

MAY 01 2013

John A. Clarke, Executive Officer/Clerk
By A. Watts Deputy

1 GRADSTEIN & MARZANO, P.C.
2 Henry Gradstein (State Bar No. 89747)
3 [Redacted]
4 Maryann R. Marzano (State Bar No. 96867)
5 [Redacted]
6 6310 San Vicente Boulevard, Suite 510
7 Los Angeles, California 90048
8 Phone: [Redacted]
9 Facsimile: [Redacted]

DATE OF HEARING

Attorneys for Claimant WADE ROBSON 6-6-13 10:00 12-5

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

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13 ESTATE OF MICHAEL JOSEPH
14 JACKSON,
15
16 Deceased.

Case No.: BP 117321
[Assigned to the Honorable Judge Mitchell L. Beckloff, Dept. 5]

**CLAIMANT WADE ROBSON'S NOTICE OF
MOTION AND MOTION TO FILE UNDER
SEAL; MEMORANDUM OF POINTS AND
AUTHORITIES AND DECLARATION OF
MARYANN R. MARZANO IN SUPPORT
THEREOF**

(Cal. Rules of Court, Rules 2.550, 2.551)

Hearing Date: June 6, 2013
Time: 10:00 a.m.
Department: 5

Filed concurrently herewith:

- (1) Notice of Filing Under Seal
- (2) [Proposed] Order(s) Re Claimant Wade Robson's Motion to File Under Seal
- (3) Petition for Order to Allow Filing of Late Claim against Estate
- (4) Declaration of Henry Gradstein in Support of Petition for Order to Allow Filing of Late Claim against Estate; and Attached Certificates of Merit by Mental Health Practitioner Dr. David Arredondo and Henry Gradstein pursuant to Code of Civil Procedure, Section 340.1
- (5) Prob. Code § 9151 Declaration of Claimant Wade Robson in Support of Creditor's Claim and Petition for Order to Allow Filing of Late Claim Against Estate
- (6) Creditor's Claim, DE-172 with Unfiled Complaint for Childhood Sexual Abuse

CIT. CLERK
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05/01/2013

1 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

2 **PLEASE TAKE NOTICE** that, pursuant to California Rules of Court, Rules 2.550 and
3 2.551, on June 6, 2013 at 10:00 a.m. in Department 5 of the Superior Court of the State of
4 California, County of Los Angeles, located at 111 North Hill Street, Los Angeles, California,
5 90212, Claimant Wade Robson ("Claimant") will and hereby does move this Court for an Order
6 directing that:

- 7
- 8 • Petition for Order to Allow Filing of Late Claim Against Estate pursuant to Cal. Prob.
9 Code § 9103;
 - 10 • Declaration of Henry Gradstein in Support of Petition for Order to Allow Filing of
11 Late Claim against Estate and Attached Certificates of Merit by Mental Health
12 Practitioner Dr. David Arredondo and Henry Gradstein pursuant to Code of Civil
13 Procedure Section 340.1("Gradstein Decl.");
 - 14 • Prob. Code § 9151 Declaration of Claimant Wade Robson in Support of Creditor's
15 Claim and Petition for Order to Allow Filing of Late Claim Against Estate;
 - 16 • Creditor's Claim DE-172 with Unfiled Complaint for Childhood Sexual Abuse. (The
17 facts supporting the Claim are contained in the documents listed above as well as in:
18 (i) Certificate of Merit by Mental Health Practitioner Dr. David Arredondo pursuant to
19 CCP § 340.1(h) attached to Gradstein Decl. as Exhibit A., and (ii) Certificate of Merit
20 by Henry Gradstein pursuant to CCP § 340.1(h) regarding DOE 1 attached to
Gradstein Decl. as Exhibit B);

21 (collectively, the "Under Seal Pleadings"), all of which contain and refer to highly
22 "Confidential" information, be filed under seal, and be sealed pursuant to and under California
23 Rules of Court ("CRC"), Rules 2.550 and 2.551, and Cal. Code Civ. Proc. ("CCP") Section
24 340.1.

25 The identities of DOES 1, 2 and 3 herein, as well as other information set forth and/or
26 alleged throughout the Under Seal Pleadings that would identify or refer to them, are
27 "Confidential" pursuant to CRC 2.550 and CCP Section 340.1.

