKSON WOULD HAVE ACTUALLY GIVEN THE PLAINTIFFS.
10 THE JUDGE TOLD YOU THAT ON MONDAY.

11 AND THE ONLY WITNESS WHO CAME UP HERE AND
12 TOLD YOU ABOUT A NUMBER WAS OUR EXPERT, DEFENDANTS'
13 EXPERT, WILLIAM ACKERMAN. REMEMBER HIM? HE'S THE ONE
14 WHO REVIEWED THE HUNDREDS OF THOUSANDS OF PAGES OF
15 MR. JACKSON'S PRIOR FINANCIAL DOCUMENTS THAT MR. ERK
16 DIDN'T BOTHER TO GO THROUGH.

17 THAT'S WHY OUR EXPERTS ARE SO EXPENSIVE,
18 THEY ACTUALLY DO THE WORK. HE FOUND MR. JACKSON WAS
19 BROKE. MORE THAN BROKE. HE WAS IN A HUGE HOLE, AND
20 THAT IS A FACT. IN FACT, MR. JACKSON WAS ON THE VERGE
21 OF BANKRUPTCY. BY THE TIME HE DIED, HE WAS SPENDING
22 \$20 MILLION MORE PER YEAR THAN HE EARNED.

23 SO MR. JACKSON BORROWED MONEY, A LOT OF
24 MONEY. WHEN HE PASSED IN 2009, HE WAS WELL OVER
25 \$400 MILLION IN DEBT, AND THAT IS UNDISPUTED. HAD
26 MR. JACKSON LIVED, IT'S DIFFICULT TO SEE HOW HE WAS
27 GOING TO GET HIMSELF OUT OF THAT HOLE, AND IT HAD TO BE
28 DAUNTING. AND THAT'S EVEN IF HE WENT ON TOUR.

1 EVEN IF HE SUCCESSFULLY COMPLETED THE 50
2 SHOWS IN LONDON. THAT'S WHY MR. ACKERMAN TESTIFIED
3 THAT HE WASN'T SURE WHETHER MR. JACKSON WOULD BE ABLE
4 TO GIVE PLAINTIFFS ANYTHING HE HAD LEFT. THAT'S WHY HE
5 SAID THAT. IT WASN'T THAT MR. JACKSON WOULDN'T EARN
6 ANYTHING. HE HAD A \$400 MILLION DEBT TO TAKE CARE OF.

7 REMEMBER, HE HAD TO SERVICE THAT DEBT, HE
8 HAD TO SERVICE THAT MAMMOTH DEBT BEFORE HE WAS GOING TO
9 BE ABLE TO GIVE HIS FAMILY ANYTHING. AND REMEMBER
10 THAT'S WHAT YOU'RE TRYING TO DETERMINE, WHAT
11 MR. JACKSON WOULD HAVE GIVEN PLAINTIFFS HAD HE LIVED.

12 BUT MR. ACKERMAN DID TRY TO MEASURE WHAT
13 THAT SUPPORT MIGHT BE IF HE COULD. HE BASED HIS
14 NUMBERS ON WHAT MR. JACKSON HAD ACTUALLY BEEN GIVING
15 HIS MOTHER AND CHILDREN BEFORE HE DIED. AND EVEN THEN,
16 AS HE TOLD YOU, HE WAS EXTREMELY GENEROUS. WHEN IN
17 DOUBT, HE WENT HIGH.

18 NOW, MR. PANISH TOLD YOU YESTERDAY THAT
19 THAT FIGURE WAS 59 MILLION. HE SAID THAT A COUPLE OF
20 TIMES. THAT WAS JUST MADE UP. HE MADE IT UP.
21 MR. ACKERMAN ACTUALLY DETERMINED THAT IF MR. JACKSON
22 LIVED FOR ONE MORE YEAR, THERE WOULD HAVE BEEN \$1.6
23 MILLION.

24 IF HE LIVED SEVEN, THERE WOULD HAVE BEEN 15
25 MILLION. 16, 21.5 MILLION. AND THAT WAS THE TOTAL FOR
26 ALL FOUR PLAINTIFFS. 21.5 MILLION. A LOT OF MONEY BY
27 ANY STANDARD, 21.5 MILLION. MORE MONEY THAN MOST
28 PEOPLE WILL EVER SEE IN THEIR LIVES, BUT THAT'S NOWHERE

1 CLOSE TO 1.5 BILLION.

2 PLAINTIFFS WANT YOU TO BELIEVE THAT
3 MR. JACKSON WAS GOING TO CHANGE HIS STRIPES. THE MAN
4 WHO BLEW THROUGH 150 MILLION IN LESS THAN THREE YEARS
5 IN THE '90'S WAS SUDDENLY GOING TO BECOME PRUDENT WITH
6 HIS MONEY. YOU HAVE TO LOOK AT THE EVIDENCE.

