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**FILED**  
SUPERIOR COURT of CALIFORNIA  
COUNTY of SANTA BARBARA

FEB 28 2005

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10 Attorneys for Defendant  
11 MICHAEL JOE JACKSON

REDACTED PURSUANT TO  
CRC 2073

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
13 FOR THE COUNTY OF SANTA BARBARA, SANTA MARIA DIVISION

14 THE PEOPLE OF THE STATE OF  
15 CALIFORNIA,

) CASE NO. 1133603

16 Plaintiff,

) MEMORANDUM REGARDING THE USE  
) OF J.C. PENNEY ISSUES IN DEFENSE  
) OPENING STATEMENT

17 vs.

18 MICHAEL JOE JACKSON

) HEARING:

19 Defendant.

) DATE: JANUARY 28, 2005

) TIME: 8:15 A.M.

) Place: Depl. SM-2

FILED UNDER SEAL & BY FAX

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I.

3 SUMMARY OF ARGUMENT

4 As the Court has requested, the Defense proposes to address the following issues  
5 regarding the J.C. Penney case in opening statement:

6 1. On July 22, 1999, the Arvizos commenced a civil action against J.C. Penney  
7 for battery, false imprisonment and infliction of emotional distress over an altercation that  
8 took place in the J.C. Penney parking lot in Los Angeles County.<sup>1</sup>

9 2. On June 29, 2000, Janet Arvizo amended the complaint against J.C. Penney to  
10 allege sexual assault by a security officer in the J.C. Penney parking lot. Ms. Arvizo alleged  
11 the following:

- 12 (a) Her breasts were fondled;
- 13 (b) Her nipple was squeezed 10 to 20 times;
- 14 (c) She was punched with a closed fist by a J.C. Penney security guard;
- 15 (d) She was molested in her vaginal area; and
- 16 (e) She was called racial slurs.

17 3. Janet Arvizo has admitted to lying under oath in her deposition in that case.  
18 She stated under oath that her husband had never struck her and that her injuries were  
19 caused by J.C. Penney security guards. She now claims that this was untrue.

20 4. J.C. Penny agreed to settle the lawsuit with the Arvizos for \$152,500.00.

21 5. Janet Arvizo's ex husband, David Arvizo, says Janet Arvizo scripted her  
22 children's statement in that case. (Mr. David Arvizo's interview statements, which has  
23 been produced to the Prosecution, are attached hereto as Exhibit A.)

24  
25  
26 <sup>1</sup> Although the event began when Gavin Arvizo was caught shoplifting, the Court has  
27 requested that the Defense not refer to him as a "shoplifter" in opening statement.  
28 Accordingly, the Defense will honor this request.

1           6.     Witness Mary Holzer, a paralegal for a law firm that represented Janet Arvizo,  
2 Gavin Arvizo, Star Arvizo and David Arvizo in the J.C. Penney case, has come forward to  
3 testify that Janet admitted to her that the J.C. Penney case was a fraud. Ms. Holzer will  
4 testify that Janet Arvizo threatened to have the Mexican Mafia injure her child if she ever  
5 revealed this fact. Ms. Holzer will also testify that Janet Arvizo admitted to coaching Gavin  
6 Arvizo to lie in the J.C. Penney lawsuit. (As the Court may know, the Prosecution and  
7 Defenso interviewed Ms. Holzer on Saturday, February 26, 2005, in Los Angeles. A  
8 transcript of this interview is attached hereto as Exhibit B.)

9           7.     When Janet Arvizo applied for welfare and public assistance with the Los  
10 Angeles Public Services, she omitted in her application the J.C. Penney settlement money  
11 she received. Ms. Arvizo also misrepresented her financial situations to various celebrities  
12 and others in her attempts to obtain money from them.

13           The Defense presently does not intend to call any of the defendants in the J.C.  
14 Penney litigation or other witnesses in that case. The Defense also does not intend to call  
15 any percipient witnesses in the J.C. Penney parking lot or other relevant places. In sum,  
16 the Defense has no intention of re-litigating the J.C. Penney case.

17           The Defense will raise the foregoing J.C. Penney issues only as they apply to Janet  
18 Arvizo, Gavin Arvizo, Star Arvizo, and as to David Arvizo and Ms. Holzer. This will not  
19 result in an undue consumption of time.

20           The foregoing proffered evidence is relevant under Evidence Code Section 1101(b)  
21 to prove Janet Arvizo's motive, opportunity, intent, and common design/plan to defraud  
22 the Court in this case and institute false claims against Mr. Jackson.

23           These items of evidence will significantly demonstrate that Janet Arvizo has a  
24 pattern of fabricating facts and manufacturing evidence to further her personal and  
25 financial objectives. As has been addressed in open court, Janet Arvizo accused the J.C.  
26 Penney security guard of sexually assaulting her and accused her ex husband David Arvizo  
27 of sexually molesting their daughter, Davellin Arvizo. Now, she is falsely accusing Mr.  
28

1 Jackson -- the man who she acknowledged helped her and her family when her son was  
2 cancer-stricken -- of child molestation.

3 The proffered evidence is critical to Mr. Jackson's defense and his right to a fair trial  
4 guaranteed by the United States and State Constitutions. Accordingly, Mr. Jackson  
5 respectfully requests that the Court allow the Defense to mention the referenced J.C.  
6 Penney evidence in opening statement.

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DATED: February 28, 2005

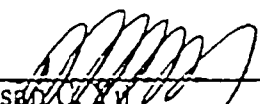
Respectfully submitted,

Thomas A. Mesereau, Jr.  
Susan C. Yu  
COLLINS, MESEREAU, REDDOCK & YU

Robert M. Sanger  
SANGER & SWYSEN

Brian Oxman  
OXMAN & JAROSCAK

By:

  
\_\_\_\_\_  
Susan C. Yu  
Attorneys for Mr. MICHAEL J. JACKSON

1 PROOF OF SERVICE

2 I, the undersigned, declare:

3 I am a citizen of the United States of America, am over the age of eighteen (18)  
4 years, and not a party to the within action. I am employed at 1875 Century Park East, 7<sup>th</sup>  
5 Floor, Los Angeles, CA 90067. On February 28, 2005, I served the following document:

6 **MEMORANDUM REGARDING THE USE OF J.C. PENNEY ISSUES IN DEFENSE**  
7 **OPENING STATEMENT**

8 on the interested parties addressed as follows:

9 Thomas Sneddon, Esq., District Attorney  
10 Gerald Franklin, Esq.  
11 Ronald Zonen, Esq.  
12 Gordon Auchincloss, Esq.  
13 District Attorney's Office  
14 1105 Santa Barbara Street  
15 Santa Barbara, CA 93108  
16 FAX: (805) 568-2398

17        BY MAIL: I placed each envelope, containing the foregoing document, with postage  
18 fully prepaid, in the United States mail at Los Angeles, California. I am readily familiar  
19 with the business practice for collection and processing of mail in this office; that in the  
20 ordinary course of business said document would be deposited with the US Postal Service  
21 in Los Angeles on that same day.

22        BY FACSIMILE: I served a copy of the within document on the above-interested  
23 parties, by way of a facsimile, at the facsimile numbers listed above.

24        BY PERSONAL DELIVERY: I personally served the within document on the above  
25 interested parties.

26   X   (State) I declare under penalty of perjury under the laws of the State of California  
27 that the foregoing is true and correct.

28        (Federal) I declare that I am employed in the office of a member of the bar of this  
court at whose direction the service was made.

Executed on February 28, 2005, at Los Angeles, California.

22  
23   
24

EXHIBIT A

SCOTT I. ROSS  
PRIVATE INVESTIGATIONS

AREA CODE 818  
TELEPHONE: 884-8060

CALIFORNIA LICENSE PI-9827

AREA CODE 818  
FACSIMILE: 884-8902

David Arviso  
[REDACTED]  
[REDACTED]

I received a call from David Arviso on November 10, 2004, with additional information. He recalled the names of two persons with MTA, Rick and David, that had organized the MTA to produce some charitable collections for Gavin. He did not have the last names of the two, but supplied me with phone numbers

David - [REDACTED]

Rick - [REDACTED]

David referred me to Louise Palanker, a woman they met through the Laugh Factory that had written them checks for \$20,000. According to David, she had told Janet "if you need more, let me know." He also said Louise approached him and asked if Janet had ever been diagnosed as Bi-Polar.

David's position was that Gavin didn't need anything, and that Janet was exploiting his illness as a way to collect money. David said he was working and was able to care for his own family. He referred to Jamie Masada and the interviews that he has heard Masada indicate he was against introducing Gavin to MJJ, and described that as a lie.

David also said that Janet had repeatedly approached Fritz Coleman to play and replay the ads for the charitable donations to Gavin.

Neither of these numbers were still current and were not traceable.

P.O. BOX 8374, WOODLAND HILLS, CA 91365-6374 - SROSSINV@YAHOO.COM

MJ029340

SCOTT I. ROSS  
PRIVATE INVESTIGATIONS

AREA CODE 818  
TELEPHONE: 884-8900

CALIFORNIA LICENSE PI-0837

AREA CODE 818  
FACSIMILE: 884-8902

David Garvino Arvizo  
1307 Holtwood Ave.  
So. El Monte, CA 91733  
(626) 579-0162

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On October 27 2,004, I met with and interviewed David Arvizo at the home of his parents, Marlene and Raymond Arvizo. Mr. Arvizo indicated that he was not represented by an attorney; and for this particular matter has never been represented by an attorney. With respect to Mr. Halprin, Mr. Arvizo indicated he was retained for purposes of the domestic violence matter and later was used for the divorce from Janet. He added that Halprin had represented his brother Ray in a criminal matter, and was contacted specifically for that reason. As for this issue, Mr. Arvizo indicated his contempt and anger with Mr. Halprin's public representation that he is David Arvizo's attorney. Mr. Arvizo said, "I don't have an attorney, and when my public service is done for the domestic violence case, I will never have to see him again."

I advised David that my focus was simply Janet and conducting a thorough background investigation of her. This included any information he could give, such as prior addresses or employers, or any anecdotes he wanted to relay. He was admonished that were only interested in the truth, and that he was free to not answer anything he did not want to. He would not allow the conversation to be tape recorded. We ultimately left the house and continued our conversation at the Carrow's Restaurant off of Rosemead and the 60 freeway.