28 This "Confidential" information appears extensively throughout the Under Seal Pleadings

1 by virtue of the fact that Claimant's Creditor's Claim against the Estate arises under CCP Section
2 340.1 which requires defendants to be named by "Doe" designation only in filed pleadings. See
3 CCP § 340.1(m).

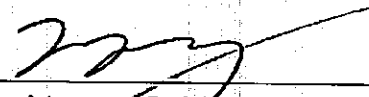
4 This Motion is made on the grounds that in order to adequately and fully plead its
5 Creditor's Claim against the Estate pursuant to CCP Section 340.1 and the Unfiled Complaint for
6 Childhood Sexual Abuse, Claimant must necessarily make reference to the identities of DOES 1,
7 2 and 3 and other information that would necessarily divulge their identities in the Under Seal
8 Pleadings.

9 Claimant respectfully requests that the Court grant this Motion and order that the Under
10 Seal Pleadings filed on May 1, 2013 concurrently herewith (conditionally under seal) be deemed
11 filed under seal for all purposes *nunc pro tunc* as of May 1, 2013 pursuant to CRC 2.550 and
12 2.551, and in accordance with CCP Section 340.1. In the event that the Court determines that the
13 public interest overrides the privacy concerns as set forth herein, Claimant requests that the Court
14 deem the Under Seal Pleadings filed for all purposes *nunc pro tunc* as of May 1, 2013.

15 The Motion is based upon this Notice of Motion and Motion; the attached Memorandum
16 of Points and Authorities; the Declaration of Maryann R. Marzano in support thereof; the Court's
17 pleadings and records on file herein; and upon such other argument and evidence as may be
18 presented before or at the time of hearing on this Motion.

19
20 Dated: April 30, 2013

GRADSTEIN & MARZANO, P.C.
HENRY GRADSTEIN
MARYANN R. MARZANO

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22 By: 
23 Maryann R. Marzano, Esq.
24 Attorneys for Claimant
25 WADE ROBSON
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DE/01/2013

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 Claimant seeks to file under seal:

- 3 • Petition for Order to Allow Filing of Late Claim Against Estate pursuant to Cal. Prob.
4 Code § 9103;
- 5 • Declaration of Henry Gradstein in Support of Petition for Order to Allow Filing of
6 Late Claim against Estate and Attached Certificates of Merit by Mental Health
7 Practitioner Dr. David Arredondo and Henry Gradstein pursuant to Code of Civil
8 Procedure Section 340.1("Gradstein Decl.");
- 9 • Prob. Code § 9151 Declaration of Claimant Wade Robson in Support of Creditor's
10 Claim and Petition for Order to Allow Filing of Late Claim Against Estate;
- 11 • Creditor's Claim DE-172 with Unfiled Complaint for Childhood Sexual Abuse. (The
12 facts supporting the Claim are contained in the documents listed above as well as in:
13 (i) Certificate of Merit by Mental Health Practitioner Dr. David Arredondo pursuant to
14 CCP § 340.1(h) attached to Gradstein Decl. as Exhibit A., and (ii) Certificate of Merit
15 by Henry Gradstein pursuant to CCP § 340.1(h) regarding DOE 1 attached to
16 Gradstein Decl. as Exhibit B);

17 (collectively, the "Under Seal Pleadings") which identify DOES 1, 2 and 3, as well as refer to
18 and reveal other "Confidential" information that would compromise the confidentiality
19 requirements of CCP Section 340.1 and divulge the identity of DOES 1, 2 and 3. In order to
20 adequately and fully plead his claims against DOES 1, 2 and 3, Claimant must necessarily set
21 forth the names and other facts which would identify DOES 1, 2 and 3. There is simply no way
22 to redact or otherwise protect the identities of DOES 1, 2 and 3 as a lesser means to sealing the
23 Under Seal Pleadings. The Under Seal Pleadings contain information that, were it to be disclosed,
24 could threaten or cause significant harm to the privacy interests of DOES 1, 2 and 3, and
25 contravene the mandated confidentiality required of CCP Section 340.1 which specifically
26 prescribes that all complaints and corresponding certificates of merit be reviewed by the Court, in
27 camera, before they are served on Defendants. See CCP § 340.1(j).