7 IN JUNE 2009 MR. JACKSON WAS LIVING IN A
8 MANSION THAT COST \$100,000 A MONTH WHILE HIS MOTHER'S
9 HOME WAS GOING INTO FORECLOSURE. HE HAD NEARLY HALF A
10 BILLION DOLLARS IN DEBT AND WAS STILL BORROWING MORE
11 WHENEVER HE COULD. THERE'S SIMPLY NO REASON TO BELIEVE
12 THAT HE WAS GOING TO CHANGE.

13 THAT'S DAMAGES. NOW, IF YOU FIND ALL
14 THOSE, FIND DAMAGES AND EVERYTHING ELSE, WELL, THEN YOU
15 GET TO OUR DEFENSE, AND THAT'S THAT MICHAEL JACKSON WAS
16 A SUBSTANTIAL FACTOR IN HIS OWN DEATH. THAT'S AFTER
17 YOU'VE SHOWN EVERYTHING ELSE. OKAY? AND WITH BOTH
18 QUESTIONS ON THE VERDICT FORM, IF YOU ANSWER NO, THEN
19 YOU'RE DONE, YOU STOP, THE CASE IS OVER.

20 BUT IF YOU KEEP ANSWERING YES, EVENTUALLY
21 YOU'LL BE ASKED TO DECIDE WHETHER MR. JACKSON WAS
22 NEGLIGENT; AND IF SO, WAS THAT NEGLIGENCE A SUBSTANTIAL
23 FACTOR IN HIS DEATH. AND HERE, THE ANSWER MUST BE YES.
24 AND THAT'S BECAUSE THE JUDGE INSTRUCTED YOU THAT,
25 QUOTE, A PATIENT MUST USE REASONABLE CARE TO PROVIDE
26 FOR HIS OR HER OWN WELL BEING.

27 TO SUCCEED, A.E.G. LIVE MUST PROVE BOTH OF
28 THE FOLLOWING: THAT MICHAEL JACKSON DID NOT USE

1 REASONABLE CARE TO PROVIDE FOR HIS OWN WELL BEING, AND
2 THAT MICHAEL JACKSON'S FAILURE TO USE REASONABLE CARE
3 IN CONNECTION WITH HIS MEDICAL CARE WAS A SUBSTANTIAL
4 FACTOR IN CAUSING HIS HARM.

5 SO THE JUDGE INSTRUCTED YOU THAT IF
6 MR. JACKSON DIDN'T USE REASONABLE CARE TO PROVIDE FOR
7 HIS OWN WELL BEING, HE'S RESPONSIBLE FOR HIS OWN DEATH.
8 EVEN PLAINTIFFS ADMIT THIS IS TRUE. EVEN THEY ADMIT
9 THAT MR. JACKSON IS AT LEAST PARTLY TO BLAME HERE.

10 I'VE ALREADY SPOKEN TO YOU ABOUT HOW
11 MR. JACKSON SOUGHT OUT PROPOFOL FROM DOCTORS FOR YEARS.
12 NOW LET'S TAKE A STEP BACK, HOWEVER, AND LOOK AT THIS
13 MORE GENERALLY. WHO WAS RESPONSIBLE FOR MR. JACKSON'S
14 HEALTH? WAS MR. JACKSON RESPONSIBLE? HIS DOCTOR?
15 CERTAINLY NOT HIS CONCERT PROMOTER.

16 AN ADULT CHOOSES HIS OWN DOCTOR. THAT'S
17 WHAT DR. MATHESON SAID, PLAINTIFFS' EXPERT. HE AGREED
18 WITH DR. GREEN. MR. ORTEGA, MR. GONGAWARE, THEY SAID
19 THE SAME THING, AN ADULT IS RESPONSIBLE FOR HIS OWN
20 HEALTH. A.E.G. LIVE HAD NO RIGHT TO OVERRIDE
21 MR. JACKSON'S CHOICE.

