

1 Alan S. Gutman, SBN 128514  
LAW OFFICES OF ALAN S. GUTMAN  
2 9401 Wilshire Boulevard, Suite 575  
Beverly Hills, CA 90212-2918  
3 Telephone: 310-385-0700  
Facsimile: 310-385-0710  
4 email: [alangutman@gutmanlaw.com](mailto:alangutman@gutmanlaw.com)

**FILED**  
Los Angeles Superior Court

MAR 23 2009

5 Attorneys for Plaintiff MJJ PRODUCTIONS, INC.

John A. Clarke, Executive Officer/Clerk  
By SHAUNYA WESLEY, Deputy

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 FOR THE COUNTY OF LOS ANGELES

11 MJJ PRODUCTIONS, INC., )

12 Plaintiff, )

13 vs. )

14 JULIEN'S AUCTION HOUSE, LLC., )  
15 DARREN JULIEN, DOES 1-25, )  
Inclusive, )

16 Defendants. )

Case Number BC408913  
CASE ASSIGNED TO THE HON. ERNEST M.  
HIROSHIGE, DEPT. 54

COMPLAINT FILED MARCH 4, 2009

**DECLARATIONS OF TOHME R.  
TOHME, JAMES WELLER AND  
JOSEPH MARCUS IN SUPPORT OF  
MOTION FOR PRELIMINARY  
INJUNCTION**

[FILED AND SERVED CONCURRENTLY WITH  
MOTION FOR PRELIMINARY INJUNCTION,  
AND REQUEST FOR JUDICIAL NOTICE]

DATE: APRIL 15, 2009  
TIME: 8:30 A.M.  
DEPT: 54

25 //

26 //

27 //

28 //

1 Declaration of Tohme R. Tohme

2 I, Tohme R. Tohme, declare:

3 1. I am over the age of 18 and not a party to this action. All facts set forth in this  
4 declaration are based on my own personal knowledge. I can and will competently attest  
5 to each fact set forth herein if called as a witness herein.

6 2. I am the president of MJJ Productions, Inc. ("MJJ").

7 Need to Remove Property from Neverland

8 3. In the middle of 2008, a deal was made with Colony Capital, LLC ("Colony")  
9 to refinance some of the existing debt obligations on the Neverland Valley Ranch  
10 ("Neverland") which was owned by pop superstar Michael Jackson.

11 4. As part of the deal with Colony, MJJ had to remove all of Michael Jackson's  
12 personal property out of Neverland within a 90 day timeframe.

13 Introduced to Darren Julien

14 5. I contacted Darren Julien, who had been referred to me by the A. M. Abell  
15 Auction Company. The purpose of contacting an auction company, and in this case,  
16 Julien's Auction House, LLC, was to auction off certain property from Neverland that  
17 Michael Jackson no longer wanted or needed.

18 6. Because of the 90 day timeframe, I determined that we should pack up all  
19 of the property at Neverland and remove it to storage as soon as possible, after which time,  
20 an inventory of all of the property could be created along with photographs that could be  
21 presented to Mr. Jackson for his review, to determine what property he wanted to keep.

22 7. I believe I first met Mr. Julien sometime in July of 2008.

23 8. In the initial discussion with Mr. Julien and during all subsequent discussions  
24 prior to entering into any agreement with "Julien's Auctions, LLC," Mr. Julien confirmed to  
25 me that the property would be moved to storage and then I could review the inventory and  
26 photographs along with Michael Jackson to decide what should be sold at auction.

27 9. Mr. Julien repeatedly told me that he understood that Michael Jackson's  
28 personal property could not be sold unless Mr. Jackson and I approved of the sale on an

1 item-by-item basis.

2 10. Mr. Julien expressed a great interest in selling a lot of Michael Jackson's  
3 personal items, like his awards, clothing, personal memorabilia, photographs, etc., but I  
4 told him that those things could not be sold.

5 The Auction Consignment Agreement

6 11. Because of the urgency in getting all of the property removed from  
7 Neverland, I signed the "Auction Consignment Agreement" ("Agreement") with Julien's  
8 Auctions, LLC sometime on or about August 7, 2008. A true and correct copy of the  
9 Agreement is attached hereto as Exhibit A.

10 12. The Agreement was presented to me by Mr. Julien.

11 13. I relied on Mr. Julien's representations that he would get all of the property  
12 removed to storage before any determination would be made regarding which items would  
13 be included in the auction before I signed the Agreement.

