



JUDGE SIDES WITH MICHAEL JACKSON'S ESTATE, SENDS 'LEAVING NEVERLAND' DISPUTE TO ARBITRATION

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*A federal judge has ruled that **Michael Jackson** estate's can move forward with taking HBO to arbitration in its dispute over the documentary "Leaving Neverland."

In the doc, two men, James Safechuck and Wade Robson, detail the sexual abuse they claim they endured by Jackson over the course of several years when they were young children. In a lawsuit filed March 3, Jackson's estate argued that by airing the 4-hour documentary, HBO violated a non-disparagement agreement from a 1992 concert film from the late singer's "Dangerous" tour.

The **1992 agreement stated** that "HBO shall not make any disparaging remarks concerning [Michael Jackson] ... or do any act that may harm or disparage or cause to lower in esteem the reputation of [Jackson.]" Any disputes regarding this agreement would be handled in arbitration.

According to **Variety**, Judge George Wu issued a tentative ruling on Sept. 19 in which he denied HBO's motion to dismiss the estate's case. A status conference has been set for Oct. 3.



HBO's attorneys attempted to have the case tossed under California's anti-SLAPP statute, but in a decision filed on September 20, Judge Wu sent the whole matter to arbitration.

"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.

"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. "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."

In court on Thursday, HBO's attorneys, led by Theodore Boutrous, asked the judge to reconsider.

"It was filed to chill speech, 'Don't talk about child sex abuse,'" Boutrous argued of the company's decision to file the anti-SLAPP motion, which "which discourages frivolous litigation intended" to curb speech on "issues of public interest," **Variety** writes.

"A company like HBO may be able to fight back and move forward. Others might not be able to do that," he added.

HBO responded to the judge's ruling in a **statement**: "While we are disappointed that the federal court concluded it could not consider the merits of our anti-SLAPP motion, we look forward to continuing to defend HBO's right to exhibit this important, Emmy award-winning documentary."

"Leaving Neverland" won best documentary or nonfiction special at the Creative Arts Emmys on September 14.