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8 Michael J. Jackson; Triumph International, Inc.

9
10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**
12 **WESTERN DIVISION**

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

17 Plaintiffs,

18 vs.

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

22 Defendants.

CASE NO. CV-09-07084 DMG (PLAx)

**PLAINTIFFS' WITNESS STATEMENT
OF EVAN N. SPIEGEL**

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Trial Date: April 19, 2011

Complaint Filed: September 29, 2009
Hon. Dolly M. Gee

1 Pursuant to Local Rule 43-1 and this Court's order, Plaintiffs submit the
2 following witness statement of Evan N. Spiegel.

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1 **PLAINTIFFS' WITNESS STATEMENT OF EVAN N. SPIEGEL**

2 I, Evan N. Spiegel, submit the following as my direct testimony at the trial of
3 this matter.

4 1. I am a member/partner of the law firm of Lavelly & Singer Professional
5 Corporation ("Lavelly & Singer").

6 2. Lavelly & Singer represented Michael Jackson as his litigation counsel in a
7 variety of matters from in or around 1984 through 2005, including issues arising out of
8 Melissa Johnson's (now President of Defendant HTWF) unsolicited communications to
9 and harassment of Mr. Jackson and his employees, and her numerous unsolicited
10 attempts at "collaborating" with Mr. Jackson in his charitable efforts.

11 3. In January 2002, Mr. Jackson's executive assistant, Evvy Tavasci,
12 informed Lavelly & Singer that Ms. Johnson had made numerous unsolicited attempts at
13 contacting Mr. Jackson, including appearing at his home at Neverland Valley Ranch,
14 writing lengthy letters to Ms. Tavasci and other members of Mr. Jackson's staff, and
15 sending packages directly to Mr. Jackson but with Ms. Tavasci's own return address, in
16 the apparent hope of tricking Mr. Jackson into opening the packages which falsely
17 appeared to have come from his own employee. I have personally reviewed a number
18 of these letters and packages. Trial Exhibits 94-96, 98-101, 104, 109, 112.

19 4. According to Ms. Johnson's own statements and writings, after a near-
20 death experience, an "Angel" told her that she would "help develop HTWF, told [her] it
21 was time" and that "Michael will not go forward with this work until I am apart [sic] of
22 it." In another letter, Ms. Johnson informs Ms. Tavasci that "somehow, someday,
23 Michael will find me, and we will go to work for the Children of our Father. Michael
24 will not go forward with Heal the World Foundation, without me." Trial Exhibits 94,
25 98.

26 5. After speaking with Ms. Tavasci and reviewing the correspondence from
27 Ms. Johnson, my colleague Brian Wolf, Esq., wrote a letter to Ms. Johnson advising her
28 that her "behavior and attempted communications with Mr. Jackson are harassing,

1 highly inappropriate and constitute a security risk to Mr. Jackson and his employees.”

2 Trial Exhibit 102.

3 6. In response to Mr. Wolf’s letter, Ms. Johnson replied with another lengthy
4 letter, including an “apology” to Ms. Tavasci for using her name and return address in
5 an unsuccessful attempt to reach Mr. Jackson. Ms. Johnson also explained that she
6 “will not apologize to Mr. Jackson, as I am fairly certain that he has had no discomfort,
7 concern or annoyance from my attempts to get him this data.” She further stated that
8 she “cannot agree to never again contact Mr. Jackson, as I happen to know through
9 reliable sources, that he will very much want me to contact him, work with him and
10 help him build his charity organization.” Trial Exhibit 103.

11 7. Following Ms. Johnson’s reply to Lavelly & Singer, she wrote yet another
12 letter to Ms. Tavasci, this time analogizing herself to a scientist who has discovered the
13 cure for cancer, and Mr. Jackson to the President of the United States of America. In
14 this same letter, which was turned over to Lavelly & Singer, Ms. Johnson also admits
15 that neither she nor HTWF have any relationship with Mr. Jackson. Trial Exhibit 104.

16 8. After it became clear to Ms. Johnson that Mr. Jackson had no interest in
17 collaborating with her or her organization, she shifted her focus to selling to Mr.
18 Jackson the many hundreds of top-level domain names she had registered, without
19 authorization or request, relating to or referencing Mr. Jackson, his music, charities,
20 endeavors, home and related terms. Trial Exhibit 104.