22 A.E.G. LIVE COULD NOT MAKE MR. JACKSON GO
23 TO A DOCTOR HE DIDN'T WANT TO SEE. HERE MR. JACKSON
24 CHOSE DR. MURRAY. HE WAS RESPONSIBLE FOR THAT CHOICE.
25 REMEMBER MR. ORTEGA? MR. ORTEGA TESTIFIED HE BELIEVED
26 MR. JACKSON'S HEALTH WAS MR. JACKSON'S OWN
27 RESPONSIBILITY, EVEN WHEN HE WASN'T BEING VERY
28 RESPONSIBLE.

1 EVEN KATHERINE JACKSON, MR. JACKSON'S
2 MOTHER, ADMITTED HIS DRUG PROBLEM WAS HIS
3 RESPONSIBILITY. WHEN SHE THOUGHT HE HAD A PROBLEM, SHE
4 CONFRONTED MR. JACKSON ABOUT IT, NOT HIS CONCERT
5 PROMOTER, NOT HIS DOCTORS. SHE CONFRONTED MR. JACKSON.
6 HE HAD THE POWER TO STOP HIS ABUSE.

7 AND THEN, IN ADDITION, MRS. JACKSON MADE
8 SURE NO ONE KNEW ABOUT MR. JACKSON'S ISSUES. REMEMBER
9 THAT WHOLE "PEOPLE" MAGAZINE THING? MR. JACKSON DIDN'T
10 WANT THE TRUTH TO COME OUT ABOUT HIS PROBLEM, SO
11 MRS. JACKSON DIDN'T WANT THE TRUTH TO COME OUT ABOUT
12 HER SON'S PROBLEM, SO THEY SIGNED THAT THING SAYING
13 THESE ARE ALL LIES ABOUT HIM AND DRUG ABUSE?

14 HE WANTED TO KEEP THE SECRET FROM THE
15 WORLD. SHE WANTED TO KEEP THE SECRET FROM THE WORLD.
16 HE WROTE IT, SHE SIGNED IT. NOW, PLAINTIFFS HAVE TRIED
17 TO PRESENT MR. JACKSON AS POWERLESS, LIKE HE'S A CHILD,
18 THE BOY WE ALL REMEMBER FROM THE JACKSON 5, OR SOME OF
19 US. BUT THAT'S NOT WHO HE WAS.

20 HE WAS A GROWN MAN, AND HE MADE HIS OWN
21 CHOICES. I'M NOT GOING TO REHASH EVERYTHING WE'VE BEEN
22 THROUGH TODAY. I'M SURE YOU'RE GLAD. BUT YOU KNOW
23 THAT MR. JACKSON CHOSE DR. MURRAY, YOU KNOW HE CHOSE
24 PROPOFOL. YOU KNOW THAT WAS MR. JACKSON'S CHOICE.

25 AND THIS IS NOT ABOUT BLAME, IT'S ABOUT
26 RESPONSIBILITY. MR. JACKSON WAS A 50-YEAR-OLD MAN. HE
27 HAD MANY, MANY CHANCES TO PUT HIMSELF AND HIS LIFE ON A
28 DIFFERENT PATH. HE DIDN'T TAKE THEM. MR. JACKSON KNEW

1 THE CONSEQUENCES OF ABUSING PROPOFOL.

2 IF YOU MAKE IT THIS FAR ON THE VERDICT
3 FORM, THEN YOU HAVE TO DECIDE THAT A.E.G. LIVE WAS TO
4 BLAME -- THEN YOU'VE DECIDED THAT A.E.G. LIVE WAS TO
5 BLAME FOR MR. JACKSON'S DEATH. AND IF YOU DECIDED
6 THAT, THEN YOU HAVE TO DECIDE HOW MUCH RESPONSIBILITY
7 MR. JACKSON MAY HAVE HAD.

8 AND THAT PERCENTAGE I BELIEVE SHOULD BE
9 VERY, VERY HIGH. MR. JACKSON, LIKE ALL ADULTS, IS 100
10 PERCENT RESPONSIBLE FOR THE CHOICES HE MAKES.

11 MR. JACKSON (SIC) TOLD YOU YESTERDAY THAT YOU SHOULD
12 ASSIGN DR. MURRAY'S SHARE OF THE BLAME TO A.E.G. LIVE,
13 BUT YOU SHOULD ONLY DO THAT IF YOU BELIEVE A.E.G. LIVE
14 WAS 100 PERCENT TO BLAME FOR DR. MURRAY'S ACTIONS.