David also stated that he had been waiting for someone to approach him. He did not attempt to contact the defense team for fear that it would appear he was trying to get something.

David discussed the JC Penney matter, relating the facts as follows:

Janet had applied for and received a job with the loss prevention unit of Oshman's Sporting Goods Store. She was required to fill out paperwork and then take a drug test. While Janet was inside getting her paperwork together, he and the boys, Star and Gavin, went into JC Penney's which neighbors Oshman's. While in JC Penney's, Gavin located clothing that was suitable for his new school uniforms.<sup>1</sup>

<sup>1</sup> Maxson Elementary had recently changed to wearing uniforms. According to David, Gavin was excited about this change.



Gavin grabbed up the clothing and ran out to their van. As a game, the children would often have the keys to the car to push the buttons on the remote that will open and unlock the car. Gavin, then 8 years old, proceeded to take these cloths to the car. As David saw him exit the store, he grabbed Star and followed Gavin to return the clothing. Before David could get to the car, he was swarmed by the security people attempting to apprehend him for shoplifting.

At this time, Janet was exiting Oshman's and was unaware of what was happening. Janet only saw David being attacked and the two small boys with him. Janet jumped into the melee to protect David and her sons. He indicated she jumped into the pile and yelled, "run David." While David was being detained, the scuffle with Janet continued. David was ultimately (voluntarily) escorted back to JC Penney. David was not aware nor did he hear what was said to Janet by the security persons.

Once inside David was able to make the security prisons understand what had happened and ultimately straightened out the entire matter. No charges were filed by JC Penney. David's present belief is Janet, having worked in the loss prevention unit for Von's grocery store, was aware certain protocol that would have created problems for the security persons. Things like calling people "dumb Mexicans" and saying "they were trained to steal." He added, in accordance with Janet's true vindictive manner, she orchestrated the lawsuit against JC Penney with her knowledge of dos and don'ts of the loss prevention industry.

Upon their return home, Janet ordered David and the boys, in their limited ability, to write out their version of what had happened. She then took the versions and typed out what she wanted from those. The typed versions were returned to the children, becoming required reading and study on a daily basis. According to David this was one of their daily tasks. He added this went on for a very long time. His recollection was at least one year before they were deposed.

David was concerned that he used the word "coached" at some point, but then retracted that comment. He now holds fast to the story that they kids were, in fact, coached. More importantly, David claims to still have one of these typed stories in his paperwork at his parents.<sup>2</sup>

After having been fired from the Von's Grocery loss prevention unit, Janet attempted to fight the termination by getting people to testify on her behalf. There were 150 loss prevention persons, Janet being the only female. Janet was unable to

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<sup>2</sup> I have asked him to look for it, as soon as possible.

obtain anybody willing to assist and as a result, David claims she checked herself into and out patient center for addicts and depression. The clinic is sponsored by Kaiser, somewhere "above Chinatown." He claims she checked herself in to enhance and demonstrate her, now, mental stress brought on by the termination. Von's ultimately terminated the loss prevention program and Janet changed her plan.

In an attempt to enhance her settlement with JC Penney, however, Janet never "worked a day" at Oshman's, claiming she was unable with the injuries sustained. Hence, a loss of earnings claim became part of the suit. The case ultimately settled for about \$160,000 according to David. They had gone to a "mediator"<sup>3</sup> where they were offered \$300,000. He said upon Janet's hearing this, she demanded \$500,000, and that the kids be placed in a JC Penny's (television) commercial.

Gavin was ultimately deposed at the peak of his illness while still in a hospital bed. Janet orchestrated and timed the deposition to cause sympathy, in an attempt to force JC Penny to settle this matter. While Gavin was being deposed, David claims Janet had a nurse give him medication and instructed Gavin to "act" tired and fatigued. Although he confirmed Gavin was sick, this was actually one of his better days.

David's recollection of the breakdown for the settlement was Star - \$28,000, Gavin - \$32,000, and he and Janet received \$26,000. Of that money, David took \$5,000 that he passed on to Halprin to pay for his divorce. Janet retained the balance. He believes the kid's money was placed into a trust although he has never seen any of the paperwork.

With respect to trusts, David indicated that when Gavin first became ill, the severity of his illness was broadcast on NBC by Fritz Colman, announcing a trust account to allow people to make donations to help Gavin. Janet chose the Washington Mutual bank across the street from the Laugh Factory for the account. David says he has the account number, but that neither he nor Gavin ever saw any of that money. They were too afraid to ask Janet what ever happened to it, moreover, have no idea how much was collected.

David described Janet as determined. He said she develops an idea, and will do whatever it takes to see that through. He described her as being controlling and manipulative, and that she has never been forthcoming with her ability to tell the truth if it does not suit her purpose. For example, even though the divorce papers

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<sup>3</sup> I believe he meant to Arbitration

indicate she is required to stop taking money for spousal support after she is married, Janet continues to take \$1499 from his checks each month.<sup>4</sup>

He sees and described Janet as an opportunist. He met her at 16 when she was in high school at Ramona Convent Prep School, when she was called Janet Ventura. He believed someone failed to cross a "t" and she was entertained enough to call herself Janet. He described her as "schizophrenic and delusional" and indicates that she hears voices. He cited several situations that she would say, "What's that? Did you hear that?" when there was nothing there.

David went on to cite her "insanity" by equating her naming of the baby "Michael Jackson" to naming your "Jeffrey Dahmer" after he had caught your son's arm. He asked, "If she has had such a traumatic experience with Michael Jackson, why would you want to constantly be reminded of him?" He does not believe a word she says, and knows that she manipulates and controls the children. It is his belief that Davellin and Star are deathly afraid of her.

David described Janet as coming from an abused childhood and abusive parents. He was not certain of the sexual abuse, but indicated she would accidentally injure herself and not cry or make a noise. He said her parents would lock her behind a door and sit outside telling her stories that scared her, held her under water for periods of time and constantly telling her "ugly things."

A female second cousin of Janet's, Chris Espejo (female) confided in David, that she had been sexually and physically abused by Janet, which he believes manifested from Janet having been abused by her parents. Chris is five years younger than Janet, and when she was between 8 and 10, Janet would "touch her." Chris' father, Joe Espejo<sup>5</sup>, is Maria Ventura's first cousin. They lived two doors away from the Ventura's.

David said when they got married and started going to his family's house, Janet saw how close the siblings were and would no longer allow David to go over there.<sup>6</sup> Janet had issues with her own family, constantly fighting. He cited one occasion where he had to stop her from breaking every piece of glass in the house. David said Janet became enraged at her parents and went through the house breaking every piece of crystal, glass or china. In this process, cut her foot, which she later reported as David stabbing her in the foot.

<sup>4</sup> He has asked us for her date of marriage to Jay Jackson.

<sup>5</sup> David claims Ernie was LAPD or LASD and was terminated for drug possession.

<sup>6</sup> David's mother told me she had not seen the grandchildren in years. She has 20 grandchildren, and these are the only ones she never sees. Janet will not allow David's parents to see the kids.

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When they began having problems, before the media attention, David Antonio Ventura Jr. (Janet's brother) told David Arvizo that his sister was insane and that if he ever needed him to testify for him, David Arvizo had to promise to call him. David Ventura said Janet was not fit to raise the children.<sup>7</sup> He recalled a time when he pulled up to the Janet's parent's house, and brother David was pulling Janet out of the house by the hair. On this occasion, Janet had both David Jr. and his wife arrested by El Monte PD.<sup>8</sup> David added Joe Espejo and his daughter Chris to the people that indicated would testify that Janet was not to be believed.

David also believes Janet had told David Ventura, Jr., about a "bogus suit" she had concocted with the kids. He describes David Jr. as a very religious person and does not believe he will lie for Janet. He recently moved from Barstow to Riverside, but David Arvizo does not know where he is at currently.

Davis said he received a call one day from Janet after they had separated and after she had been contacted by the district attorney's office regarding Haynes. She told him that if David did not come back to her, she would file a "domestic violence suit" against him. He recalls that she was with him shortly after that, and made him stop at a Kinko's on Atlantic off of the 60 Freeway.<sup>9</sup> She got out and made a call from a payphone and believes she was calling another man. He described Janet as "looking for money any where she could get it."

The conversation turned then, to the Ford Bronco. David's version is as follows; When he stopped working to take care of Gavin, he was essentially living at the hospital. His car was ultimately repossessed, and MJJ heard that he did not have a car. David says MJJ allowed David to "borrow" the Bronco; it was never given to him. He quoted MJJ as saying, "This is for you to use, just like if you were an employee. The insurance, everything is covered."

David said MJJ did not like Janet, and did not want her to drive the car. At some point, Janet came and took the keys from David. He claims the next time he saw it, the right side was severely damaged. She went to his father's ranch, where the Arvizo family keeps their horses, and Janet drove the Bronco through a fence, directly at him. The vehicle sustained additional damage and Janet called Gary<sup>10</sup> to (paraphrasing) "come get the car, it needs to be fixed." The vehicle was picked up and not returned, as MJJ loaned the car to David, not Janet.<sup>11</sup>

<sup>7</sup> David believes that he will be helpful if we can find him. He is an oil worker and transient.

<sup>8</sup> David Anthony Ventura - There are a series of arrests, but none with a female as co-defendant.

<sup>9</sup> David claims this is where she does all of her "business."

<sup>10</sup> David says Gary is in charge of all of the MJJ vehicles.

<sup>11</sup> David said at this point, MJJ knows what kind of person I am and he knows who Janet is."

