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

DEPARTMENT NO. 28 HON. YVETTE M. PALAZUELOS, JUDGE
KATHERINE JACKSON, INDIVIDUALLY)
AND AS THE GUARDIAN AD LITEM OF)
MICHAEL JOSEPH JACKSON, JR.,)
PARIS-MICHAEL KATHERINE JACKSON,)
AND PRINCE MICHAEL JACKSON II,)

PLAINTIFFS,)

VS.) NO. BC 445597

AEG LIVE, LLC; ANSCHUTZ)
ENTERTAINMENT GROUP, INC.; AEG) PAGES 17559-17636
LIVE PRODUCTIONS, LLC; BRANDON)
PHILLIPS (AKA RANDY PHILLIPS), AN)
INDIVIDUAL; PAUL GONGAWARE, AN)
INDIVIDUAL; TIMOTHY LEIWEKE, AN)
INDIVIDUAL; AND DOES 1 TO 100,)
INCLUSIVE,)

DEFENDANTS.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS
SEPTEMBER 26, 2013
A.M. SESSION

APPEARANCES:

FOR THE PLAINTIFFS: PANISH SHEA & BOYLE, LLP
BY: BRIAN J. PANISH, ESQ.
KEVIN R. BOYLE, ESQ.
DEBORAH CHANG, ESQ.
11111 SANTA MONICA BOULEVARD
SUITE 700
LOS ANGELES, CALIFORNIA 90025
310.477.1700
FOR THE DEFENDANTS: O'MELVENY & MYERS, LLP
BY: MARVIN PUTNAM, ESQ.
JESSICA STEBBINS BINA, ESQ.
KATHRYN CAHAN, ESQ.
SABRINA STRONG, ESQ.
1999 AVENUE OF THE STARS
7TH FLOOR
LOS ANGELES, CALIFORNIA 90067
310.553.6700

(FURTHER APPEARANCES ON PAGE 2.)
LAURIE MILLER, CSR #6457, RPR, CP, CLR

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A P P E A R A N C E S (CONTINUED)

FOR KATHERINE JACKSON:

KOSKOFF, KOSKOFF & BIEDER
BY: MICHAEL KOSKOFF, ESQ.
350 FAIRFIELD AVENUE
BRIDGEPORT, CONN. 06604
203.583.8634

1 CASE NAME: JACKSON VS. A.E.G. LIVE
2 CASE NUMBER: BC 445597
3 LOS ANGELES, CALIFORNIA SEPTEMBER 26, 2013
4 DEPARTMENT NO. 28 HON. YVETTE PALAZUELOS,
5 JUDGE
6 REPORTER: LAURIE MILLER, CSR #6457
7 APPEARANCES: (AS HERETOFORE MENTIONED.)
8

9 (THE JURY ENTERED THE COURTROOM AT 9:59 A.M.)
10

11 THE COURT: KATHERINE JACKSON VERSUS A.E.G.
12 LIVE, BC 445597.

13 GOOD MORNING, EVERYBODY.
14

15 (SEVERAL COMMENTS OF "GOOD MORNING" WERE HEARD.)
16

17 THE COURT: COUNSEL, PLEASE MAKE YOUR
18 APPEARANCES.

19 MR. PANISH: GOOD MORNING. BRIAN PANISH FOR
20 PLAINTIFFS.

21 MR. BOYLE: GOOD MORNING, EVERYBODY. KEVIN
22 BOYLE FOR THE PLAINTIFFS.

23 MS. CHANG: DEBORAH CHANG FOR THE PLAINTIFFS.

24 MR. KOSKOFF: MICHAEL KOSKOFF FOR THE
25 PLAINTIFFS. GOOD MORNING.

26 MR. PUTNAM: MARVIN PUTNAM OF O'MELVENY & MYERS
27 ON BEHALF OF THE DEFENDANTS, A.E.G. LIVE.

28 MS. BINA: JESSICA STEBBINS BINA FOR A.E.G.

1 LIVE.

2 MS. CAHAN: KATHRYN CAHAN FOR DEFENDANTS.

3 MS. STRONG: SABRINA STRONG FOR DEFENDANTS

4 SABRINA -- GOOD MORNING.

5 THE COURT: GOOD MORNING.

6 REBUTTAL ON BEHALF OF THE PLAINTIFFS.

7

8 FINAL CLOSING ARGUMENT

9

10 MR. PANISH: GOOD MORNING, EVERYONE. OKAY. WE
11 ARE IN THE FOURTH QUARTER.

12 YOU KNOW, YESTERDAY, A.E.G.'S LAWYERS GOT UP
13 HERE AND SAID MY NAME I BELIEVE IT WAS 50 TIMES, AND
14 ATTACKED PLAINTIFFS' COUNSEL FOR TRYING TO DECEIVE YOU
15 AND FOR DOING ALL THESE THINGS.

16 IT COULD BE NOTHING FURTHER FROM THE TRUTH.
17 IT'S A TACTIC THAT SOMEONE THAT IS RESPONSIBLE ATTACKS
18 ANOTHER TO AVOID RESPONSIBILITY. AND YET THEY SAY, "A
19 GOOD OFFENSE IS A GOOD DEFENSE," AND THAT'S WHAT YOU'VE
20 SEEN.

21 YOU KNOW, WE STARTED FROM -- THEY STARTED TO
22 TALK TO MICHAEL ABOUT DOING THIS, AND THEY TRIED TO
23 MISLEAD HIM WITH NET VERSUS GROSS.

24 THEN WE GO TO MR. PHILLIPS WHO SAYS THEY HIRED
25 HIM, THE C.E.O., BUT WE CAN'T RELY ON HIM IN THIS CASE.

26 THEN THEY PROCEED TO HAVE MR. GONGAWARE TELL
27 DR. MURRAY WHAT'S EXPECTED OF HIM, BUT THEY DENY THAT
28 THEY EVER DID THAT, AND I WILL SHOW YOU HOW THEY DID IT.

1 AND THEN THEY CONTINUED TO DENY, EVEN TO THEIR
2 CORPORATE LAWYER TAKING THE WITNESS STAND, MS. JORRIE,
3 WHOSE FIRM HAS BEEN PAID OVER \$7 MILLION AND SAYS, "OH,
4 THERE IS NO WORLD TOURS. I NEVER TOLD THAT TO THE
5 LOS ANGELES POLICE DEPARTMENT." AND THEN WE SHOWED
6 THAT, THAT HER AND MR. PUTNAM DID. AND, YOU KNOW,
7 WHATEVER IS CONVENIENT IS WHAT THEY'RE GOING TO WRITE
8 DOWN.

9 YESTERDAY, COUNSEL SAID A LOT OF THINGS THAT
10 WEREN'T IN THE EVIDENCE, BUT I ONLY OBJECTED WHEN HE WAS
11 WAY OVER THE LINE, AND THE COURT SUSTAINED THAT. BUT
12 WHAT I'M GOING TO DO, I'M NOT GOING TO ATTACK COUNSEL.
13 IT'S NOT ABOUT ME; IT'S NOT ABOUT MR. PUTNAM; IT'S NOT
14 ABOUT MS. CAHAN. THEY'RE ALL FINE LAWYERS. IF SOME
15 LAWYER HAS A BETTER TIE, AND YOU LIKE THEM, OR SOME
16 LAWYER SMILES AT YOU, OR SOMETHING, THAT'S NOT A REASON
17 TO MAKE YOUR DECISION, BECAUSE YOU'RE GOING TO DO A
18 DISSERVICE TO YOURSELF, TO THE SYSTEM, AND EVERYONE
19 ELSE. YOU NEED TO MAKE YOUR DECISION BASED ON THE
20 EVIDENCE IN THIS CASE.

21 AND WHAT I'M GOING TO TRY TO DO WITH YOU IS
22 JUST TO CORRECT A FEW OF THE MISSTATEMENTS. BUT BELIEVE
23 ME, THERE WERE PLENTY. I'M NOT GOING TO ATTACK COUNSEL.
24 HE'S AN ADVOCATE, TRYING TO DO THE BEST HE CAN FOR HIS
25 CLIENT. I DON'T HAVE A SCRIPT WRITTEN OUT. I'M NOT
26 GOING TO STAND BEHIND A PODIUM AND READ TO YOU FOR FOUR
27 HOURS. I'M GOING TO TELL YOU FROM THE HEART WHAT I
28 BELIEVE THE EVIDENCE IS GOING TO SHOW IN THE CASE. I'M

1 NOT GOING TO GIVE YOU PART OF THE DOCUMENT. I'M GOING
2 TO LAY IT OUT FOR YOU HOW I BELIEVE THE EVIDENCE HAS
3 PROVED THAT A.E.G. LIVE IS RESPONSIBLE.

4 SHARED RESPONSIBILITY. THAT'S WHAT I TALKED TO
5 YOU ABOUT. AND WHEN YOU TALK ABOUT PERSONAL
6 RESPONSIBILITY, THERE'S THREE THINGS TO PERSONAL
7 RESPONSIBILITY.

8 NUMBER ONE, YOU HAVE TO ACCEPT IT; NUMBER TWO,
9 YOU HAVE TO -- IF YOU'RE GOING TO WALK THE WALK --
10 EXCUSE ME -- IF YOU'RE GOING TO TALK THE TALK, YOU HAVE
11 TO WALK THE WALK; AND NUMBER THREE, DON'T YOU DARE DO
12 ANYTHING TO GET IN THE WAY OF SOMEONE THAT'S TRYING TO
13 DEAL WITH PERSONAL RESPONSIBILITY. IN THIS CASE A.E.G.
14 HAS VIOLATED ALL THREE OF THE PRINCIPLES OF PERSONAL
15 RESPONSIBILITY.

16 NUMBER ONE, BEFORE YOU POINT THE FINGER, YOU
17 GOT TO LOOK IN THE MIRROR AT YOURSELF. A.E.G. LOOKS IN
18 THE MIRROR AT THEMSELVES, AND THEY SAY, "EVERYTHING WE
19 DID IS FINE." AND THEY WANT YOU TO BELIEVE
20 MR. GONGAWARE AND MR. PHILLIPS'S STORY IN THIS TRIAL.
21 AND ONE OF THE MOST IMPORTANT DECISIONS IN YOUR LIFE,
22 THEY WANT YOU TO BASE IT ON THOSE TWO PEOPLE,
23 MR. GONGAWARE AND MR. PHILLIPS, AND DISREGARD ALL OF THE
24 OTHER EVIDENCE.

25 NUMBER TWO, THEY NEVER WALKED THE WALK. THEY
26 DID A LOT OF TALKING. THEY NEVER WALKED THE WALK. THEY
27 DIDN'T ADMIT ANYTHING.

28 AND NUMBER THREE, HOW DARE THEM COME UP HERE

1 AND ACCEPT NO RESPONSIBILITY AND PUT IT ALL ON MICHAEL,
2 MRS. JACKSON, KAREN FAYE, ALIF SANKEY. EVERYBODY BUT
3 THEM. AND WHEN YOU'RE POINTING THE FINGER AT SOMEONE,
4 YOU GOT FOUR FINGERS POINTING BACK AT YOURSELF.

5 AND RESPONSIBILITY, IT DOESN'T STOP AT THE
6 BOARDROOM. CORPORATE RESPONSIBILITY IS SUPPOSED TO
7 CARRY OUT THROUGHOUT OUR SOCIETY. AND THE SOCIAL ORDER,
8 CORPORATIONS HAVE A RIGHT TO GO OUT AND MAKE MONEY, AND
9 THAT'S OKAY. BUT WHEN YOU MAKE MONEY, AND YOU'RE IN THE
10 MONEY-MAKING BUSINESS AND GET -- MAKE NO MISTAKE ABOUT
11 IT. A.E.G. IS IN THE MONEY-MAKING BUSINESS. AND WHEN
12 YOU'RE IN THE MONEY-MAKING BUSINESS, THERE ARE CERTAIN
13 RESPONSIBILITIES IMPOSED UPON YOU BY THE LAW. AND WHEN
14 YOU GET INVOLVED IN A SITUATION LIKE THIS, YOU HAVE
15 RESPONSIBILITIES. THEY'RE NOT IMPOSED BY ME; THEY'RE
16 IMPOSED BY THE LAW OF THE STATE OF CALIFORNIA, AND
17 YOU'RE RESPONSIBLE SOCIALLY AND LEGALLY TO ACT
18 APPROPRIATELY. AND WHAT THEY DID, THEY DIDN'T ACT
19 APPROPRIATELY.

20 AND LET ME START OFF A LITTLE BIT FIRST BY
21 WHAT -- I'M NOT GOING TO TALK ALL DAY. I'M GOING TO GET
22 DONE. BUT YESTERDAY I SAW YOU WERE VERY ATTENTIVE, AND
23 I APPRECIATE THAT WITH MR. PUTNAM, AND WRITING DOWN
24 THINGS. AND I WANTED TO JUMP UP AND SAY, "THAT'S NOT
25 RIGHT." SO I'M PUTTING UP -- IF YOU WOULD LOOK, I'M
26 GOING TO TRY TO GIVE YOU EXACTLY WHAT YOU NEED WHEN YOU
27 GO THROUGH THE PROCESS AND REASON TOGETHER TO COME TO A
28 FAIR AND JUST VERDICT BASED ON THE EVIDENCE AND THE LAW;

1 OKAY?

2 SO LET'S TALK ABOUT SOME OF THE THINGS THAT
3 A.E.G.'S COUNSEL SAID YESTERDAY.

4 NUMBER ONE. ALL THEY WERE TRYING TO DO WAS PUT
5 ON A CONCERT. THAT KIND OF ENCAPSULATES WHAT THEY DO.
6 THAT'S WHAT THEY'RE ABOUT. PUTTING ON A CONCERT AND
7 MAKING MONEY. THEY DON'T CARE ABOUT MICHAEL JACKSON;
8 THEY DON'T CARE ABOUT KENNY ORTEGA; THEY DON'T CARE
9 ABOUT DR. MURRAY. HE SAID IT, AND HE ADMITTED IT
10 BECAUSE IT'S TRUE. ALL THEY'RE ABOUT IS PUTTING ON A
11 CONCERT DERIVING ALL THE BENEFITS. AND REMEMBER,
12 MICHAEL DIED. THEY GOT ALL THEIR MONEY BACK. AND THEN
13 THEY MADE A MOVIE. THEY CAME OUT FINE. THEY WERE
14 TRYING TO ENHANCE THEIR REPUTATION -- AND WE'LL LOOK AT
15 THAT -- TO COMPETE, AND THEY WANT TO DENY THAT
16 MR. PHILLIPS, WITH THE 800-POUND GORILLA, HE CALLS IT --
17 BUT MAKE NO MISTAKE. A.E.G. IS A MONEY-MAKING COMPANY,
18 AND THEY WANTED TO MAKE MONEY. THEY WANTED MICHAEL TO
19 MAKE -- THEY DIDN'T WANT TO HELP MICHAEL DO A COMEBACK.
20 THEY WANTED MICHAEL SO THEY COULD MAKE MONEY, AND THAT'S
21 WHY THEY DID IT.

22 SO LET'S LOOK AT THIS. ANOTHER STATEMENT BY
23 COUNSEL. "THIS CASE IS ABOUT CHOICES WE MAKE." THEY
24 MADE CHOICES.

25 PERSONAL RESPONSIBILITY. WHAT ABOUT CORPORATE
26 RESPONSIBILITY? WHAT ABOUT MR. PHILLIPS AND
27 MR. GONGAWARE? WHERE ARE THEY? MR. TRELL, HE'S THE
28 CORPORATE LAWYER. HE'S HERE. WHERE HAVE THEY BEEN?

1 HAVE YOU SEEN THEM? DO YOU THINK THAT THEY REALLY CARE
2 ABOUT THIS CASE, BASED ON THEIR ATTITUDE WHEN THEY
3 TESTIFIED AND HOW THEY TESTIFIED? DO YOU REALLY THINK,
4 ARE THEY WORTHY OF BELIEF IN THIS CASE? ARE YOU GOING
5 TO GIVE A VERDICT BASED ON WHAT MR. GONGAWARE AND
6 MR. PHILLIPS TESTIFIED, SELF-SERVING STATEMENTS? ARE
7 YOU GOING TO DO THAT?

8 ARE YOU GOING TO LET THEM GET AWAY WITH THIS,
9 BECAUSE THEY THINK THEY CAN COME DOWN HERE, BIG, BAD
10 A.E.G. -- AND THEY THOUGHT WE HAVE AN ARMY OF LAWYERS,
11 SEVEN OR EIGHT PEOPLE. THEY'VE GOT ROWS OF THEM.
12 YOU'VE SEEN THEM ALL. IF WE GOT THE ARMY, THEY'VE GOT
13 THE MARINES, THE NAVY, THE AIR FORCE, THE COAST GUARD,
14 THE NATIONAL GUARD, ALL OF THEM. THEY GOT THEM ALL.
15 AND THEY HAVE -- THREE OF THEM OBJECTED AT THE SAME
16 TIME.

17 WHO IS TRYING TO BRING THE WHOLE TRUTH TO YOU?
18 IS IT A.E.G., OR DO THEY THINK THEY CAN CONVINCE YOU,
19 IT'S ALL MICHAEL; MICHAEL'S A BAD PERSON; HE TOOK
20 DEMEROL IN 1993, YOU KNOW. HE DID THIS IN 2002. OKAY.
21 THEY WANT YOU TO NOT LIKE MICHAEL. OKAY. IS THAT WHAT
22 THIS CASE IS ABOUT; THAT YOU DON'T LIKE MICHAEL?

23 AND, YOU KNOW, THEY BRING IN ALL, HE WAS
24 CHARGED CRIMINALLY, AND HE HAD THIS, AND HE DIDN'T HAVE
25 MONEY, AND ALL THAT. WHAT DOES THAT HAVE TO DO WITH
26 A.E.G. NEGLIGENTLY HIRING, RETAINING OR SUPERVISING
27 DR. MURRAY? WHAT DOES IT HAVE TO DO WITH IT? NOTHING.

28 NEXT. I TOLD YOU AT THE BEGINNING OF THE CASE,

1 IT'S A CASE ABOUT SHARED RESPONSIBILITY; OKAY? WE'RE
2 NOT RUNNING FROM IT. MICHAEL PAID THE ULTIMATE PRICE.
3 HE'S NOT HERE ANYMORE; OKAY? SURE, HE TOOK PROPOFOL,
4 BUT REMEMBER, REMEMBER, EVERY TIME HE TOOK PROPOFOL, HE
5 DIDN'T DIE UNTIL ONE THING HAPPENED: AN UNFIT AND
6 INCOMPETENT DOCTOR IN A CONFLICT-OF-INTEREST SITUATION
7 DID IT IN AN INAPPROPRIATE SETTING; OKAY?

8 SO HE DIED FROM PROPOFOL FROM DR. MURRAY.
9 THERE'S NO QUESTION ABOUT THAT. BUT HE'S PAID THE
10 ULTIMATE PRICE. HIS FAMILY HAS ADMITTED THAT HE HAS
11 SOME RESPONSIBILITY, AND THAT'S FOR YOU TO DETERMINE.
12 BUT THEY ACCEPT NO RESPONSIBILITY.

13 DR. MURRAY, WE KNOW HE'S BEEN HELD RESPONSIBLE.
14 IT'S BEEN DETERMINED WHAT HE DID. HE PAID HIS PRICE.
15 BUT THEY WANT TO SKATE ALL FREE, GET ALL THEIR MONEY
16 BACK, AND SAY, "WE KNOW THE JURY. THEY'RE NOT GOING TO
17 DO IT, MAN. WE'RE A.E.G. LIVE. THEY'RE NOT GOING TO DO
18 THIS. THEY'RE NOT GOING TO IMPOSE LIABILITY ON US,
19 BECAUSE LOOK AT MICHAEL JACKSON. LOOK AT HIS MOM. SHE
20 WROTE A LETTER TO PEOPLE MAGAZINE. SHE'S A TERRIBLE
21 PERSON."

22 THAT'S WHAT THEY WANT YOU TO DO. THEY SAID,
23 "OH, JUST ANSWER THAT QUESTION 'NO,' AND YOU CAN GO
24 HOME." BECAUSE THEY DON'T WANT YOU TO LOOK AT ALL THE
25 EVIDENCE AND ALL OF THE LAW AFTER FIVE MONTHS. THEY
26 WANT YOU TO GO BACK AND SAY, "NO, WE DIDN'T HIRE THEM,"
27 SEE YOU LATER, DESPITE THE FACT THAT THE C.E.O. SAID IT,
28 BEFORE THERE WERE ANY LAWYERS, BEFORE THERE WERE ANY

1 LAWSUITS, WHEN HE KNEW THERE WAS NO WRITTEN CONTRACT,
2 WITHIN DAYS OF MICHAEL JACKSON'S DEATH. BUT WE'RE NOT
3 TO BELIEVE THAT. AND I'LL GET TO THAT; OKAY?

4 SO COME ON. I MEAN, THEY THINK THEY CAN
5 HOODWINK YOU. THAT'S WHY WE'RE HERE, OTHERWISE WE
6 WOULDN'T BE HERE. OKAY. A.E.G., THEY'RE THE ONES
7 ACCEPTING NO RESPONSIBILITY.

8 LET'S TALK ABOUT CORPORATE RESPONSIBILITY.
9 THAT'S JUST AS IMPORTANT AS PERSONAL RESPONSIBILITY.
10 AND TODAY IN OUR SOCIETY, EVERYONE SAYS PEOPLE DON'T
11 TAKE RESPONSIBILITY FOR THEIR ACTS. HOW ABOUT
12 CORPORATIONS? DO YOU THINK THAT THEY'RE ALL TAKING
13 RESPONSIBILITY FOR THEIR ACTS? YOU THINK THAT'S
14 HAPPENING IN TODAY'S SOCIETY?