15 IF YOU BELIEVE MR. JACKSON SELECTED
16 DR. MURRAY, AND HE DID, IF YOU BELIEVE HE ASKED FOR
17 PROPOFOL, AND HE DID, IF YOU BELIEVE HE PAID
18 DR. MURRAY, AND HE DID, THEN YOU SHOULD ASSIGN
19 RESPONSIBILITY FOR DR. MURRAY TO MR. JACKSON. MEMBERS
20 OF THE JURY, IT'S BEEN A LONG FIVE MONTHS.

21 PROBABLY NO ONE KNOWS BETTER THAN Y'ALL.
22 YOU'VE BEEN INCREDIBLY PATIENT AND INCREDIBLY
23 ATTENTIVE. YOU HAVE HEARD A LOT OF EVIDENCE HERE. A
24 LOT. I WANT TO REMIND YOU OF A FEW KEY POINTS ABOUT
25 THE QUESTIONS YOU'RE NOW GOING TO HAVE TO ANSWER, THAT
26 FORM THAT YOU'RE GOING TO FILL OUT.

27 THE ONLY WAY TO FIND FOR PLAINTIFFS HERE IS
28 IF YOU FIND THEY HAVE PROVED ALL OF THE ELEMENTS OF

1 THEIR CLAIM. THAT'S THEIR BURDEN. NOT JUST HIRING,
2 NOT JUST UNFITNESS, NOT JUST NOTICE, NOT JUST
3 CAUSATION, NOT JUST DAMAGES. ALL OF THEM. AND THEY
4 SIMPLY HAVEN'T DONE THAT.

5 NOW, THIS IS THE LAST TIME I GET TO TALK TO
6 YOU. YOU'RE GOING TO HEAR FROM MR. PANISH ONE MORE
7 TIME AFTER I FINISH BECAUSE PLAINTIFFS, THEY HAVE THE
8 BURDEN OF PROOF, SO YOU'RE GOING TO HEAR FROM HIM
9 TOMORROW. BUT I'M NOT GOING TO BE ABLE TO COME UP HERE
10 AFTERWARDS WHEN THEY'RE DONE AND TELL YOU IF THERE ARE
11 ANY FACTS THAT AREN'T QUITE RIGHT.

12 I'M NOT GOING TO BE ABLE TO OBJECT AND SAY,
13 NO, NO, NO, THAT'S NOT TRUE. SO YOU NEED TO BE REALLY
14 VIGILANT TOMORROW, LISTEN TO WHAT HE SAYS AND SEE IF IT
15 LINES UP WITH THE TESTIMONY AND EVIDENCE THAT YOU'VE
16 BEEN -- THAT YOU'VE SEEN AND HEARD DURING THIS TRIAL.

17 AND I SAY THIS BECAUSE I REMEMBER ALL THE
18 IMPORTANT THINGS HE GOT WRONG YESTERDAY. I BRING THIS
19 UP TO YOU BECAUSE REMEMBER HE SAID, "DON'T WORRY. I'M
20 SURE THEY'LL CORRECT ME IF I'M WRONG"? REMEMBER HE
21 SAID THAT A BUNCH OF TIMES DURING TRIAL, "DON'T WORRY.
22 IF I'M WRONG, THEY'LL CORRECT ME"?

23 I CAN'T DO THAT TOMORROW. YOU'VE GOT TO.
24 WE BEG YOU TO DO SO BECAUSE JUST YESTERDAY HE SAID THE
25 FOLLOWING: THAT A.E.G. LIVE WAS PAYING DR. MURRAY.
26 NEVER HAPPENED. A.E.G. LIVE WAS BRINGING DR. MURRAY
27 ON. DIDN'T HAPPEN. WHEN DR. MURRAY STARTED WORKING IN
28 CALIFORNIA, THEY SAID MAY.

1 IT WAS JANUARY. DR. MURRAY NOT HAVING
2 OXYGEN TANKS IN APRIL. HE DID. MR. PANISH'S OWN
3 WITNESS SAID SO. NO DOCTORS GIVING MR. JACKSON
4 PROPOFOL FOR SLEEP BEFORE DR. MURRAY. THEY DID.
5 MR. ERK GETTING NUMBERS FROM A.E.G. LIVE. HE DIDN'T.
6 MR. ACKERMAN'S DAMAGES FIGURE, HE WAS WRONG BY
7 40 MILLION.