14 14. I never would have allowed Mr. Julien to remove any of the property from  
15 Neverland had he told me that he intended to sell everything without first allowing Michael  
16 Jackson and I to consent to the sale of each item.

17 15. I was not authorized by Michael Jackson to give Julien's Auction House, LLC  
18 or any other company or person the right to sell any of Michael Jackson's personal  
19 property.

20 16. I never would have signed the Agreement if Mr. Julien told me that he  
21 intended to sell everything regardless of what Michael Jackson and I wanted to do. In fact,  
22 Mr. Julien told me many times that he would never do anything with Mr. Jackson's or my  
23 approval.

24 Agreement Violates California Auction Laws

25 17. I have just learned that the name of the company in the Agreement is not  
26 correct, that there is no such company as "Julien's Auctions, LLC." Apparently, the true  
27 name of the company is "Julien's Auction House, LLC."

28 18. The Agreement violates the Civil Code §§ 1812.600 and 1812.609.

1 Specifically, the Agreement fails to comply with the California Civil Code in the following  
2 particulars:

3 a. The Agreement does not contain the auction company's correct name,  
4 and does not set forth the business address and business telephone number (Civil Code  
5 § 1812.608(d)(1));

6 b. The Agreement does not contain "[a]n inventory of the item or items  
7 to be sold at auction" (Civil Code § 1812.608(d)(2));

8 c. The Agreement does not "explicitly state which party shall be  
9 responsible for advertising and other expenses" (Civil Code § 1812.608(d)(3));

10 d. The Agreement does not state the "approximate date or dates when  
11 the item or items will be sold at auction" (Civil Code § 1812.608(d)(4));

12 e. The Agreement does not have a "disclosure that the auctioneer or  
13 auction company has a bond on file with the Secretary of State" (Civil Code §  
14 1812.608(d)(6)).

15 Never Would Have Allowed Any Property to be Removed

16 19. The personal property was removed from Neverland between August and  
17 October of 2008.

18 20. I never would have allowed any property to be removed but for the express  
19 representations by Darren Julien that nothing would be sold at auction without Michael  
20 Jackson's consent.

21 Inventory Just Provided

22 21. Even though the property from Neverland was moved to storage by October  
23 of 2008, I did not receive what is supposed to be a complete inventory until a few weeks  
24 ago. A true and correct copy of the inventory I received is attached hereto as Exhibit B and  
25 incorporated herein by this reference.

26 22. At this point, I have received some photographs of some of the items, but  
27 have never been provided with all of the photographs that will enable Michael Jackson to  
28 determine what items could be auctioned.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Property Stored at Warehouse

23. Most of the property that was removed from Neverland is being stored at various warehouses that are controlled by Darren Julien and Julien's Auction House, LLC. Additionally, there are several valuable items that are being held by Mr. Julien at undisclosed locations.

Demand for Return of Property

24. Over the past several weeks, I requested that Mr. Julien return all of Michael Jackson's personal items, including his awards, clothing, photographs, his children's personal things, but Mr. Julien has refused to return the items.

25. Recently, it became clear that Mr. Julien decided not to keep his word to me and that he was going to try and auction off anything that related to Michael Jackson.

Danger of Property Being Moved or Hidden

26. I have just learned that Mr. Julien is taking some of Michael Jackson's property to Ireland for previews for the auction that he plans to conduct in April.

27. Since Mr. Julien refuses to return the property that I have requested, and he has hidden some of the more valuable property and items that he wants to auction in a separate undisclosed location, we need a court order for the return of all of Mr. Jackson's property.

28. Based on Mr. Julien's statements to me, I am concerned that he will not return many items of Michael Jackson's property.

Julien Has No Ownership Interest

29. Neither Julien's Auction House, LLC nor Darren Julien have an ownership interest in any of the property that was removed from Neverland. The property all belongs to Michael Jackson and/or MJJ Productions, Inc.

Inventory

30. The Inventory that is attached as Exhibit B is the only list of the property that we have at the current time. I do not believe the list is complete, however, I believe that the items on the attached inventory are the items that Mr. Julien intends to sell at auction.

1 Property is Unique and Irreplaceable

2 31. Mr. Jackson's personal property at Neverland included awards, photographs,  
3 clothes, furniture, artwork, games, automobiles, and other memorabilia and possessions  
4 collected throughout his legendary career. Many of the items are unique, have  
5 extraordinary sentimental value in addition to being valued personal possessions. All told,  
6 I am informed and believe that there were more than 2,000 items of Michael Jackson's  
7 personal property located at Neverland prior to August of 2008. Many of the items are  
8 priceless and irreplaceable.