15 THE ONLY WAY THAT THE JACKSON FAMILY CAN BE ON
16 EQUAL FOOTING WITH A.E.G. LIVE IS IN THE JURY SYSTEM.
17 THEY DON'T COMPETE WITH THEM, THEIR SIZE, ALL THE PEOPLE
18 THEY HAVE. THE ONLY WAY IS 12 PEOPLE FAIRLY PICKED.

19 AND THINK ABOUT IT. WHEN YOU CAME DOWN HERE,
20 AND YOU GOT THAT SUMMONS, DID YOU THINK YOU WERE GOING
21 TO BE ON THIS JURY TO DECIDE THIS CASE? NO WAY. SOME
22 OF YOU GAVE UP ASSIGNMENTS, YOU MISSED VACATIONS, YOU'VE
23 HAD TO CHANGE YOUR WHOLE LIFE. YOU CAME DOWN HERE. YOU
24 GO, "OKAY. I'M GOING TO COME DOWN. I'M A GOOD CITIZEN.
25 I'M GOING TO DO IT." BUT DID YOU THINK YOU SIGNED UP
26 FOR THIS? NOBODY DID; OKAY? BUT DID ANY OF YOU TRY TO
27 GET OFF AND LEAVE? NO. YOU KNOW WHY? BECAUSE YOU
28 BELIEVE IN THE SYSTEM, EVEN THOUGH IT COST PERSONAL

1 HARDSHIPS TO EACH AND EVERY ONE OF YOU. AND I
2 APPRECIATE THAT.

3 BUT THIS IS THE ONLY PLACE THERE'S A LEVEL
4 PLAYING FIELD WHERE MICHAEL'S CHILDREN AND MOTHER CAN BE
5 ON AN EVEN LEVEL PLAYING FIELD WITH A.E.G. THIS IS IT.

6 MR. PUTNAM: OBJECTION, YOUR HONOR. IT'S
7 LEGALLY IMPROPER TO COMMENT ON THE SIZE OF THE CORPORATE
8 STATUS OF THE DEFENDANTS IN CLOSING ARGUMENT.

9 MR. PANISH: AND THERE WE GO. WHO IS BRINGING
10 YOU THE TRUTH?

11 THE COURT: OVERRULED.

12 MR. PANISH: YOU KNOW, SEE, LIKE I TOLD YOU.
13 WHO IS BRINGING YOU THE WHOLE TRUTH? YOU SAW THROUGHOUT
14 THE TRIAL. HOW MANY -- THREE LAWYERS OBJECTING AT THE
15 SAME TIME, SIDEBAR, YOU CAN'T DO THAT, YOU KNOW. COME
16 ON.

17 SIT OVER THERE AND READ THE OBJECTIONS. IT'S
18 ON ANOTHER SCRIPT. THAT'S WHAT THIS IS. THEY PREPARED
19 -- THE JURY CONSULTANT HAS BEEN HERE EVERY DAY, SAW HER
20 FROM THE BEGINNING; OKAY? THIS IS A SCRIPTED
21 PERFORMANCE BY A.E.G. LIVE THAT THEY WANT TO GET AWAY
22 WITH; OKAY? THAT'S WHAT IT IS.

23 AND YOU HEARD MR. GEORGE, THE LAST WITNESS. I
24 CALLED HIM AND ASKED HIM. HE SAID:

25 "CORPORATE RESPONSIBILITY AND
26 ACCOUNTABILITY ARE VERY IMPORTANT
27 ISSUES IN SOCIETY TODAY."

28 AND THEY ARE. THAT'S WHAT YOU'RE GOING TO

1 ASSESS, PERSONAL RESPONSIBILITY; OKAY? THAT'S
2 IMPORTANT. BUT WHAT? IT DOESN'T APPLY TO CORPORATIONS?
3 CORPORATIONS ARE MADE UP OF PEOPLE.

4 SO WHAT IS THE TRUTH HERE, REALLY? THE TRUTH,
5 THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH.

6 REMEMBER, WE ONLY HAVE TO PROVE THIS BY "MORE
7 LIKELY THAN NOT"; OKAY?

8 THIS IS MR. -- THE A.E.G. LIVE LAWYER, "ALL OF
9 THOSE E-MAILS, TRUST ME, THERE ARE A LOT OF E-MAILS I'D
10 LOVE TO HAVE THEM NOT BE HERE"; OKAY? OH, WE JUST
11 GLADLY TURNED THEM -- THEY DIDN'T GLADLY TURN OVER -- WE
12 HAD TO GET A COURT ORDER TO GET THOSE E-MAILS. THEY
13 WEREN'T VOLUNTARILY PRODUCING ANYTHING IN THIS CASE.
14 YOU SAW HOW THEY WERE DEFENDING THIS CASE. BUT THEY
15 WANT YOU TO BELIEVE WHAT GONGAWARE AND PHILLIPS SAID,
16 NOT WHAT THEY WROTE IN THE E-MAILS; OKAY? TENS OF
17 THOUSANDS OF E-MAILS. WHERE ARE ALL THOSE E-MAILS THAT
18 SAY SOMETHING DIFFERENT? WHERE ARE THEY? THAT'S
19 ANOTHER LAWYER-CREATED DEFENSE, PART OF THE SCRIPT, AND
20 THEY'RE HOPING YOU GO FOR IT.

21 I WANT YOU TO, IF YOU COULD, WRITE -- THESE ARE
22 WHAT I CONSIDER THE KEY E-MAILS IN THE CASE.

23 FIRST, "PER OUR AGREEMENT." I'LL SHOW YOU
24 THAT. THAT'S DR. MURRAY SAYING THERE'S AN AGREEMENT.

25 "TROUBLE AT THE FRONT." WE ALL KNOW -- YOU
26 GUYS PROBABLY KNOW THIS BETTER THAN I DO. BUT "TROUBLE
27 AT THE FRONT," AND THERE'S NUMEROUS CHAINS.

28 "WE CHECK EVERYONE OUT."

1 "REMIND HIM WHO'S PAYING HIM."

2 OKAY. I DIDN'T WRITE THESE E-MAILS. THESE
3 AREN'T MY ARGUMENTS. THESE ARE WRITTEN BEFORE THERE'S
4 ANY LAWSUIT, BEFORE MICHAEL IS DEAD, BEFORE THE LAWYERS
5 ARE INVOLVED, THAT MURRAY AND PHILLIPS ARE IN CHARGE OF
6 REHEARSALS. I DIDN'T DO THAT; THEY DID THAT.

7 "THAT MICHAEL IS THIN AND SKELETAL." I DIDN'T
8 WRITE THAT; THEY DID.

9 "THAT HE'S A FREAK." I LOVE THAT. AND I'M
10 GOING TO GET BACK TO THAT. MR. TRELL AND HIS OTHER
11 LAWYER FRIEND REFER TO MICHAEL JACKSON, WHO THEY'RE
12 ENTERING INTO A MULTI-MILLION-DOLLAR CONTRACT WITH, TO
13 BUILD UP THEIR ARENA, AS "A FREAK." THAT'S HOW THEY
14 THINK ABOUT HIM.

15 DID YOU HEAR AN APOLOGY FROM ANYONE ABOUT THAT?
16 DID YOU HEAR MR. TRELL GET UP HERE, ALL THE DAYS HE'S
17 BEEN HERE, AND SAY, "YOU KNOW WHAT? WE DIDN'T REALLY
18 MEAN THAT. THAT WAS NOT A NICE THING." HE DIDN'T SAY
19 THAT. HE TRIED TO DEFEND THAT UNTIL THE END.

20 "MICHAEL JACKSON IS A FREAK." HE SHOULD BE ASHAMED OF
21 HIMSELF. THEY'RE NOT, THOUGH.

22 THIS IS THE MAN -- YOU REMEMBER, THEY'RE A
23 MONEY-MAKING MACHINE. "FREAK." WHATEVER. THEY DON'T
24 CARE. THEY DON'T CARE ABOUT THE PERSON. THEY DON'T
25 CARE ABOUT THE INDIVIDUAL. ALL THEY CARE IS HOW MUCH
26 MONEY IS THIS "FREAK" GOING TO MAKE FOR THEM. THAT'S
27 WHAT THEY'RE ALL ABOUT.

28 "STALL DR. MURRAY, GROSS VERSUS NET."

1 OKAY. I'M GOING TO READ THEM OFF. YOU'VE GOT
2 THEM; RIGHT? BUT I THINK THEY SAY IT ALL. AND
3 REMEMBER, THESE WERE ALL WRITTEN BY A.E.G., AND, OF
4 COURSE, NONE OF THEM EVEN REMEMBER WRITING THESE.

5 10,000 E-MAILS. YOU THINK IF A GUY GOT AN
6 E-MAIL THAT THE STAR OF THE SHOW, WHO THEY COULDN'T DO
7 THE SHOW WITHOUT, THAT HAD 35 MILLION IN IT, THEY MIGHT
8 REMEMBER WRITING THE E-MAIL, MAYBE? COME ON. WHAT ARE
9 THEY TRYING TO DO? THEY'RE TRYING TO HOODWINK YOU;
10 OKAY? YOU'RE GOING TO GO FOR IT? MICHAEL IS A BAD
11 PERSON; MICHAEL CHOSE THE DOCTOR. WE'LL GET TO THAT.

12 BUT THESE ARE THEIR E-MAILS, NOT MINE, NOT MY
13 ARGUMENTS. I DIDN'T HEAR THEM EXPLAIN ANY OF THOSE.
14 THEY DON'T WANT TO BRING UP THE "FREAK"; THEY DON'T WANT
15 TO BRING UP "WE CHECK EVERYONE OUT," EXPLAIN THAT --
16 KATHY JORRIE'S 10-MINUTE GOOGLE SEARCH. WHERE'S THE
17 E-MAIL ON THAT?

18 IT'S NOT RIGHT, LADIES AND GENTLEMEN, AND IT'S
19 NOT RESPONSIBLE, AND IT'S NOT RIGHT, AND IT WOULDN'T BE
20 THE RIGHT THING TO BELIEVE GONGAWARE AND PHILLIPS AND
21 ALLOW THEM TO SKATE DOWN THE STREET AND CLICK THE
22 CHAMPAGNE GLASSES DOWN AT A.E.G. LIVE.

23 OKAY. THIS IS AN IMPORTANT INSTRUCTION,
24 BECAUSE YOU -- THIS IS AN INSTRUCTION ON THE WITNESSES:

25 "YOU CAN BELIEVE ALL OR PART
26 OR NONE OF A WITNESS'S TESTIMONY."

27 YOU DECIDE THAT. NOT ME, NOT THEM. YOU. YOU
28 SAW THEM. YOU HAVE COMMON SENSE.

1 I MEAN, SOME PEOPLE HAVE CHILDREN, AND YOUR
2 CHILDREN TELLS YOU SOMETHING, YOU KNOW WHETHER THEY'RE
3 BEING TRUTHFUL OR NOT. PEOPLE DEAL -- YOU'RE TRYING TO
4 BUY A CAR, AND THEY'RE WORKING YOU, YOU KNOW WHETHER
5 THEY'RE TELLING YOU THE TRUTH OR NOT. YOU KNOW IF
6 SOMEBODY AT WORK IS TELLING YOU THE TRUTH. YOU KNOW IF
7 A PLAYER IS TELLING YOU THE TRUTH OR NOT. BUT WE DON'T
8 HAVE A FILM OF EVERYTHING, BUT WE GOT E-MAILS; OKAY?
9 YOU DECIDE.

10 AND WHAT'S THE REASON -- MS. JORRIE, WHY WOULD
11 SHE HAVE ANY TENDENCY NOT TO TELL THE TRUTH? WE BROUGHT
12 THE POLICE OFFICER TO SHOW IT. BECAUSE HER FIRM, THEIR
13 BIGGEST CLIENT, THEY'RE GETTING ALL THIS MONEY FROM
14 A.E.G. LIVE. DO YOU THINK SHE MIGHT WANT TO SHADE IT A
15 LITTLE BIT FOR A.E.G.? JUST A LITTLE? COME ON.

16 "AND IF A WITNESS TESTIFIED
17 DELIBERATELY UNTRUTHFULLY, YOU CAN
18 CHOOSE NOT TO BELIEVE ANYTHING."

19 LIKE MS. JORRIE, "I NEVER TOLD THE POLICE
20 OFFICER THAT." OKAY. I'LL BRING HIM IN. I DID. WE'LL
21 SEE THAT.

22 NOW, THEY WANT TO CALL THIS THE BRADY BUNCH.
23 WELL, I'M GLAD MARSHA BRADY'S NOT HERE. SHE WOULD BE
24 UPSET ABOUT THAT. THEY THINK THAT'S FUNNY, OVER THERE
25 SMIRKING. THAT'S FUNNY. THAT'S NOT FUNNY. IS THAT
26 BRINGING THE WHOLE TRUTH?

27 WHAT WE HAVE HERE IS JUST SOME OF THE ANSWERS
28 THAT WERE PLAYED AT TRIAL. JUST SOME OF THESE

1 INDIVIDUALS THAT THEY WANT YOU TO RELY UPON IN THIS
2 CASE. AND THEY THINK IT'S FUNNY. IT'S FUNNY. "OH,
3 THAT'S THE BRADY BUNCH," HA, HA, HA. I DON'T THINK IT'S
4 FUNNY.

5

6 (A VIDEO CLIP WAS PLAYED.)

7

8 MR. PANISH: I'M NOT GOING TO GO THROUGH EVERY
9 ONE OF THEM. THAT GIVES YOU A LITTLE FLAVOR. THOSE ARE
10 THE PEOPLE THAT THEY WANT YOU TO BASE YOUR VERDICT ON.
11 IS THAT BRINGING YOU THE WHOLE TRUTH? OH, A.E.G., WE
12 WANT THE WHOLE TRUTH. REALLY? REALLY?

13 MR. PHILLIPS, WHAT'S HIS MAIN JOB? TO PROTECT
14 THE FINANCIAL INTERESTS OF THE COMPANY. THAT'S HIS JOB.
15 HE'S CONCERNED ABOUT IT. WHY WOULD HE DENY ALL OF THIS
16 INFORMATION? THINK -- ASK YOURSELF: WHY WOULD SOMEBODY
17 IN A DEPOSITION, UNDER OATH AND IN COURT, DENY THAT THEY
18 KNEW ANYTHING ABOUT SOMETHING? WOULDN'T YOU THINK IF
19 THEY'RE THE C.E.O. -- AND IT'S NOT LIKE SOME UNDERLING
20 WROTE THE E-MAILS. HE WROTE THE E-MAILS. IT'S NOT LIKE
21 SOMEBODY WORKING UNDERNEATH YOU WROTE IT, AND YOU WERE
22 CC'D. HE WROTE THE E-MAILS. GONGAWARE WROTE THE
23 E-MAILS.

24 THEN HE SAID, "COMPANIES ARE PEOPLE. WE MAKE
25 MISTAKES." NO KIDDING. THEY'RE PEOPLE. THEY DON'T
26 WANT TO ACCEPT ANY -- ZERO RESPONSIBILITY.

27 THEN HE SAID -- I ASKED HIM:

28 "DID YOU RELY ON YOUR

1 ATTORNEYS TO PREPARE FOR YOUR
2 DEPOSITION?

3 "NO, I DIDN'T. I DIDN'T
4 PREPARE FOR IT."

5 WOW. SO HERE YOU ARE IN THE MICHAEL JACKSON
6 CASE, AND YOU'RE JUST NOT GOING TO PREPARE YOUR C.E.O.
7 OF A LARGE COMPANY. THEN I SAID:

8 "SO YOU FIGURED IT WASN'T
9 NECESSARY?

10 "NO.

11 "YOU WERE TOO --"

12 THEN HE SAYS, "I JUST FELT -- I
13 DIDN'T FEEL. THEY FELT, MY LAWYERS,
14 THAT IT WOULD BE BETTER IF I WENT IN
15 WITHOUT DOING ANY PREPARATION WITH
16 THEM."

17 IS THAT LOOKING FOR THE WHOLE TRUTH, LADIES AND
18 GENTLEMEN? DID THEY STAND UP HERE AND TELL YOU THEY
19 WANT THE WHOLE TRUTH? YET THEY TELL THE KEY WITNESSES
20 -- ALL YOU HAVE TO DO IS RUN A SEARCH FOR "MURRAY," AND
21 YOU'RE GOING TO GET THEM. THERE'S ONLY SO MANY. LIKE I
22 SAID, THERE'S NINE KEY E-MAILS. AND THEY'RE GOING TO
23 TELL A WITNESS TO "COME TO YOUR DEPOSITION, AND DON'T BE
24 PREPARED." AND IS THAT SOMEONE THAT IS TRYING TO GIVE
25 YOU THE WHOLE TRUTH? COME ON. YOU'RE NOT GOING TO FALL
26 FOR THAT.

27 AND MR. GONGAWARE, SAME THING:

28 "DO YOU THINK IT WAS IN YOUR

1 BEST INTERESTS, WHEN PREPARING FOR
2 YOUR TESTIMONY UNDER OATH IN THIS
3 CASE IN DECEMBER, NOT TO REVIEW ANY
4 E-MAILS AND NOT REMEMBER ABOUT THEM?"

5 ANSWER: "I RELIED ON MY ATTORNEY'S
6 ADVICE. SO, YES, I THINK IT WAS IN
7 MY BEST INTEREST."

8 SO IT WAS IN THE BEST INTEREST OF HIM AND
9 A.E.G. LIVE TO REMEMBER NOTHING. IS THAT SOMEONE THAT
10 WANTS TO BRING TO YOU, LADIES AND GENTLEMEN, THE WHOLE
11 TRUTH? "I DON'T REMEMBER ANYTHING." YOU KNOW, COME ON.

12 THEN THE DEPOSITIONS THAT WE PLAYED WAS
13 SUBSTANTIVE EVIDENCE. IT'S THE SAME AS IF YOU'RE
14 TESTIFYING IN COURT. IT HAS NO DIFFERENCE, AND THEY
15 KNOW THAT. THIS IS A BIG LAW FIRM. THEY'RE EXPERIENCED
16 LAWYERS. THEY KNOW THAT IF YOU TESTIFY ONE WAY, AND YOU
17 CHANGE IT, YOU'RE GOING TO LOOK -- YOU'RE GOING TO BE
18 IMPEACHED AND NOT CREDIBLE, BUT THEY CHOSE TO GO THAT
19 ROUTE. THEY CHOSE TO GO THAT ROUTE.

20 AND WHY DO YOU THINK THEY WOULD DO THAT? HOW
21 ABOUT THIS ONE. I LOVE THIS ONE. MR. MEGLEN.
22 REMEMBER, HE COMES IN HERE, AND I ASK HIM -- ALL RIGHT.
23 COME ON.

24 "IN YOUR OPINION, IS CELINE
25 DION A BIGGER ARTIST THAN MICHAEL
26 JACKSON?

27 "IN MY OPINION, CELINE DION IS
28 RIGHT UP THERE WITH MICHAEL JACKSON,

1 AND, YES, TO ME, SHE IS BIGGER."

2 NOW, IT'S NOT THAT BIG A DEAL IN THE CASE,
3 RIGHT, BUT THIS SHOWS YOU, AND I'M GOING TO SHOW YOU HOW
4 FAR THEY WILL GO TO SAY WHAT'S CONVENIENT TO THEM WHEN
5 THEY THINK IT HURTS THEM.

6 AND HOW ABOUT THIS: DO YOU HAVE TO REMEMBER
7 THE TRUTH? IS THE TRUTH SOMETHING THAT -- HOLD ON. LET
8 ME REMEMBER WHAT THE TRUTH IS. I DON'T REMEMBER THAT.
9 BUT THEN YOU REMEMBER CERTAIN -- IS IT HARD TO REMEMBER
10 WHAT THE TRUTH IS, OR IS IT HARD TO REMEMBER WHAT YOUR
11 STORY IS GOING TO BE ON MICHAEL JACKSON, WHO IS NOT
12 LOOKING GOOD, WHO IS HAVING PROBLEMS, PEOPLE ARE TELLING
13 YOU HE'S DYING, AND YOU'RE NOT GOING TO REMEMBER?

14 YOU KNOW WHAT THEY SAY ABOUT, "HE WHO SEEKS TO
15 DECEIVE, WHAT A TANGLED WEB THEY WEAVE." WHY WOULD THEY
16 DO THAT? WHY WOULD THEY DO THAT?

17
18 (A VIDEO CLIP WAS PLAYED.)

19
20 MR. PANISH: "GREATEST ENTERTAINER OF ALL
21 TIME," BUT CELINE DION IS BIGGER. THAT'S WHAT THEY SAID
22 IN THE "THIS IS IT" MOVIE.

23 BY THE WAY, THEY MADE THE MOVIE. AND I'M GOING
24 TO SHOW YOU -- BUT THEY WANT YOU TO RELY ON SOMETHING
25 THEY MADE AFTER THE FACT, STORIES THAT THEIR EXECUTIVES
26 MADE UP AFTER THEY TESTIFIED ONE WAY; OKAY?

27 HOW ABOUT THIS ONE:

28 "MR. MEGLEN, WAS THE DEMAND

1 FOR 'THIS IS IT' BETTER THAN THE
2 DEMAND FOR ANY OTHER SHOW YOU'VE EVER
3 SEEN IN YOUR LIFE?"

4 ANSWER: "I MEAN, IT WAS -- NO.
5 WE'VE SOLD AS MANY TICKETS ON VOODOO
6 LOUNGE IN ONE DAY. IN TERMS OF THE
7 NUMBER OF TICKETS SOLD IN A DAY,
8 SURE, WE'VE DONE THOSE KINDS OF
9 NUMBERS BEFORE."