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David returned the conversation back to the Washington Mutual trust account. He believes that Janet paid off all of her debts, including student loans.<sup>12</sup>

With respect to the domestic violence cases, David said that it was Janet who was the violent one and that she beat him and the kids regularly. He had an interesting outlook for this, using the psychological theory: Children always gravitate to the parent they are afraid of losing. This is why they stick with her, even though they are treated badly. They know that no matter what, he will always be there for them as he has in the past. He added that since they were babies, he was the one that changed their diapers, fed them, took them to school and nurtured them. He said Janet was always in school, taking 26 units a year at Fullerton College, Citrus College or Mt. Antonio's College.<sup>13</sup>

David claims that during a restraining order violation hearing, Davellin was testifying that David showed up at her school in his brother Ray's VW Rabbit.<sup>14</sup> Davellin said her father called her over to the car and when she went, pulled her arm and forced her into the car. When questioned on the stand, David claims the judge stopped the proceedings and took Davellin and the two attorneys into his chambers and advised her she was old enough (14 years) to be held responsible for perjury. She came back to the stand and recanted that she had been injured or that he grabbed her arm, but maintained the story that he showed up at the school. David believes this story and its change was done out of Davellin's fear of Janet. Janet had to have some form of violation and this was Davellin's compromise.

Davellin once confided in David, that she recalled as a small child, Janet holding a knife to her throat and threatening to kill her and all of them. He was surprised and saddened that she still remembers that incident. He recalled them accusing him of telling them "I am going to have you killed."

David says Janet has a history and habit of telling people that everyone is always going to have her killed. When the domestic violence issue arose, Janet indicated that David's brother "Ray" knows people that will have them killed.<sup>15</sup> "Janet is obsessed with telling people someone is threatening to kill her." He recalled Janet's representation to the LAPD, that while she was living at the [REDACTED] address, two people, a "big white girl" and a "dark Mexican guy" came to her door and threatened to kill her for David. He said when the police offered her witness

<sup>12</sup> According to David, she never went to anything by junior colleges. I am not sure what loans he could be talking about.

<sup>13</sup> David said she has an AS in Criminal Justice.

<sup>14</sup> David claims Ray can prove the car was in the shop that day.

<sup>15</sup> Ray had felony drug charges. His lawyer was Halprin, to whom Ray directed David.

MJ029348

protection, she declined. David added that Janet is constantly accusing him of these crimes and violation, sending letters to the court, yet points out that no one has arrested or approached him yet.

David said the DA's office was yelling at him, accusing him of beating Janet and referred to photographs in a police report. The inference there, was the pictures showed Janet's face all beaten and bruised. He claims that when he arrived at the house, Janet was walking towards the car. He was driving his father's Cadillac that day, and rolled the window up part way. David claims Janet reached into the car, in an attempt to shut it off and take the keys, a practice she regularly engaged in. He recalled an occasion when she shut the car off and took the keys and left David sitting in a stopped vehicle with no keys at a red light.

David recalled when he had the Bronco and they had gone to Las Vegas to see MJJ. Chris Tucker had invited the kids out to where he was filming a movie. On the set, the kids were out of control, and he could not do anything with them, as Janet was the disciplinarian. When she arrived, the kids were the perfect angels, because they were afraid she would beat them if they were not. Chris Tucker made a joke about this that angered Janet. He recalled the drive back took 16 hours, indicating that Janet would get mad at him, and start to kick at him while leaning against the passenger door. Because of this, he would periodically stop the car. When he stopped, Janet exited the vehicle and walked into the "pitch black desert" only to return later. He added that all of the children were present for this.

David has heard through various reports in the press, that he gave away all of their furniture. He referred me to the managers of the apartment they lived in Azusa, at [REDACTED]. This is where they were when Janet gave away all of the children's furniture to a neighbor. David added that the Azusa Police Department were called out on a weekly basis by neighbors, and they were ultimately invited to leave by the managers who were afraid something might happen to the property. He could not recall exact addresses, but also referred me to the owners of a condo on Maxson St.<sup>16</sup> in El Monte, and an apartment on Clark St.<sup>17</sup> in Baldwin Park.

David spoke briefly about the situation at the ranch. He just wanted to let me know that Janet was never held captive, that it was a known fact that you had to request a ride out of the ranch a day before, as arrangements had to be made with the limo company that MJJ used, JJ's Limo, out of Beverly Hills. Unless there was

<sup>16</sup>  
<sup>17</sup>

MJ029349

someone around to drive you out, there was no way to leave. And according to David, there was never anyone around. He was adamant that this was a known fact to visitors to the ranch.

David described Gavin as a very intelligent boy, however added that he has been kicked out of every school in the Mountain View School District where he attended while living in El Monte. David says he was removed for fighting, although it is David's contention that these fights were with bullies taking on other people and that Gavin was their rescuer.<sup>18</sup>

David it also indicated that when the boys were seven and eight years old Janet held Gavin back as a result of his "problems" in school. A teacher believed he should be held back because he could not spell his name. Janet wanted the boys to be in the same class and claims that Star's birthday, December 11, was after the cut off date of December 2. Rather than hold Gavin back another year, he claims that Janet changed the date on Star's birth certificate to that of December 2, and submitted this to the school district. This is why the boys are in the same grade today's date. This was an example David gave of Janet's determination.

He recalled the time he first learned Gavin was sick. David said he took the apartment on Soto St. to be close to the hospital to be with Gavin night and day. While there, David enrolled Gavin in a Catholic School, Assumption on Evergreen St. in East LA. He said Gavin was thrown out of that school as well.

David suggested to me that we contact anyone of the nursing staff or doctors, stating they will confirm Janet was never there and when she was, it was chaos. Janet refused to allow the hospital to use their blood for a transfusion and wanted to have a "celebrity blood drive."

While David was off work and even though money was supposedly coming in from these donors to the Washington Mutual account, Janet insisted that David get disability. He went to a psychiatrist to get stress leave, but was told that this was a natural reaction to a person who has just learned that his child has cancer. Janet insisted that he continue to search and went to another psychiatrist that he refers to as a "State Doctor" to get a disability. According to David, Janet's insistence was causing him more stress and when he related this "cause of hers" to this doctor, he placed David on disability. He also added that Janet took each of these checks, signed and cashed them. This was more money he never saw.

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<sup>18</sup> David referred me to the assistant superintendent "Tom."

MJ029350

This led David to the health insurance issue. The stories that Janet had telling about his canceling the insurance were as result of the big grocery store strike. He indicated that his union honored the strike and once they were out of work, were out of insurance. Janet knew this.

In 2000, Janet was working at the Weston Bonaventure Hotel in downtown Los Angeles. She was a waitress in the restaurant in the lobby area. He said she told them she had no children when she was hired, believing they would not have hired a mother her age with three small children. While there, she began having an affair and dating a man named Michael Haynes. Haynes was with the CHP, working security at the Democratic National Convention. David added that Haynes was later convicted of child molestation, and Janet was interviewed by the prosecution.<sup>19</sup> David also recalled that Star carried a picture of Haynes in his wallet.

When asked if his children were victims of Haynes, David responded by saying he did not know, but it was not like his children to allow this or not say anything if this were to be happening. Another reason David he does not believe this story about MJJ is true. David attributes Gavin's life to MJJ, saying that he walked him through the cancer, praying with him and keeping Gavin going when he was constantly throwing up from the chemotherapy. In fact, David said it was MJJ that taught him how to act with the children so as not to scare them about the disease.

Janet had another short job at Superior Markets, El Monte, as a checker. David added, according to Janet, she was "chumming" up to the owner and was planning on running the company someday.

David began to talk about his dealing with Davellin when she was 18 at his deposition. He said she came in and was reading from a statement prepared by her mother and when David attempted to talk to her, was interrupted by Janet's attorney. The attorney told him if he wasn't going to listen, he could not see or talk to his daughter. David invited Davellin and the attorney to leave. He added that she is now living with her grandparents, that she does not like Jay Jackson. He has also been told that Janet has accepted \$100,000 advance for a book deal after the trial.<sup>20</sup>

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<sup>19</sup> Michael Haynes [REDACTED]. He is currently in Pleasant Valley State Prison, Coalinga.


<sup>20</sup> This is information David says is coming from Carol LaMere.

MJ029351



Interviewer: Scott Ross

Date: 10/27/04

David Gavino Arvizo  


On October 27, 2004, I met with and interviewed David Arvizo at the home of his parents, Marlene and Raymond Arvizo. Mr. Arvizo indicated that he was not represented by an attorney, and for this particular matter has never been represented by an attorney.

David discussed the JC Penney matter, relating the facts as follows:

Janet had applied for and received a job with the loss prevention unit of Oshman's Sporting Goods Store. She was required to fill out paperwork and then take a drug test. While Janet was inside getting her paperwork together, he and the boys, Star and Gavin, went into JC Penney's which neighbors Oshman's.

While in JC Penney's, Gavin located clothing that was suitable for his new school uniforms.<sup>1</sup> Gavin grabbed up the clothing and ran out to their van. As a game, the children would often have the keys to the car to push the buttons on the remote that will open and unlock the car. Gavin, then 8 years old, proceeded to take these cloths to the car. As David saw him exit the store, he grabbed Star and followed Gavin to return the clothing. Before David could get to the car, he was swarmed by the security people attempting to apprehend him for shoplifting.

At this time, Janet was exiting Oshman's and was unaware of what was happening. Janet only saw David being attacked and the two small boys with him. Janet jumped into the melee to protect David and her sons. He indicated she jumped into the pile and yelled, "run David." While David was being detained, the scuffle with Janet continued. David was ultimately (voluntarily) escorted back to JC Penney. David was not aware nor did he hear what was said to Janet by the security persons.

Once inside David was able to make the security prisons understand what had happened and ultimately straightened out the entire matter. No charges were filed by JC Penney. David's present belief is Janet, having worked in the loss prevention unit for Von is grocery store, was aware certain protocol that would

<sup>1</sup> Maxson Elementary had recently changed to wearing uniforms. According to David, Gavin was excited about this change.

MJ033725

have created problems for the security persons. Things like calling people "dumb Mexicans" and saying "they were trained to steal." He added, in accordance with Janet's true vindictive manner, she orchestrated the lawsuit against JC Penney with her knowledge of dos and don'ts of the loss prevention industry.

Upon their return home, Janet ordered David and the boys, in their limited ability, to write out their version of what had happened. She then took the versions and typed out what she wanted from those. The typed versions were returned to the children, becoming required reading and study on a daily basis. According to David this was one of their daily tasks. He added this went on for a very long time. His recollection was at least one year before they were deposed.