28 Accordingly, for the purpose of filing the Under Seal Pleadings, Claimant respectfully

1 requests that the Court grant this Motion and order that the Under Seal Pleadings filed
2 concurrently herewith on May 1, 2013 (conditionally under seal) be deemed filed under seal for
3 all purposes *nunc pro tunc* as of May 1, 2013 pursuant to CRC 2.550 and 2.551, and in
4 accordance with CCP Section 340.1.

5 For the reasons set forth herein, and in the attached Declaration of Maryann R. Marzano,
6 Claimant submits that good cause exists to allow the filing of these documents under seal, and
7 this request has been tailored in a manner to be as unobtrusive as possible in order to protect the
8 privacy interests of DOES 1, 2 and 3. In the event that the Court determines that the public
9 interest overrides the privacy concerns as set forth herein, Claimant requests that the Court deem
10 the Under Seal Pleadings filed for all purposes *nunc pro tunc* as of May 1, 2013.

11 Dated: April 30, 2013

GRADSTEIN & MARZANO, P.C.
HENRY GRADSTEIN
MARYANN R. MARZANO

14 By: 

Maryann R. Marzano, Esq.
Attorneys for Claimant
WADE ROBSON

05/01/2013

MARZANO-DECL.

DECLARATION OF MARYANN R. MARZANO ✓

I, MARYANN R. MARZANO, do hereby declare and state as follows:

1. I am an attorney at law duly licensed to practice before all Courts in the State of California, and am a partner in the law firm of Gradstein & Marzano, P.C., counsel of record for Claimant Wade Robson ("Claimant") in the above-captioned matter.

2. I submit this Declaration in support of Claimant Wade Robson's Motion to File Under Seal and in accordance with Rules 2.550 and 2.551 of the California Rules of Court ("CRC"). I have personal knowledge of the facts and circumstances herein, and if called as a witness, I could and would competently testify thereto.

3. Claimant seeks to file under seal his:

- Petition for Order to Allow Filing of Late Claim Against Estate pursuant to Cal. Prob. Code § 9103;
- Declaration of Henry Gradstein in Support of the Petition for Order to Allow Filing of Late Claim Against Estate and Attached Certificates of Merit by Mental Health Practitioner Dr. David Arredondo and Henry Gradstein pursuant to Code of Civil Procedure Section 340.1 ("Gradstein Decl.");
- Declaration of Claimant Wade Robson in Support of Creditor's Claim and Petition for Order to Allow Filing of Late Claim Against Estate;
- Creditor's Claim DE-172 for childhood sexual abuse as described in the unfiled Complaint for Childhood Sexual Abuse pursuant to Code Civ. Proc. ("CCP") § 340.1 attached to the Creditor's Claim. (The facts supporting the Claim are contained in the documents listed above as well as in: (i) Certificate of Merit by Mental Health Practitioner Dr. David Arredondo pursuant to CCP § 340.1(h) attached to Gradstein Decl. as Exhibit A., and (ii) Certificate of Merit by Henry Gradstein pursuant to CCP § 340.1(h) regarding DOE 1 attached to Gradstein Decl. as Exhibit B);

(collectively, the "Under Seal Pleadings") which identify and refer to DOES 1, 2 and 3, and set forth facts and information that would otherwise divulge the identities of DOES 1, 2 and 3 in contravention of California Code of Civil Procedure ("CCP") Section 340.1 and said Defendants'

1 privacy interests.

2 4. In order to adequately and fully plead his claims against DOES 1, 2 and 3,
3 Claimant must identify and make reference to facts and information that would necessarily
4 divulge and identities of DOES 1, 2 and 3. This "Confidential" information is referred to
5 extensively throughout the Under Seal Pleadings.

6 5. The identities of DOES 1, 2 and 3, and the facts and information alleged in the
7 Claim and Unfiled Complaint and referred to in the related pleadings, meet the level of
8 confidentiality that would require that they be filed under seal.

