

HBO counters \$100M 'Leaving Neverland' lawsuit filed by Michael Jackson Estate

By Adam Wallis

National Online Journalist, Entertainment Global News



Michael Jackson, flanked by Mickey Mouse and Minnie Mouse, waves to fans July 27, 1992 during his surprise visit to the EuroDisney.

AFP/Getty Images



Ahead of the release of *Leaving Neverland*, the Michael Jackson Estate filed a lawsuit against HBO, asking for US\$100 million.

Leaving Neverland, of course, is the four-hour Michael Jackson documentary that aims to expose the late King of Pop's alleged sexual abuse crimes against

Wade Robson and James Safechuck.

The lawsuit, filed in Los Angeles Superior Court, alleged that by co-producing and airing *Leaving Neverland*, the cable channel was breaching a deal to not disparage the singer.

Now, two months after the documentary's premiere, the two parties are still battling it out in court.

The supposedly "breached" deal in question dates back to 1992. It allowed HBO to air *Michael Jackson in Concert in Bucharest: The Dangerous Tour* and included language that the channel would *not* disparage the singer at any future point.

According to [Variety](#), however, the TV network is "immune from a defamation claim," as Jackson died a decade ago. So they're now hitting back against the estate, rebutting claims of a contract breach.

According to HBO attorneys Daniel Petrocelli and Theodore Boutros, HBO's contract with Jackson expired once the company fulfilled its obligations of airing the 1992 concert film.

Jackson was never once disparaged in the time HBO aired the concert film, they argue. The last time it aired through their network was in Oct. 1992 — which the lawyers suggested would have marked the official end of their deal.

However, the Jackson estate never clarified how long the singer would be protected from HBO through the decades-old non-disparagement clause.

"The vague and over-broad interpretation of the non-disparagement sentence that petitioners urge this court to adopt would, if accepted, violate HBO's First Amendment right to distribute expressive content on an issue of public concern," argued the lawyers.

Furthermore, HBO questioned how long the estate believed Jackson would be protected under "vague interpretation," adding that *Leaving Neverland* was separate from their contract and therefore did not breach any deal.



(L-R) Wade Robson, Dan Reed and James Safechuck pose for a portrait to promote the HBO/Channel 4 film 'Leaving Neverland' at the Salesforce Music Lodge during the Sundance Film Festival in Park City, Utah.

Taylor Jewell/Invision/AP, File

They concluded that the film was produced to raise awareness of sexual abuse, rather than defame the singer.

Applying the rules of the non-disparagement deal *now* would "run afoul of the public policy embodied in numerous California statutes to protect children from sexual abuse," according to the HBO party.

In response, the estate's lawyer, Bryan Freedman, revealed that the family wants an "arbitration open to the public for all to see," according to [Deadline](#).