David was concerned that he used the word "coached" at some point, but then retracted that comment. He now holds fast to the story that they kids were, in fact, coached. More importantly, David claims to still have one of these typed stories in his paperwork at his parents.<sup>2</sup>

After having been fired from the Von's Grocery loss prevention unit, Janet attempted to fight the termination by getting people to testify on her behalf. There were 150 loss prevention persons, Janet being the only female. Janet was unable to obtain anybody willing to assist and as a result, David claims she checked herself into and out patient center for addicts and depression. The clinic is sponsored by Kaiser, somewhere "above Chinatown." He claims she checked herself in to enhance and demonstrate her, now, mental stress brought on by the termination. Von's ultimately terminated the loss prevention program and Janet changed her plan.

In an attempt to enhance her settlement with JC Penney, however, Janet never "worked a day" at Oshman's, claiming she was unable with the injuries sustained. Hence, a loss of earnings claim became part of the suit. The case ultimately settled for about \$160,000 according to David. They had gone to a "mediator"<sup>3</sup> where they were offered \$300,000. He said upon Janet's hearing this, she demanded \$500,000, and that the kids be placed in a JC Penny's (television) commercial.

Gavin was ultimately deposed at the peak of his illness while still in a hospital bed. Janet orchestrated and timed the deposition to cause sympathy, in an attempt to force JC Penny to settle this matter. While Gavin was being deposed, David claims Janet had a nurse give him medication and instructed Gavin to "act" tired and fatigued. Although he confirmed Gavin was sick, this was actually one of his better days.

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<sup>2</sup> I have asked him to look for it, as soon as possible.

<sup>3</sup> I believe he meant to Arbitration

MJ033726

David's recollection of the breakdown for the settlement was Star - \$28,000, Gavin - \$32,000, and he and Janet received \$26,000. Of that money, David took \$5,000 that he passed on to Halprin to pay for his divorce. Janet retained the balance. He believes the kid's money was placed into a trust although he has never seen any of the paperwork.

With respect to trusts, David indicated that when Gavin first became ill, the severity of his illness was broadcast on NBC by Fritz Coleman, announcing a trust account to allow people to make donations to help Gavin. Janet chose the Washington Mutual bank across the street from the Laugh Factory for the account. David says he has the account number, but that neither he nor Gavin ever saw any of that money. They were too afraid to ask Janet what ever happened to it, moreover, have no idea how much was collected.

David described Janet as determined. He said she develops an idea, and will do whatever it takes to see that through. He described her as being controlling and manipulative, and that she has never been forthcoming with her ability to tell the truth if it does not suit her purpose. For example, even though the divorce papers indicate she is required to stop taking money for spousal support after she is married, Janet continues to take \$1499 from his checks each month.<sup>4</sup>

He sees and described Janet as an opportunist. He met her at 16 when she was in high school at Ramona Convent Prep School, when she was called Janel Ventura. He believed someone failed to cross a "t" and she was entertained enough to call herself Janel. He described her as "schizophrenic and delusional" and indicates that she hears voices. He cited several situations that she would say, "What's that? Did you hear that?" when there was nothing there.

David went on to cite her "insanity" by equating her naming of the baby "Michael Jackson" to naming your "Jeffrey Dahmer" after he had eaten your son's arm. He asked, "If she has had such a traumatic experience with Michael Jackson, why would you want to constantly be reminded of him?" He does not believe a word she says, and knows that she manipulates and controls the children. It is his belief that Davellin and Star are deathly afraid of her.

David described Janet as coming from an abused childhood and abusive parents. He was not certain of the sexual abuse, but indicated she would accidentally injure herself and not cry or make a noise. He said her parents would lock her behind a door and sit outside telling her stories that scared her, held her under water for periods of time and constantly telling her "ugly things."

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<sup>4</sup> He has asked us for her date of marriage to Jay Jackson.

MJ033727

A female second cousin of Janet's, Chris Espejo, confided in David, that she had been sexually and physically abused by Janet, which he believes manifested from Janet having been abused by her parents. Chris is five years younger than Janet, and when she was between 8 and 10, Janet would "touch her." Chris' father, Joe Espejo<sup>5</sup>, is Maria Ventura's first cousin. They lived two doors away from the Ventura's.

David said when they got married and started going to his family's house, Janet saw how close the siblings were and would no longer allow David to go over there.<sup>6</sup> Janet had issues with her own family, constantly fighting. He cited one occasion where he had to stop her from breaking every piece of glass in the house. David said Janet became enraged at her parents and went through the house breaking every piece of crystal, glass or china. In this process, cut her foot, which she later reported as David stabbing her in the foot.

When they began having problems, before the media attention, David Antonio Ventura Jr. (Janet's brother) told David Arvizo that his sister was insane and that if he ever needed him to testify for him, David Arvizo had to promise to call him. David Ventura said Janet was not fit to raise the children.<sup>7</sup> He recalled a time when he pulled up to the Janet's parent's house, and brother David was pulling Janet out of the house by the hair. On this occasion, Janet had both David Jr. and his wife arrested by El Monte PD.<sup>8</sup> David added Joe Espejo and his daughter Chris to the people that indicated would testify that Janet was not to be believed.

David also believes Janet had told David Ventura, Jr., about a "bogus suit" she had concocted with the kids. He describes David Jr. as a very religious person and does not believe he will lie for Janet.

Davis said he received a call one day from Janet after they had separated and after she had been contacted by the district attorney's office regarding Haynes. She told him that if David did not come back to her, she would file a "domestic violence suit" against him. He recalls that she was with him shortly after that, and made him stop at a Kinko's on Atlantic off of the 60 Freeway.<sup>9</sup> She got out and made a call from a payphone and believes she was calling another man. He described Janet as "looking for money any where she could get it."

<sup>5</sup> David claims Ernie was LAPD or LASD and was terminated for drug possession.

<sup>6</sup> David's mother told me she had not seen the grandchildren in years. She has 20 grandchildren, and these are the only ones she never sees. Janet will not allow David's parents to see the kids.

<sup>7</sup> David believes that he will be helpful if we can find him. He is an oil worker and transient.

<sup>8</sup> David Anthony Ventura - There are a series of arrests, but none with a female as co-defendant.

<sup>9</sup> David claims this is where she does all of her "business."

MJ033728

The conversation turned then, to the Ford Bronco. David's version is as follows; When he stopped working to take care of Gavin, he was essentially living at the hospital. His car was ultimately repossessed, and MJJ heard that he did not have a car. David says MJJ allowed David to "borrow" the Bronco; it was never given to him. He quoted MJJ as saying, "This is for you to use, just like if you were an employcc. The insurance, evcrything is covered."

David said MJJ did not like Janet, and did not want her to drive the car. At some point, Janet came and took the keys from David. He claims the next time he saw it, the right side was severely damaged. She went to his father's ranch, where the Arvizo family keeps their horses, and Janet drove the Bronco through a fence, directly at him. The vehicle sustained additional damage and Janet called Gary<sup>10</sup> to (paraphrasing) "come get the car, it needs to be fixed." The vehicle was picked up and not returned, as MJJ loaned the car to David, not Janet.<sup>11</sup>

David returned the conversation back to the Washington Mutual trust account. He believes that Janet paid off all of her debts, including student loans.<sup>12</sup>

With respect to the domestic violence cases, David said that it was Janet who was the violent one and that she beat him and the kids regularly. He had an interesting outlook for this, using the psychological theory: Children always gravitate to the parent they are afraid if losing. This is why they stick with her, even though they are treated badly. They know that no matter what, he will always be there for them as he has in the past. He added that since they were babies, he was the one that changed their diapers, fed them, took them to school and nurtured them. He said Janet was always in school, taking 26 units a year at Fullerton College, Citrus College or Mt. Antonio's College.<sup>13</sup>

David claims that during a restraining order violation hearing, Davellin was testifying that David showed up at her school in his brother Ray's VW Rabbit.<sup>14</sup> Davellin said her father called her over to the car and when she went, pulled her arm and forced her into the car. When questioned on the stand, David claims the judge stopped the proceedings and took Davellin and the two attorneys into his chambers and advised her she was old enough (14 years) to be held responsible for perjury. She came back to the stand and recanted that she had been injured or that he grabbed her arm, but maintained the story that he showed up at the school.

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<sup>10</sup> David says Gary is in charge of all of the MJJ vehicles.

<sup>11</sup> David said at this point, MJJ knows what kind of person I am and he knows who Janet is."

<sup>12</sup> According to David, she never went to anything by junior colleges. I am not sure what loans he could be talking about.

<sup>13</sup> David said she has an AS in Criminal Justice.

<sup>14</sup> David claims Ray can prove the car was in the shop that day.

MJ033729

David believes this story and its change was done out Davellin's fear of Janet. Janet had to have some form of violation and this was Davellin's compromise.

Davellin once confided in David, that she recalled as a small child, Janet holding a knife to her throat and threatening to kill her and all of them. He was surprised and saddened that she still remembers that incident. He recalled them accusing him of telling them "I am going to have you killed."

David says Janet has a history and habit of telling people that everyone is always going to have her killed. When the domestic violence issue arose, Janet indicated that David's brother "Ray" knows people that will have them killed.<sup>15</sup> "Janet is obsessed with telling people someone is threatening to kill her." He recalled Janet's representation to the LAPD, that while she was living at the [REDACTED] address, two people, a "big white girl" and a "dark Mexican guy" came to her door and threatened to kill her for David. He said when the police offered her witness protection, she declined. David added that Janet is constantly accusing him of these crimes and violation, sending letters to the court, yet points out that no one has arrested or approached him yet.

David said the DA's office was yelling at him, accusing him of beating Janet and referred to photographs in a police report. The inference there, was the pictures showed Janet's face all beaten and bruised. He claims that when he arrived at the house, Janet was walking towards the car. He was driving his father's Cadillac that day, and rolled the window up part way. David claims Janet reached into the car, in an attempt to shut it off and take the keys, a practice she regularly engaged in. He recalled an occasion when she shut the car off and took the keys and left David sitting in a stopped vehicle with no keys at a red light.