9 6. Claimant therefore requests that, for purposes of filing his Under Seal Pleadings,
10 the Court grant his Motion to File Under Seal and order that these documents be filed under seal
11 pursuant to CRC 2.550 and 2.551. In accordance with CCP Section 340.1, Claimant believes that
12 good cause exists to allow the filings of these documents under seal, and that this request has
13 been tailored in a manner to be as unobtrusive as possible in order to protect the privacy interests
14 of DOES 1, 2 and 3 in compliance with Claimant's obligations under CCP Section 340.1. In the
15 event that the Court determines that the public interest overrides the privacy concerns as set forth
16 herein, Claimant requests that the Court deem the Under Seal Pleadings filed for all purposes
17 *nunc pro tunc* as of May 1, 2013.

18 I declare under penalty of perjury under the laws of the State of California that the
19 foregoing is true and correct.

20 Executed at Los Angeles, California on April 30, 2013.

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24 Maryann R. Marzano
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1 **GRADSTEIN & MARZANO, P.C.**
Henry Gradstein (State Bar No. 89747)
2 [REDACTED]
Maryann R. Marzano (State Bar No. 96867)
3 [REDACTED]
6310 San Vicente Boulevard, Suite 510
4 Los Angeles, California 90048
Phone: [REDACTED]
5 Facsim [REDACTED]
6 Attorneys for Claimant WADE ROBSON

FILED
Superior Court of California
County of Los Angeles

MAY 01 2013

John A. Clarke, Executive Officer/Clerk
By A. Watts, Deputy
A. Watts

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9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

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14 ESTATE OF MICHAEL JOSEPH JACKSON,

15 Deceased.

Case No.: BP 117321
[Assigned to the Honorable Judge Mitchell L.
Beckloff, Dept. 5]

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19 **CLAIMANT WADE ROBSON'S NOTICE**
20 **OF FILING UNDER SEAL**

(Cal. Rules of Court, Rules 2.550, 2.551)

Hearing Date: June 6, 2013
Time: 10:00 a.m.
Department: 5

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24 Filed concurrently herewith:

- 25 (1) Notice of Motion and Motion to File Under Seal;
Memorandum of Points & Authorities and
Declaration of Maryann Marzano in Support Thereof
- 26 (2) [Proposed] Order(s) Re Claimant Wade Robson's
Motion to File Under Seal
- 27 (3) Petition for Order to Allow Filing of Late Claim
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- 28 (4) Declaration of Henry Gradstein in Support of Petition
for Order to Allow Filing of Late Claim against
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Gradstein pursuant to Code of Civil Procedure
Section 340.1
- (5) Prob. Code § 9151 Declaration of Claimant Wade
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- (6) Creditor's Claim, DE-172 with Unfiled Complaint
for Childhood Sexual Abuse

1 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

2 **PLEASE TAKE NOTICE** that, pursuant to California Rules of Court, Rules 2.550 and
3 2.551, and the pending Notice of Motion and Motion to File Under Seal, scheduled to be heard on
4 June 6, 2013 at 10:00 a.m. in Department 5 of this Court, Claimant Wade Robson ("Claimant")
5 submits under seal:

- 6 • Petition for Order to Allow Filing of Late Claim Against Estate pursuant to Cal. Prob.
7 Code § 9103;
- 8 • Declaration of Henry Gradstein in Support of Petition for Order to Allow Filing of
9 Late Claim against Estate and Attached Certificates of Merit by Mental Health
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17 CCP § 340.1(h) attached to Gradstein Decl. as Exhibit A., and (ii) Certificate of Merit
18 by Henry Gradstein pursuant to CCP § 340.1(h) regarding DOE 1 attached to
19 Gradstein Decl. as Exhibit B);

20 (collectively, the "Under Seal Pleadings") all of which contain and refer to highly "Confidential"
21 information, including the names and identifying details concerning individuals that would
22 comprise privacy rights and undermine the confidentiality goals and requirements of California's
23 childhood sexual abuse statute, Code of Civil Procedure Section 340.1. Copies of the Under Seal
24 Pleadings, designated as "Confidential," are all being filed concurrently herewith on May 1, 2013
25 (conditionally under seal).

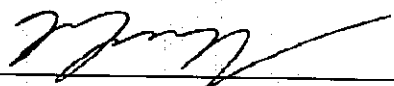
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1 Dated: April 30, 2013

GRADSTEIN and MARZANO, P.C.
HENRY GRADSTEIN
MARYANN R. MARZANO

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4 By: 
Maryann R. Marzano, Esq.
Attorneys for Claimant
WADE ROBSON

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