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Attorney for Defendants
HEAL THE WORLD FOUNDATION
and UNITED FLEET

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

JOHN G. BRANCA, Special
Administrator of the Estate of
Michael Jackson; JOHN MCCLAIN,
Special Administrator of the Estate of
Michael Jackson; TRIUMPH INTERNA
TIONAL, INC. a California corporation,

Plaintiffs,

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

Defendants.

Case No.: CV 09-07084 DMG (PLAx)

**DECLARATION OF EDGAR B. PEASE III IN
OPPOSITION OF DEFENDANTS HEAL THE
WORLD FOUNDATION AND UNITED FLEET
TO PLAINTIFFS' EX PARTE APPLICATION
TO EXCLUDE ALL OF THE DEFENDANTS'
DOCUMENTARY EXHIBITS IN THIS CASE**

Complaint Filed: Sept. 29, 2009
Judge: Hon. Dolly M. Gee
Dept. 7
Trial Date: April 19, 2011

DECLARATION OF EDGAR B. PEASE III

I, EDGAR B. PEASE III, do declare that:

1. I am an attorney at law duly licensed to practice in all the courts in the State of California including this Federal District Court. I make this declaration from my own personal knowledge. If called upon as a witness, I could and would

1 testify truthfully and completely to the following. I am filing this Declaration in Op-
2 position to Plaintiffs' ex parte application seeking exclusion of all of the Defendants'
3 documentary evidence in this case
4

5 2. The Plaintiffs may not bring this motion ex parte for two reasons: (1)
6 Plaintiff's failed to meet and confer before filing their Application; and (2) a motion
7 of such Draconian proportion is *outcome determinative* and is therefore substantive
8 and not procedural, and therefore may not be made by ex parte application.
9

10 3. We are aware that the Defendants' list of Exhibits is still being trimmed,
11 and is also still in the process of becoming sufficiently descriptive to allow, not only
12 Plaintiffs' counsel, but Defendants' counsel as well, to identify the documents de-
13 scribed. We will also be reformatting the document once the input phase is com-
14 pleted. We are working on these tasks now and expect to complete the task today.
15

16 4. The cause of this laboriously-slow performance is substantially due to
17 the fault of the Plaintiffs. Rather than preparing a List of Exhibits for trial, the
18 Plaintiffs Bates numbered every document they obtained during discovery, includ-
19 ing approximately 2,200 documents consisting of approximately 40,000 pages.
20 Plaintiffs' law firm, which has a number of attorneys and paralegals working on
21 this case, and which has billed to day over \$700,000 in legal fees for this represen-
22 tation, then delivered this mammoth list to the Defendants, and required the De-
23 fendants to use the Plaintiffs' Bates numbering. The Defendants are represented
24 by a *solo practitioner* who has limited resources. It would be ingenuous to the ex-
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1 treme for Plaintiffs' counsel to pretend that their wholesale Exhibit-listing did not
2 overwhelm this solo practitioner's resources.

3
4 5. Nevertheless, the Defendants have been laboring night and day, on little
5 sleep, and with great good faith, to reduce the size of the List of Exhibits and much
6 more clearly identify the documents in plain English. That task will be completed
7 today. The Defendants have already substantially performed this work, already
8 reducing the list to about 300 documents. Within hours, the improved document
9 descriptions will be completed.
10

11 The Defendants therefore Respectfully Pray the Court to DENY the Plaintiffs' ex
12 parte application or, in the alternative, GRANT the Defendants at least until tomorrow,
13 Friday, to fully brief their Opposition.
14

15 I swear under penalty of perjury under the laws of the State of California and
16 the United States of America that the foregoing is true and correct. Executed this 14th
17 day of April, 2011, in Encino, California.
18

19
20 April 14, 2011

LAW OFFICES OF EDGAR B. PEASE III

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23 Edgar B. Pease III
24 Attorney for Defendants Heal The World Foundation
25 and United Fleet
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