10 OKAY. SO THAT WOULD LEAD YOU TO BELIEVE, NOT A
11 HUGE DEAL; RIGHT? IS THAT A REASONABLE INTERPRETATION?
12 OKAY. IT WAS GOOD, NOT THE BEST; RIGHT? WHAT DOES HE
13 SAY BEFORE THERE'S ANY LAWSUITS, BEFORE THERE'S ANY
14 LAWYERS? THIS IS WHAT HE SAYS AT TRIAL. WHAT DOES HE
15 SAY IN THE MOVIE?

16
17 (A VIDEO CLIP WAS PLAYED.)
18

19 MR. PANISH: "STRATOSPHERIC LEVEL THAT WE'VE
20 NEVER SEEN BEFORE." THIS IS ALL FILMED BEFORE. NOW
21 HE'S GOT A DIFFERENT TUNE. ARE YOU GOING TO BELIEVE
22 HIM?

23 MR. PHILLIPS, THIS IS WHAT MR. -- A.E.G. LIVE'S
24 LAWYER TOLD US:

25 "RANDY PHILLIPS IS A
26 SCHMOOZER, ARTIST RELATIONS. IT'S
27 BECAUSE HE LOVES MUSIC. HE LOVES THE
28 MUSIC BUSINESS. HE LOVES THE

1 ARTISTS, AND HE LOVES SHOWS."

2 THAT'S HOW THEY PORTRAYED HIM IN THE BEGINNING
3 IN HIS OPENING STATEMENT. REMEMBER THAT? THAT'S WHAT
4 HE SAID.

5 LET'S SEE WHAT MR. PHILLIPS SAID WHEN I ASKED
6 HIM THAT:

7 "I DON'T PARTICULARLY LOVE
8 MUSIC. THAT'S NOT WHY I GOT INTO IT.
9 I LOVE THE DEAL."

10 "I LOVE THE MONEY," "I LOVE THE DEAL." MUSIC,
11 ARTISTS, DID HE SAY, "I WANT TO HELP ARTISTS?" "I
12 REALLY LOVE MUSIC," DID HE SAY THAT? NO WAY. BECAUSE
13 HE SAYS -- YOU SAW HIM. HE DOESN'T CARE. YOU SAW HIS
14 ATTITUDE WHEN HE WAS TESTIFYING. COME ON.

15 THEY WANT TO SAY I MADE FUN OF HIM. YOU KNOW
16 WHAT? I DON'T BELIEVE ANYTHING HE SAID, AND HE WAS
17 IMPEACHED MORE THAN --

18 MS. BINA: OBJECTION, YOUR HONOR. IT'S
19 IMPROPER FOR COUNSEL TO COMMENT ON HIS OWN PERSONAL
20 BELIEFS.

21 MR. PANISH: THAT'S WHAT HE WAS DOING ALL DAY
22 YESTERDAY.

23 THE COURT: SUSTAINED.

24 MR. PANISH: OKAY. YOU SHOULDN'T BELIEVE
25 ANYTHING HE SAYS. AND THAT IS FUNNY. THEY THINK IT'S
26 ALL FUNNY; RIGHT?

27 THIS IS THE C.E.O. OF THEIR COMPANY. THAT'S
28 FUNNY, TO HAVE YOUR C.E.O. COME UP HERE AND NOT REMEMBER

1 ANYTHING? THAT'S FUNNY ON SOMEBODY THAT DIED? IS THAT
2 FUNNY? I DON'T THINK YOU THINK IT IS, LADIES AND
3 GENTLEMEN.

4 WHO IS BRINGING YOU THE WHOLE TRUTH HERE? HE'S
5 SAYING WHATEVER THEY CAN WHENEVER IT'S CONVENIENT.
6 LET'S TAKE A LOOK.

7 THEY WANT YOU TO SAY, "OH, WATCH THE MOVIE, IT
8 PROVES EVERYTHING"; RIGHT? THE MOVIE. WHO MADE THE
9 MOVIE? A.E.G. LIVE. WHO PRODUCED THE MOVIE? A.E.G.
10 LIVE. YOU'LL SEE IT; OKAY?

11 OKAY. LET'S LOOK AT THIS FIRST ONE RIGHT HERE.
12 RANDY PHILLIPS:

13 "MAKE SURE WE TAKE OUT THE
14 SHOTS OF MJ IN THE RED LEATHER JACKET
15 AT THE SOUNDSTAGE WHERE THE MINI
16 MOVIES WERE BEING FILMED. HE LOOKS
17 WAY TOO SKELETAL."

18 DOES THAT SAY HE KNEW OR SHOULD HAVE KNOWN
19 ABOUT MJ'S CONDITION? THAT'S EXHIBIT 638-115; OKAY?
20 DOES THE MOVIE ACCURATELY PORTRAY MICHAEL, THAT THEY
21 WANT YOU TO RELY ON?

22 LET'S LOOK AT THE NEXT ONE. MR. ORTEGA, I
23 ASKED HIM:

24 "SIR, YOU WERE INVOLVED IN
25 REVIEWING THE FOOTAGE, AND I THINK
26 YOU CALLED IT 'EDITING.'

27 "YES.

28 "WHEN YOU EDITED THE FILM, THE

1 FILM WAS NOT INTENDED TO SHOW HOW
2 MICHAEL WAS PERFORMING DURING THE
3 REHEARSAL, WAS IT?

4 "MY GOAL WAS TO EDIT TOGETHER
5 THE PIECES TO HELP TELL THE STORY OF
6 WHAT MICHAEL'S GOALS WERE."

7 AND THIS IS AT PAGE 9892 TO 9893 OF
8 MR. ORTEGA'S TESTIMONY.

9 SO THEN HE SAYS WHAT HIS GOAL FOR "THIS IS IT"
10 WERE -- SORRY.

11 "WAS THE FILM ITSELF
12 INTENDED -- WAS THE INTENTION OF THE
13 FILM TO SHOW HOW MICHAEL WAS
14 PERFORMING DURING THE REHEARSALS?"
15 OKAY. THEY WANT YOU TO SAY, "LOOK. SEE HOW
16 GREAT HE IS."

17 AND LOOK AT WHAT HE SAID:

18 "THAT WASN'T MY INTENTION AS A
19 FILMMAKER. I MEAN, OF COURSE I
20 WANTED MICHAEL TO LOOK GREAT ALWAYS."

21 SO THEY WANT YOU TO LOOK AT AN EDITED VERSION
22 WITH DUBBED SOUND TO SAY, "SEE, HE WAS FINE," ON
23 SOMETHING THAT THEY MADE.

24 LET'S CONTINUE TO LOOK. HERE'S ANOTHER ONE.
25 THIS IS WHAT THEY DON'T WANT YOU TO SEE. THIS IS AFTER
26 THE FACT. MR. GONGAWARE, ABOUT INTERVIEWS:

27 "WE'RE OKAY WITH THE BAND,
28 SINGERS AND DANCERS DOING INTERVIEWS

1 NOW. THE ONLY THING WE ASK IS THAT
2 THEY KEEP IT POSITIVE AND STRESS THAT
3 MJ WAS ACTIVE, ENGAGED, AND NOT THE
4 EMACIATED PERSON SOME PEOPLE WANT TO
5 PAINT HIM AS BEING."

6 THEY DON'T WANT THE TRUTH. YOU GOT TO GIVE A
7 POSITIVE -- THEY'RE CONTROLLING PEOPLE ALL THE TIME,
8 BECAUSE THAT'S WHAT THEY DO. THAT'S EXHIBIT -- ANYWAY,
9 I DON'T WRITE THESE E-MAILS.

10 AND MS. FAYE, WE ASKED:

11 "WERE YOU INVOLVED?

12 "YES.

13 "WHAT WAS YOUR UNDERSTANDING
14 OF WHAT WAS BEING ASKED TO DO?

15 "TO COME AND HELP RETOUCH THE
16 FOOTAGE.

17 "DID YOU DO IT?

18 "NO, SIR, I DIDN'T.

19 "WHY NOT?

20 "IT WAS A LIE. I DIDN'T WANT
21 TO LIE.

22 "WHAT DO YOU MEAN?

23 "EVERYBODY WAS LYING AFTER HE
24 DIED, SIR, THAT MICHAEL WAS WELL, AND
25 EVERYONE KNEW HE WASN'T. AND I FELT
26 RETOUCHING MICHAEL WAS JUST A PART OF
27 THAT LIE."

28 SO THEY WANT YOU TO RELY ON SOMETHING THAT THEY

1 EDITED; THAT THEY TRIED TO MAKE MICHAEL LOOK AS GOOD AS
2 HE COULD; THAT WASN'T INTENDING TO SHOW HOW HE WAS
3 PERFORMING TO PROVE THAT HE WAS FINE. IS THAT BRINGING
4 YOU THE WHOLE TRUTH?

5 HOW ABOUT THIS: ANOTHER THING THEY DON'T WANT
6 TO TALK ABOUT. THIS IS FROM RANDY OR --

7 "HI, RANDY" -- KAREN FAYE --

8 "I DON'T KNOW WHO THE VIDEO CREW WAS
9 AT REHEARSALS, BUT I SAW THEM
10 SHOOTING MICHAEL AT HIS WORST ON THE
11 DAY HE WAS SHUFFLING AND WRAPPED IN A
12 BLANKET. I TOLD KENNY TO MAKE SURE
13 THEY WOULDN'T SHOOT HIM LIKE THAT.
14 HE SAID HE WASN'T AWARE THEY WERE
15 SHOOTING HIM AND WOULD BE CAREFUL IN
16 THE FUTURE. IT IS DISCONCERNING THAT
17 FOOTAGE EXISTS, KAREN."

18 THEY DIDN'T WANT HIM TO LOOK BAD. SHE WASN'T
19 TRYING TO PREPARE FOR A LAWSUIT.

20 AND WHAT DOES RANDY PHILLIPS SAY?

21 "WE CONTROL ALL THE FOOTAGE,
22 AND IT'S LOCKED IN A VAULT AT STAPLES
23 CENTER."

24 DID HE SAY, "NO, NO, WE'RE GOING TO DO AN
25 ACCURATE DEPICTION, WE'RE GOING TO SHOW WHEN HE WAS
26 WRAPPED IN BLANKETS WHEN HE WASN'T DOING GOOD"? DID HE
27 SAY THAT? NO. HE SAID, "WE CONTROL IT ALL, AND IT'S
28 LOCKED IN A VAULT." THERE IT IS. "WE CONTROL IT ALL.

1 IT'S LOCKED IN A VAULT."

2 DOES THAT SOUND LIKE PEOPLE WHO ARE TRYING TO
3 BRING YOU THE WHOLE TRUTH? A.E.G., WE WANT TO SHOW YOU
4 THE WHOLE TRUTH. WE'RE NOT AFRAID OF THE WHOLE TRUTH.
5 OKAY. ACTIONS SPEAK A LOT LOUDER.

6 THAT FOOTAGE DIDN'T MAKE IT IN THE MOVIE, AND
7 MICHAEL DOESN'T LOOK GOOD IN THE MOVIE ANYWAY. BUT THEY
8 WANT YOU TO THINK YOU'RE GOING TO BUY THAT.

9 ALL RIGHT. THEN I ASKED MR. PHILLIPS:

10 "DID MICHAEL EVER PERFORM THE
11 WHOLE SHOW?

12 "NO.

13 "HE NEVER SANG ALL THE SHOW
14 AND DANCED?

15 "NO. HE WOULDN'T HAVE. WE
16 WEREN'T READY FOR THAT."

17 SO AS OF THE TIME HE DIED, A WEEK AND A HALF,
18 TWO WEEKS BEFORE THEY GO TO LONDON, HE WASN'T EVEN READY
19 TO GO THROUGH THE SHOW, BUT THEY KEPT PUSHING FORWARD
20 AND PUSHING FORWARD.

21 THEN MR. -- THE A.E.G. LAWYERS SAID YESTERDAY
22 REGARDING SUPERVISION:

23 "THEY AREN'T SUPERVISED. YOU
24 HEARD FROM MR. TRELL AND MS. YOUNG
25 THAT INDEPENDENT CONTRACTORS AREN'T
26 SUPERVISED, AND PLAINTIFFS DIDN'T
27 GIVE YOU ANY EVIDENCE OTHERWISE";
28 OKAY?

1 THAT'S THE DEFENSE. WE DON'T HAVE TO
2 SUPERVISE; RIGHT? THAT'S WHAT THEY'RE SAYING. MR.
3 TRELL SAYS THAT. HE SAYS THAT. THEY MISSTATE THE LAW
4 CONTINUALLY, BECAUSE HERE'S THE LAW. THAT'S NOT TRUE.
5 HERE'S THE LAW. 401 INSTRUCTION:

6 "A PERSON HIRING, SUPERVISING,
7 RETAINING ANOTHER HAS A DUTY TO
8 EXERCISE REASONABLE CARE IN DOING SO.

9 A PERSON IS NEGLIGENT IF HE OR SHE
10 DOES SOMETHING THAT A REASONABLY
11 CAREFUL PERSON WOULD NOT DO IN THE
12 SAME SITUATION OR FAILS TO DO
13 SOMETHING THAT A REASONABLY CAREFUL
14 PERSON WOULD DO IN THE SAME
15 SUPERVISED (SIC).

16 "IN THIS CASE YOU ARE TO
17 EVALUATE WHETHER A.E.G. ACTED
18 NEGLIGENTLY ONLY IN CONNECTION WITH
19 PLAINTIFFS' CLAIM THAT A.E.G. HIRED,
20 SUPERVISED OR RETAINED."

21 THAT'S A LEGAL DUTY IMPOSED BY THE LAW, BUT
22 THEY SAY, "WE DON'T DO IT, SO WE DON'T HAVE TO FOLLOW
23 THE LAW, BECAUSE WE'RE A.E.G." WE DON'T HAVE ANY DUTY
24 TO DO THAT. BUT THAT'S NOT WHAT THE LAW SAYS. THEY'RE
25 TRYING TO TELL YOU THINGS THAT JUST AREN'T TRUE.

26 HERE'S ANOTHER ONE. MR. PANISH -- 50 TIMES
27 THEY SAID IT. MY MOM -- SHE DOESN'T CALL ME "MISTER,"
28 BUT SHE WOULD CALL ME A LOT, NOT NICELY, BUT -- "MR.

1 PANISH TOLD YOU YESTERDAY THAT FIGURE 59 MILLION." HE
2 SAID THAT A COUPLE TIMES. "THAT WAS MADE UP. HE MADE
3 IT UP"; OKAY? I MADE IT UP; RIGHT? I MADE IT UP.
4 THAT'S WHAT HE TOLD YOU. YOU ALL WROTE IT DOWN. I
5 WANTED TO JUMP UP. WHAT COULD I DO?

6 WELL, LET'S SEE WHAT THE EVIDENCE IS. YOU
7 REMEMBER MR. ACKERMAN. THEY PAID HIM ABOUT \$900,000 TO
8 -- WHO I SAID, "OKAY, MR. ACKERMAN, LET'S GET TO YOUR
9 FIGURES, AND I WANT YOU TO DO SOME CALCULATIONS."

10 "OH, I DON'T HAVE MY CALCULATOR. I CAN'T DO
11 IT. I'M NOT READY TO DO IT."

12 "DR. FORMUZIS CAN DO THAT."

13 "I DON'T KNOW. I CAN'T DO THAT. I DON'T
14 KNOW"; RIGHT?

15 BUT HERE'S THE EVIDENCE. HE SAYS HE MADE IT
16 UP.

17 NOW, I'M BIG. I CAN PROTECT MYSELF, BUT THAT'S
18 NOT RIGHT FOR THE FAMILY, TO BE MAKING ATTACKS ON THE
19 LAWYERS, SAYING THEY'RE MAKING THINGS UP IN COURT. COME
20 ON. IS THAT BRINGING YOU THE WHOLE TRUTH?

21 HERE IT IS. EXHIBIT 1960. AND THERE ARE THREE
22 EXHIBITS OF HIS CALCULATIONS: 12 MILLION 874; 50
23 MILLION 618; 15,582; 15,8 -- CHECK IT OUT. CHECK ME OUT
24 ON THAT; OKAY? HE CALLED ME A LIAR.

25 MS. BINA: OBJECTION, YOUR HONOR.

26 MR. PANISH: YOUR HONOR --

27 THE COURT: NO. THERE'S AN OBJECTION.

28 MS. BINA: IT'S ERR TO ARGUE AGAINST THE LAW,

1 AND HE'S TALKING ABOUT AN UNDISCOUNTED FIGURE WHICH
2 THEY'VE BEEN INSTRUCTED NOT TO --

3 MR. PANISH: THAT'S AN IMPROPER OBJECTION.

4 THE COURT: IS THIS IN EVIDENCE?

5 MR. PANISH: YES.

6 THE COURT: OKAY. OVERRULED.

7 MR. PANISH: YES, IT'S IN EVIDENCE.

8 THE COURT: OVERRULED.

9 MR. PANISH: I JUST MADE IT UP. POOF. POOF.

10 MR. BOYLE: IT'S EXHIBIT 12,960.

11 MR. PANISH: AND THERE ARE THREE OF THEM:

12 15,3; 16,0; 15,703. POOF. I JUST MADE IT UP. WHO'S
13 BRINGING UP THE TRUTH, LADIES AND GENTLEMEN?

14 OKAY. I KNOW I HAVE PASSION. I'M SORRY. BUT
15 IT'S NOT FAIR TO ATTACK SOMEONE, A LAWYER THAT'S BEING
16 AN ADVOCATE FOR A CLIENT AND SAY THEY MADE IT UP AND --
17 IT'S JUST NOT TRUE. THEY'LL SAY ANYTHING WHEN IT'S
18 CONVENIENT; OKAY? GO LOOK AT THOSE EXHIBITS. YOU ADD
19 IT UP, AND YOU SEE IF I MADE IT UP OR NOT; OKAY? YOU
20 ADD IT UP. I JUST MADE IT UP. POOF.

21 THERE IT IS, "59,874."

22 NEXT. AND I SAY THIS BECAUSE I REMEMBER ALL
23 THE IMPORTANT THINGS HE GOT WRONG YESTERDAY. MR. ERK
24 GETTING HIS NUMBERS FROM A.E.G. LIVE. HE DIDN'T.
25 ANOTHER ATTACK. PEOPLE WROTE THAT DOWN; RIGHT? OKAY.
26 WHAT IS THE TRUTH?

27 HERE IT IS RIGHT HERE (INDICATING). A.E.G.
28 LIVE DID THEIR PROJECTIONS, \$108 A TICKET; MR. ERK, \$108

1 A TICKET.

2 1.6 SHOWS A WEEK. AND HERE'S THE TESTIMONY,
3 BRIGGS'S TESTIMONY, 1.6 SHOWS A WEEK. BOTH OF THEM,
4 ATTENDANCE: 55,000 FOR BRIGGS; 49,000 FOR ERK. THESE
5 FIGURES (INDICATING), A.E.G.; OKAY? AND I'M GOING TO
6 TALK ABOUT THAT FOR A MINUTE HERE.

7 THEY SAY, "OH, OH, HE WAS NEVER GOING TO DO A
8 WORLD TOUR." WELL, WHY CAN THEY SAY, "HE'S GOING TO
9 DIE," BUT THEN THEY WANT TO SAY HE'S GOING TO DO A
10 10-YEAR WORLD TOUR?

11 WELL, FIRST OF ALL, IT'S NOT A 10-YEAR WORLD
12 TOUR, IT'S 37 MONTHS; OKAY? SO THAT'S ANOTHER
13 MISSTATEMENT.

14 BUT IF MICHAEL JACKSON HAD PROPER CARE --
15 REMEMBER, HE WAS FINE WHEN THEY MET HIM. HE DID THE
16 PHYSICAL. THEY MET -- HE'S DOING FINE UNTIL THE
17 PRESSURE STARTED CREEPING IN ON HIM, AND HE COULDN'T
18 SLEEP, AND DR. MURRAY BROKE HIS OATH, BECAUSE OF THE
19 CONFLICT. I'M GOING TO EXPLAIN THAT TO YOU.

20 BUT IF HE HAD PROPER TREATMENT -- IF
21 DR. MURRAY, THEY GOT A SLEEP DOCTOR AND PROPER
22 TREATMENT, HE WOULD HAVE BEEN FINE. BECAUSE A.E.G. HAD
23 THIS ALL PLANNED OUT. THEY DIDN'T JUST WANT THE 02,
24 THEY WERE THINKING BIG IN VEGAS. THEY WANTED TO MAKE
25 MONEY, THE MONEY-MAKING MACHINE.

26 MR. PHILLIPS SAID, "WE HAD A FOUR-YEAR PLAN."
27 THERE'S ALL THESE E-MAILS. HE DENIED IT. I HAD TO
28 BRING OUT THE E-MAILS TO SHOW HIM. BUT NOW WHEN IT'S

1 CONVENIENT, OH, HE WOULD HAVE DIED, OR THEY MADE IT ALL
2 UP. 1.5 BILLION, MADE IT ALL UP. THESE ARE THEIR
3 FIGURES.

4 MR. GONGAWARE, 5547, "THIS WAS GOING TO BE A
5 MULTI-CITY TOUR."

6 PARIS JACKSON. "MY DADDY TOLD ME WE'RE GOING
7 AROUND THE WORLD."

8 DID EVERYBODY MAKE THAT UP OR JUST ME OR JUST
9 MR. ERK OR MR. PHILLIPS OR MR. GONGAWARE OR MR. PUTNAM?
10 BECAUSE THEN I ASKED MS. JORRIE:

11 "DID YOU, MS. JORRIE, TELL THE
12 LOS ANGELES POLICE DEPARTMENT, YOU
13 AND MR. PUTNAM, THAT LONDON WAS JUST
14 THE BEGINNING, AND THERE WAS GOING TO
15 BE A WORLD TOUR?" REMEMBER THAT?
16 SHE SAYS, "ABSOLUTELY NOT.