21 9. Apparently frustrated that the negotiations regarding the domain name
22 transfers were not progressing quickly enough for her and that her priorities were not
23 that of MJJ and other, Ms. Johnson wrote one of many rude unprovoked insulting
24 emails to me, in which she bizarrely scolded me for being “flippant and insulting” and
25 indicated that she “would never trust me with these names.” Ms. Johnson again
26 acknowledged the fact that she has no relationship with Mr. Jackson: “You have both
27 told me that MJJ will **not ever** deal with me directly and if that is the case, (which I
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1 believe to be hoey) then shame on them and I will be very glad to wait for Mr.
2 Jackson's call personally." (emphasis in original). Trial Exhibit 371.

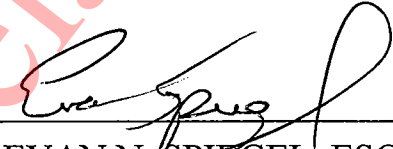
3 10. Nearly a year later, Ms. Johnson once again wrote to Ms. Tavasci trying to
4 sell her the "850 +" domain names she had collected over the years, which in some
5 manner and without authorization referenced Mr. Jackson and his various interests.
6 Trial Exhibit 112.

7 11. In June 2003, Ms. Johnson entered into an agreement to transfer the
8 domain names to Mr. Jackson for the sum of \$26,726.42 (the "Domain Transfer
9 Agreement"). Pursuant to the Domain Transfer Agreement, Ms. Johnson
10 acknowledged that "upon her own initiative, at her own time and expense, and without
11 any direction from Jackson or MJJ, [she] took it upon herself to secure and protect the
12 Domain Names from potential cybersquatters for the purported benefit of Jackson, MJJ
13 and/or their related entities or charitable causes." Pursuant to the Domain Transfer
14 Agreement, Ms. Johnson agreed to "relinquish and transfer all right, title, ownership
15 and control ("Transfer") of each of the Domain Names" to Mr. Jackson and MJJ
16 Productions; and further agreed, to "transfer[] and assign[] to MJJ throughout the
17 universe in perpetuity, all of Johnson's right, title, ownership, control and interest of
18 whatever kind or nature in each of the Domain Names, whether or not such rights are
19 now known, recognized or contemplated, and the complete, unconditional and
20 unencumbered ownership and all possessory interest in and to the use and future
21 administration of the Domain Names (collectively, the "Property")." Ms. Johnson
22 further released and waived any and all claims and potential claims. Trial Exhibit 10.

23 12. In September 2004, Ms. Johnson contacted me regarding a "charity book"
24 she had created and previously sent to my partner Brian Wolf and me. She was
25 concerned about the "safety" of the book and the domain names she had previously
26 transferred. After informing her that her book and the domain names were being
27 "handled appropriately", but that "we are unable to elaborate further or discuss the
28 details as to who it was provided to and when, etc., as any communications with our

1 client are protected by attorney-client privilege”, she responded with an email –
2 including unprovoked rude insulting baseless false and defamatory statements, as was
3 her practice in her communications -- that she’s “had enough” and that she will “not be
4 bullied by [me] anymore and continue to accept this behavior.” I am aware that,
5 according to Ms. Johnson, and her position first asserted over a year after the domain
6 purchase transfers, her transfer of domain names in 2003 in exchange for the payment
7 of monies somehow constituted a “donation to Mr. Jackson’s charity [] worth millions
8 of dollars in present time....” Trial Exhibit 41.

9 I declare under penalty of perjury that the foregoing is true and correct.
10 Executed at Los Angeles, California, on April 8, 2011.

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14 EVAN N. SPIEGEL, ESQ.

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17 Dated: April 8, 2011

GREENBERG TRAURIG, LLP

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19 By: /S/ VINCENT H. CHIEFFO

VINCENT H. CHIEFFO

20 Attorneys for Plaintiffs John G. Branca and John
21 McClain, Special Administrators of the Estate of
22 Michael J. Jackson; Triumph International, Inc.
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