

LEAVING NEVERLAND

The Michael Jackson Estate Just Won a Temporary Victory in *Leaving Neverland* Lawsuit

A federal judge has issued a tentative ruling to allow the estate to take HBO to arbitration over its docuseries.

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SEPTEMBER 20, 2019



BY PHIL DENT/REDFERNS.

The Michael Jackson estate has won a temporary victory in its **lawsuit** against HBO over the premium cabler's *Leaving Neverland* docuseries, in which **Wade Robson** and **James Safechuck** detailed alleged abuses they endured by Jackson as children. The Jackson estate, which filed its roughly \$100 million lawsuit in February, has argued that in making and distributing *Leaving Neverland* and leaving out its denial of the allegations against Jackson, HBO is in violation of a nondisparagement clause stemming from the network's 1992 agreement to air a concert film of Jackson's *Dangerous* tour. HBO claims the pact is now defunct.

In a tentative ruling Thursday, Judge **George Wu** denied HBO's motion to dismiss the case—a decision that the judge is expected to make final by the end of the month. *Variety* reports that Wu himself suggested HBO file an anti-SLAPP motion, invoking the California law intended to curb litigation aimed at chilling free speech. Now, however, he has determined that the statute does not apply to arbitration requests, *Variety* reports.

The Jackson estate has long **slammed** the docuseries, which debuted soon after Lifetime's *Surviving R. Kelly* and sparked a similar **resurgence of interest** and passion around the allegations against Jackson. Soon after the doc's debut, radio stations **slowly began** removing Jackson from their libraries—a sign that perhaps this time, the public is feeling more strongly about the allegations and their merit. (Jackson died in 2009, and denied the allegations during his life; in a 2005 trial, he was acquitted on all charges, including child molestation.) Most recently, the Jackson family **decried** *Leaving Neverland*'s Emmy win, calling the nod a “complete farce.”

In court, *Variety* reports that HBO attorney **Theodore Boutros** asked Wu to reconsider denying HBO's request for dismissal. “It was filed to chill speech,” Boutros said of the Jackson estate's lawsuit. “It was filed to tell the world, ‘Don't talk about child sex abuse.’ ...A company like HBO may be able to fight back and move forward. Others might not be able to do that.” An HBO representative told *Variety*, “We are waiting to see the judge's final decision.” Meanwhile, **Bryan J. Freedman**, who represents the Jackson estate, slammed HBO in another statement that reads, in part: “HBO has tried everything possible to avoid having a trier of fact adjudicate their wrongdoing. 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.”

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