8 THOSE ARE JUST THE BIG ONES. I'M NOT GOING
9 THROUGH THEM ALL. BUT YOU'VE GOT TO. SO PLEASE LISTEN
10 ATTENTIVELY AND SEE WHAT IS PROVEN, WHAT'S PUT IN
11 CONTEXT, WHAT HE SAID, AND WHAT ALIGNS WITH WHAT YOU
12 ACTUALLY KNOW BECAUSE YOU'VE BEEN HERE FOR FIVE MONTHS.
13 LOOK CLOSELY TOMORROW.

14 IF IT DOESN'T SOUND RIGHT, IT SOUNDS
15 INCOMPLETE, PLEASE CHECK IT BECAUSE IT VERY WELL MIGHT
16 BE WRONG, AND I'M TRUSTING YOU TO GET IT RIGHT. SO
17 LET'S TALK ONE MORE TIME ABOUT WHAT PLAINTIFFS HAVE TO
18 PROVE. PLAINTIFFS HAVE TO PROVE THAT A.E.G. LIVE --
19 SORRY -- THAT A.E.G. LIVE HIRED DR. MURRAY.

20 YOU'VE SEEN THE EVIDENCE, AND THAT SHOWS IT
21 NEVER HAPPENED. MICHAEL JACKSON HIRED HIM A LONG TIME
22 AGO, AND HE WAS NEVER HIRED BY A.E.G. LIVE. HE DIDN'T
23 PROVE THIS. THAT'S THEIR BURDEN. PLAINTIFFS HAVE TO
24 PROVE THAT DR. MURRAY WAS UNFIT OR INCOMPETENT FOR THE
25 JOB HE WAS HIRED TO DO.

26 THAT'S THE STANDARD, FOR THE JOB HE WAS
27 HIRED TO DO. IF IT WAS A.E.G. LIVE WHO HIRED HIM, IT
28 WASN'T TO GIVE MICHAEL JACKSON PROPOFOL. DR. MURRAY

1 WASN'T UNFIT OR INCOMPETENT TO TREAT MICHAEL JACKSON'S
2 GENERAL MEDICAL NEEDS. PLAINTIFFS HAVEN'T PROVEN THIS
3 ELEMENT, EITHER.

4 PLAINTIFFS HAVE TO PROVE THAT A.E.G. LIVE
5 KNEW OR SHOULD HAVE KNOWN THAT DR. MURRAY WAS UNFIT OR
6 INCOMPETENT FOR THE JOB HE WAS HIRED TO DO. THERE'S NO
7 EVIDENCE OF THIS. THEY CAN'T DO IT BECAUSE WHATEVER
8 WAS GOING ON WITH MR. JACKSON, IT WASN'T NOTICE THAT
9 HIS DOCTOR WAS A BAD DOCTOR.

10 THAT'S WHAT IT WOULD HAVE TO BE. REMEMBER,
11 THOSE CLOSEST TO MR. JACKSON -- AND THAT WASN'T A.E.G.
12 LIVE. THOSE CLOSEST TO MR. JACKSON, HIS MAKEUP ARTIST,
13 HIS CHEF, HIS SON, PEOPLE WHO WERE IN THE HOUSE, EVEN
14 THEY DIDN'T SUSPECT DR. MURRAY.

15 BUT A.E.G. LIVE WAS SUPPOSED TO?
16 PLAINTIFFS HAVE TO PROVE THAT A.E.G. LIVE'S CONDUCT
17 WITH REGARD TO DR. MURRAY CAUSED MR. JACKSON'S DEATH.
18 AND THEY CERTAINLY CAN'T DO THAT BECAUSE MR. JACKSON
19 WAS USING PROPOFOL LONG BEFORE DR. MURRAY, AND
20 DR. MURRAY WAS GIVING PROPOFOL LONG BEFORE A.E.G. LIVE
21 WAS AROUND.

22 REMEMBER THOSE PROPOFOL ORDERS. REMEMBER
23 THAT TIMELINE OVER AND OVER AGAIN, AND ALL BEFORE
24 DR. MURRAY SAW A DRAFT OF HIS CONTRACT, BEFORE HE EVER
25 MET WITH MR. PHILLIPS OR MR. GONGAWARE, BEFORE EVEN
26 THAT FIRST CALL. LASTLY, THEY'VE GOT TO PROVE DAMAGES.
27 YOU CAN'T SPECULATE, THEY'VE GOT TO PROVE IT.