David recalled when he had the Bronco and they had gone to Las Vegas to see MJJ. Chris Tucker had invited the kids out to where he was filming a movie. On the set, the kids were out of control, and he could not do anything with them, as Janet was the disciplinarian. When she arrived, the kids were the perfect angels, because they were afraid she would beat them if they were not. Chris Tucker made a joke about this that angered Janet. He recalled the drive back took 16 hours, indicating that Janet would get mad at him, and start to kick at him while leaning against the passenger door. Because of this, he would periodically stop the car. When he stopped, Janet exited the vehicle and walked into the "pitch black desert" only to return later. He added that all of the children were present for this.

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<sup>15</sup> Ray had felony drug charges. His lawyer was Halprin, to whom Ray directed David.

MJ033730

David has heard through various reports in the press, that he gave away all of their furniture. He referred me to the managers of the apartment they lived in Azusa, at [REDACTED]. This is where they were when Janet gave away all of the children's furniture to a neighbor. David added that the Azusa Police Department were called out on a weekly basis by neighbors, and they were ultimately invited to leave by the managers who were afraid something might happen to the property. He could not recall exact addresses, but also referred me to the owners of a condo on Maxon St.<sup>16</sup> in El Monte, and an apartment on Clark St.<sup>17</sup> in Baldwin Park.

David spoke briefly about the situation at the ranch. He just wanted to let me know that Janet was never held captive, that it was a known fact that you had to request a ride out of the ranch a day before, as arrangements had to be made with the limo company that MJJ used, JJ's Limo, out of Beverly Hills. Unless there was someone around to drive you out, there was no way to leave. And according to David, there was never anyone around. He was adamant that this was a known fact to visitors to the ranch.

David described Gavin as a very intelligent boy, however added that he has been kicked out of every school in the Mountain View School District where he attended while living in El Monte. David says he was removed for fighting, although it is David's contention that these fights were with bullies taking on other people and that Gavin was their rescuer.<sup>18</sup>

David also indicated that when the boys were seven and eight years old Janet held Gavin back as a result of his "problems" in school. A teacher believed he should be held back because he could not spell his name. Janet wanted the boys to be in the same class and claims that Star's birthday, December 11, was after the cut off date of December 2. Rather than hold Gavin back another year, he claims that Janet changed the date on Star's birth certificate to that of December 2, and submitted this to the school district. This is why the boys are in the same grade today's date. This was an example David gave of Janet's determination.

He recalled the time he first learned Gavin was sick. David said he took the apartment on Soto St. to be close to the hospital to be with Gavin night and day. While there, David enrolled Gavin in a Catholic School, Assumption on Evergreen. He said Gavin was thrown out of that school as well.

David suggested to me that we contact anyone of the nursing staff or doctors, stating they will confirm Janet was never there and when she was, it was chaos.

<sup>16</sup> [REDACTED]

<sup>17</sup> [REDACTED]

<sup>18</sup> David referred me to the assistant superintendent "Tom."

MJ033731

Janet refused to allow the hospital to use their blood for a transfusion and wanted to have a "celebrity blood drive."

While David was off work and even though money was supposedly coming in from these donors to the Washington Mutual account, Janet insisted that David get disability. He went to a psychiatrist to get stress leave, but was told that this was a natural reaction to a person who has just learned that his child has cancer. Janet insisted that he continue to search and went to another psychiatrist that he refers to as a "State Doctor" to get a disability. According to David, Janet's insistence was causing him more stress and when he related this "cause of hers" to this doctor, he placed David on disability. He also added that Janet took each of these checks, signed and cashed them. This was more money he never saw.

This led David to the health insurance issue. The stories that Janet had telling about his canceling the insurance were as result of the big grocery store strike. He indicated that his union honored the strike and once they were out of work, were out of insurance. Janet knew this.

In 2000, Janet was working at the Weston Bonaventure Hotel in downtown Los Angeles. She was a waitress in the restaurant in the lobby area. He said she told them she had no children when she was hired, believing they would not have hired a mother her age with three small children. While there, she began having an affair and dating a man named Michael Haynes. Haynes was with the CHP, working security at the Democratic National Convention. David added that Haynes was later convicted of child molestation, and Janet was interviewed by the prosecution.<sup>19</sup> David also recalled that Star carried a picture of Haynes in his wallet.

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<sup>19</sup> Michael Haynes [REDACTED] He is currently in Pleasant Valley State Prison, Coalinga.



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Follow up note: David has referred me to Louise Palanker who was solicited and gave the family \$20,000 in two checks. The first was made to himself, the second to Janet. He was forced by Janet to ask Louise for these checks.<sup>21</sup>

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<sup>20</sup> This is information David says is coming from Carol LuMere.

<sup>21</sup> See interview with Palanker. Both checks were deposited into an account belonging to Maria Ventura, Janet's mother.

MJ033733

EXHIBIT B

Interview of Mary Holtzer  
February 26, 2005

12:00 p.m.

Present: Mary Holtzer (M), David Overland (O), Steve Robel (SR), Ron Zonen (RZ), Scott L. Ross (SIR),  
Kelly White (KW), and Brian Oxman (RBO)

RBO: We will record our conversation and if anyone has something they want to say, say it loud and we appreciate it so much. Thank you very much.

O Ok. Tell me when the recorder's on.

SR Hold on.

RBO I've got that one going.

SR Ok.

SIR It's on.

RZ Uh-huh.

[Crosstalk].

M I've got water.

O You did?

K No.

[Crosstalk].

O Before we get started, uh, as I said, although this is just an interview, I'd like to keep this in terms of the questions, as close to admissible evidence as possible and not wander off into matters that deal with evidence that will not be admissible in court. Secondly, everybody was provided with a copy of the statement of the witness and there's a typo in it I want to correct. And that's on page 3, line 7. Does everybody have that?

Z Un-huh.

O Line 7 says -- reads now, "When the assistant was being asked questions . . ." It should say,

1 "When the assistant was asking questions. . . ." And maybe we can all introduce ourselves and  
2 make sure that the recording shows everybody who's here. And I'll start. Mark Overland, and I'm  
3 representing the witness, Mary Holtzer.

4 M Mary Holtzer here.

5 K Kelly White.

6 SR Steve Robel.

7 Z Ron Zonen.

8 RBO I'm Brian Oxman.

9 S I'm Scott Ross. R-O-S-S.

10 O Ok, so who'd like to go first?

11 Z I will. Ms. Holtzer, good afternoon.

12 M Good afternoon.

13 Z Your last name is H-O-L-Z-E-R?

14 M Right

15 Z Am I right? Mary Elizabeth?

16 M Correct.

17 Z Are you still living on Calvert? OK. Tell me please what kind of work you are currently doing.

18 M I'm a office manager.

19 Z For which business?

20 M Law offices of Feldman and Rothstein.

21 Z Any you've had that business for how long?

22 M Ah, I think approx ... In the business?

23 Z Yes.

24 M For 25 years

25 Z 25 ycars with the same firm?

26 M No, I've think I've been there for 20, 21 years, something like that.

27 Z Feldman and Rothstein has been a law firm in existence for that long?

28 M Correct.

1 Z Any you've been with them for 20 plus years?  
2 M Correct.  
3 Z Ok. What kind of work do you do for them?  
4 M Chief cook and bottle washer.  
5 Z What's that mean?  
6 M I handle files. I pay bills. I buy supplies. I have heavy client contact. I do disbursements. I do  
7 banking.  
8 Z Do you have specific training as a paralegal?  
9 M No.  
10 Z Do you consider yourself a paralegal?  
11 M No.  
12 Z How large is the law firm?  
13 M One partner and one associate.  
14 Z Who is the partner? Who is the associate?  
15 M Thomas J. Rothstein, the partner.  
16 Z And the associate?  
17 M Tony Sadri  
18 Z Could you spell the last name?  
19 M S-A-D-R-I.  
20 Z What kind of a practice does Mr. Rothstein have?  
21 M Civil litigation.  
22 Z All right. Has he been doing that exclusively for the whole time you've been working with him?  
23 M He does other things.  
24 Z What .. what type of other cases does he handle?  
25 M He's done some collection matters and some bankruptcy. That's about it  
26 Z Is Mr. Feldman still working in that firm?  
27 M Yes.  
28 Z In what capacity? You didn't mention him when you identified the lawyers.

1 M Mr. Feldman runs the immigration portion.  
2 Z So it ... it ... there is still a Feldman and Rothstein.  
3 M Right  
4 Z Ok  
5 M But I don't work with Mr. Feldman.  
6 Z Ok. Are they part of the same law firm?  
7 M Yes  
8 Z Ok. Any other lawyers working there?  
9 M No.  
10 Z Who handles the litigation cases that actually go to trial?  
11 M Toni Sadri and Thomas Rothstein.  
12 Z And Mr. Rothstein actually tries cases as well  
13 M Oh he second chairs.  
14 Z Mr. Sadri's the trial lawyer?  
15 M Yes.  
16 Z Are there secretaries that working in the firm?  
17 M Yes  
18 Z Ok. You don't do secretarial work?  
19 M Yes, I do.  
20 Z All right. Do you do paralegal work?  
21 M As in drawing a motion?  
22 Z Yes.  
23 M No.  
24 Z No legal researching at all  
25 M No.  
26 Z All right. What was your involvement in the case involving Janet Arvizo and her family against JC  
27 Penny?  
28 M Client contact.

1 Z And what did that involve?

2 M Taking them places, things like that. You know, kind of ... I don't want to say baby-sitting, but kind  
3 of ... Yeah, handled the clients, you know, when she called. I would take her calls. You know, she  
4 wanted updates, I would, you know, ask the attorneys and give her updates.

5 Z Taking her places - what type of places would you take her to?

6 M IMEs, depositions, the mediation, minor's comp hearings, I opened the blocked minor's comps  
7 accounts, things like that

8 Z Ok, when did this litigation commence, do you know? Do you have a recollection of it?

9 M No I haven't

10 Z Do you know what year it was.

11 M No, I don't

12 Z Do you know for what period of time the litigation continued.

13 M It was a long time. I .. I ... I ... really didn't get involved that much until the latter part of the case

14 Z Do you know if the case existed for longer than one year at the time you became involved?

15 M Yes

16 Z All right, so it had been ongoing for over a year?

17 M Yes, I would say so.

18 Z And for what period of time were you involved with it?

19 M I mean, I was involved with it all long, a little bit here you know writing checks and you know I knew  
20 about it in staff meetings when we discuss files and cases and everything. I'm always 'involved. I'm  
21 involved in every file. But I honestly don't know.

