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## HBO Fails To Get \$100M ‘Leaving Neverland’ Suit From Michael Jackson Estate Tossed, For Now



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HBO

The multi-million-dollar attack on the controversial *Leaving Neverland* documentary and HBO by Michael Jackson’s estate will dance on, at least for the time being.

In a tentative ruling in federal court this morning, the always contemplative Judge George Wu said he’s leaning towards rejecting the premium cabler’s desire to see the \$100 million lawsuit dismissed. However, Judge Wu has been known to change his mind, so the true call will have to wait until he issues a final ruling on HBO’s anti-SLAPP motion later this month – a motion that Judge Wu actually suggested to the outlet’s lawyers a few months ago.

As for the home of *Game of Thrones* ...well, they are going to hold their powder. “We are waiting to see the Judge’s final decision,” an HBO spokesperson told Deadline today.

*Leaving Neverland* details specific claims by Wade Robson and James Safechuck that they were sexually abused by Jackson when they were children. No shocker, the estate of the deceased once superstar disagree with the allegations and the film itself – which is why the two sides are in court now.

“HBO has tried everything possible to avoid having a trier of fact adjudicate their wrongdoing,” Freedman & Taitelman’s Bryan Freedman said on behalf of the estate after today’s hearing.

“If HBO believes its actions were proper then there is no reason for them to try and hide behind procedural technicalities to avoid an arbitration or a trial,” the attorney added of the their fight to get the matter surrounding the now Emmy winning Dan Reed directed film pulled into a public sphere. “Whether in an arbitration, federal court, state court or the court of appeal, the Estate of Michael Jackson will force HBO to be held accountable for its wrongful conduct.”

Appeal being an operative term here as both sides are expected to take whatever ruling Judge Wu ends up finally handing out to another court in another swing.

The August 15 move to dismiss from HBO’s Gibson, Dunn & Crutcher LLP and O’Melveny & Myers LLP legal team came following a ruling in late May by U.S. District Court Judge Wu to deny the Jackson estate’s desire to have the whole thing shut away behind closed doors and be decided by the American Arbitration Association. The estate also lost out in its aim to have the lawsuit sent back to state court.

Having fumbled in getting HBO to shutter the debut of the disturbing docu earlier this year after its police protected Sundance premiere, lawyers from Kinsella Weitzman Iser Kump & Aldisert LLP and Freedman + Taitelman LLP launched the mega-bucks suit in Los Angeles Superior Court. Seeking action against the March 3-debuting film, the estate’s attorneys also cited a portion of a 1992 deal between Jackson and HBO over a concert special as proof of the legal miscarriage by the premium cabler.

That reading of the almost three decade old agreement didn’t get much movement for the estate, but the case then moved to federal court in early March for jurisdictional reasons. That move came just over a week after *Leaving Neverland* played to some of the biggest documentary viewerships for HBO in the past decade.

Mocked by Dave Chappelle in his latest Netflix special (which drew a response by director Reed), *Leaving Neverland* won best documentary or nonfiction special at the Creative Arts Emmys on September 14.

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