28 DID THEY PROVE DAMAGES TO YOU? NO, THEY

1 HAVEN'T. MR. JACKSON SELECTED THIS DOCTOR, AND
2 MR. JACKSON DEMANDED THIS DOCTOR. MR. JACKSON ASKED
3 FOR THE DRUG THAT KILLED HIM. MR. JACKSON HID HIS
4 PROBLEM FROM ANYONE THAT COULD HELP; HIS FAMILY, HIS
5 STAFF, AND MOST OF ALL, HIS CONCERT PROMOTERS.

6 MEMBERS OF THE JURY, WHAT HAPPENED TO
7 MR. JACKSON WAS A TRAGEDY. I'M NOT TRYING TO SAY
8 ANYTHING THAT SAYS THAT'S NOT SO, BECAUSE IT WAS, AND
9 IT'S UNDERSTANDABLE THAT PLAINTIFFS WANT TO BLAME
10 SOMEBODY. I GET IT. BUT IT WAS NOT A.E.G. LIVE'S
11 FAULT.

12 ALL THEY WERE TRYING TO DO WAS PUT ON A
13 CONCERT. YOU CAN'T HOLD A CONCERT PROMOTER AT FAULT
14 FOR MR. JACKSON'S CHOICES. IT WAS MR. JACKSON'S
15 SECRETS AND HIS CHOICES THAT HAS BROUGHT ALL THIS HERE.
16 YOU'VE BEEN ASKED TO DO SOMETHING VERY, VERY SERIOUS.
17 YOU'VE BEEN ASKED TO DECIDE IF A.E.G. LIVE KILLED
18 MICHAEL JACKSON. THAT'S WHAT YOU'VE BEEN ASKED.

19 MR. PANISH: I'M GOING TO OBJECT. THAT'S NOT THE
20 QUESTION THAT THE JURY IS ANSWERING.

21 THE COURT: SUSTAINED.

22 MR. PANISH: ADMONISH COUNSEL FOR THE IMPROPER
23 ARGUMENT.

24 THE COURT: SUSTAINED.

25 MR. PUTNAM: THEY HAD A ROLE IN THE DEATH OF
26 MICHAEL JACKSON. PLEASE LOOK AT THE EVIDENCE, THE
27 ACTUAL EVIDENCE. THINK ABOUT THE LAST FIVE MONTHS.
28 THINK ABOUT ALL YOU'VE HEARD, THINK ABOUT ALL YOU SAW.

1 WHEN YOU DO, IT IS MY VERY SINCERE HOPE, MY BELIEF,
2 THAT YOU WON'T BLAME A.E.G. LIVE FOR MICHAEL JACKSON'S
3 DEATH.

4 THANK YOU.

5 THE COURT: THANK YOU.

6 LADIES AND GENTLEMEN, TOMORROW, I NEED YOU
7 BACK HERE AT 9:45, BUT I NEED YOU TO SPEAK TO THE
8 DEPUTY BEFORE YOU LEAVE BECAUSE YOU'RE GOING TO REPORT
9 TO THIS ROOM INSTEAD OF DEPARTMENT 28, AND THEY'RE
10 GOING TO GET YOU HERE. SO BEFORE YOU LEAVE, SPEAK TO
11 THEM. THEY'RE GOING TO SPEAK TO YOU AS A GROUP, SO
12 DON'T LEAVE BEFORE YOU SPEAK TO THEM. OKAY? ALL
13 RIGHT. SO 9:45.

14 COUNSEL, WE NEED TO MEET AT 9:30. I THINK
15 THIS ROOM WILL BE AVAILABLE, SO I'M GOING TO ASK THAT
16 WE MEET HERE. I'M NOT 100 PERCENT SURE IF THIS ROOM
17 WILL BE AVAILABLE AT 9:30. IF NOT, I WILL SEND THE
18 CLERK UP HERE TO SEND YOU TO DEPARTMENT 28. BUT AS FAR
19 AS I KNOW, THIS ROOM WILL BE AVAILABLE AT 9:30
20 TOMORROW. SO I NEED TO SPEAK TO YOU JUST 15 MINUTES
21 BEFORE WE START. OKAY?

22 ALL RIGHT. THANK YOU. EVERYBODY HAVE A
23 GOOD EVENING.

24
25 (PROCEEDINGS ADJOURNED TO THURSDAY,
26 SEPTEMBER 26, 2013, AT 9:30 A.M.)
27
28