17 "AND YOU'RE AS SURE OF THAT AS
18 ALL YOUR TESTIMONY; RIGHT?

19 "I NEVER TOLD THAT TO THE
20 OFFICER."

21 SO I BROUGHT HIM IN, DETECTIVE SMITH. AND WHAT
22 DID HE SAY? LET'S LOOK AT THIS.

23 "LET'S START WITH THE
24 STATEMENT THAT YOU WROTE DOWN ON THE
25 OFFICIAL LOS ANGELES POLICE
26 DEPARTMENT FORM.

27 "OKAY.

28 "WHY DON'T YOU READ IT TO US,

1 JUST ABOUT THE WORLD TOUR.

2 "MS. JORRIE AND MR. PUTNAM
3 STATED THAT THIS WAS ONLY THE
4 BEGINNING. MJ WAS TO DO A WORLD TOUR
5 THAT WOULD LAST TWO TO THREE YEARS.'" "

6 QUESTION: "DID YOU ACCURATELY WRITE
7 THAT DOWN?

8 "YES, I DID."

9 SO, WERE MS. JORRIE AND MR. PUTNAM NOT TELLING
10 THE TRUTH TO THE LOS ANGELES POLICE DEPARTMENT IN AN
11 OFFICIAL INVESTIGATION, OR WAS MS. JORRIE NOT TELLING
12 THE TRUTH WHEN SHE CAME TO COURT, THE FIRM BEING PAID
13 OVER \$7 MILLION IN THE LAST SEVERAL YEARS BY A.E.G.
14 LIVE?

15 WHAT MOTIVE WOULD DETECTIVE SMITH HAVE TO MAKE
16 THAT UP? AND WHY DO WE HAVE IT NOT ONLY IN HIS OFFICIAL
17 POLICE REPORT BUT HIS HANDWRITTEN NOTES, WHICH HE SAVED?
18 AND USUALLY THEY DON'T SAVE IT. HE SAVED HIS
19 HANDWRITTEN NOTES AND WROTE EXACTLY THAT DOWN. THEY'LL
20 TELL YOU WHAT'S CONVENIENT WHEN IT SERVES THEIR
21 PURPOSES. AND WHO IS REALLY BRINGING THE WHOLE TRUTH?

22 THEN I WENT ON AND SAID:

23 "DID YOU TRANSCRIBE THOSE
24 NOTES IN THE REPORT?

25 "YES, I DID.

26 "AND TELL US EXACTLY WHAT YOU
27 TRANSCRIBED."

28 SO FIRST HE WROTE IT ON HIS NOTES, THEN HE

1 WROTE IT IN THE POLICE REPORT.

2 "MR. PUTNAM AND MS. JORRIE
3 STATED THE EUROPEAN TOUR WAS JUST THE
4 BEGINNING AND THAT MICHAEL JACKSON
5 WAS GOING TO DO A WORLD TOUR THAT
6 WOULD LAST TWO TO THREE YEARS."

7 SO DID WE JUST MAKE THAT UP, OR WAS MR. PUTNAM
8 AND MS. JORRIE MAKING IT UP TO THE POLICE DEPARTMENT?

9 \$340 MILLION, THEY'RE SAYING, IN NONECONOMIC
10 DAMAGES. AND, YOU KNOW, ONE THING THEY DIDN'T DISPUTE
11 IN THIS CASE, HE DIDN'T SAY THAT WAS UNREASONABLE. HE
12 GAVE THE FIGURES. AND YOU KNOW WHY? BECAUSE HE KNOWS,
13 FOR WRONGFUL DEATH, WITH THE EVIDENCE IN THIS CASE, THEY
14 KNOW THAT'S NOT UNREASONABLE. THEY ATTACKED EVERYTHING
15 WE SAID IN THIS CASE, BUT THEY KNOW THAT'S NOT
16 UNREASONABLE FOR THE RELATIONSHIP. THEY KNOW THAT'S NOT
17 UNREASONABLE.

18 THEY ATTACKED EVERYTHING EXCEPT FOR TWO THINGS:
19 THAT AND QUESTION 4, WHICH I'LL GET TO. THEY SKIPPED IT
20 BECAUSE THEY HAVE TO CONCEDE IT. EVERYTHING ELSE, FROM
21 THE BEGINNING OF THE TRIAL UNTIL TODAY, STILL WITH THE
22 OBJECTIONS, THEY'RE FIGHTING. BUT THEY DIDN'T FIGHT
23 THAT, BECAUSE THEY KNOW THAT'S A FAIR AND JUST VERDICT
24 FOR THESE THREE CHILDREN AND FOR MRS. JACKSON AND FOR
25 WHAT THEY LOST; OKAY?

26 I SAID I INVITE MR. PUTNAM TO GET UP HERE AND
27 GIVE A DIFFERENT FIGURE IF HE THINKS THIS IS
28 UNREASONABLE. REMEMBER THAT? AND CERTAINLY HE SAID --

1 HE SAID MY NAME 50 TIMES, AND CERTAINLY HE ATTACKED ME
2 ON A LOT OF THINGS, BUT HE DIDN'T ATTACK ME ON THIS.
3 \$35 MILLION IN THE PAST, 50 MILLION IN THE FUTURE FOR
4 THE CHILDREN; 35 MILLION IN THE PAST FOR MS. JACKSON AND
5 A SIMILAR NUMBER IN THE FUTURE; OKAY? THAT'S THE
6 FIGURES, BECAUSE THEY KNOW THAT'S REASONABLE.

7 NOW, THE FIVE QUESTIONS. THEY SAID THERE'S
8 ONLY -- WELL, THEY SAID FIVE, BUT FOUR. BUT LET ME GO
9 THROUGH THEM WITH YOU QUICKLY. IT'S HOT UP HERE.

10 YOU KNOW -- YOU KNOW IN SOCIETY, WHEN YOU GO
11 BUY SOMETHING, EVERYBODY HAS BOUGHT SOMETHING "AS IS."
12 YOU BOUGHT A CAR AS IS, YOU CAN BUY A HOUSE, YOU CAN BUY
13 SOMETHING AS IS. AND WHEN YOU BUY SOMETHING, YOU CAN'T
14 GO BACK AND SAY, HEY, THERE WAS THIS PROBLEM, THERE WAS
15 THAT PROBLEM.

16 AND WITH A.E.G., THEY KNEW EVERYTHING ABOUT
17 MICHAEL JACKSON. THEY SAID, "WE DIDN'T KNOW." THEY
18 KNEW. THEY KNEW WHAT ISSUES HE HAD; THEY KNEW WHAT HIS
19 AGE WAS. MR. GONGAWARE WORKED WITH HIM BEFORE. BUT NOW
20 WHEN THEY COME INTO COURT, AND THERE'S SUPPOSED TO BE
21 FULL JUSTICE, THEY DON'T WANT TO PAY. HEY, WAIT A
22 MINUTE. THIS GUY WAS DAMAGED. HE WAS 50 YEARS OLD. HE
23 COULDN'T DO THIS. HE TOOK DEMEROL; HE DID THIS. NOW
24 WHEN IT'S TIME TO MAKE UP FULL JUSTICE, THEY DON'T WANT
25 IT. THEY DON'T WANT TO PAY IT. WHY? WHY IS THAT?

26 ALL RIGHT. LET'S TALK ABOUT THE QUESTIONS. I
27 KNOW YOU'VE HEARD A LOT ABOUT IT.

28 FIRST: "DID A.E.G. HIRE DR. MURRAY?" I HEARD

1 SO MUCH YESTERDAY -- WHO PAID CONRAD MURRAY? WHO CHOSE
2 DR. MURRAY? WHO IS DR. MURRAY'S (SIC) PERSONAL DOCTOR?
3 ALL THAT. WHO ASKED FOR DR. MURRAY? IS THAT QUESTION
4 ON THE VERDICT FORM, "WHO CHOSE DR. MURRAY?" IS THAT
5 THE QUESTION YOU HAVE TO ANSWER? DID I MISS IT? THEY
6 HIRED DR. MURRAY. LET ME TELL YOU HOW.

7 "WAS HE UNFIT?" YES.

8 "DID THEY KNOW OR SHOULD HAVE
9 KNOWN HE WAS UNFIT AND PUT OTHERS AT
10 RISK OF HARM?" YES.

11 DID -- THEY SKIPPED FOUR BECAUSE THEY CONCEDE
12 THAT. "SUBSTANTIAL FACTOR IN CAUSING THE DEATH?" YES,
13 AND I'M GOING TO EXPLAIN WHY. THIS ONE THEY DON'T EVEN
14 CONTEST IT, THEY CONCEDE IT, BELIEVE IT OR NOT, BECAUSE
15 HOW COULD YOU SAY DR. MURRAY DIDN'T HARM MICHAEL
16 JACKSON? IT'S A LITTLE TOUGH, EVEN THOUGH THEY FIGHT
17 EVERYTHING ELSE.

18 NOW, IN CONSIDERING WHETHER QUESTION 1, WHETHER
19 THEY HIRED OR DIDN'T HIRE. A.E.G. OR MICHAEL OR BOTH
20 COULD HAVE HIRED DR. MURRAY; OKAY? BOTH. THEY KEEP
21 SAYING, "MICHAEL CHOSE HIM," "MICHAEL" -- "IT WAS HIS
22 DOCTOR." "MICHAEL" -- "PRINCE GAVE HIM \$100 BILLS."
23 YOU KNOW WHY HE GAVE HIM \$100 BILLS? BECAUSE A.E.G. WAS
24 STIFFING HIM, AND THEY DIDN'T PAY HIM. AND I'M GOING TO
25 SHOW YOU THAT.

26 THE QUESTION IS, WHO HIRED HIM? AND IT COULD
27 BE MICHAEL, A.E.G. OR BOTH. AND THAT'S WHAT HAPPENED, I
28 BELIEVE. MICHAEL REQUESTED HIM. OH, HE NEVER

1 CONSENTED. THEY HAVE, HE NEVER CONSENTED. I THOUGHT
2 HE -- BUT THEN THEY SAY, ON THE OTHER HAND, HE REQUESTED
3 MURRAY, BUT HE NEVER CONSENTED. HE REQUESTED MURRAY,
4 BUT HE NEVER AGREED. WHAT IS IT?

5 RANDY PHILLIPS ADMITTED IT, TIMM WOOLLEY
6 ADMITTED IT, AND MR. GONGAWARE ADMITTED IT, AND I'M
7 GOING TO SHOW YOU HOW. THOSE THREE FACTS. THE C.E.O.
8 ADMITTED IT. THERE HIS ASSISTANT ADMITTED IT, AND THE
9 C.E.O. OF CONCERTS WEST, CO-C.E.O. ADMITTED IT; OKAY?
10 BUT WE CAN'T RELY ON THAT.

11 OKAY. THIS QUESTION IS NOT THERE: "WHOSE
12 PERSONAL DOCTOR WAS IT?" "WHO INSISTED MURRAY BE
13 HIRED?" "WHO INSISTED ON HIRING DR. MURRAY?" THAT'S
14 NOT A QUESTION. AND, YOU KNOW, THAT'S A LAWYER DEFENSE,
15 TECHNICAL, AND SHOW CONTRACTS, AND ARGUE -- THAT'S NOT
16 THE QUESTION.

17 OKAY. HE WAS MICHAEL'S PERSONAL DOCTOR. DID
18 MICHAEL INSIST THAT THEY SHOULD HIRE MURRAY? YEAH.
19 OKAY. GREAT. DID HE CHOSE OR SELECT? YEAH. BUT THEY
20 DIDN'T HAVE TO HIRE HIM. THEY COULD HAVE SAID, "NO.
21 WE'RE NOT HIRING HIM." BUT NONE OF THOSE QUESTIONS ARE
22 ON THE VERDICT FORM.

23 YOU DON'T HAVE TO ANSWER THOSE QUESTIONS. YOU
24 HAVE TO ANSWER, DID A.E.G. AND MICHAEL HIRE DR. MURRAY?

25
26 (A VIDEO CLIP OF MR. PHILLIPS WAS PLAYED.)

27

28 MR. PANISH: CAN WE NOT RELY ON THE C.E.O.

1 SAYING SOMETHING? MR. PUTNAM SAYS, "OH, YOU CAN'T
2 BELIEVE THAT"; OKAY? I MEAN, HERE WE ARE HOURS AND DAYS
3 ON THAT ISSUE; THAT THEY'RE TRYING TO TELL YOU THE SKY
4 IS NOT BLUE. THEY'RE TRYING TO SELL ICE TO PEOPLE IN
5 ALASKA. COME ON. I MEAN, IF YOU'RE GOING TO FALL FOR
6 THAT, YOU KNOW, I THINK YOU'RE GOING TO DISREGARD ALL
7 THE EVIDENCE.

8 HOW CAN HE -- HE NEVER CAME IN AND SAID, "WE
9 DIDN'T HIRE HIM" EITHER. HE NEVER SAID, "OH, WE NEVER
10 HIRED MURRAY. I WAS MISTAKEN." BECAUSE THEY HAVE NO
11 PROBLEM COMING IN, "THAT CONTRACT WAS MISTAKEN," "THAT
12 WAS MISTAKEN," "THAT WAS MISTAKEN." HE NEVER SAID, "I
13 WAS MISTAKEN WHEN I GAVE A WORLDWIDE INTERVIEW WITHIN
14 DAYS OF MICHAEL'S DEATH." HE NEVER SAID THAT.
15 MR. TRELL NEVER CAME IN AND SAID THAT.

16 THEY DIDN'T SHOW YOU THE WHOLE CLAUSE OF THIS
17 CONTRACT. I HATE GETTING INTO THE CONTRACT. IT'S
18 PRETTY SIMPLE. DON'T NEED TO GO ANY FURTHER. BUT JUST
19 SO EVERYBODY -- ALL THE PEOPLE HERE THINK I RESPONDED.

20 THIS IS WHAT HE SAID, "OH, MICHAEL IS
21 RESPONSIBLE." THIS IS IN THE MJ CONTRACT JANUARY 28TH.

22 "IN THE EVENT THAT...ARTISTCO
23 WILL BE RESPONSIBLE FOR ANY CLAIMS
24 ARISING OUT OF OR RELATED TO THE
25 NEGLIGENCE OR WILLFUL MISCONDUCT FROM
26 ANY PROMOTER-RELATED INDEMNITIES,
27 PROMOTER BREACH"...

28 NOW, WHY WOULD MR. GONGAWARE, ON JUNE 14TH, ON

1 THIS EXHIBIT, TELL THEM TO REMIND DR. MURRAY WHO HE'S
2 WORKING FOR, AND WHO IS PAYING HIM, AND UNDERSTAND WHAT
3 IS EXPECTED OF HIM IF THEY HADN'T HIRED HIM?

4 DOES YOUR BOSS GO AROUND AND TELL YOUR
5 NEIGHBOR, "HEY, REMEMBER WHAT'S EXPECTED OF YOU. HEY,
6 WE'RE PAYING YOUR SALARY"? DO THEY DO THAT? YOU GO
7 AROUND TELLING ME WHO DON'T WORK FOR YOU WHAT TO DO?
8 OTHER THAN YOUR KIDS OR YOUR SPOUSE. BUT DO YOU TELL
9 THEM TO REMEMBER WHO YOU'RE PAYING? REMEMBER WHO IS
10 PAYING YOU? REMEMBER WHO'S RESPONSIBLE, IF YOU DIDN'T
11 HIRE SOMEBODY?

12 CONRAD MURRAY THOUGHT HE WAS HIRED, BECAUSE ON
13 JUNE 28 (SIC), AFTER THOSE E-MAILS, HE DIDN'T SHOW YOU
14 THIS. "MY CONTRACT TAKES A LITTLE MORE TIME." THE
15 WRITTEN CONTRACT.

16 REMEMBER, IN THE ENTERTAINMENT BUSINESS,
17 THEY'RE DOING ALL THESE CONTRACTS -- ORTEGA, PAYNE,
18 FAYE, ALL THESE PEOPLE, IF THEY HAD TO WAIT UNTIL
19 EVERYONE HAD A WRITTEN CONTRACT, NOTHING WOULD HAVE GOT
20 DOWN. THEY MAKE AN AGREEMENT ORALLY AND PUT IT IN
21 WRITING, BUT THAT DOESN'T MEAN YOU DIDN'T HIRE SOMEONE
22 OR YOU DIDN'T MAKE AN AGREEMENT. THEY WANT TO GET ALL
23 THESE TECHNICAL -- "WELL, MICHAEL DIDN'T SIGN." THEY
24 NEVER SENT IT TO MICHAEL. MICHAEL DIDN'T DO THIS.
25 MICHAEL INSISTED ON THE DOCTOR. COME ON. HE DIDN'T
26 HAVE TO SIGN FOR AN ORAL OR IMPLIED-IN-FACT CONTRACT.

27 SO DR. MURRAY SAYS:

28 "I'VE PERFORMED AND CONTINUE

1 TO FULFILL MY SERVICES TO THE CLIENT
2 IN GOOD FAITH. THEREFORE, I'M ASKING
3 YOU TO DEPOSIT MY FEE FOR MAY IN
4 RECIPROCITY IN GOOD FAITH ON YOUR
5 PART AS PER OUR AGREEMENT."

6 "PER OUR AGREEMENT." AGREEMENT, CONTRACT.
7 THAT'S WHAT THE INSTRUCTION SAYS. THAT'S WHAT MURRAY
8 SAYS RIGHT THERE. EXHIBIT 232. MAY 28TH.

9 AND NOT ONLY DOES HE SAY THAT, HE GOES ON TO
10 SAY:

11 "THE CUSTOMARY DATE WHICH THEY
12 HAD AGREED TO PRIOR" -- WHICH WE'LL
13 SEE IN ANOTHER E-MAIL -- "IS THE 15TH
14 OF EACH MONTH. BY TODAY'S DATE, WE
15 ARE 13 DAYS BEYOND RECEIPT OF MY
16 MONTHLY FEE. DEPOSIT MY FEE IN MAY
17 PER OUR AGREEMENT."

18 DID MR. WOOLLEY WRITE BACK AND SAY, "WE HAD NO
19 AGREEMENT. WE'RE NOT PAYING YOU, MURRAY. YOU'RE NOT
20 WORKING FOR US. WE'RE NOT HIRING YOU, MURRAY."

21 MR. GONGAWARE, DID HE WRITE AND SAY, "WHAT'S
22 EXPECTED OF YOU, MURRAY. WE'RE PAYING YOU, BUT NOT
23 REALLY"? NO.

24 THEY KNEW THERE WAS AN AGREEMENT. THEY HIRED
25 MURRAY, WITH OR WITHOUT MICHAEL. IT'S CLEAR, THE INTENT
26 OF THE PARTIES WAS THERE WAS AN AGREEMENT, AND THEY OWED
27 THE MONEY. BUT THEN THEY WANTED TO STALL MURRAY. YOU
28 SAW THOSE E-MAILS. MORE STALLING GAMES BY A.E.G.

1 NOW, THIS IS MORE OF THE CONTRACT. THIS IS
2 EXHIBIT 168.

3 "IF THERE'S A WRITTEN
4 AGREEMENT, IT SUPERSEDES ANY PRIOR
5 AGREEMENTS OR UNDERSTANDING, ORAL OR
6 WRITTEN." PARAGRAPH 18.

7 SO, YEAH, WHEN THERE'S A WRITTEN CONTRACT, HE
8 CAN GET PAID. BUT DOESN'T MEAN YOU DIDN'T HIRE SOMEONE.
9 AND THIS SHOWS THAT EVERYONE KNEW THERE WERE ORAL
10 CONTRACTS THAT WERE LATER GOING TO BE MADE INTO THIS,
11 AND THIS AGREEMENT AFFECTED THE ARTIST, IT'S CONDITIONED
12 UPON THE APPROVAL AND CONSENT OF THE ARTIST WITH THE
13 WRITTEN CONTRACT. BUT MICHAEL SAID TO HIRE HIM.

14 THAT'S WHAT THEY KEPT SAYING. "MICHAEL SAID TO
15 HIRE HIM." "MICHAEL SAID TO HIRE HIM." BUT MICHAEL
16 DIDN'T CONSENT TO THE ORAL CONTRACT, WHICH HE DOESN'T
17 HAVE TO. HE TOLD HIM TO DO IT, AND GONGAWARE WROTE,
18 "DONE DEAL" MAY 6TH, AND MURRAY IS TRYING TO GET PAID
19 FOR HIS WORK OF MAY 28TH. HE WORKED 28 DAYS, AND, OF
20 COURSE, THEY DON'T WANT TO PAY. SURPRISE, SURPRISE,
21 HUH? HERE WE ARE AGAIN, THEY DON'T WANT TO PAY.

22 THERE WERE OTHER PROVISIONS IN THIS CONTRACT.
23 THEY SHOW YOU THAT ONE WITH A LINE CROSSED OUT, WHICH IS
24 NOT THE ONE SIGNED BY DR. MURRAY.

25 "PERFORM SERVICES REASONABLY
26 REQUESTED BY THE PRODUCER."

27 IF YOU DON'T HIRE SOMEONE, DO THEY PERFORM
28 SERVICES FOR YOU?

1 PARAGRAPH 7.2, IF IT'S CANCELLED OR POSTPONED
2 AT ANY TIME, FOR ANY REASON, MURRAY IS OUT.

3 BUT THEN MR. PUTNAM TOLD YOU YESTERDAY, MURRAY
4 DIDN'T EVEN KNOW THAT UNTIL JUNE 16TH WHEN KATHY JORRIE
5 SENT HIM THE FIRST DRAFT OF THE CONTRACT. REMEMBER
6 THAT? HE DIDN'T EVEN KNOW THAT; OKAY? NOT TRUE.

