

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Circuit Mediation Office
Phone (415) 355-7900 Fax (415) 355-8566
<http://www.ca9.uscourts.gov/mediation>

MEDIATION QUESTIONNAIRE

The purpose of this questionnaire is to help the court's mediators provide the best possible mediation service in this case; it serves no other function. Responses to this questionnaire are *not* confidential. Appellants/Petitioners must electronically file this document within 7 days of the docketing of the case. 9th Cir. R. 3-4 and 15-2. Appellees/Respondents may file the questionnaire, but are not required to do so.

9th Circuit Case Number(s):	11-57048		
District Court/Agency Case Number(s):	CV-09-07084 DMG [PLAx]		
District Court/Agency Location:	Central District of California - Western Division		
Case Name:	John Branca, et al.	v.	Heal The World Foundation, et al.
If District Court, docket entry number(s) of order(s) appealed from:	Docket No. 291 (Under Seal)		
Name of party/parties submitting this form:	Heal The World Foundation and United Fleet		

Please briefly describe the dispute that gave rise to this lawsuit.

Defendants/Appellants received permission from Michael Jackson to use his name, image, and likeness for charitable purposes. Defendants applied for and registered numerous trademarks and domain names related to Michael Jackson. Plaintiffs/Appellees filed a complaint seeking to, among other things, permanently enjoin Defendants from using Michael Jackson's name, image, or likeness.

Briefly describe the result below and the main issues on appeal.

Plaintiffs allege that the parties entered into a binding settlement agreement. Defendants disputed the validity and enforceability of the alleged settlement agreement. Plaintiffs filed a Motion to Enforce Parties' Fully Executed Settlement Agreement, and it and a judgment based thereon were granted and entered. Defendants filed a Motion for Relief from Judgment, and it was denied in part.

Describe any proceedings remaining below or any related proceedings in other tribunals.

Defendants also filed a Notice of Appeal with this Court on November 1, 2011 (9th Circuit Case No.: 11-56926) related to a judgment entered in the same district court action. Additionally, Plaintiffs have an ex parte application pending in the district court.

Provide any other thoughts you would like to bring to the attention of the mediator.

Defendants are open to the possibility of a settlement.

Any party may provide additional information *in confidence* directly to the Circuit Mediation Office at ca09_mediation@ca9.uscourts.gov. Please provide the case name and Ninth Circuit case number in your message. Additional information might include interest in including this case in the mediation program, the case's settlement history, issues beyond the litigation that the parties might address in a settlement context, or future events that might affect the parties' willingness or ability to mediate the case.

CERTIFICATION OF COUNSEL

I certify that:

a current service list with telephone and fax numbers and email addresses is attached
 (see 9th Circuit Rule 3-2).

I understand that failure to provide the Court with a completed form and service list
 may result in sanctions, including dismissal of the appeal.

Signature

("s/" plus attorney name may be used in lieu of a manual signature on electronically-filed documents.)

Counsel for

Note: Use of the Appellate ECF system is mandatory for all attorneys filing in this Court, unless they are granted an exemption from using the system. **To file this form electronically** in Appellate ECF, complete the form, and then print the filled-in form to PDF (File > Print > PDF Printer/Creator). Then log into Appellate ECF and choose Forms/Notices/Disclosure > File a Mediation Questionnaire.

9th Circuit Case Number(s)

NOTE: To secure your input, you should print the filled-in form to PDF (File > Print > PDF Printer/Creator).

CERTIFICATE OF SERVICE

When All Case Participants are Registered for the Appellate CM/ECF System

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on (date) .

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Signature (use "s/" format)

CERTIFICATE OF SERVICE

When Not All Case Participants are Registered for the Appellate CM/ECF System

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on (date)

Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

I further certify that some of the participants in the case are not registered CM/ECF users. I have mailed the foregoing document by First-Class Mail, postage prepaid, or have dispatched it to a third party commercial carrier for delivery within 3 calendar days to the following non-CM/ECF participants:

Signature (use "s/" format)