9 32. There is no question that many of the items are unique. There is also  
10 no question that the items cannot be replaced. By their very nature, the sale of these items,  
11 unless enjoined, will result in irreparable harm. So many of the items are personal to Mr.  
12 Jackson, representative and in recognition of a legendary musical career, including but not  
13 limited to his American Music Awards, NAACP awards, MTV Music Awards, People's  
14 Choice Award, Motown Awards, Billboard awards, ASCAP, BMI, RIAA, Passport awards  
15 and various other custom and sales awards, one-of-a-kind paintings, sculptures and other  
16 artwork (and in some cases, art created specifically for Michael Jackson), rare and  
17 autographed photographs, artist proofs, letters from U.S. Presidents and other persons of  
18 historical and social prominence, his books and his drawings, the famous sequined gloves,  
19 gold and platinum records, customized costumes and clothing, including virtually every item  
20 worn or used by Mr. Jackson in his legendary videos, live performances and historical  
21 public appearances, custom-made jewelry, hats, socks and other items of his clothing,  
22 musical instruments including guitars and pianos, custom furniture and many other items.  
23 There are items that refer to Neverland, Mr. Jackson's longtime home, an Elizabeth Taylor-  
24 gifted carousel horse with a personal inscription "To MJ Love ET," rare antique pianos (one  
25 from the 19<sup>th</sup> Century and another from 1910), antique and collector furniture, customized  
26 "Monumental Gilded Throne," Michael Jackson's personal dishes, china, automobiles,  
27 arcade games, statuary, and hundreds of other items.

28 //

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Auction Proceeding

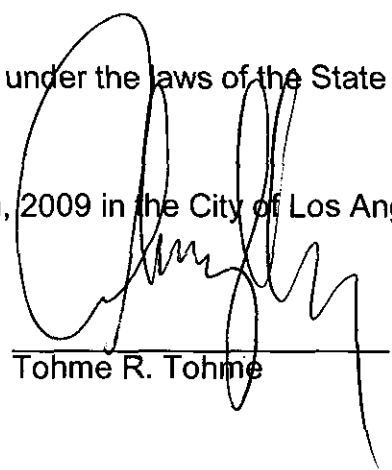
33. Attached hereto as Exhibit C is a true and correct copy of various pages from the Julien's Auction House, LLC website which are announcing the "King of Pop: a Once in a Lifetime Auction Featuring the Personal Property of Michael Jackson" that is set to commence on April 22, 2009. The website printout also states: "An array of treasures from Michael Jackson's Neverland Ranch ranging from Michael Jackson's iconic white-jeweled glove to the grandiose entry gates to Neverland Ranch are up for sale;" "Michael Jackson was an enthusiastic and avid collector of everything from exquisite antiques to prized entertainment and popular culture memorabilia;" and, "This monumental four-day auction to be conducted by Julien's Auctions April 22nd-25th, 2009 at 9900 Wilshire Boulevard adjacent to the legendary Beverly Hilton Hotel, offers an astounding array of Fine & Decorative Art items, paintings and life size bronze and marble sculptures to Memorabilia from the Life & Career of Michael Jackson."

Catalogue Showing Items Available at Auction

34. The catalogue for the auction illustrates the items that are going to be auctioned. Attached hereto as Exhibit D is a true and correct copy of selected pages of the Julien's Auction House, LLC catalogue for the "King of Pop: a Once in a Lifetime Auction Featuring the Personal Property of Michael Jackson" that is set to commence on April 22, 2009.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on the 10<sup>th</sup> day of March, 2009 in the City of Los Angeles, California.



Tohme R. Tohme

1 Declaration of James Weller

2 I, James Weller, declare:

3 1. I am over the age of 18 and not a party to this action. All facts set forth in this  
4 declaration are based on my own personal knowledge. I can and will competently attest  
5 to each fact set forth herein if called as a witness herein.

6 2. I have been in the advertising industry for several decades and have also  
7 served as a consultant to several presidential campaigns.

8 3. At the current time, I am a partner in TRW Advertising, in which Dr. Tohme  
9 R. Tohme of MJJ Productions, Inc. is also a partner.

10 4. In the course of my work with Dr. Tohme, I had occasion to meet with Darren  
11 Julien on numerous occasions.