22 Z Do you remember your first meeting with Janet Arvizo?

23 M Yeah, actually I met them when they first came in.

24 Z At the very beginning?

25 M At the very beginning

26 Z And who did

27 M The entire family

28 Z The entire family

1 Z So it was David Arvizo and Janet?  
2 M Yes, and the children  
3 Z And how many children came in?  
4 M Ah, three  
5 Z A boy and a girl?  
6 M Two boys and a girl  
7 Z Ok, do you remember their names?  
8 M Of course  
9 Z What are their names?  
10 M Gavin, Star and Davida  
11 Z Davida?  
12 M Yes, she's the oldest daughter.  
13 Z Would you spell that for us?  
14 M D-A-V-I-D-A, I think. I don't know. She wasn't involved so I really didn't write her name much  
15 so  
16 Z All Right. I think you said drive them around. Did you ever have to drive them around?  
17 M Oh yeah.  
18 Z Why is that?  
19 M Because she didn't have a car, they didn't have a car, they didn't drive, they for whatever reason she  
20 didn't have transportation.  
21 Z All right. Did you know the reason she didn't have transportation?  
22 M She just told me, you know, my boss had told me you need to go take them here, you need to go  
23 take them there, you need to do this, you need to do that. I just do what I'm told.  
24 Z You never inquired first as to why she wasn't driving herself?  
25 M I was told she didn't have a car.  
26 Z Did you have to go pick her up at a particular location?  
27 M Yes.  
28 Z How many times would you drive her to different locations, different places?



1 M I can't answer that.

2 Z Would you say it would be more than 10 times?

3 M Yes.

4 Z Or 15 times?

5 M Yes.

6 Z Was her husband there when you were driving them around?

7 M No.

8 Z Do you know where her husband was at that point?

9 M No.

10 Z Did you understand that at some point in the course of this litigation she separated from her  
11 husband?

12 M Yes.

13 Z Did they have a car during the time her husband was involved in this family?

14 M At the time I was told she did not have a car.

15 Z Even when she was with her husband?

16 M Even when she was with her husband.

17 Z Were there ever occasion when you were driving her and her husband as well as the children?

18 M Never, never drove him anywhere.

19 Z Did you ever have any occasion where you dealt with him at all?

20 M When he'd come in the office to talk

21 Z All right, and you would actually meet with him and with her too?

22 M Not exclusively, no he would be meeting with the attorneys and I'd, you know, stick my head in  
23 and

24 Z From the time that you started driving her around was he pretty much out of the picture?

25 M Pretty much

26 Z Do you remember ever driving him with her?

27 M Never.

28 Z Ok. Can you remember him ever being in the office with her after you understood them to be

1 separated?

2 M I don't recall.

3 Z At some point in time the conversation took place that you were referring to in this declaration. I

4 assuming you've read it. It is not a declaration,

5 O No

6 Z Its just a statement. It's not signed, is that right? But you did have an opportunity to review it, did

7 you not?

8 M Yes, sir

9 Z OK, is it accurate?

10 M Yes sir,

11 Z OK. You refer to a conversation that took place before an independent medical examination, is that

12 right?

13 M That's correct.

14 Z Do you remember when that exam took place?

15 M I believe, which exam are you talking about. There was four - five.

16 Z Let's start with the first one. Do you have where any of them took place?

17 M I don't know where they all took place. I, well, I can't give you addresses but I know what street

18 they were on.

19 Z Can you tell us with whom?

20 M If I heard the name I would remember

21 Z Can you remember any of them at this point?

22 M No names. I can tell you what they look like.

23 Z You mean the examiners?

24 M Yeah.

25 Z Would you have been present during the exams?

26 M Yeah.

27 Z Actually while they did the examination?

28 M Yeah

1 Z Even if they were medical exams would you have been present?  
2 M Absolutely, I'm always present at all medical exams.  
3 Z In the room while they are doing the examinations?  
4 M Yes sir.  
5 Z With the boys too?  
6 M No.  
7 Z So you were there with Janet?  
8 M On her, I can't remember if it was her orthopaedic or neurological. Yes, I was in the room.  
9 Z Actually while she was being examined?  
10 M Exactly.  
11 Z Is that habit and custom, is that what you do in the business?  
12 M Yes, yes.  
13 Z And so you do this with all of your clients?  
14 M Yes, sir  
15 Z You're actually present during the examinations?  
16 M Yes sir.  
17 Z If they require gynecological exams, do you do that as well?  
18 M No, never had that come up.  
19 Z All right. So if does it matter how intrusive is the exam, whether or not you're going to be there in  
20 the room?  
21 M Its never come up.  
22 Z OK, so its not unusual that you would be present in the room during the exam?  
23 M No.  
24 Z Right. When you have an exam --  
25 SIR Excuse me. These exams are actually set up by the other party --  
26 M Defense.  
27 SIR Correct?  
28 M Correct.

1 Z Yeah, well, I ...  
2 [Crosstalk]  
3 M I'm there as  
4 SIR Meant more as moral support for the client  
5 M Exactly  
6 Z Right. These are independent medical exams where the --  
7 M Defense  
8 Z -- defense is doing the examination. Yeah, but that is .. that is normal that you would be actually  
9 present during one of those?  
10 M Correct  
11 Z All right, is that ... is that ... was that with Janet's concurrence or her permission or her desire that  
12 she wanted you to be there?  
13 M Yes.  
14 Z Ok, can you tell us which exams your were present for?  
15 M I was present for all of the exams.  
16 Z Can you tell us what they were?  
17 M Janet's IME of .. I ... and I apologize. I can't remember if it was neuro or ortho. Star's neurological  
18 exam.  
19 Z Um-huh  
20 M And Gavin and Star's psychiatric exam.  
21 Z Um-hum  
22 M But not present in the room but present in the building.  
23 Z Um-hum.  
24 M The waiting room because the doctor wouldn't let me in. And again, Janet's psychiatric exam,  
25 again present in the waiting room.  
26 Z Ok, but all 3 submitted to psychiatric exams, independent psychiatric exams, is that right?  
27 M Correct.  
28 Z All right. The first time that Janet participated in examination where you had a problem with her --

1 M Correct.

2 Z - a problem with her either participating in the exam or completing the exam, where was that?

3 Which one was that?

4 M That was the, like I said, either neuro or ortho, was on Clark Street, directly across from

5 Tarzana hospital in the building. I don't know if it's Burbank or Clark Street what they call that

6 building.

7 Z Can I assume you don't remember when that happened?

8 M I think it was like June 15<sup>th</sup>, 01.

9 Z Did you check any records in advance of this to be able to firm that date up?

10 M Ah - yeah I did.

11 Z So I can assume you don't remember 5 -

12 M No, no-

13 Z - years from now

14 M No, no, exactly.

15 Z Alright. How many separate exams did you do with Janet?

16 M Janet - 2

17 Z Two. Oh, was this the first of the 2?

18 M Yes.

19 Z Was the second a psych exam?

20 M Yes.

21 Z Did you have a problem with her with both exams?

22 M Yes.

23 Z Ok. Describe the nature of the problem that you had with the neuro or ortho exam.

24 M Ah, Janet was extremely defensive with the doctor's assistant who was assigned to do a history

25 consult, which is routine on all IMEs, they always do it. Ah, she was very defensive, started arguing

26 with the doctor's assistant that it was none of her business to ask her these questions. Ah, that, ah,

27 you know, who the heck was she and demanded to see the doctor and nurses, the doctor's assistant.

28 Tried to calm her down. I tried to calm her down. Tried to give her some water. Ah, she was

1 belligerent and hysterical, so, I ... and they at that point, we had been there so long, they were  
2 getting ready to go to lunch so I took her outside to call my office so that I could get my boss on the  
3 phone and tell him to try to talk to her to calm her down because she was just so irate. When I got  
4 my boss on the phone, she proceeded to throw herself -  
5 Z Which boss?  
6 M Thomas Rothstein.  
7 Z Ok, go ahead.  
8 M She threw herself on the ground in the middle of the driveway, screaming and crying, incoherently.  
9 She wouldn't get on the phone with Mr. Rothstein. I tried holding the phone up to her head. She  
10 wouldn't talk to him. She wouldn't listen to him. She was just hysterical.  
11 Z Who else was present?  
12 M Just other people going into the doctor's office. And then the office staff came out. And I said, you  
13 know, "Get up Janet, you know, you can't do this." The office staff was going to lunch and they all  
14 came out of the building, so I got her up off of the ground and got her onto the little stop, you know,  
15 the wheel stop, and she sat there for a little bit and I suggested we go get something to eat - that I  
16 knew a good Mexican restaurant down the street. So we went down Ventura Boulevard. She went  
17 into the bathroom for awhile. She came out. We ordered.  
18 Z It was just you and Janet?  
19 M Yeah.  
20 Z The kids weren't with you?  
21 M The kids were not with us.  
22 Z Ok, go ahead.  
23 M And that's when the conversation took place.  
24 Z All right. Now, she did not have the examination, is that right?  
25 M No.  
26 Z What time was the examination scheduled for?  
27 M I don't know.  
28 Z But it was scheduled for prior to lunch?

1 M Correct

2 Z So it should have been completed by lunch?

3 M Correct

4 Z Do you know how much time was allotted for that exam?

5 M No.

6 Z All right. You ... you had lunch with her? What did she tell you during the lunch hour?

7 [Kelly White sneezed]

8 M Ah, bless you. She had told me that her husband beat her a lot, constantly, almost daily, and that

9 she - I need to take a break. Sorry.