7 "MURRAY NEEDS 10 DAYS TO WIND
8 DOWN HIS PRACTICE...CONSENTED TO THE
9 AGREEMENT." THAT'S EXHIBIT NO. 175.

10 AND HE WAS DONE IN 10 DAYS. THEY'RE SAYING,
11 OH, HE WAS LIVING IN CALIFORNIA. HE WAS LIVING IN
12 CALIFORNIA. THEN, SURE, THAT WAS HOW HE CAN WIND DOWN
13 HIS PRACTICE. HE DIDN'T HAVE A PRACTICE IN CALIFORNIA.

14 "THEN IT WOULD BE FULL TIME," AND HE WAS FULL
15 TIME.

16 NOW, QUESTION NO. 1, REMEMBER, A.E.G. DOESN'T
17 HAVE TO HIRE MURRAY ALONE. COULD BE MICHAEL AND A.E.G.
18 I BELIEVE THE EVIDENCE SUPPORTS AN ANSWER OF "YES" TO
19 QUESTION 1. SPENT WAY TOO MUCH TIME ON IT WHEN THE
20 C.E.O. OF THE COMPANY ADMITS SOMETHING, THAT WE STILL
21 HAVE TO DEBATE IT.

22 AND THAT'S KIND OF THE WAY THE WHOLE CASE HAS
23 BEEN. WHATEVER THEY ADMIT, THEY DENY, DENY, DENY, DENY,
24 AND HOPE SOMEBODY WILL GO FOR IT. THAT'S WHAT IT IS.
25 THAT'S WHAT THEY'RE DOING.

26 ALL RIGHT. AND AGAIN, I TOLD YOU THE VERDICT
27 FORM DOES NOT SAY WHO CHOSE, SELECTED, RECOMMENDED PAY
28 MURRAY. THAT'S NOT THE QUESTION. SO PLEASE FOCUS ON

1 THE QUESTION. THEY HIRED HIM.

2 ALL RIGHT. NOW, QUESTION 2: "WAS MURRAY UNFIT
3 OR INCOMPETENT FOR THE JOB HE WAS HIRED TO DO?"

4 WHY WAS HE UNFIT? AND I WROTE DOWN THE THREE
5 WHAT I THINK ARE KEY POINTS HERE FOR QUESTION NO. 2.

6 NUMBER ONE, THE POINT IS, IT'S NOT WHEN THEY
7 HIRED HIM ONLY. IT'S THE ENTIRE TIME; OKAY? THEY WANT
8 TO FOCUS ON WHEN THEY HIRED HIM, BUT IT'S THE ENTIRE
9 TIME.

10 AND THEN THEY WANT TO FOCUS ON MICHAEL -- HE
11 SAID, "WE WANT TO FOCUS ON MICHAEL JACKSON, NOT MURRAY."
12 BUT IF MICHAEL JACKSON IS MURRAY'S PATIENT, AND HOW
13 MICHAEL JACKSON IS DOING IS NOT WELL, DOESN'T THAT RAISE
14 A RED FLAG ABOUT THE PHYSICIAN WHO IS SUPPOSED TO BE
15 THERE 24/7; OKAY? THINK ABOUT IT.

16 SO IT'S AT ANY TIME, NOT JUST WHEN THEY CAN BE
17 HIRED. AND THEY DON'T EVEN HAVE TO NEGLIGENTLY HIRE
18 MURRAY. ALL THEY HAVE TO DO IS HIRE HIM.

19 THEN HE NEEDED SLEEP, PAIN DRUG DEPENDENCY
20 TREATMENT OR OVERSIGHT, OR MANAGEMENT, WHATEVER YOU WANT
21 TO CALL IT.

22 AND THEN AS EARLY AS MAY THEY CREATED THAT
23 CONFLICT OF INTEREST. AND, REALLY, WHEN YOU BOIL IT ALL
24 DOWN, THE CONFLICT OF INTEREST IS WHAT CAUSED IT ALL
25 BECAUSE OF MURRAY'S FINANCIAL CONDITION, AND THEY CAN
26 PULL THE PLUG ON MURRAY. THEY BROUGHT MURRAY IN BECAUSE
27 THEY KNEW THEY NEEDED MURRAY, AND THEY BROUGHT MURRAY IN
28 TO KEEP MICHAEL GOING, AND NOW THEY WANT TO ACT LIKE

1 NOTHING HAPPENED. THE TRAIN IS GOING DOWN THE ROAD,
2 THEY'RE SEEING THESE SIGNS, AND WHAT DO THEY DO? DO
3 THEY STOP THE TRAIN TO SEE WHAT'S GOING ON? THEY JUST
4 KEEP PUTTING MORE COAL IN IT AND KEEP MOVING STRAIGHT
5 AHEAD; OKAY?

6 RIGHT HERE. NUMBER TWO. THEY CREATED A
7 CONFLICT, THEY WERE PRESSURING MURRAY, AND THE PUSHBACK.

8 REMEMBER WHEN KENNY ORTEGA AND BUGZ, THESE
9 PEOPLE ARE SAYING, "HEY, WE'VE GOT ALL THESE PROBLEMS.
10 WE'VE GOT ALL THESE PROBLEMS," DO THEY GO FIND OUT WHAT
11 IS GOING ON WITH MICHAEL JACKSON?

12 REMEMBER MR. TRELL? HE SAYS THEY DIDN'T TELL
13 HIM. DID THEY TELL YOU THAT? NO. THEY DIDN'T -- THEY
14 NEVER FOUND OUT WHAT WAS WRONG. THEY DIDN'T WANT TO
15 KNOW.

16 "KNEW OR SHOULD HAVE KNOWN." THEY DIDN'T WANT
17 TO KNOW. THEY DIDN'T DO ANYTHING TO LOOK INTO IT.

18 WOULD A REASONABLY CAREFUL PERSON THAT'S
19 RETAINING AND SUPERVISING A DOCTOR, THE PATIENT OF THE
20 DOCTOR IS DOING TERRIBLE, WOULD THEY ASK THE DOCTOR,
21 WHAT'S WRONG WITH THE PATIENT? MAYBE? WHAT DO YOU
22 THINK?

23 BUT THEY SHOULD HAVE NEVER EVEN BEEN INVOLVED.
24 WHY ARE THEY GETTING INVOLVED IN MICHAEL JACKSON'S
25 HEALTHCARE? WHY ARE THEY DRAFTING A WRITTEN CONTRACT
26 THAT MICHAEL JACKSON NEVER SAW OR ASKED FOR? BECAUSE
27 THEY WANT TO CONTROL IT ALL. THEY WANT CONTROL. WHY
28 WOULD THEY DO THAT? NO ONE IN THE HISTORY HAS EVER DONE

1 THAT. WHY WOULD THEY DO THAT? THINK ABOUT IT. WHY
2 WOULD THEY DRAFT A WRITTEN CONTRACT FOR MICHAEL
3 JACKSON'S ALLEGED DOCTOR THAT HE CHOSE AND SELECTED?
4 WHY?

5 BECAUSE THEY WANTED TO BE ABLE TO CONTROL
6 DR. MURRAY, AND GET WHATEVER THEY WANTED AND TO GET
7 MICHAEL, BECAUSE, NUMBER ONE, THEY HAD NO INSURANCE. IF
8 MICHAEL DIDN'T MAKE IT, AND -- THEY COULD BE OUT 35
9 MILLION. REMEMBER, THEY COULDN'T GET SICKNESS
10 INSURANCE. CANCELATION INSURANCE WAS ONLY 17.5 MILLION,
11 AND THEY WERE DOUBLE THAT. AND WHEN YOU'RE IN A
12 MONEY-MAKING BUSINESS, YOU'RE NOT IN A MONEY-LOSING
13 BUSINESS.

14 AND THEY WERE PROTECTING, AS MR. PHILLIPS SAYS
15 THEY DO, THE FINANCIAL INTERESTS OF THE CORPORATION.
16 THAT'S WHY THEY WANTED CONTROL OF DR. MURRAY, AND THAT'S
17 WHY THEY WANTED A WRITTEN CONTRACT, WHICH RAISED THE
18 CONFLICT.

19 NOW, NUMBER ONE, REMEMBER THE MARCH -- THE
20 PRESS CONFERENCE THAT MR. PHILLIPS SAID, "MICHAEL'S
21 EMOTIONALLY PARALYZED," "RIDDLED WITH SELF-LOATHING."
22 HE HAS TO SLAP HIM, PUT HIM IN A SHOWER. HE'S WORRIED.

23 THEN HE SAYS, PRESCRIPTIONS -- HE'S TALKING
24 ABOUT DRUGS, OVERUSE ISSUES, INSOMNIA, PAIN MANAGEMENT.
25 BUT INSTEAD, THERE'S A CARDIOLOGIST TO TREAT HEART
26 PROBLEMS OR AILMENTS LIKE THE FLU AND COLD, WHICH HE
27 DOESN'T HAVE. WHY WOULD THEY DO THAT? HE WASN'T
28 COMPETENT. NO QUESTION.

1 NOW, THIS IS -- REMEMBER I SAID MR. -- A.E.G.,
2 YESTERDAY, TOLD YOU THAT DR. MURRAY NEVER KNEW THAT THE
3 CONTRACT COULD BE CANCELLED AT ANY TIME UNTIL JUNE 14TH.
4 REMEMBER THAT? DR. MURRAY NEVER KNEW. WELL, ON
5 MAY 8TH, EXHIBIT 177, IT STATES --

6 THE COURT: MR. PANISH, FIVE MINUTES BEFORE THE
7 BREAK.

8 MR. PANISH: THANK YOU, YOUR HONOR.

9 A.E.G. CONTRACT WOULD NOT COVER MORE THAN ONE
10 MONTH IN LIEU OF NOTICE IF THERE'S A CURTAILMENT OR
11 CESSATION OF THE TOUR.

12 SO HOW COULD THEY COME HERE AND TELL YOU THAT
13 HE DIDN'T KNOW THIS UNTIL JUNE 14TH, WHEN HE IS GETTING
14 AN E-MAIL ON MAY 8TH? HOW CAN THEY SAY THAT? WHO IS
15 BRINGING YOU THE TRUTH? IS THAT THE WHOLE TRUTH? TAKE
16 A LOOK AT THAT, EXHIBIT 177.

17 ALL THE TERMS, THE FEES, MURRAY WANTS TO GET
18 PAID PER OUR AGREEMENT, GONGAWARE IS TRYING TO TELL HIM
19 WHAT TO DO, BUT THEY DIDN'T HIRE HIM, AND THERE'S NO
20 AGREEMENT.

21 NEXT. MAYBE THIS IS A GOOD TIME, YOUR HONOR.
22 THIS IS A LONG ONE.

23 THE COURT: OKAY. LET'S COME BACK AT 11:15.

24
25 (THE JURY EXITED THE COURTROOM AT 11:00 A.M.)

26
27 (A RECESS WAS TAKEN.)

28 ///

1 (THE JURY ENTERED THE COURTROOM AT 11:20 A.M.)

2

3 THE COURT: KATHERINE JACKSON VERSUS A.E.G.
4 LIVE, BC 445597.

5 ONE THING, MR. PANISH. WE WILL GO INTO THE
6 NOON HOUR A LITTLE BIT SO YOU CAN FINISH, AND THEN WHEN
7 WE COME BACK, WE'LL DO THE CONCLUDING INSTRUCTIONS. YOU
8 CAN TAKE INTO THE NOON HOUR TO FINISH.

9 MR. PANISH: OKAY. I WAS GOING TO TELL
10 EVERYONE I WAS GOING TO FINISH IN AN HOUR BECAUSE I KNEW
11 YOU GAVE ME A TIME LIMIT, SO --

12 THE COURT: OKAY. ANOTHER HOUR.

13 MR. PANISH: OKAY. SO I'M ONLY GOING TO BE AN
14 HOUR. APPRECIATE YOUR ATTENTION.

15 AND BEFORE I GO BACK INTO QUESTION 3, YOU KNOW,
16 THE DEATH OF SOMEONE DOESN'T NEVER GO AWAY. IT
17 REVERBERATES THROUGHOUT YOUR ENTIRE LIFE, AND IT'S NOT
18 SOMETHING THAT, OKAY, NEXT WEEK YOU FORGET ABOUT IT.
19 IT'S SOMETHING THAT NEVER GOES AWAY. AS I TOLD YOU
20 YESTERDAY, DEATH KEEPS NO CALENDAR. AND IT'S NOT LIKE
21 OPENING AN OLD WOUND, BECAUSE THE WOUND NEVER GOES AWAY,
22 AND PEOPLE'S LIVES ARE TURNED UPSIDE DOWN WITH DEATH,
23 ESPECIALLY AN UNEXPECTED DEATH, AND TIME DOES NOT HEAL
24 ALL THE WOUNDS. AND THAT'S WHY THERE'S AN ENORMOUS LOSS
25 IN THIS CASE.

26 LET'S TALK ABOUT NUMBER THREE. "UNFIT OR
27 INCOMPETENT," "KNEW OR SHOULD HAVE KNOWN." MR. PUTNAM
28 KEPT SAYING, "NOTICE, NOTICE. NO NOTICE." IT'S "KNEW

1 OR SHOULD HAVE KNOWN, " "UNFIT OR INCOMPETENT" OR
2 "CREATED A PARTICULAR RISK TO OTHERS." "KNEW OR SHOULD
3 HAVE KNOWN." KNEW OR KNOWN AT ANY TIME, NOT WHEN THEY
4 HIRED HIM. AT ANY TIME. THEY WANT TO FOCUS ON LITTLE
5 BITS AND PIECES, BUT YOU'VE GOT TO LOOK AT THE WHOLE
6 PICTURE.

7 NUMBER TWO, THAT THE UNFITNESS STARTED WITH THE
8 CONFLICT AND THE PRESSURE AND THE PUSHBACK. AND
9 DR. MURRAY WAS MORALLY UNFIT. DR. MURRAY DIDN'T PAY HIS
10 BILLS. DR. MURRAY DIDN'T EVEN PAY CHILD SUPPORT FOR ALL
11 THE CHILDREN HE HAD. HE'S MORALLY UNFIT AND IN
12 CONFLICT. IT JUST CAME OUT EVEN MORE AND MORE.

13 AND THE LOS ANGELES POLICE DEPARTMENT FIGURED
14 THIS OUT WITHIN TWO DAYS OF MR. JACKSON'S DEATH WHEN
15 THEY FOUND THE CARD AND THE CONTRACT. IT DIDN'T TAKE
16 THEM VERY LONG TO BE ON THIS. TWO DAYS.

17 NOW, LET'S TALK ABOUT INCOMPETENCY.

18 NUMBER ONE, WE KNOW THAT MICHAEL WAS HAVING A
19 DETERIORATING HEALTH CONDITION. THAT'S IN ALL A.E.G.'S
20 OWN E-MAILS. NUMEROUS PEOPLE CRYING OUT ABOUT HIS
21 CONDITION: HOUGDAHL, FAYE, ORTEGA, SANKEY.

22 A REASONABLE COMPANY, AS MR. TRELL SAID, WOULD
23 DELVE IN AND FIND OUT WHAT IS WRONG. IS THAT
24 UNREASONABLE TO SAY, IF ONE PERSON -- IF HE'S NOT THERE,
25 THERE'S NO SHOW.

26 YOU'RE TRYING TO MAKE MONEY. WOULD IT BE
27 UNREASONABLE TO SAY, "WHAT'S WRONG?" IS THAT PUTTING A
28 HEAVY BURDEN ON THEM, "WHAT'S WRONG?" INSTEAD, THEY TRY

1 TO SILENCE THE PEOPLE THAT WERE SOUNDING THE ALARMS.

2 THEY TOLD KENNY, HEY, KENNY, ENOUGH --
3 SOMETHING LIKE -- SOMETHING ABOUT FIRES. DON'T TRY TO
4 BURN DOWN THE WHOLE BUILDING KIND OF -- I FORGET IT.
5 ANYWAY. THEY'RE GOING TO DISCREDIT THE PEOPLE THAT WERE
6 SOUNDING THE ALARMS.

7 AND YOU HEARD PHILLIPS, ORTEGA, AND THEY TALK
8 ABOUT MICHAEL APPEARED TO BE ASSISTED. SOMETHING WAS
9 WRONG, AND THEY KNEW THAT.

10 AND ORTEGA, AS MR. GONGAWARE SAID, WAS THE
11 PERSON IN CHARGE OF EVERYTHING. AND HE TOLD HIM
12 MR. ORTEGA'S JOB WAS TO REPORT IF THERE WAS A PROBLEM,
13 AND HE DID. AND WHAT HAPPENED? HE GOT ATTACKED.

14 "PARTICULAR RISK." THE RISK NEEDS TO BE
15 ASSOCIATED WITH THE JOB OF THE CONTRACTOR. HERE, A
16 DOCTOR. IT DOESN'T MEAN THEY HAD TO KNOW ABOUT
17 PROPOFOL. WE HEAR ALL THIS ABOUT A LOCKED ROOM.

18 "PARTICULAR RISK" IS BAD MEDICAL CARE. THAT'S
19 WHAT THE RISK IS. BAD MEDICAL CARE WHEN YOU PUT A
20 PHYSICIAN IN A CONFLICT OF INTEREST. THE RISK IS -- THE
21 RISK ISN'T THAT HE'S GOING TO DRIVE HIS CAR AND RUN OVER
22 SOMEONE IN MICHAEL JACKSON'S DRIVEWAY; OKAY? THE RISK
23 ISN'T THAT HE'S GOING TO RUN A STOP SIGN. THE RISK IS
24 HE'S GOING TO GIVE BAD MEDICAL CARE. THAT'S THE RISK.
25 THAT'S EXACTLY WHAT HE DID BECAUSE OF THE CONFLICT.

26 SO THIS WHOLE DIVERSION OF PROPOFOL, YOU KNOW,
27 IT'S JUST A RED HERRING. HAS NOTHING TO DO WITH WHAT
28 THEY KNEW. KNEW OR SHOULD HAVE KNOWN BAD MEDICAL CARE.

1 THEY SAID, "WELL, YOU HAVE TO LOOK AT
2 DR. MURRAY. YOU HAVE TO LOOK AT DR. MURRAY." WELL, IF
3 YOU'RE LOOKING AT A DOCTOR AND SAY, "HOW IS THE DOCTOR
4 DOING?" DO YOU JUST LOOK AT THE DOCTOR, OR DO YOU LOOK
5 AT THE PATIENT THAT THEY'RE TREATING?

6 WHAT IS THE BEST EVIDENCE OF WHETHER A DOCTOR
7 IS DOING A GOOD JOB? THE PATIENT. NOW, THE PATIENT
8 MIGHT HAVE CANCER, SOME OTHER PROBLEMS, THERE'S NOTHING
9 THE DOCTOR CAN DO. BUT IF YOU HAVE AN OTHERWISE HEALTHY
10 50-YEAR-OLD MAN, PASSED HIS PHYSICAL, THEY ALL SAY HE
11 LOOKS GREAT, AND ALL OF A SUDDEN HE'S TAKING A SHARP
12 DETERIORATION OR DECLINE, AS MR. PHILLIPS CALLS IT,
13 "HASTEN HIS DECLINE," WOULDN'T YOU THINK THAT YOU'VE GOT
14 TO LOOK AT, "WHAT'S GOING ON, DOC? WHAT'S WRONG? WHY
15 IS THIS HAPPENING? YOU'RE GETTING 150,000 A MONTH, AND
16 WHY IS MR. JACKSON GOING DOWNHILL? THAT WASN'T WHAT WE
17 WANTED -- WE WANTED YOU TO TAKE CARE OF HIM, NOT TO MAKE
18 IT WORSE."

19 SO LET'S LOOK AT THIS. KNEW OR SHOULD HAVE
20 KNOWN AT ANY TIME FROM MAY 6TH, MAY 8TH, TO THE DAY OF
21 HIS DEATH.

22 NOW, LET'S TALK ABOUT WHAT MR. ORTEGA SAID.

23 MR. ORTEGA, A REASONABLE PERSON, SUSPECTED
24 MURRAY WAS UNFIT. I ASKED HIM:

25 "DID YOU HAVE A CONCERN ABOUT
26 MURRAY AS A DOCTOR?

27 "I REALLY DIDN'T KNOW WHAT
28 MURRAY DID, BUT MICHAEL SHOWING UP IN

1 THAT CONDITION, I HAD A CONCERN."

2 OKAY. NEXT:

3 "YOU HAD A REAL CONCERN ABOUT
4 DR. MURRAY AT THIS TIME AND HIS WORK
5 AS A PROFESSIONAL FOR MICHAEL?"

6 ANSWER: "YES."

7 SO, COME ON. OF COURSE HE HAD A CONCERN, OF
8 COURSE -- EVERYONE HAD A CONCERN, AND I'M GOING TO SHOW
9 YOU THAT.

10 AND THEN MR. TRELL TOLD US THAT AN INDEPENDENT
11 CONTRACTOR DOES SOMETHING WRONG, YOU CAN BE SUED. YEAH.
12 THE LIGHTING PERSON YOU HIRED AS AN INDEPENDENT
13 CONTRACTOR DOES SOMETHING WRONG, THERE'S A FIRE, SOMEONE
14 GETS HURT, YOU CAN BE A DEFENDANT. YEAH, THEY ALL KNOW
15 THAT. COME ON.

