

1 Steven C. Smith, State Bar No. 116246  
SMITH CAMPBELL CLIFFORD KEARNEY GORE  
2 1800 North Broadway, Suite 200  
Santa Ana, California 92706  
3 Telephone: (714) 550-7720  
Facsimile: (714) 550-1251  
4 Email: ssmith@scckg.com

5 Attorneys for Defendants  
HEAL THE WORLD FOUNDATION and  
6 UNITED FLEET

7  
8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA  
10 WESTERN DIVISION

**BY FAX**

11  
12 JOHN G. BRANCA, Special  
Administrator of the Estate of Michael  
13 J. Jackson; JOHN MCCLAIN, Special  
Administrator of the Estate of  
14 Michael J. Jackson; TRIUMPH  
INTERNATIONAL, INC., a California  
15 corporation,

16 Plaintiffs,

17 vs.

18 HEAL THE WORLD FOUNDATION,  
a California corporation; UNITED  
19 FLEET, a California corporation; and  
DOES 1-10, inclusive,

20 Defendants.  
21  
22  
23  
24  
25

CASE NO: CV-09-07084 DMG [PLAx]

Honorable Dolly M. Gee  
Courtroom 7

**DECLARATION OF DERRICK C.  
HUGHES IN SUPPORT OF  
DEFENDANTS' MEMORANDUM IN  
OPPOSITION TO PLAINTIFFS' EX  
PARTE APPLICATION**

26 I, DERRICK C. HUGHES, declare and state:

27 1. I am a member of the State Bar of California and the Bar of this court.

28 I am an associate at the law offices of Smith Campbell Clifford Kearney Gore,

Smith | Campbell | Clifford | Kearney | Gore

Smith | Campbell | Clifford | Kearney | Gore

1 counsel for Defendants Heal the World Foundation and United Fleet. I am over 18  
2 years of age, have personal knowledge of the facts stated herein, and could  
3 competently testify thereto if called upon to do so.

4 2. I make this declaration in support of Defendants' Motion for Extension  
5 of Time to File Notice of Appeal.

6 3. This firm was retained by Defendants at around 9:40 p.m. on August  
7 26, 2011. Although Plaintiffs' counsel graciously forwarded the ex parte papers to  
8 Defendants' counsel after the Court granted Defendants' substitution order,  
9 Defendants only received those documents on August 30, 2011.

10 4. This firm is currently preparing to file a motion under Federal Rule of  
11 Civil Procedure 60 for relief from the Court's Judgment. Counsel for Defendants  
12 and Plaintiffs have already arranged a meeting to consult regarding this proposed  
13 motion, as required by the Local Rules.

14 5. Our current intent is to notice the Rule 60 motion to be heard on  
15 October 24, 2011. As planned, the Rule 60 motion will be based upon arguments  
16 that the Judgment is void because, inter alia, Melissa Johnson is not a party to this  
17 matter, and did not sign the Memorandum of Understanding in her individual  
18 capacity.

19 I declare under penalty of perjury under the laws of the State of California  
20 and the United States of America that the foregoing is true and correct and that this  
21 declaration was executed this 1st day of September, at Santa Ana, California.

22  
23   
24 DERRICK C. HUGHES  
25  
26  
27  
28

**PROOF OF SERVICE**

*Branca et al. vs. Heal the World Foundation, et al.*

I declare that I am employed in the City of Santa Ana, County of Orange, State of California. I am over the age of eighteen years and not a party to the within action; my business address is: 1800 North Broadway, Suite 200, Santa Ana, California 92706

On September 1, 2011, I served the foregoing document(s):

**DECLARATION OF DERRICK C. HUGHES IN SUPPORT OF DEFENDANTS' MEMORANDUM IN OPPOSITION TO PLAINTIFFS' EX PARTE APPLICATION**

on all interested parties in this action by placing  the original  a true copy thereof, enclosed in a sealed envelope with postage pre-paid, addressed as follows:

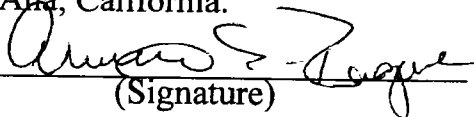
Vincent H. Chieffo, State Bar No. 49069 Nina D. Boyajian, State Bar No. 246415 GREENBERG TRAUIG, LLP 2450 Colorado Avenue, Suite 400E Santa Monica, CA 90404-5524 Phone: (310) 586-7700 Fax: (310) 586-7800 ChieffoV@gtlaw.com BoyajianN@gtlaw.com	Attorneys for Plaintiffs John G. Branca and John McClain, Special Administrators of the Estate of Michael J. Jackson, Triumph International, Inc.
--	---

**By MAIL:** I am readily familiar with the firm's practice of collection and processing correspondence for mail. Under that practice, it would be deposited with the U.S. Postal Service on the same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on September 1, 2011, at Santa Ana, California.

ANNETTE S. RAGONE  
(Print Name)

  
(Signature)

Smith | Campbell | Clifford | Kearney | Gore