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10 Attorneys for Plaintiffs John G. Branca and John  
11 McClain, Special Administrators of the Estate of  
12 Michael J. Jackson; Triumph International, Inc.

13 **UNITED STATES DISTRICT COURT**  
14 **CENTRAL DISTRICT OF CALIFORNIA**  
15 **WESTERN DIVISION**

16 JOHN G. BRANCA, Special  
17 Administrator of the Estate of Michael J.  
18 Jackson; JOHN MCCLAIN, Special  
19 Administrator of the Estate of Michael J.  
20 Jackson; TRIUMPH INTERNATIONAL,  
21 INC., a California corporation,

22 Plaintiffs,

23 vs.

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

28 Defendants.

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

**PLAINTIFFS' WITNESS STATEMENT  
OF FELIX SEBACIOUS**

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 following  
2 witness statement of Felix Sebacious.  
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1                   **PLAINTIFFS’ WITNESS STATEMENT OF FELIX SEBACIOUS**

2           I, Felix Sebacious, submit the following as my direct testimony at the trial of this  
3 matter.

4                   1.       I am Felix Sebacious and I am employed by Bravado International  
5 Group Merchandising Services, Inc. (“Bravado”) as its Senior Vice President of A  
6 & R and Licensing.

7                   2.       In or around March 2009, Bravado entered into arrangements with  
8 AEG Live, LLC (“AEG”) to serve as the merchandising company for Michael  
9 Jackson related merchandise in connection with AEG’s agreement with Michael  
10 Jackson for the then scheduled “This Is It Tour” of live performances of Mr.  
11 Jackson.

12                   3.       In connection with Bravado serving as the merchandising company  
13 for Mr. Jackson’s “This Is It Tour,” Bravado created over 300 designs of Michael  
14 Jackson related merchandise. Tom Bennett of Bravado presented all of those  
15 Jackson merchandise designs to Mr. Jackson personally in Los Angeles,  
16 California. At a meeting attended by Mr. Bennett as well as Mr. Jackson in early  
17 June 2009, Mr. Jackson personally approved approximately 295 of the Jackson  
18 merchandise designs presented to him for creation and sale in connection with the  
19 “This Is It Tour” and the official Jackson merchandise website.

20                   4.       After Mr. Jackson’s untimely death on June 25, 2009, Bravado  
21 entered into agreements with the Estate of Michael J. Jackson (the “Estate”) and  
22 Triumph International, Inc. (“Triumph”) for the licensing to Bravado of the  
23 merchandising rights previously agreed to with AEG as well as additional  
24 merchandising rights for products featuring the name, likeness, symbols, logos,  
25 trademarks, etc., associated with Michael Jackson. The Probate Court with  
26 jurisdiction over the Estate approved these agreements on August 21, 2009.

27                   5.       Bravado manufactures and sells Michael Jackson branded  
28 merchandise on its own and it also licenses third parties, with the prior approval

1 of the Estate and Triumph, the right to merchandise certain Michael Jackson  
2 branded products. Currently, there are approximately 22 active third party  
3 licenses for the manufacturing and sale of official Michael Jackson branded  
4 merchandise in various territories of the world. Additionally, Bravado itself  
5 produces at least 1,000 different Michael Jackson branded merchandise which is  
6 offered for sale and sold to the public through the internet as well as through  
7 “bricks and mortar” retail stores. Michael Jackson branded merchandise directly  
8 produced and sold by Bravado includes Mr. Jackson’s name, including all  
9 versions of his name including “MJ”, “Michael”, and “King of Pop”, Mr.  
10 Jackson’s likeness in various iconic poses (including Jackson album cover art,  
11 silhouettes, and iconic photos), Mr. Jackson’s signature, and Jackson logos such  
12 as the Michael Jackson dancing feet. Trial Exhibit 372 illustrates some of the  
13 official Jackson branded merchandise produced or licensed by Bravado.

14 6. Bravado also polices and takes appropriate action against companies  
15 and individuals that attempt to produce and sell unauthorized Michael Jackson  
16 related products. For example, Bravado has taken action to prohibit over 200,000  
17 e-Bay auctions that attempted to sell unauthorized Michael Jackson products. In  
18 addition, in August, 2009, Bravado, acting through its outside counsel, took action  
19 against the Merrick Mint, Inc. with respect to the sale of unauthorized Michael  
20 Jackson branded coins that purportedly had been licensed to the Merrick Mint,  
21 Inc., by the Heal the World Foundation, which I understand to be one of the  
22 Defendants in this case. Subsequently a lawsuit was filed against Merrick Mint  
23 which litigation was ultimately settled on terms beneficial to Bravado, Triumph,  
24 and the Estate.

25 7. In addition, Bravado’s outside counsel has commenced more than 15  
26 lawsuits against more than 50 defendants who have engaged in the unauthorized  
27 sale of Jackson branded merchandise. In addition, over 7,500 items of  
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1 unauthorized Jackson branded merchandise have been seized and confiscated in  
2 trademark counterfeiting proceedings.

3 8. Since the death of Mr. Jackson, more than 9 figures in retail dollar  
4 value of authorized, official Jackson branded merchandise has been sold by  
5 Bravado and its licensees.

6 I declare under penalty of perjury that the foregoing is true and correct. Executed  
7 at New York, New York on April 11, 2011.

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10 Dated: April 11, 2011  
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12 GREENBERG TRAURIG, LLP  
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14  
15 By: /S/ VINCENT H. CHIEFFO

16 VINCENT H. CHIEFFO

17 Attorneys for Plaintiffs John G. Branca and John  
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