10 O That fine.

11 M I'm sorry

12 O That's ok

13 M I have to go the bathroom

14 O All right

15 M You can shut your machines off. I apologize.

16 [Break taken]

17 M I apologize

18 RBO I'm back on.

19 [Crosstalk]

20 M Scott?

21 SIR Yeah, I never went off.

22 Z How long, ah, how long have you known Janet Arvizo at the time of this conversation?

23 M Couple years.

24 Z Did you feel you knew her fairly well at that point.

25 M Yeah.

26 Z Had you ever suspected that she was a victim of domestic violence up to that point?

27 M No.

28 Z How long had she been separated from her husband at that point?

1 M I don't know.

2 Z Did you know that she was separated from her husband at that point?

3 M I think I did yeah I think it was an .. an issue, yeah I knew. I just didn't know the extent of the

4 domestic abuse until that day.

5 Z All right. Did she describe it in any kind of detail?

6 M Yes.

7 Z Did she describe to you what he does when he does hurt her?

8 M Yes.

9 Z What did she say?

10 M She says he punches her, he hits her, pulls her hair, throws her on the ground, kicks her, um, and if

11 the children try to intervenc, he pushes them out of the way and he tells them "Stay out of it or

12 Mommy's gonna get it worse."

13 Z Did she tell you anything about the children being abuse by him?

14 M Ah, no

15 Z Did she tell you that he was out of the house or still in the house?

16 M Ah, ah, I don't think she told me.

17 Z Were you concerned as to whether or not he was still there?

18 M Yeah, I was, and I---and I told her she should seek help.

19 Z But you didn't ask her whether or not he was still coming over to the house or even living there?

20 M No.

21 Z Do you know what her residence was like where she was living at that point?

22 M Yes.

23 Z What was it like?

24 M It was a studio apartment. It had a mattress on the floor and a TV. They didn't have a telephone.

25 Um, a kitchen, the stove didn't work, They had a microwave and a small refrigerator and a little

26 bathroom.

27 Z And this was her and 3 kids?

28 M Uh-huh.



1 Z And you don't know if he was —  
2 M And well at the time I assumed David was there too.  
3 Z Ah, you don't recall whether or not she told you in that conversation that he was either in the house  
4 still, out of the house still, separated, coming back and forth or anything like that?  
5 M I don't remember.  
6 Z Do you remember if you inquired or you just don't remember the answer or just didn't inquire?  
7 M I think I probably did, but I can't answer that accurately.  
8 Z All right. Where did you go after you finished your lunch?  
9 M Ok, uh, did you want to back to —  
10 [Inaudible]  
11 Z No, we left that area. We stopped —  
12 M Ok, well we stopped at a certain point —  
13 Z I know.  
14 M — that we need to pick up there  
15 Z — we're going back there  
16 M Ok, after we had lunch we went back to the doctor's office.  
17 Z Ok, you weren't intending on taking her anyplace other than for lunch?  
18 M Correct.  
19 Z And then you knew you had to be back by a certain time?  
20 M Correct.  
21 Z And you knew how much time you had for lunch  
22 M Correct, I assumed an hour, I think.  
23 Z Ok, in the report you indicate that she ordered a Margarita  
24 M Yeah, after we had ordered, a, lunch, ah, ah, I of course had a coke, she said to the waitress, she  
25 stopped the waitress on the way back, she said, "You know, I'd really like to have a Margarita.  
26 You know let's have like a girl's lunch." You know, she kinda pepped up a little bit and she  
27 ordered a Margarita and I think that she took like maybe 2 or 3 sips of it and that's when we started  
28 our conversation.

1 Z All right. She hadn't yet revealed about the nature of the abuse that she was receiving?  
2 M Um, I think that was like right, it was all connected.  
3 Z Ok. Now you started to tell me about the nature of the abuse and that there was something more  
4 than she had said. What more did she tell you? In the course of that conversation?  
5 M Did she tell me or did I ask her?  
6 Z Or did you ask her?  
7 M Ah, I asked her if the bruises that I saw in the photographs that we presented to the JC Penny case  
8 were from JC Penny or was the result of one of David's beatings. And she told me ah, they were  
9 from David beating her.  
10 Z What did you say then?  
11 M And I was dumbfounded. I said, you know, "You can't do that, you know. You gotta have self  
12 truth, you know, the defense is going to find out. You can't lie about things like this, you know, I  
13 have to tell my boss." And she said, "Don't tell your boss, don't tell your boss. Ah, David's  
14 brother's in the Mexican Mafia and he sells drugs between here and Las Vegas and he's gonna  
15 come after you and your daughter and you'll be dead and your daughter'll be dead. And I'm worried  
16 about your safety and she played on me, my weakness. I am a nervous person and, ah, I... I believed  
17 it, and I was scared so I didn't say anything. I didn't say anything to anybody.  
18 SIR Mary, did she understand that by lying about what happened at JC Pennys she was not gonna have a  
19 case against them?  
20 M Oh, I'm sure she did.  
21 SIR Oh, what I'm saying is that the purpose of the threat --  
22 M Well --  
23 SIR -- that if you tell anybody the case goes away?  
24 O Well --  
25 M Well, I don't know.  
26 O I don't think she knows whatever's in Janet's mind.  
27 SIR I understand that but I think whether or not it was whether or not Janet was aware that by falsifying  
28 this --

1 O Well she can't know that. That something you have to ask Janet.  
2 SIR OK  
3 Z Did you have any conversation about the nature of the case, the civil case, what would happen to the  
4 civil case?  
5 M No  
6 Z Did you tell her that you felt you needed to tell somebody?  
7 M I told her I needed to tell my boss.  
8 Z Did you tell your boss?  
9 M No  
10 Z All right. Did you make any arrangements for her to get some kind of assistance because of the  
11 domestic violence.  
12 M No. Tried to, but she wouldn't.  
13 Z Did you believe that she was sincere when she told you that she was beaten by her husband?  
14 M Yes.  
15 Z Did you believe based on that conversation that her husband was a violent man?  
16 M Yes.  
17 Z Did you have any subsequent occasions of seeing injuries on her?  
18 M Yes.  
19 Z When was that?  
20 M Ah, after ah, ... after ah the minor's compromise hearing, ah, it was actually after the minor's  
21 compromise deposit, she called me up one day and said she had left her jacket in my car. And she  
22 said she wanted to come by and pick up her jacket and she wanted to show me something. And I  
23 said ok. Come down, I'm at the office. So she came to the office and she closed the door and she  
24 came into my personal office, closed the door, she lifted up her shirt, proceeded to show me bruises  
25 all down her chest, her stomach, her legs, her arms, her neck, and I said, you know, what happened?  
26 And she said. "Oh David beat me up again and I have a divorce attorney and he's right down the  
27 street from you and I really want you to meet him and he's a really nice guy, bla, bla, bla." Ah, I  
28 told her, I said, you really need help, you need to go to a shelter, or you need to do something about

1 this, you know, you can't go on like this. And she said, you know, again, she said, "I just want to be  
2 sure for your safety and the safety of your beautiful daughter, that you don't say anything, you've  
3 never said anything to anybody because they will come after you. This mafia, they'll kill you, they  
4 don't care who you are, they'll kill your whole family." And so then she asked me to drive her to  
5 her attorneys office and, ah, I said "Ok." So, we got into the car  
6 Z Why did you do that? Why did you drive her to the attorneys office?  
7 M Because she asked me to.  
8 Z Did you consider yourself to be in some kind of friendship with her?  
9 M I didn't really want to be friends with her. But, you know, she kept asking me if I wanted to go to  
10 Las Vegas, if I wanted to have, you know, have girls weekend, if I ever wanted to get together, and  
11 things like that, which I would always decline.  
12 Z She would ask you on the telephone?  
13 M And in person, yeah.  
14 Z And where would she see you in person?  
15 M At various hearings and things like that.  
16 Z So the case was still pending during this time?  
17 M At that time, yeah, but at this point the case was over.  
18 Z All right, when she came in to see you and showed you the bruises, the case was already over?  
19 M Right, right.  
20 Z And how long had the case been over at that point?  
21 M I don't know.  
22 Z Did she know you were going to be in the office?  
23 M Yes, she called first.  
24 Z And said that she wanted to come visit you?  
25 M Yeah.  
26 Z And you said ok?  
27 M I said ok.  
28 Z And had you at that point told anybody about your conversations with her?

1 M No.

2 Z Had you at that point told anybody about the domestic violence she was experiencing?

3 M No.

4 Z Were you concerned about the welfare of her children?

5 M I was. And I kept telling her she should talk to Tom Rothstein about it, that he really helpful, he's a  
6 really good man, he could help her and, you know, help her make arrangements, and you know, get  
7 to, you know, some kind of a .. a safe program or could she go to her mothers or, you know. 'Cause  
8 she did at one point she lived at her mothers, and you know I... I...you know, I ...I ... .I did, I was  
9 concerned, I said, you know, what the kids, I mean, you know, how can you do this to your kids?  
10 You know, let them see this, you know, this even if, you know, he doesn't kill ya, you know, still its  
11 not good, and ah she just poo-pooed it, and said "Take me to my attorney." And so we went over  
12 and so I said to her attorney, I said to her attorney, you know, "Look at her, something has to be  
13 done, you need to do something, you are her divorce attorney."

14 Z I'm sorry. She said take me to my attorney. You were no longer representing her at this time, is  
15 that right?

16 M Right.

17 Z So you did that just as a favor.

18 M Yeah.

19 Z How did she get to you?

20 M I have no idea. I have no idea.

21 Z Was she by herself?

22 M Yeah, she was by herself

23 Z She wasn't driving?

24 M I guess not. She took a bus. She always ... Before she used to take a bus

25 Z So she took the bus.

26 M I ... I .... I. don't know. I can't say how she got there. I have no idea how she got there. She just  
27 came to my office.