16 SO THEY HAD TO HAVE SOME IDEA -- THEY ALL KNEW
17 SOMETHING WAS WRONG.

18 AND THEN THEY WANT TO GIVE YOU THE EXAMPLE, THE
19 PLUMBER, THE ELECTRICIAN, DR. MURRAY. OKAY. LET'S LOOK
20 AT THAT.

21 IF A PLUMBER FIXES A PIPE, AND IT BREAKS AND
22 THERE'S A LEAK AND THERE'S A PROBLEM, ARE YOU
23 RESPONSIBLE? IF THE ELECTRICIAN THAT YOU'RE HIRING DOES
24 A BAD JOB, THE HOUSE BURNS DOWN? YEAH. IT'S THE SAME
25 THING AS THE DOCTOR IF HE'S DOING A BAD DAY JOB. OH,
26 LEFT IN THE DARK. THAT WAS A GREAT EXPLANATION. LEFT
27 IN THE DARK. "OH, HE DOESN'T REALLY LOOK THAT BAD."

28 YOU REMEMBER KENNY ORTEGA? "I'VE NEVER SEEN

1 HIM LIKE THAT. HORRIBLE."

2 OKAY. NUMBER FOUR, "UNFIT," "INCOMPETENCE"
3 DIRECTLY -- DEFENDANTS DIDN'T DISPUTE THIS ONE. OF
4 COURSE HE DID. THE CONFLICT, HE'S UNFIT, INCOMPETENT,
5 CAUSED THE DEATH OF MR. JACKSON. NO QUESTION.

6 NOW, "SUBSTANTIAL FACTOR." THEY SPENT A LOT OF
7 TIME ON THIS. AND THEIR MAIN ARGUMENT WAS, YOU KNOW,
8 "WE'RE JUST ON THE SIDELINES," YOU KNOW. "WE DIDN'T
9 KNOW ANYTHING. WE DIDN'T KNOW ANYTHING."

10 NOW, A CONFLICT OF INTEREST OCCURRED BECAUSE
11 DR. MURRAY'S IN DIRE FINANCIAL STRAITS. THEY'RE THE
12 ONES THAT PUT THE CONTRACT LANGUAGE TOGETHER, NOT
13 DR. MURRAY. THEY'RE THE ONES WHO WANT TO ENTER INTO A
14 CONTRACT WITH DR. MURRAY.

15 MICHAEL'S HEALTH WAS SERIOUSLY DECLINING. NO
16 DISPUTE. ALTHOUGH THEY WANT TO DISPUTE IT, THE EVIDENCE
17 IS CONTRARY. THEY PUT PRESSURE ON DR. MURRAY, AND THEY
18 WERE PUSHING BACK ANYONE THAT HAD A PROBLEM WITH
19 MICHAEL'S HEALTH. ANYONE THAT RAISED A PROBLEM -- DID
20 THEY SAY, "OH, THANK YOU, KENNY. LET'S MEET AND LET'S
21 FIND OUT WHAT'S WRONG WITH MICHAEL."

22 DID THEY DO THAT? NO. THEY CALLED A MEETING,
23 AND THEY SAY, "YOU STOP IT. YOU STOP IT. WE'RE IN
24 CHARGE. MR. PHILLIPS AND DR. MURRAY ARE IN CHARGE. YOU
25 STOP IT."

26 "SUBSTANTIAL FACTOR." OKAY. IT DOESN'T HAVE
27 TO BE THE ONLY CAUSE. THINK OF IT THIS WAY. YOU HEARD
28 THE INSTRUCTION, THERE CAN BE MORE THAN ONE CAUSE.

1 THINK OF A BICYCLE BUILT FOR TWO, AND TWO PEOPLE
2 PEDDLING THE BICYCLE, LIKE SETTING UP THE CONCERT AND
3 DOING IT. BOTH CAN BE RESPONSIBLE.

4 SO IT HAS TO BE A REASONABLE PERSON WOULD HAVE
5 CONSIDERED IT TO HAVE CONTRIBUTED TO THE HARM. DOESN'T
6 HAVE TO BE THE ONLY HARM. ONLY CAUSE. CAN BE MULTIPLE.
7 LIKE MURRAY. MURRAY, IN CONJUNCTION WITH BEING THERE,
8 IS A CAUSE. BUT IF MURRAY IS NOT THERE, DOESN'T HAPPEN.

9 NOW, THEY ARGUE THAT IT'S NOT A SUBSTANTIAL
10 FACTOR IF THE HARM WOULD HAVE OCCURRED WITHOUT THAT
11 CONDUCT. SO IN OTHER WORDS, THEY'RE SAYING, "WELL, IF
12 THERE'S NO MURRAY, NO PROPOFOL, THEN MICHAEL IS GOING TO
13 DIE ANYWAY"; OKAY? THAT'S WHAT THEY'RE SAYING. WHAT
14 EVIDENCE DO THEY HAVE OF THAT? LET'S LOOK AT THAT.

15 REMEMBER DR. MATHESON? THEY SAY, "OH, IT'S A
16 CLEVER THEORY." DR. MATHESON IS ONE OF THE LEADING
17 MEDICAL ANESTHETISTS IN THE WORLD. STANFORD UNIVERSITY.
18 HE HAS A GREAT REPUTATION. HE SAID -- MY QUESTION:

19 "IS THERE AN ACCEPTED SET OF
20 CRITERIA WITHIN YOUR FIELD TO
21 DETERMINE THE SEVERITY OF CONFLICTS
22 OF INTEREST?"

23 AND THIS IS AT PAGE 8624.

24 HE SAID: "I THINK THE ONE THAT'S
25 MOST WIDELY ACCEPTED IS THE INSTITUTE
26 OF MEDICINE."

27 THAT'S A STANDARD IN THE INDUSTRY THAT DOES
28 RESEARCH AND DETERMINES PROBLEMS IN THE MEDICAL

1 PROFESSION; OKAY? SO LET'S TAKE THAT A LITTLE FURTHER.

2 AND DR. GREEN AGREED WITH THE INSTITUTE OF
3 MEDICINE DEFINITION.

4 "A CONFLICT OF INTEREST REFERS
5 TO A SET OF CONDITIONS IN WHICH
6 PROFESSIONAL JUDGMENT CONCERNING A
7 PRIMARY INTEREST, SUCH AS THE
8 PATIENT'S WELFARE, IS UNDULY
9 INFLUENCED BY THE SECONDARY INTEREST,
10 FINANCIAL GAIN."

11 NOW, WE ALL KNOW THAT A DOCTOR IS NOT SUPPOSED
12 TO DO THINGS BECAUSE OF MONEY, AND WE'VE HEARD OF HMOS
13 AND ALL THESE ISSUES, THE DOCTOR CAN'T GET THIS AND THIS
14 AND THAT. THE DOCTOR'S DUTY IS TO THE PATIENT, NUMBER
15 ONE.

16 AND MOST DOCTORS IN OUR SOCIETY, THEY DO A
17 GREAT JOB. THEY DON'T HAVE A PROBLEM. BUT THERE'S NO
18 DOCTOR THAT HAS A CONTRACT -- AND THIS IS THE DOCTOR
19 THEY SAY IS COMPETENT AND FIT. SHUTS DOWN HIS PRACTICE,
20 ALL HIS PATIENTS, IN 10 DAYS FOR MONEY? WOW. THIS GUY
21 IS BRINGING IN ALL THIS MONEY, HAS ALL THESE PRACTICES,
22 AND FOR 150 GRAND A MONTH, HE'S GOING TO LEAVE ALL HIS
23 PATIENTS IN 10 DAYS. COME ON. 10 DAYS. FULLY ENGAGED
24 IN 10 DAYS.

25 YOU THINK MAYBE -- I THOUGHT YOU WERE SO
26 SUCCESSFUL. YOU HAVE ALL THESE PATIENTS. YOU CAN JUST
27 LEAVE EVERYONE IN 10 DAYS? A FIT AND COMPETENT DOCTOR
28 DUMPS EVERYBODY IN 10 DAYS FOR MONEY? I DON'T THINK SO.

1 NOW, LET'S GO TO THE NEXT ONE.

2 DR. MATHESON TESTIFIED -- AND THIS IS PAGE
3 8625 -- THAT THIS WAS THE MOST SEVERE CONFLICT OF
4 INTEREST HE'S EVER SEEN OR READ ABOUT IN ANY MEDICAL
5 LITERATURE OR STUDY OF ALL THE CASES THAT HE'S REVIEWED.
6 THE MOST SEVERE CONFLICT OF INTEREST HE'S EVER SEEN.
7 THINK ABOUT IT.

8 A DOCTOR LEAVES EVERYTHING, AND IF THE PATIENT
9 CAN'T DO WHAT THE PERSON YOU HAVE THE CONTRACT WITH,
10 YOU'RE CUT, AND NOW YOU HAVE NOTHING, AND YOU HAVE ALL
11 THIS DEBT. AND NOW WHAT DO YOU DO? YOU DO WHAT'S BEST
12 FOR YOUR FINANCIAL CONDITION. JUST LIKE A.E.G. DID,
13 WHAT'S BEST FOR THEM TO MAKE MONEY.

14 NOW, LET'S CONTINUE ON. PAGE 8603 WITH
15 DR. MATHESON:

16 "I WANT TO DIRECT YOUR
17 ATTENTION TO THE JUNE TIME FRAME."

18 REMEMBER, YOU JUST CAN'T LOOK AT IT IN LITTLE
19 SNIPPETS. YOU HAVE TO LOOK AT THE WHOLE PICTURE, THE
20 COALESCENCE OF EVERYTHING.

21 "DO YOU HAVE AN OPINION IN THE
22 JUNE TIME FRAME AS TO WHETHER THE
23 CONFLICT OF INTEREST CREATED BY
24 A.E.G. LIKELY LED TO DR. MURRAY'S
25 SUBSTANDARD MEDICAL CARE?"

26 NO QUESTION HE GAVE SUBSTANDARD CARE;
27 OKAY?

28 "YES, I DO.

1 "WHAT IS YOUR OPINION?

2 "MY OPINION IS THAT THE
3 CONFLICT OF INTEREST CONTRIBUTED IN A
4 VERY SIGNIFICANT WAY TO DR. MURRAY'S
5 STANDARD OF CARE."

6 OKAY. ONE OF THE LEADING EXPERTS IN THE WORLD
7 CAME IN HERE AND TESTIFIED, AND HE ANSWERED THE
8 QUESTIONS THAT -- YOU DIDN'T SEE THE JUDGE HAVE TO SAY,
9 "ANSWER THE QUESTION." "ANSWER THE QUESTION." "MOVE TO
10 STRIKE." "ANSWER THE QUESTION." HE ANSWERED THE
11 QUESTIONS. THEY ASKED THE QUESTIONS, HE ANSWERED THEM;
12 OKAY?

13 BUT THEN HE GOES ON TO SAY THAT THE CONFLICT
14 CONTRIBUTED. AND THEN HE SAID:

15 "I THINK THE WAY IT HAPPENED
16 WAS THE CONFLICT OF INTEREST WAS SET
17 UP BY A.E.G. THE PHYSICAL SYMPTOMS
18 STARTED TO APPEAR WITH MICHAEL
19 DOCUMENTED, AS DR. CZEISLER SAID,
20 BETTER THAN ANY CLINICAL STUDY, AND
21 THERE WAS AN ATTEMPT TO CONTROL
22 THOSE, AND THE OTHER PEOPLE WHO
23 WANTED TO REGISTER THEIR COMPLAINTS
24 WERE PUSHED BACK."

25 SO IT PLAYED OUT IN LATE JUNE LEADING TO
26 MICHAEL'S DEATH.

27 AND THAT'S WHAT HAPPENED. DR. MURRAY VIOLATED
28 HIS OATH. A.E.G. AND ALL THEIR PEOPLE SAW THAT MICHAEL

1 WAS DETERIORATING, AND INSTEAD OF CALLING A TIME OUT AND
2 CHECKING IT OUT, OR, AS KENNY SAYING, "HAVE ANOTHER
3 DOCTOR," OR MR. BRANCA SAID, "I KNOW SOMEBODY TO GET
4 IN," AND MR. PHILLIPS SAYS, "OH, NO. NOW IS NOT A GOOD
5 TIME TO BRING SOMEBODY INTO THE MIX, BECAUSE YOU CAN'T
6 IMAGINE THE CONSEQUENCES IF WE PULL THE PLUG"; OKAY?
7 WOULD A REASONABLE PERSON SAY NO TIME OUT? NO. THEY
8 WOULD SAY, YES, TIME OUT.

9 BUT WHAT HAPPENED? HOW DID IT PLAY OUT; OKAY?
10 THIS IS IMPORTANT, AND I WOULD APPRECIATE IT IF YOU
11 COULD WRITE THIS DOWN; OKAY? WE KNOW -- AND THIS
12 TIMELINE KIND OF PROVES IT ALL.

13 JUNE 13TH, DR. MURRAY HELD MJ OUT OF PRACTICE;
14 OKAY?

15 JUNE 14, GONGAWARE WRITES -- EXCUSE ME --
16 ORTEGA WRITES GONGAWARE AND SAYS, "WERE YOU AWARE THAT
17 MURRAY KEPT MJ FROM REHEARSAL?" NOW, WHY WOULD HE BE
18 WRITING TO ORTEGA SAYING -- RATHER THAN SAYING -- EXCUSE
19 ME -- ORTEGA WRITING TO GONGAWARE, RATHER THAN SAYING,
20 "ARE YOU AWARE MICHAEL DIDN'T GO TO PRACTICE OR
21 REHEARSAL?" HE DIDN'T SAY THAT. NO. HE SAID, "MURRAY
22 KEPT HIM FROM GOING TO PRACTICE." THE PERSON THAT THEY
23 DIDN'T HIRE. WHY DID HE JUST NOT SAY, "MICHAEL DIDN'T
24 COME"? HE SAID BECAUSE THE DOCTOR DIDN'T LET HIM.

25 SO, OKAY. MAYBE THAT'S A GOOD DECISION BY
26 DR. MURRAY; RIGHT? MAYBE HE WASN'T UP TO IT. MAYBE
27 THERE WAS A PROBLEM, SO HE HELD HIM OUT. THAT WOULD
28 CERTAINLY SEEM REASONABLE, WOULDN'T IT? BUT THEN WHAT

1 HAPPENED?

2 JUNE 14TH GONGAWARE IMMEDIATELY WRITES BACK:

3 "WE'RE GOING TO REMIND MURRAY
4 IT'S A.E.G., NOT MJ WHO IS PAYING HIS
5 SALARY." OKAY? THE SAME DAY.

6 SO INSTEAD OF SAYING, "HOW IS MICHAEL DOING?
7 WHAT'S WRONG WITH MICHAEL? CAN WE GET HELP FOR MICHAEL?
8 LET'S GO SEE HOW MICHAEL IS DOING. WHAT DID DR. MURRAY
9 SAY IS WRONG WITH HIM?" NO. HE DOESN'T SAY ANYTHING.
10 HE DOESN'T CARE ABOUT MICHAEL. HE DOESN'T ASK, "HOW IS
11 MICHAEL DOING?" HE SAYS, REMIND MURRAY WE'RE PAYING,
12 NOT MJ. REMIND HIM WHAT'S EXPECTED OF HIM; OKAY? WE
13 WANT TO CONTROL. KEEP GOING.

14 NOW, ON JUNE 16TH -- REMEMBER, ON MAY 6TH THERE
15 WAS -- HE SAYS, "DONE DEAL." MAY 8TH, WOOLLEY SENDS ALL
16 THE TERMS TO MURRAY.

17 MAY 28TH, MURRAY IS SAYING, "WHERE'S MY MONEY?"
18 OKAY. "WE HAVE AN AGREEMENT."

19 AND ALL OF A SUDDEN -- REMEMBER, JUNE 16TH IS
20 THE MEETING. ALL OF A SUDDEN, AFTER HE SAYS THEY WANT
21 TO STALL MURRAY, THEY SEND HIM A WRITTEN CONTRACT ON
22 JUNE 16TH. RIGHT WHEN ALL THIS IS GOING DOWN, WITHIN A
23 DAY AND A HALF. IS THAT A COINCIDENCE THAT ALL OF A
24 SUDDEN, WHEN MICHAEL IS NOT COMING TO PRACTICE, WHEN
25 HE'S SAYING TO REMIND HIM, THEY IMMEDIATELY SEND THE
26 CONTRACT? JORRIE SENDS IT TO WOOLLEY WHO SENDS IT TO
27 MURRAY. YOU THINK THAT'S A COINCIDENCE?

28 THEN -- THAT'S EXHIBIT 266.

1 WITHIN TWO DAYS OF THIS PROBLEM DEVELOPING,
2 THEY DON'T SAY, WELL, CALL DR. MURRAY AND SEE HOW HE'S
3 DOING. THEY SAY, SEND HIM THE CONTRACT THAT SAYS YOU
4 ANSWER TO THE PRODUCER.

5 THEN ON JUNE 16TH, THEY HAVE THE INTERVENTION
6 MEETING. THAT'S THEIR MEETING.

7 SO IN RESPONSE TO THAT -- AND WHO IS AT THE
8 MEETING? GONGAWARE, PHILLIPS, MURRAY AND MICHAEL; OKAY?
9 THEN WHAT HAPPENS?

10 JUNE 19TH, THREE DAYS LATER, MICHAEL'S IN BAD
11 SHAPE, ALL THE E-MAILS, "TROUBLE AT THE FRONT" AND
12 "DOUBT IS PERVASIVE." EVERYONE AT A.E.G. KNEW. "DOUBT
13 IS PERVASIVE." IT WAS SENT TO THE HIGHEST LEVEL OF THE
14 COMPANY. THEY KNEW THERE IS A PROBLEM. "DOUBT IS
15 PERVASIVE." THAT'S -- BUGZ SAYS THAT. "TROUBLE AT THE
16 FRONT," "DOUBT IS PERVASIVE." IS THAT "KNEW OR SHOULD
17 HAVE KNOWN"; OKAY? LOOK AT THE WHOLE PICTURE NOW.

18 MICHAEL DOESN'T COME ON THE 13TH; 14TH, THEY
19 SEND THE E-MAIL, "REMIND HIM" -- OR ORTEGA TELLS HIM.
20 GONGAWARE WRITES BACK TO REMIND HIM WHO IS PAYING HIM
21 AND WHAT'S EXPECTED. AND WITHIN TWO DAYS, THEY SEND HIM
22 THE CONTRACT, AND THREE DAYS LATER, MICHAEL DOESN'T COME
23 TO PRACTICE -- I'M SORRY, I ALWAYS SAY PRACTICE,
24 REHEARSAL -- BUT DOESN'T COME TO PRACTICE, AND "DOUBT IS
25 PERVASIVE." THAT MEANS ALL AROUND. EVERYONE KNEW.

26 AND REMEMBER, THEY CAN BE NEGLIGENT IN
27 SUPERVISING AND RETAINING AT ANY TIME. SO DID THEY GO
28 AND FIND OUT WHAT'S WRONG? NO. WHAT DO THEY DO?

1 WELL, THERE'S A 25-MINUTE PHONE CALL ON THE
2 20TH BETWEEN PHILLIPS AND MURRAY.

3 NOW, OF COURSE, PHILLIPS TESTIFIES UNDER OATH
4 THAT IT WAS THREE MINUTES OR LESS ABOUT SCHEDULING.
5 THEN WE GET THE PHONE RECORDS, AND IT SHOWS 25 MINUTES.
6 WHAT DO YOU THINK THEY WERE TALKING ABOUT DURING THOSE
7 25 MINUTES? BECAUSE IT WASN'T ABOUT HOW MICHAEL'S
8 DOING, BECAUSE PHILLIPS NEVER FOUND OUT. AND HE
9 TOLD YOU, "I DON'T KNOW. I DON'T KNOW."

10 THEN THEY HAVE THE MEETING, AND THERE'S TWO
11 DIFFERENT VERSIONS OF THE MEETING; REMEMBER? TWO ON THE
12 20TH, IT'S ALL RUSHED, THEY RUN OVER TO MICHAEL ON
13 CAROLWOOD; OKAY?

14 ORTEGA SAYS MURRAY IS ACCUSATORY, THREATENING
15 HIM, SAYING ALL THESE THINGS, AND HE LEAVES IN 15 TO 20
16 MINUTES. AND HE BASICALLY SAYS HE'S "DISMISSED," I
17 THINK, IS THE WORD HE USED. "AND THEN I WAS DISMISSED
18 FROM THE MEETING"; OKAY?

19 THEN PHILLIPS SAYS THE MEETING LASTED AN HOUR
20 AND A HALF, AND EVERYONE STAYED TOGETHER AND LEFT
21 TOGETHER. WHY WOULD HE SAY THAT? ORTEGA SAID 15 TO 20
22 MINUTES, AND HE WAS ACCUSED -- ACCUSATORY MEETING, AND
23 PHILLIPS SAYS, "OH, IT WAS GREAT. EVERYONE HAD A GOOD
24 TIME. IT WAS A PRODUCTIVE MEETING," ALL THIS STUFF.

25 REMEMBER FROM HIS E-MAILS ON THAT DAY OF THE
26 20TH, HE LIES ABOUT MURRAY TO ORTEGA TO SILENCE HIM.
27 "OH, WE'VE CHECKED HIM OUT. HE'S SUCCESSFUL. HE
28 DOESN'T NEED THIS GIG. HE'S NOT UNETHICAL." BUT HE

1 CERTAINLY REALIZED IF SOMEONE NEEDED THE GIG, THEY CAN
2 BE UNETHICAL AND DO SOMETHING, BUT HE LIED.

3 HERE'S THE EXHIBIT. WE KIND OF COPIED A LITTLE
4 BIT. AND I WANT TO SHOW WITH THIS TIMELINE WHAT COUNSEL
5 FOR A.E.G. WENT THROUGH YESTERDAY; OKAY?