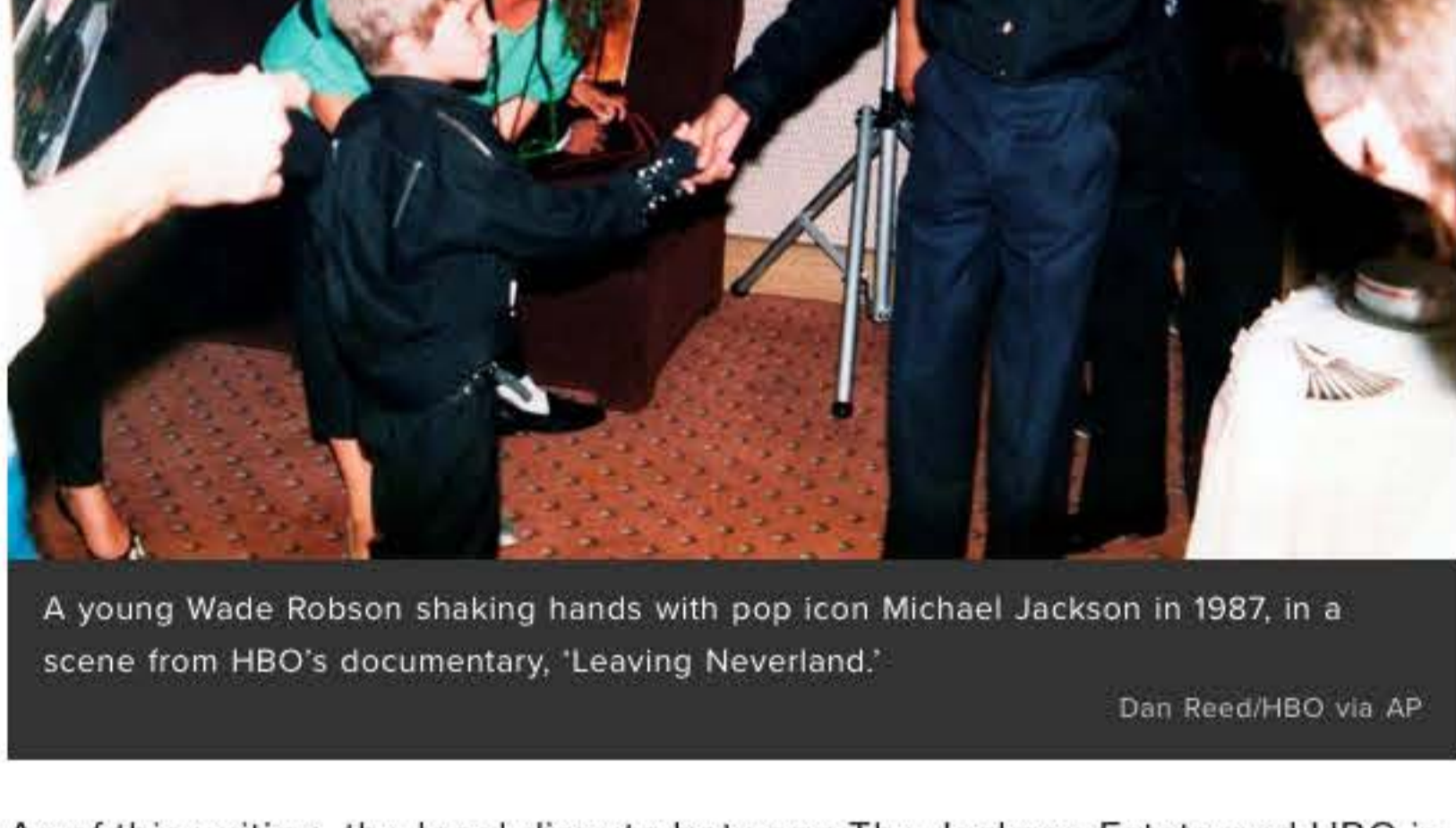
He did not hold back in his defence and sarcastically questioned why HBO would challenge their 27-year-old contract if they believed it no longer applied or had "expired."

"The reason why," he continued, "is because they know they were complicit in this one-sided farce of a money grab that clearly violates the agreement."

While making his argument, Freedman took a slash at the Dan Reed-directed documentary, suggesting it was one-sided — which has been a recurring speculation among the Jackson family. The statement added:

"Now they're trying to delay the inevitable beating that they will suffer when this matter is adjudicated. Stay tuned because at least we are offering them a chance to tell their side of the story unlike they did in the creation of the one-sided fiction intended to disparage Michael Jackson."

Let this be a warning to all talent that HBO will disregard the truth and distribute fictitious one-sided content in violation of the artists' rights it promised to protect," continued Freeman. "Make no mistake, HBO will be held responsible for its reprehensible conduct."



A young Wade Robson shaking hands with pop icon Michael Jackson in 1987, in a scene from HBO's documentary, 'Leaving Neverland.'

Dan Reed/HBO via AP

As of this writing, the legal dispute between The Jackson Estate and HBO is ongoing.

To this day, the truth about Jackson remains unknown, but the singer was never found guilty of any crime in a court of law.

Jackson denied all sexual assault accusations throughout his life, and since his death, he's been unable to either defend himself in the court of public opinion.

adam.wallis@globalnews.ca

Follow @adamwallis

© 2019 Global News, a division of Corus Entertainment Inc.

JUMP TO A REGION

Barrie

BC

Calgary

Durham

Edmonton

Guelph

Halifax

Hamilton

Kingston

Kitchener

Lethbridge

London

Montreal

New Brunswick

Okanagan

Ottawa

Peterborough

Regina

Saskatoon

Toronto

Winnipeg

CONNECT

Facebook

Twitter

Google+

Instagram

LinkedIn

Tumblr

Pinterest

RSS

Contact Us

Newsletter

Youtube

Alexa

Notifications

GLOBAL NEWS

About Us

Privacy Policy

Principles & Practices

Copyright

Corus Entertainment

Advertise

Advertising Standard Terms

Terms of Use

Branded Content

Open Data