12 5. Because of my relationship with Dr. Tohme, I often served as a go-between  
13 with Darren Julien.

14 6. The first time I met Darren Julien was probably sometime in September of  
15 2008.

16 7. Several meetings with Mr. Julien took place at the Belwood Bakery in the  
17 Brentwood section of Los Angeles, while others took place at Starbucks or other locations.  
18 All told, I believe I met Darren Julien between 15 and 20 times.

19 8. Mr. Julien repeatedly stated to me that he understood that Michael Jackson's  
20 property had to be moved out of Neverland, then a decision could be made on what would  
21 be sold at auction.

22 9. On a number of occasions, Mr. Julien asked "what's in and what's out" and  
23 asked if he could sell Michael Jackson's coats and gloves. In fact, at many of the meetings,  
24 Mr. Julien was always asking for the right to sell more categories of the items that were  
25 removed from Neverland.

26 10. Mr. Julien was told that he would not be able to sell portraits, kid's stuff,  
27 personal items, clothing, and the like.

28 11. In the last couple of months, Mr. Julien never stopped asking what he would

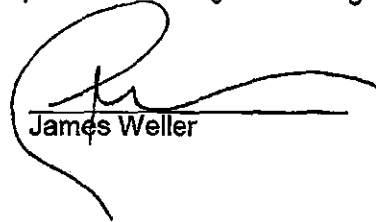




1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on the 21 day of March, 2009 in the City of Los Angeles, California.



James Weller

1 Declaration of Joseph Marcus

2 I, Joseph Marcus, declare:

3 1. I am over the age of 18 and not a party to this action. All facts set forth in this  
4 declaration are based on my own personal knowledge. I can and will competently attest  
5 to each fact set forth herein if called as a witness herein.

6 2. From 2001 through 2008, I was the property manager of Neverland Valley  
7 Ranch ("Neverland"). Overall, I was employed at Neverland from May 2, 1988 through  
8 November 11, 2008.

9 3. Neverland is an approximately 2,800 acre ranch located in the Santa Ynez  
10 Valley of California that was home to pop superstar Michael Jackson.

11 4. In addition to a 13,000 square foot main house, Neverland had a 5,000  
12 square foot theater, an approximate 1,500 square foot storage facility, numerous other  
13 structures, as well as a private amusement park and zoo.

14 5. Commencing in or about August of 2008, I assisted in packing up all of  
15 Michael Jackson's personal property at Neverland, along with the other Neverland  
16 employees and other persons hired to assist with this project.

17 6. During the course of packing all of the personal property, I spoke to Darren  
18 Julien on numerous occasions. I worked with Mr. Julien on this project for about three  
19 months between August and October of 2008.

20 7. Mr. Julien repeatedly stated to me that nothing would be sold at auction or  
21 otherwise disposed of without Michael Jackson's express consent.

22 8. Mr. Julien further stated that he was going to prepare an inventory with  
23 photographs so that Michael Jackson could review the inventory along with the  
24 photographs to decide what could be sold at auction and what items Michael Jackson  
25 would want to keep.

26 9. Mr. Julien told me that he understood that all of the personal property had to  
27 be moved to storage and then Michael Jackson could decide what he wanted to be sold  
28 at auction.

1           10. Over the course of the 2-3 month time period between August and October  
2 of 2008 while this project to move all of the property from Neverland to a storage facility  
3 was taking place, I recall that there were approximately 10 large trailers of property filled  
4 up with personal property.

5           11. Towards the end of the project, I believe on a Saturday morning in October  
6 of 2008, I initiated a 3-way telephone call to Michael Jackson with Darren Julien on the line.  
7 During that conversation, Mr. Julien told Mr. Jackson what he had told me time and time  
8 again. Specifically, Mr. Julien told Michael Jackson that Mr. Jackson would be able to keep  
9 whatever he wants and that he would not auction off any of Mr. Jackson's property without  
10 Mr. Jackson's consent.

11           12. I never would have allowed any of Mr. Jackson's property to be removed from  
12 Neverland without Mr. Julien confirming that it was being moved to storage and nothing  
13 would be auctioned off before Mr. Jackson had an opportunity to determine what he  
14 wanted to keep.

15 I declare under penalty of perjury under the laws of the State of California that the  
16 foregoing is true and correct.

17 Executed on the 4 day of March, 2009 in the City of Douglas Hills, Arizona.

18  
19   
20 Joseph Marcus  
21  
22  
23  
24  
25  
26  
27  
28