6 NUMBER ONE, THEY SAID, "MURRAY PRESCRIBED
7 MEDICINE ON JANUARY 25TH," MEANING HE WAS IN L.A. WELL,
8 HE DIDN'T MOVE TO L.A. THESE ARE LAS VEGAS RECORDS, AND
9 HE CALLED IN COLD MEDICINE ON JANUARY 25TH; OKAY? FIRST
10 FACT.

11 SECOND FACT. THEY HAVE A MEETING WITH
12 DR. ADAMS, THE KEVIN GARNETT LOOK-ALIKE. SAID THEY
13 NEVER DISCUSSED PROPOFOL. THEY ONLY DISCUSSED
14 NARCOTICS, AND HE, MICHAEL, SAID HE DIDN'T WANT ANY.
15 "I NEVER DISCUSSED PROPOFOL WITH MURRAY OR MICHAEL
16 JACKSON"; OKAY?

17 AND YOU KNOW, AS I SAID, PROPOFOL, MAYBE NOT
18 THE BEST IDEA, BUT IF YOU HAVE A COMPETENT DOCTOR IN THE
19 RIGHT SETTING, YOU'RE NOT GOING TO DIE. DR. ADAMS, IF
20 HE WAS THERE, HE'S NOT GOING TO DIE. HE'S COMPETENT.

21 NUMBER THREE, A.E.G. LIVE SAID, OH, HEY, KAI
22 CHASE SAW DR. MURRAY WITH OXYGEN BOTTLES AND EVERYTHING,
23 RIGHT, IN APRIL TO PROVE HE WAS GETTING PROPOFOL.

24 WELL, SHE CAME BACK IN JUNE OF '09 AND SAID
25 MICHAEL LOOKED VERY DIFFERENT. HE APPEARED WEAK, MUCH
26 THINNER, UNDERNOURISHED, DIDN'T LOOK AS WELL AS HE HAD
27 IN APRIL. THERE WAS AN OBVIOUS DIFFERENCE. BECAUSE WE
28 KNOW THAT MURRAY DIDN'T START THE PROPOFOL UNTIL AFTER

1 THAT TIME. AND I'LL SHOW YOU HOW.

2 NUMBER ONE, KAI SAID, "MURRAY WASN'T AROUND
3 MUCH IN APRIL." AND THEY WANT TO CALL KAI CHASE A LIAR
4 THAT WAS PAID OFF BY MRS. JACKSON. THAT'S WHAT THEY
5 SAID YESTERDAY. KAI CHASE LIED -- SHE GOT PAID OFF BY
6 MRS. JACKSON TO COME IN HERE AND LIE. I MEAN, COME ON.
7 I MEAN, WHAT LENGTHS WILL THEY GO TO TO TRASH EVERYONE?

8 KAI CHASE IS A NICE PERSON; OKAY? SHE WAS
9 TRYING TO DO THE BEST SHE COULD. SHE WAS TRYING TO PULL
10 PARIS DOWN THE STAIRS WHEN SHE WAS TRYING TO GRAB --
11 GRAB HIM BY THE ANKLES, AND PARIS WAS SCREAMING ABOUT
12 HER FATHER WHEN HE DIED AT CAROLWOOD. COME ON.

13 SHE SAYS --

14 "DID YOU EVER SEE HIS CAR
15 PRESENT WHEN YOU GOT THERE IN APRIL?

16 "NO.

17 "DID YOU SEE OXYGEN TANKS IN
18 THE HOUSE IN APRIL?

19 "NO, I DID NOT.

20 "DID YOU MAKE DINNER FOR
21 DR. MURRAY IN APRIL?

22 "NO.

23 "DID MURRAY TAKE FOOD UPSTAIRS
24 IN APRIL?

25 "I DIDN'T SEE MURRAY THERE
26 MUCH IN APRIL."

27 BECAUSE HE WASN'T GIVING PROPOFOL IN APRIL,
28 DESPITE WHAT THEY SAID.

1 WELL, HE ORDERED IT. HE MUST HAVE BEEN GIVING
2 IT. COULD HAVE BEEN DOING THIS. COULD HAVE BEEN ON THE
3 WEEKEND. THERE'S NO EVIDENCE OF THAT. THERE'S NO
4 EVIDENCE OF THAT.

5 LET'S LOOK AT WHAT THE EVIDENCE IS.

6 WE ASKED CHERILYN LEE ON THE 19TH. AND SHE
7 SAID THAT MICHAEL WANTED TO TRY THESE NATURAL REMEDIES
8 FOR SLEEP. I CAN'T REMEMBER THE NAME OF IT NOW. MYERS
9 COCKTAIL? TRYING NOT TO THINK ABOUT COCKTAILS.

10 HE DIDN'T WANT TO USE ANY SLEEP PRESCRIPTIONS
11 WHEN THEY TALKED ABOUT IT. THEY HAD A PLAN, WANTED TO
12 GO NATURAL; OKAY? SO HE'S NOT GETTING PROPOFOL. BUT HE
13 CAN'T SLEEP. HE'S DESPERATE TO SLEEP, SO SHE SET UP
14 TIME WITH INJECTIONS. SHE SAW HIS BODY, NO IV MARKS OF
15 ANYTHING THAT SHE SUSPECTED. AND FROM THAT TIME THAT
16 SHE SAW HIM, HE WAS DOING FINE.

17 AND THEN WE GO TO STILL THE 19TH. NO IV POLES
18 IN THE BEDROOM, NO DIPRIVAN BOXES, NO OXYGEN TANKS, ALL
19 APRIL 19TH.

20 THEN THE NEXT DAY, OR IT'S ACTUALLY THE DAY
21 BEFORE. METZGER SAYS HE WENT UPSTAIRS, THEN HE SAID HE
22 DIDN'T GO UPSTAIRS, AND THEN HE SAID HE WENT ON THE
23 LANDING. THE BOTTOM LINE IS, HE DIDN'T SEE ANY MEDICAL
24 EQUIPMENT THERE, EVER. DOORS OPEN.

25 THEY ALWAYS WANT TO PUT THAT LOCK ON THE DOOR.
26 THAT DOESN'T MEAN ANYTHING. THEY DON'T NEED TO KNOW
27 THAT HE'S GETTING PROPOFOL. THEY NEED TO KNOW OR SHOULD
28 HAVE KNOWN THAT THE RISK OF SUBSTANDARD MEDICAL CARE

1 COULD HAVE OCCURRED, AND THIS OCCURS BECAUSE OF THE
2 CONFLICT.

3 AGAIN, THERE'S NO QUESTION, "DID A.E.G. KNOW
4 THAT MICHAEL WAS USING PROPOFOL?" THAT'S NOT WHAT YOU
5 HAVE TO DECIDE.

6 DID THEY KNOW OR SHOULD THEY HAVE KNOWN THAT
7 DR. MURRAY'S UNFITNESS AND INCOMPETENCE CAUSED A
8 PARTICULAR RISK? THAT'S WHAT THEY HAD TO HAVE KNOWN.
9 AND THE PARTICULAR RISK IS THE MEDICAL TREATMENT.

10 NOW, LATE APRIL, GONGAWARE SAYS -- FIRST HE
11 TRIED TO SAY -- IT WAS THE DANCERS. ISN'T THAT
12 INTERESTING, HOW WHEN THEY'RE QUESTIONING -- WHEN I
13 QUESTION, HE DOESN'T KNOW ANYTHING. WHEN THEY'RE
14 QUESTIONING, "OH, YEAH, I REMEMBER IT WAS RIGHT AFTER
15 APRIL 14TH, AND THE DANCERS. THAT'S WHEN I TALKED TO
16 MURRAY"; RIGHT? COME ON.

17 THEN HE SAYS, WELL, IT WAS TWO TO FIVE WEEKS
18 AFTER MAY 6TH THAT HE TALKED TO MURRAY, NOT LATE APRIL.
19 AND THAT'S WHEN THEY HAD THE \$5 MILLION DISCUSSION.

20 NOW, WHO IN THEIR RIGHT MIND IS GOING TO THINK
21 IT'S NO BIG DEAL, SOME DOCTOR IS GOING TO LEAVE
22 EVERYTHING FOR A PAYMENT OF \$5 MILLION; OKAY? OKAY.

23 THE NEXT ONE. REMEMBER, THEY MADE A BIG DEAL
24 ABOUT THESE PROPOFOL ORDERS IN APRIL, MAY, JUNE; OKAY?
25 THERE'S THE RECORDS.

26 BUT IF YOU REMEMBER ALSO THAT YOU JUST DON'T
27 GIVE PROPOFOL, YOU NEED TO HAVE LIDOCAINE; RIGHT? OKAY?
28 AND WHEN WAS LIDOCAINE ORDERED? HERE'S THE EXHIBITS.

1 GEEZ. WHAT'S THE EXHIBIT NUMBER? HELP ME.

2 MR. BOYLE: 4454.

3 MR. PANISH: OKAY. MAY 12TH AND JUNE 10TH IS
4 WHEN THEY ORDERED LIDOCAINE, RIGHT AFTER MAY 6TH AND
5 MAY 8TH. SURPRISE, SURPRISE. THEY DIDN'T BRING THAT
6 UP, DID THEY?

7 NOW, REMEMBER DOCTOR -- OR DETECTIVE MARTINEZ
8 SAID LIDOCAINE IS A LOCAL ANESTHETIC, IT BURNS AS IT'S
9 GOING IN, USED TO REDUCE THE BURNING SENSATION. THEY
10 FOUND IT IN MICHAEL'S ROOM, THERE'S THE PROPOFOL GIVEN
11 BY MURRAY THAT CAUSED THE DEATH, WITH THE LIDOCAINE IN
12 MICHAEL'S ROOM JUNE 25TH, AFTER THEY KNEW ABOUT ALL
13 THESE PROBLEMS. SO WE KNOW THAT MICHAEL WOULDN'T TAKE
14 IT WITHOUT IT.

15 NEXT THING WE KNOW. THERE'S NO EVIDENCE OF ANY
16 USE OF PROPOFOL BEFORE MAY 6TH. REMEMBER WE MADE A BIG
17 DEAL ABOUT WHEN THEY MADE THE CONTRACT? THERE'S NO
18 EVIDENCE BEFORE MAY 6TH. AND IF YOU GO THROUGH AN
19 EIGHT-WEEK DECLINE, IT ALMOST ADDS UP PERFECTLY TO
20 JUNE 25TH.

21 DR. MURRAY -- REMEMBER DR. CZEISLER TALKED
22 ABOUT APPROXIMATELY 60 DAYS OF THE REGIME, AND DR. BROWN
23 FROM HARVARD ON THE VIDEO SAID THEY WERE TRYING TO WEAN
24 HIM OFF THE PROPOFOL, AND THAT'S WHY HE GOT THE ORGANIC
25 SLEEP PLAN, THE ORGANIC SLEEP. AND AT THE MEETING --
26 THEY TOLD KENNY ON JUNE 20TH, HEY, FINE, LOOKS GREAT.
27 WHAT DOES KENNY SAY? HE'S FLABBERGASTED. THERE'S NO
28 WAY HE WAS LIKE THAT; OKAY?

1 SO THEN WHAT HAPPENS? LATE APRIL WHEN HE FIRST
2 TALKS TO MURRAY; MAY 6TH THEY AGREED TO 150. GETTING
3 READY TO LEAVE FOR LONDON. HIS CONDITION IS STEADILY
4 DETERIORATING.

5 KENNY SAID HE DIDN'T THINK HE WAS READY --
6 THAT'S 298. ANY POSTPONEMENT CAUSES MURRAY TO LOSE 150
7 GRAND A MONTH. MURRAY TELLS KENNY STAY IN HIS LANE,
8 STOP SENDING MJ HOME. "YOU CAN'T IMAGINE THE HARM AND
9 RAMIFICATIONS OF STOPPING THE SHOW." THAT'S WHAT
10 PHILLIPS SAYS.

11 AND PHILLIPS SITS THERE WHILE DR. MURRAY IS
12 READING THE RIOT ACT TO MR. ORTEGA, WHO IS TRYING TO
13 HELP, AND WHAT DOES HE DO? HE DOES NOTHING EXCEPT FOR
14 LIE ABOUT HOW LONG THE MEETING WAS AND WHO LEFT AND THE
15 TONE OF THE MEETING AND EVERYTHING.

16 I MEAN, IF HE REALLY CARED, WOULDN'T HE SAY,
17 "HEY, THIS IS" -- REMEMBER, WE ASKED HIM, "WELL, WHAT
18 WAS WRONG?"

19 "I DON'T KNOW." HE DIDN'T WANT TO KNOW. HE
20 DIDN'T WANT TO KNOW. HE DIDN'T HAVE ANY INSURANCE.

21 AND THEN MJ'S SECURITY CALLS DR. LEE.
22 MICHAEL'S FEELING HOT ON ONE SIDE OF HIS BODY JUNE 21ST,
23 FOUR DAYS BEFORE HE DIED. THEY CALL DR. LEE.

24 MURRAY SIGNS THE AGREEMENT ON THE 24TH, WHICH
25 MICHAEL HAS NEVER SEEN A COPY OF, NOR ANY OF HIS
26 REPRESENTATIVES.

27 AFTER THE REHEARSAL HE GIVES HIM THE
28 BENZODIAZEPINES. REMEMBER, IT'S THE BENZODIAZEPINE AND

1 THE PROPOFOL, AND MURRAY WAS MORE INTERESTED IN KEEPING
2 THE SHOW GOING RATHER THAN KEEPING THE PATIENT ALIVE.

3 AND THEN THE PARAMEDICS COME AND SAY, HEY, THE
4 GUY LOOKS LIKE HE IS IN THE LAST STAGES OF DISEASE. HE
5 LOOKS LIKE A HOSPICE PATIENT.

6 AND THE FIRST THING HE ASKED, "IS THERE A
7 D.N.R.?" DO NOT RESUSCITATE. SO MR. SENEFF IS A
8 30-SOME-YEAR PARAMEDIC. HE DOESN'T KNOW ANYTHING. HE
9 SEES HIM. HE THINKS THE GUY IS DYING FROM A BAD
10 DISEASE. THE GUY THAT THEY SAY IS FINE AND CAN DO
11 EVERYTHING. OKAY. DOESN'T ADD UP.

12 NOW, LET'S TALK ABOUT THE PRESSURE. ASK KENNY.

13 "WAS THERE PRESSURE ON
14 EVERYONE TO MAKE SURE THIS GOT READY
15 TO GO?

16 "YES.

17 "NOT JUST YOU, BUT MICHAEL,
18 THE WHOLE GROUP, WAS THERE PRESSURE?

19 "PRESSURE WAS BUILDING, YES.
20 TIME PRESSURE."

21 NEXT. A.E.G.'S LAWYER SAID PLAINTIFFS TRY TO
22 ARGUE THAT DR. MURRAY DID WHAT HE DID BECAUSE A CONFLICT
23 OF INTEREST BECAUSE DR. MURRAY FELT PRESSURE FROM A.E.G.
24 TO RETURN MR. JACKSON TO THE STAGE BEFORE HE WAS READY.
25 IT'S A VERY CLEVER THEORY; OKAY? THAT WE CAME UP WITH
26 THAT; RIGHT?

27 GUESS WHO CAME UP WITH THAT? I DIDN'T COME UP
28 WITH IT. IT WAS THE TRUTH, AND GUESS WHEN THEY FOUND

1 OUT? A.E.G. KNEW, BUT THEY DIDN'T DO ANYTHING ABOUT IT.

2 ORLANDO MARTINEZ, THE DETECTIVE FROM THE
3 L.A.P.D., WITHIN TWO DAYS OF MICHAEL'S DEATH, HE FOUND
4 THE CARD AND THE CONTRACT, THAT'S ALL HE HAD, AND WHAT
5 DID HE SAY?

6 WHEN HE SAW THE CARD AND THE CONTRACT --

7 "AS AN INVESTIGATOR, WAS THERE
8 ANYTHING THAT DREW YOUR ATTENTION TO
9 THAT ANYWHERE WHERE YOU WANTED TO
10 CHANNEL YOUR INVESTIGATION?"

11 ANSWER: "YES.

12 "WHAT WAS THAT?

13 "THINKING AT THE MOMENT THAT
14 THE CRIME THAT MAY HAVE OCCURRED WAS
15 NEGLIGENCE, PARTLY DUE TO
16 INCOMPETENCE AFTER SEEING THE
17 CONTRACT AND THE AMOUNT OF MONEY
18 INVOLVED, FOCUSING ON WHETHER FOR A
19 MOTIVE, THE FINANCIAL ASPECT OF IT
20 MAY HAVE BEEN IMPORTANT TO
21 DR. MURRAY. HIS WILLINGNESS TO, YOU
22 KNOW, DISREGARD HIS HIPPOCRATIC OATH
23 FOR FINANCIAL GAIN."

24 SO THIS IS THE THEORY THAT WE'RE THE CLEVER
25 LAWYERS THAT CAME UP WITH THAT THE LOS ANGELES POLICE
26 DEPARTMENT, WHO IS NOT INVOLVED IN THIS CASE, HAD WITHIN
27 TWO DAYS.

28 AND THE REASON IT TOOK TWO DAYS IS BECAUSE THEY

1 COULDN'T JUST GO IN MURRAY'S CAR. SO THEY HAD TO GET A
2 WARRANT. OR, ACTUALLY, I GUESS IT WAS A SEARCH WARRANT,
3 EVEN THOUGH IT WAS A DEATH INVESTIGATION, TO GO IN
4 THERE. I MEAN, DETECTIVE MARTINEZ WAS ON IT IN TWO
5 DAYS. IT'S NOT US COMING UP WITH A CLEVER THEORY.
6 ANYONE THAT SAW THE CONTRACT AND -- "HEY, WAIT A MINUTE.
7 WHAT IS THIS GUY DOING? WHY ARE THEY PAYING THIS
8 MONEY?" BECAUSE THEY WANT TO CONTROL HIM.

9 OKAY. "THIS IS IT," I TALKED A LITTLE BIT
10 ABOUT IT.

11

12 (A VIDEO CLIP OF MR. PHILLIPS WAS PLAYED.)

13

14 MR. PANISH: THIS IS WHY THEY WOULD DO ALL
15 THIS.

16

17 (THE VIDEO CLIP CONTINUED TO BE PLAYED.)

18

19 MR. PANISH: "GO AFTER."

20

21 (THE VIDEO CLIP CONTINUED TO BE PLAYED.)

22

23 MR. PANISH: BILL ANSCHUTZ.

24

25 (THE VIDEO CLIP CONTINUED TO BE PLAYED.)

26

27 MR. PANISH: CAN YOU PAUSE THAT?

28

THE IS WHAT -- YOU JUST SAW MR. PHILLIPS. HE

1 HAS NO PROBLEM ANSWERING QUESTIONS AND TALKING, VERY
2 EXCLAMATORY, EVERYTHING; OKAY?

3 IN OCTOBER -- REMEMBER, MR. ANSCHUTZ, THE HEAD
4 OF -- THE MAN WHO WASN'T HERE AND NEVER CAME, WAS
5 OVERSEEING EVERYTHING.

6 MR. ANSCHUTZ CALLS MR. PHILLIPS AND SAYS, "GET
7 ON THIS." AND HE SAYS, "WE WANTED TO GO AFTER." THAT
8 WAS HIS WORDS. "GO AFTER."

9 AND THEN HE SAYS, "WE'VE LIVED HIS LAST TWO
10 MAJOR TOURS." MR. GONGAWARE.

11 "WE KNOW THE HISTORY, PROBLEMS
12 AND IDIOSYNCRASIES. WE WILL NOT
13 OVERESTIMATE HIS POWER AND POTENTIAL
14 AND WILL NOT MAKE MISTAKES THAT COULD
15 COST HIM HIS CAREER AS THE ULTIMATE
16 ARTIST. WE WILL MAXIMIZE IT." THEY HAD A
17 PLAN.

18 LET'S GO BACK.

19
20 (THE VIDEO CLIP CONTINUED TO BE PLAYED.)

21
22 MR. PANISH: AND THEN WHAT HAPPENED? THIS IS
23 THE GUY THEY WANTED, THE GREATEST ENTERTAINER. THEY
24 WANTED TO MAKE ALL THIS MONEY WITH, THEY'RE TELLING
25 MR. TRELL, TALKING ABOUT HIM BEING A FREAK.

26 THEN THEY GET HIM TO SIGN THIS CONTRACT ON
27 JANUARY 26TH, THE FREAK HE WAS GOING TO MEET WITH. HE
28 PUT UP EVERYTHING HE HAD, GUARANTEED EVERYTHING HE HAD

1 UNDER 16.3 TO DO THIS.

2 GOES TO THE PRESS CONFERENCE IN MARCH. HE HAD
3 TO THROW HIM IN A COLD SHOWER. THEY SLAPPED HIM, AND HE
4 SCREAMED LOUDER --

5

6 (THE VIDEO CLIP CONTINUED TO BE PLAYED.)

7

8 MR. PANISH: SCARIEST THING HE'S EVER SEEN IN
9 HIS LIFE. THIS IS TO TIM LEIWEKE, THE HEAD OF ALL OF
10 A.E.G., THE C.E.O. PLAYED HIS DEPO. COULDN'T REMEMBER
11 ANYTHING.

12

13 (THE VIDEO CLIP CONTINUED TO BE PLAYED.)

14

15 MR. PANISH: THIS IS ALL FROM THE MOVIE.

16

17 (THE VIDEO CLIP CONTINUED TO BE PLAYED.)

18

19 MR. PANISH: THEN THE EXECUTIVES SAID, "MICHAEL
20 WAS UNDERWHELMING." HE DIDN'T GIVE THEM THE FEELING HE
21 COULD DO IT.

22

23 (THE VIDEO CLIP CONTINUED TO BE PLAYED.)

