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HBO Calls the Jackson Estate's \$100 Million Lawsuit a 'Publicity Campaign'

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Wade Robson, one of the accusers in HBO's Michael Jackson documentary, *Leaving Neverland*

Featured image by Edward Leung (CC by 2.0).

Last February, the Michael Jackson Estate made good on its promise and filed a \$100 million civil lawsuit against HBO.

The cable network's decision to air the controversial *Leaving Neverland* documentary had apparently violated a non-disparagement agreement.

In 1992, HBO had agreed to never disparage the singer in exchange for exclusive footage from Jackson's *Dangerous World Tour*.

The late pop singer's family claims that Dan Reed's *Leaving Neverland* is based on false accusations. In fact, both of Jackson's accusers – Wade Robson and James Safechuck – have previously claimed that Jackson had never molested them.

The estate's lawsuit against HBO eventually shifted to the U.S. District Court for the Central District of California.

Aiming to push the case back to state court, Jackson's family had asked a California federal judge to send the lawsuit back to arbitration.

Citing the Federal Arbitration Act, the estate had strongly pushed for arbitration,

"Apparently, HBO was happy to rely on the fact that deceased persons cannot sue for defamation, and thus saw no need to comply with any sort of journalistic ethics at all.

"Unlike HBO, the estate isn't interested in playing games and wants a real process to expose HBO's lack of journalistic integrity."

As noted, the Jackson Estate faces a very serious problem – under current United States law, a deceased person can't sue for defamation. Neither can that person's estate.

Maintaining Jackson's innocence, his family called the documentary "lies." The petition further slammed Robson and Safechuck as "admitted perjurers."

"Michael Jackson can never be silenced. His music and artistry live, as does his innocence.

"They will long outlast false claims, gossip, and allegations spread by those who seek to make money off him."

Now, HBO has fired back.

Federal court works great for HBO. But not so much for the Jackson Estate.

Fighting back against the family's motion to send the lawsuit back to a state court, an HBO spokesperson said a federal court remains the "appropriate place" for the case.

The cable network **called** a request to arbitrate the breach of contract claims "as poorly conceived as the claims themselves."

"There are no remaining rights to enforce under the expired 1992 agreement. [E]ven if any enforceable rights still exist in that agreement, the claims petitions attempt to make here are not arbitrable, and enforcing the agreement as petitioners seek to do in this situation would violate HBO's constitutional rights and numerous public policies."

The network's lawyers, Daniel M. Petrocelli and Theodore J. Boutrous Jr., added the lawsuit "appears to be part of a transparent effort to bolster their publicity campaign against the documentary."

Both have asked Judge George H. Wu to deny the family's request for arbitration.

Following the request, the Michael Jackson estate quickly responded.

The estate's lawyer, Bryan J. Freedman, said in a statement,

"HBO's opposition clearly shows that they're afraid to have this matter adjudicated because it will expose the falsity of the documentary."

According to John Branca, a longtime lawyer for Michael Jackson who now serves as an executor for the estate, *Leaving Neverland* has had a significant financial impact on the estate's business.

At a Harvard Law School discussion about the family's decision to take on Dan Reed, Branca admitted,

"Because the laws of defamation are what they are, there is nothing we can do or say. I'm going to suggest the law should be changed to protect the deceased at least for a period of time."

ABOUT THE AUTHOR

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Daniel is an avid writer who was born and raised in Los Angeles. Alongside writing, he is also a passionate reader and an English teacher for ELL students. He dedicates his spare time to raising his three baby girls.