24

25 MR. PANISH: WHAT DOES MR. PHILLIPS SAY? "NOW
26 I HAVE TO GET HIM ON STAGE."

27

28 (THE VIDEO CLIP CONTINUED TO BE PLAYED.)

1 MR. PANISH: AND THEN HE SAYS, "ODDS I GET HIM
2 THROUGH THE 50 SHOWS?" AND HE SAYS, "AH, THAT'S WHY THE
3 INSURANCE COMPANIES GET SO RICH."
4

5 (THE VIDEO CLIP CONTINUED TO BE PLAYED.)
6

7 MR. PANISH: SO THEY HAD A PLAN IN PLACE, AND
8 THEY DIDN'T WANT TO DERAIL IT, NO MATTER WHAT THE COST.
9 AT ALL COSTS. AND NOW THEY WANT TO AVOID
10 RESPONSIBILITY. AND THEY NEEDED DR. MURRAY, AND THEY
11 KNEW THAT.

12 ALL RIGHT. I'M GOING TO TALK A LITTLE BIT
13 ABOUT MICHAEL'S FAULT, AND THEN WE'RE GOING TO GET DONE.

14 SO I TOLD YOU THAT THIS IS A CASE ABOUT SHARED
15 RESPONSIBILITIES SINCE THE VERY BEGINNING. AND I TOLD
16 YOU THAT, YES, MICHAEL HAD BEEN TOLD THAT PROPOFOL CAN
17 BE DANGEROUS; OKAY? YES, HE HAD BEEN TOLD THAT BY AT
18 LEAST THREE PEOPLE, MAYBE MORE. BUT HE TRUSTED DOCTORS,
19 AND MAYBE HE DIDN'T MAKE THE BEST DECISIONS.

20 BUT WHEN YOU EVALUATE MICHAEL'S FAULT, YOU HAVE
21 TO EVALUATE IT AS A SAME OR SIMILAR PERSON UNDER THE
22 SAME OR SIMILAR CIRCUMSTANCES. HE WAS BEING PRESSURED;
23 HE COULD LOSE EVERYTHING HE HAD; HE WANTED TO DO THIS
24 NOT ONLY FOR HIS CHILDREN, BUT HE HAD FINANCIAL ISSUES,
25 AND HE WANTED TO DO IT TO MAKE MONEY FOR HIS CHILDREN,
26 AND HE WAS GOING TO GIVE THEM EVERYTHING.

27 SO WHEN YOU EVALUATE IT -- AND I KNOW THEY WANT
28 TO TALK AND BLAME HIM, AND, YOU KNOW, ATTACK HIM, YOU

1 KNOW, ALL THIS STUFF; OKAY? BUT LET'S LOOK AT THE LAW.

2 THEY CLAIM THAT HE WAS NEGLIGENT, CONTRIBUTED
3 TO HIS DEATH, BUT THEY HAVE TO PROVE THAT. THAT'S THEIR
4 BURDEN OF PROOF. AND THEY HAVE TO SHOW THAT IT WAS A
5 SUBSTANTIAL FACTOR IN CAUSING HIS DEATH. NOW, IF MURRAY
6 DIDN'T GIVE HIM THE PROPOFOL, HE WOULDN'T HAVE DIED.

7 REMEMBER, COUNSEL TOLD YOU, "YOU KNOW WHAT?
8 YOU'RE GOING TO SEE -- WE ARE GOING TO SHOW UGLY STUFF."
9 OKAY. SO WHAT DID THEY SHOW?

10 THAT HE GOT A COUPLE SHOTS OF DEMEROL, THAT HE
11 TOOK DEMEROL IN 1993 AND IN 2002, OR SO, AND THAT
12 DOCTORS WENT TO NEVERLAND RANCH, AND HE WAS FRIENDLY.
13 AND DR. FARSHCHIAN PUT A DEVICE IN HIM TO TRY TO RID HIM
14 OF THE OPIATES AND THAT DR. FARSHCHIAN SAID THAT HE DID
15 EVERYTHING FOR HIS CHILDREN.

16 AND THEY SHOWED THAT HE ASKED THREE PEOPLE, I
17 THINK, FOR PROPOFOL, AND THEY REFUSED TO GIVE IT TO HIM:
18 QUINN, LEE, METZGER.

19 AND THEY SHOWED THAT HE GOT CHARGED IN A
20 CRIMINAL CASE. KEPT BRINGING THAT UP. HE GOT CHARGED,
21 HE GOT CHARGED, HE GOT CHARGED, ALL THE TIME. OKAY. HE
22 DID. BUT WHAT DOES THAT HAVE TO DO WITH THIS TRIAL?
23 WHY DO THEY WANT TO BRING THAT OUT? BECAUSE THEY WANT
24 YOU TO NOT LIKE HIM.

25 AND THEN THEY SHOWED THAT HIS MOM SIGNED A
26 LETTER TO PEOPLE MAGAZINE.

27 AND THEY SHOWED THAT HE WAS IN A LAWSUIT WHERE
28 HE DIDN'T GO TO A CONCERT.

1 AND THEY SHOWED THAT MR. FOURNIER AND HIM HAD A
2 DISPUTE, AND MR. FOURNIER TOLD HIM, "DON'T GO HOME
3 (SIC)." SO HE WENT TO KENTUCKY FRIED CHICKEN, AND THEY
4 WANTED TO BRING THAT OUT. WHY DO YOU THINK HE WAS
5 EATING CHICKEN AFTER THE PROCEDURE?

6 AND THEN THEY SHOWED MR. DILEO, WHEN HE WAS
7 THIN, SAID, "GET HIM A BUCKET OF CHICKEN." I MEAN, WHY
8 ARE THEY BRINGING ALL THAT OUT?

9 AND THEN THEY SHOWED THAT HE SPENT A LOT OF
10 MONEY AND THAT HE BOUGHT THINGS FOR HIS MOM AND OTHER
11 PEOPLE AND THAT HE DONATED MONEY TO HOSPITALS, AND HE
12 DONATED MONEY TO CHARITIES, AND DID CONCERTS FOR FREE,
13 AND HE WROTE SONGS TO HELP PEOPLE IN AFRICA, AND HE
14 WROTE SONGS TO HELP PEOPLE. THAT'S ALL THE UGLY.

15 I MEAN, WHAT HAVE WE SEEN IN THIS CASE THAT WE
16 HAVEN'T HEARD BEFORE? WHERE'S ALL THE UGLY STUFF; OKAY?

17 HE USED DEMEROL. OKAY. SO DID PRESIDENTS.
18 JOHN F. KENNEDY. YOU HEARD THAT. FINE. HE WAS
19 PRESIDENT, HE USED DEMEROL.

20 BUT MICHAEL DOESN'T HAVING ANY PROBLEMS UNTIL
21 HE GOT BACK IN THIS DEAL WITH A.E.G. HE WAS FINE.
22 REMEMBER, THEY WERE SAYING HE WAS FINE, HE WAS FINE, HE
23 WAS GREAT, AND HE WAS EXCITED.

24 AND THEN THE PRESSURE STARTED TO BUILD, AND
25 A.E.G. WAS MAKING THE CONTRACT WITH MURRAY, AND MURRAY
26 WAS PRESSURED, AND MICHAEL WAS PRESSURED, AND THE
27 MEETING AT HIS HOUSE AND PUTTING MURRAY AND PHILLIPS IN
28 CHARGE OF EVERYTHING, AND HE COULD LOSE EVERYTHING. BUT

1 A.E.G. JUST WANTED THE SHOW TO GO ON. AND WHAT WAS
2 MICHAEL TO DO? SO HE DIDN'T DO THE RIGHT THING MAYBE,
3 BUT -- SO YOU DECIDE IF HE'S NEGLIGENT.

4 WHAT I WANT TO TALK ABOUT HERE IS ANOTHER THING
5 COUNSEL SAID.

6 "YOU'RE GOING TO SEE THE
7 EVIDENCE THAT SHOWS THE TRUTH,
8 WHAT WILL ACTUALLY COME TO LIGHT,
9 THAT MR. JACKSON HAD BEEN ABUSING
10 THIS DRUG PROPOFOL FOR YEARS."

11 OKAY. WHERE IS THAT EVIDENCE? WHERE IS THAT?

12 WELL, WHAT WE KNOW IS, THEY SAID HE WASN'T
13 ADDICTED TO PROPOFOL. HE RECEIVED PROPOFOL IN GERMANY
14 TWO TIMES SET UP BY DR. METZGER IN AN APPROPRIATE
15 PROCEDURE, AND HE HAD NO PROBLEM. AND SURE, IT DOESN'T
16 GIVE YOU REAL SLEEP, BUT HE THOUGHT IT DID. SO, SURE,
17 MAYBE HE SHOULDN'T HAVE DONE IT, BUT HE NEVER HAD A
18 PROBLEM.

19 AND ALL THE OTHER TIMES THAT HE HAD PROPOFOL IN
20 THE EVIDENCE IS FOR PROCEDURES. AND THERE'S, WELL,
21 "HE'S A BABY. HE DOESN'T LIKE PAIN." BUT EVERY DOCTOR
22 THAT CAME IN OR TESTIFIED ON VIDEO, QUINN, I CAN'T
23 REMEMBER -- ALL THE DOCTORS SAID THAT PROPOFOL WAS
24 APPROPRIATE, FOURNIER, FOR THE PROCEDURES HE WAS
25 GETTING. IT WASN'T ALWAYS THAT PEOPLE HAD IT, BUT IT
26 WAS APPROPRIATE. AND HE NEVER SAID, "GIVE ME PROPOFOL."
27 THEY JUST GAVE HIM THE MEDICATION. WHAT IS KEVIN
28 GARNETT'S NAME? DR. ADAMS, DR. SASAKI, DR. -- SO MANY

1 DOCTORS.

2 DOCTOR SHOPPING. HE NEVER -- NO ONE CAME IN
3 AND SAID HE WAS GOING TO THEM FOR THE PURPOSE OF GETTING
4 MEDICATIONS, JUST TO, LIKE, GET FREE DRUGS. NO ONE SAID
5 HE USED ANY RECREATIONAL DRUGS, EVER. NO EVIDENCE OF
6 THAT. NO EVIDENCE THAT HE WAS USING ANY DRUGS TO GET
7 HIGH. THE ONLY EVIDENCE IS THAT HE WAS USING PROPOFOL
8 FOR LEGITIMATE MEDICAL PURPOSES, TWICE IN GERMANY, AND
9 AT THIS TIME IN HIS DESPERATE STATE TO GET SLEEP.

10 AND, BOY, EVERYBODY KNOWS WHAT IT'S LIKE TO NOT
11 HAVE SLEEP. AND IMAGINE BEING A PERFORMER AND HAVING
12 ALL THIS PRESSURE WITH NO SLEEP. OBVIOUSLY HE WAS
13 DESPERATE FOR SLEEP, AND THAT'S WHAT CAUSED THE PROBLEM.
14 BUT MURRAY IS THE ONE THAT GAVE IT TO HIM. AND A.E.G.
15 WANTS TO JUST DRIVE BY AND SAY, "HEY, THAT'S NOT US,
16 MAN. THAT'S NOT US."

17 SO KAREN FAYE TALKED -- DEBBIE ROWE, TWO TIMES
18 IN GERMANY. ALWAYS IN A SURGICAL SUITE. SHE WAS
19 IMPRESSED WITH THEM. HER LETTERS TO METZGER, GERMAN
20 DOCTOR, REMEMBER? HE DIDN'T REMEMBER EVERYTHING.

21 DIDN'T HAVE A HABIT OF USING IT. HE RESPECTED
22 THE DOCTORS. HE WOULD RELY ON THE DOCTORS. HEY, YOU
23 KNOW, MAYBE IT WASN'T A GOOD IDEA TO RELY ON THEM. BUT
24 HE DIDN'T REALLY WANT MEDS EXCEPT FOR PAIN. AND THE
25 RECREATIONAL, NOTHING.

26 AND REMEMBER THIS: THERE WAS NEVER A PROBLEM
27 WITH MICHAEL FROM WHEN HE WAS BORN UNTIL THE PEPSI
28 COMMERCIAL. AND NOBODY HAS TALKED ABOUT THAT. BUT, YOU

1 KNOW, EVERYONE HAS PAIN FOR A DIFFERENT REASON, AND WHAT
2 STARTED HIS PAIN WAS THROUGH NO FAULT OF HIS OWN. HE
3 HAD A HORRIFIC BURN INJURY; HE HAD KELOID SCARRING; HE
4 HAD SKIN EXPANDERS. HE HAD SO MANY SURGERIES, IT WAS SO
5 PAINFUL. AND, YOU KNOW, HE ISN'T IN THE NFL. HE
6 DOESN'T HAVE THE HIGHEST PAIN THRESHOLD. YOU KNOW,
7 YOU'RE INJURED, YOU'RE HURT, OKAY. HE'S NOT A
8 PROFESSIONAL FOOTBALL PLAYER, NOT A COLLEGE FOOTBALL
9 PLAYER. HE'S A 100-SOME-POUND SINGER, ENTERTAINER,
10 WRITER, HUMANITARIAN, AND HE DIDN'T LIKE PAIN. AND
11 EVERYONE IS DIFFERENT IN THAT REGARD.

12 AND SO, OKAY, MAYBE HE WAS A BABY, THEY SAID.
13 BUT HE DIDN'T WANT TO TAKE THE PAIN TO GET HIGH -- THE
14 MEDICATION TO GET HIGH. HE TOOK IT FOR PAIN. THEN HE
15 HAD THE BACK -- THE FALL IN MUNICH. THE HERNIATED
16 DISCS. HE TOOK PAIN MEDS; OKAY?

17 SO THEN YOU HAVE TO FIND OUT IF IT'S A
18 SUBSTANTIAL FACTOR IN THAT.

19 AND THEN YOU'VE GOT TO DO THE PERCENT. SO WHAT
20 I'VE DONE IS MAKE LIKE A PIE. THIS IS WHAT I THINK.
21 YOU MAY THINK IT'S LESS; YOU MAY THINK IT'S MORE. I
22 THINK HE'S 20 PERCENT, IF YOU FIND COMPARATIVE
23 NEGLIGENCE/RESPONSIBLE. BECAUSE YOU HAVE TO LOOK AT THE
24 STATE HE WAS IN. SURE, HE GOT INVOLVED WITH MURRAY;
25 SURE, HE KNEW THAT PROPOFOL COULD BE DANGEROUS; HE
26 THOUGHT MURRAY COULD DO RIGHT. IT WASN'T; OKAY? BUT
27 THE REST GOES ON A.E.G.

28 MR. PUTNAM -- THE A.E.G. LAWYERS, THEY DIDN'T

1 GIVE YOU ANY NUMBERS. BUT I THINK THAT'S FAIR, AND WHAT
2 YOU'VE GOT TO DO IS, YOU'VE GOT TO COMPARE. BECAUSE,
3 REMEMBER, THEY HIRE MURRAY, AND WHETHER MICHAEL CHOSE
4 HIM, SELECTED HIM AS HIS PERSONAL DOCTOR, DOESN'T
5 MATTER. THEY CREATED THE CONFLICT.

6 IF THERE WAS NO CONFLICT, WE'RE NOT HERE. THEY
7 ARE THE ONES THAT WANTED THE WRITTEN CONTRACT WITH
8 MURRAY. MICHAEL NEVER ASKED FOR IT. THEY NEVER SHOWED
9 IT TO HIM.

10 SO LET ME -- I'M GOING TO WIND UP, AND I KNOW
11 THERE'S GOING TO BE A MILLION THINGS THAT I WISH I WOULD
12 HAVE SAID, BUT IT'S GETTING CLOSE TO LUNCHTIME.

13 AGAIN, I WANT TO THANK EVERYONE FOR ALL YOUR
14 TIME. IT'S BEEN A LONG TRIAL, AND I KNOW THE SACRIFICES
15 THAT EVERYONE'S MADE PERSONALLY TO BE HERE ON TIME, TO
16 BE ATTENTIVE. I'VE NEVER SEEN SEVEN NOTEPADS. I MEAN,
17 UNHEARD OF. AND I THINK SOME MAY HAVE MORE. BUT THAT
18 SHOWS THE TYPE OF ATTENTIVENESS THAT ALL OF YOU HAD.
19 AND I WANT TO THANK YOU ON BEHALF OF MRS. JACKSON,
20 PRINCE, BLANKET AND PARIS. AND I KNOW YOU'LL DO THE
21 RIGHT THING.

22 BEFORE I CLOSE, I WANT TO TELL YOU A LITTLE
23 STORY ABOUT WHEN I WAS IN COLLEGE. AND WHO WAS THAT ONE
24 WITNESS? ACKERMAN. HE SAYS, "OH, YOU WENT TO FRESNO
25 STATE?" I DID. I PLAYED FOOTBALL IN COLLEGE. AND MY
26 COACH WAS FROM MONTANA. AND HE WOULD ALWAYS TELL US
27 THIS STORY BEFORE THE GAME.

28 AND ONCE YOU'RE GETTING READY FOR THE GAME,

1 YOU'RE GOING TO GET READY FOR DELIBERATIONS, I KNOW
2 YOU'RE GOING TO TAKE IT SERIOUS, JUST NOT GO IN THERE
3 AND SAY, "NO," AND LEAVE, SO EVERYBODY CAN LEAVE; OKAY?

4 AND WHEN ALL THE WORK IS DONE, AND YOU'RE
5 GETTING READY FOR THE GAME, HE'D REMIND US OF THIS
6 STORY. IT GOES LIKE THIS:

7 THERE WAS A WISE OLD MAN IN MONTANA. AND IN
8 MONTANA, THERE WERE THESE KIDS THAT ALWAYS THOUGHT THAT
9 THEY'RE GOING TO GET ONE OVER ON THE WISE OLD MAN, AND
10 THEY NEVER COULD SUCCEED.

11 SO ONE DAY, A SPARROW FELL FROM THE NEST. AND
12 ONE OF THE BOYS PICKED IT UP AND CALLED ALL HIS BUDDIES
13 OVER AND SAID, "YOU SEE? I'M GOING TO FOOL THIS WISE
14 OLD MAN. I GOT HIM. I'M GOING TO SAY, 'OKAY, WISE OLD
15 MAN,' I'M GOING TO HOLD MY HANDS OUT LIKE THIS
16 (INDICATING), AND I'M GOING TO SAY, 'IS THE BIRD DEAD OR
17 IS THE BIRD ALIVE?' AND IF HE SAYS THE BIRD IS DEAD,
18 I'M GOING TO OPEN MY HAND. AND IF HE SAYS THE BIRD IS
19 ALIVE, I'M GOING TO CRUSH HIM IN MY HANDS. THERE'S NO
20 WAY HE'S GOING TO GET ONE ON US THIS TIME."

21 SO THEY GO UP THERE, AND HE SAID, "OKAY, WISE
22 OLD MAN. IS THE BIRD ALIVE, OR IS THE BIRD DEAD?"

23 AND HE LOOKS AND SAYS, "LAD, THE FATE OF THE
24 BIRD IS IN YOUR HANDS."

25 NOW, LADIES AND GENTLEMEN, THE FATE OF
26 PRINCE-MICHAEL, PARIS, BLANKET AND KATHERINE JACKSON IS
27 IN YOUR HANDS, AND I KNOW YOU'LL DO THE RIGHT THING.

28 THANK YOU.

1 THE COURT: OKAY. THANK YOU.

2 LET'S GO OUT FOR LUNCH. COME BACK TO THIS ROOM
3 AT 1:30, AND I WILL READ YOU THE CONCLUDING
4 INSTRUCTIONS, MAYBE FOUR OR FIVE. WE'LL SWEAR THE
5 BAILIFFS, AND THEN YOU CAN START YOUR DELIBERATION;
6 OKAY?

7 ALL RIGHT. THANK YOU. SEE YOU AT 1:30.

8
9 (THE JURY EXITED THE COURTROOM AT 12:09 P.M.)

10

11 (AT 12:09 P.M. THE LUNCH RECESS WAS TAKEN
12 UNTIL 1:30 P.M. OF THE SAME DAY.)

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

DEPARTMENT NO. 28 HON. YVETTE M. PALAZUELOS, JUDGE

KATHERINE JACKSON, INDIVIDUALLY)
AND AS THE GUARDIAN AD LITEM OF)
MICHAEL JOSEPH JACKSON, JR.,)
PARIS-MICHAEL KATHERINE JACKSON,)
AND PRINCE MICHAEL JACKSON II,)

PLAINTIFFS,)

VS.)

NO. BC 445597)

AEG LIVE, LLC; ANSCHUTZ)
ENTERTAINMENT GROUP, INC.; AEG)
LIVE PRODUCTIONS, LLC; BRANDON)
PHILLIPS (AKA RANDY PHILLIPS), AN)
INDIVIDUAL; PAUL GONGAWARE, AN)
INDIVIDUAL; TIMOTHY LEIWEKE, AN)
INDIVIDUAL; AND DOES 1 TO 100,)
INCLUSIVE,)

DEFENDANTS.)

I, LAURIE MILLER, CSR #6457, OFFICIAL REPORTER
PRO TEMPORE OF THE SUPERIOR COURT OF THE STATE OF
CALIFORNIA, FOR THE COUNTY OF LOS ANGELES, DO HEREBY
CERTIFY THAT THE FOREGOING PAGES, PAGES 17559 THROUGH
17636, COMPRISE A FULL, TRUE AND CORRECT TRANSCRIPT OF
THE PROCEEDINGS AND TESTIMONY TAKEN IN THE MATTER OF THE
ABOVE-ENTITLED CAUSE ON SEPTEMBER 26, 2013.

DATED THIS 26TH DAY OF SEPTEMBER, 2013.

_____, CSR #6457
LAURIE MILLER, COURT REPORTER