28 Z She came to your office and then she asked you to take her to --

1 M To her divorce attorney.  
2 Z — to her divorce attorney. How far away is that?.  
3 M A block and a half.  
4 Z And you walked with her?  
5 M Actually, no, I drove her.  
6 Z You drove her to her divorce attorney, is this all Pasadena. Is that where Rothstein's office is?  
7 M Correct.  
8 Z Pasadena. All right, and then you went in?  
9 M Yeah. We went ... It turns out ... I guess his office is above the cigar shop he also owns the cigar  
10 shop downstairs. So, he was in the cigar shop, so we went in there, and so I said to him, I said you  
11 know, "Take a look at her, you need to do something." He said he was going to file a TRO right  
12 away, and you know, serve David with it. And ah, and I asked her, you know, what is she going to  
13 do — did she want to stay there, or did she want to go with me, did she want me to take her some  
14 place, or what. And she said no, she was going to stay there with the attorney. So I just said fine  
15 and I left.  
16 Z What was the second independent medical exam?  
17 M I think it was like two days after, two or three days — two days after Janet's exam.  
18 Z Ok, I was actually referring to the second medical — independent medical exam that Janet was going  
19 to.  
20 M Oh, the second portion of the first one?  
21 Z Yes. Well, you said she did two I believe. The first one was either neurological or ...  
22 M Right Ortho.  
23 Z Or Ortho. So it was decided ... it was referred to --  
24 M Ok, I thought you meant when we went back to the --  
25 Z OK. Did she finally do the first one?  
26 M Yes.  
27 Z Which was when she went back she participated, she answered all the questions?  
28 M Yes.

1 Z Ok. And then after that she went and had the psych exam?  
2 M Yes. Later that week.  
3 Z Later that week, a few days later?  
4 M I think it was Friday.  
5 Z Ok. How did she behave during the psych exam?  
6 M The same way. She was very belligerent with the doctor. The doctor gave the children  
7 questionnaires to fill out, you know, on a daily basis are you happy, you know, draw on faces, you  
8 know, things like that, circle your face here, you know that kind of stuff. And she didn't --  
9 Z You were present ... present during those exams?  
10 M I was present in the waiting room at the time the doctor gave the questionnaires to the children to  
11 fill out in the lobby. He gave them to the children to fill out prior to examining them, ok.  
12 Z And they filled them out where?  
13 M He had like a little shelf against the wall that had some chairs.  
14 Z Ok, up in his office area?  
15 M Um-hum.  
16 Z Ok, and she filled out the same types of exams -- they were psychiatric or psychological instruments  
17 of sorts?  
18 M Right  
19 Z Do you know how long it took for all them to do it?  
20 M It was hours.  
21 Z You have to fill out those exams anyway, or ... or is it --..  
22 M Are you talking about the exams or filling out the forms?  
23 Z Filling out the forms.  
24 M Filling out the forms. Look, no, normally it wouldn't take that long. Janet was protesting. She was  
25 protesting that she didn't want the children filling them out. She didn't want them writing anything  
26 down. I then proceeded to .... Then the doctor also indicated when he ... he had first, you know,  
27 come out and introduce himself to us, he had indicated that he was going to take 'em one at a time.  
28 And she said well, "I need to be in the room with the children," and he said no, no, no, no.

1           Everybody's individual, and he even told me that I couldn't come in. And so I called defense  
2           counsel, and asked 'em, you know, why couldn't I come in that I'm always present at all IMEs, and  
3           I've done several psych IMEs, and I've been present. I've never had a doctor turn me away. And  
4           he said no, this is ... this is purely confidential, and this the way this doctor works. I then called my  
5           boss, and my boss said, naw, it's ok. Just ...just be there in the waiting room.

6   Z       And your boss is Rothstein?

7   M       Yes.

8   Z       Ok.

9   M       And, ah, he said it's ok, let's just let 'em go, just let 'em do it. But she continued to protest I'd say a  
10          good two to three hours 'til we finally got her to, you know, calm down and let .. let the children go.  
11          But at that point it was too late in the day, he did ... he did the children's ... I can't remember if Star  
12          went first or Gavin went first, I don't know. And then we left. And we went back a week or so  
13          later and did Janet's because there was no time.

14   Z       Ok, her's was separate from the boys then?

15   M       Right because there was no time.

16   Z       The boys were done at that time?

17   M       Yes.

18   Z       Ok. Did you ever renew the conversation you had with her in that restaurant during this period of  
19          time when she was going through these psych examinations, did you ever talk to her again about  
20          that?

21   M       Yeah.

22   Z       Ok. When did that next conversation take ... next conversation take place?

23   M       On the way back from the psych exam.

24   Z       The boys were in the car?

25   M       No, her psych exam.

26   Z       Her's, so her's was by herself. Ok, tell us about that conversation.

27   M       She again reiterated the ... don't say anything to anybody, you know, for your safety. Don't tell your  
28          boss, don't tell anybody. If you tell anybody, you know, something bad could happen to you or your



1 daughter. I asked her why she was so adamant with the doctor – the psychiatric doctor and the boys.  
2 'Cause at this point I'm startin' to feel pretty shitty about this. And so I asked her, I said, you know,  
3 "Why were you so, you know, rough on the doctor with the boys?" And she said, you know, "Well  
4 I've had my boys and my daughter in the comedy school," or some comedy store stuff, "taking stand  
5 up comedy lessons, acting lessons, and I can train them and teach them to say whatever I want them  
6 to say because they will do anything for me because I'm so abused by my husband and they want to  
7 protect me and since they couldn't physically protect me, this is the only way they can protect me."  
8 Z That was the conversation you were having driving home?  
9 M Uh-huh.  
10 Z Ok. What did you tell her?  
11 M I told her, I said, "You just can't this, you can't ... you can't do this to me. You know, you can't do  
12 this to my firm. You can, you know, you know ... you can't .... there's so many people involved, you  
13 know, how ... how can you live with yourself? I mean how can you do this?" And she said, you  
14 know, "What's done is done." And she said "I, you know, I never said, you know, nothing  
15 happened. I just said David accused me of being at fault for everything, and after we were arrested  
16 and released, and when we went home, he, you know, beat the heck out of me."  
17 Z Do you know where that took place? Where he beat the heck out of her?  
18 M No.  
19 Z You didn't ask her?  
20 M What ... well ... she said it was at home.  
21 Z At her apartment, do you mean?  
22 M No. They were living somewhere else at that time, but I don't know where.  
23 Z Do you know if anybody else was present at that the time it took place?  
24 M She said the children were present.  
25 Z Did you ever talk with the children?  
26 M No.  
27 Z Did you ever, ever have any conversations with the children --  
28 M Oh, all the time.

1 Z - without Janet?

2 M Oh, but I didn't discuss case matters with the children.

3 Z Did you ever talk with them about what was going on in their home?

4 M No.

5 Z Or what was going on with involving their mother?

6 M No.

7 Z These issues of domestic violence?

8 M No.

9 Z Ok. Why didn't you tell Mr. Rothstein about what she had told you?

10 M Because I was scared for my life and my daughter's life.

11 Z Based on what?

12 M On her threats of Ray's ... this guy Ray being in the Mexican mafia, and then coming to kill me

13 because ...

14 O Are you ok?

15 M Na, I just .. just ... thinking about how nervous I was at the time even. After how scared I was my

16 [crying and sobbing] can't help ... at the time I was watching my rear view mirror every night on the

17 way home because I was afraid somebody was following me.

18 O Let's take a short break.

19 M I'm sorry. I'm sorry.

20 O Let's take a short break.

21 M I'm sorry. I'm sorry.

22 O Five minutes.

23 Z Yeah.

24 [Tape stopped for break]

25 Z What the possibility of getting her some more water, is that possible. Tell me when I can resume?

26 M Ok. I'm OK.

27 Z Did Janet tell you how she believed Gavin injured his elbow, his arm?

28 M No. We never discussed that.

1 Z All right. Did she ever tell you that it was David who caused his arm to be fractured.  
2 M No.  
3 Z There is a ... an affidavit that was filed with the court up in Santa Maria from Susan Yu who's one  
4 of Mr. Jackson's attorneys that ... that says you said that she said that. Did you?  
5 M No. That's not ...  
6 O Wait a minute. Wait a minute. Wait a minute. That's not what the affidavit says. The affidavit  
7 says that Harland Braun says that she said ...  
8 Z It goes through a few people, that's correct, I was going to qualify all that. It wasn't a direct quote  
9 of you. But did you ever tell anybody that?  
10 M No, I did not.  
11 Z Do you have any information as to how his arm was injured?  
12 M No I do not.  
13 Z Did you familiarize yourself with the facts of that case? Did you know ... had you read any of the  
14 depositions, or were you present during any of the depositions?  
15 M No.  
16 Z Did you have an opportunity to read any of the medical reports about that?  
17 M Yes.  
18 Z Were you present during any of the interviews with any of the witness to that event?  
19 M No.  
20 Z Did you at some point in time .... Let me change that question if I can. Do you have any opinion at  
21 all as to how he broke his arm?  
22 M No.  
23 SR I have a question. Mary, going back to the ... regarding the Mafia, Ok. Did you interpret that as a ...  
24 her being giving you information regarding that or did you interpret that as being a threat upon you?  
25 That she was telling you that, you know, I'm a little confused there. And I just want you to clarify  
26 that.  
27 M Ok, I ... I can clarify it ... where she was coming from why she was saying what she was saying.  
28 SR Ok.

1 M Because later toward the end, after all these conversations, I kind'a put two and two together. So  
2 it's my own assumption. Ok, not anything anybody said to me, but my own assumption, and that is  
3 she was trying to get custody of the children. And if I said that David beat her and pushed the  
4 children out of the way, that he wouldn't get any custody. So, therefore David would ... and his  
5 brother would then come after me for opening my mouth about them being ... him being abusive.  
6 That make sense?

7 RS I 'm not certain I understand that.

8 M Ok.

9 SR I ... did you ... did you think that Janet was really trying to warn you?

10 M I did.

11 SR As opposed to threaten you.

12 M I did, I thought she was warning me as opposed threatening me.

13 SR So she was telling you that she was gonna go call her brother in law.

14 M No. She was telling me that David .... She told me that she told David that she told me.

15 SR She told you ...

16 M She called me and told me. She told David she told me what she told me.

17 [Laughter]

18 Z I actually understood that line. I ... I .... understand.

19 O Well, let's, let's make it clear. I sure that everybody understands, but ....

20 M I know, I'm sorry.

21 O That's ok.

22 SR When did that conversation take place where Janet called you back and said that she had talked with  
23 David, and had mentioned to David, I'm assuming, that she had told you ....

24 M Give me the declaration. Right now, I'm so nervous right now, I ... I can't think straight.

25 SR Do you remember if it was within a few days after her disclosure?

26 M Yeah Yeah. Yeah. It was a few days later, she called me up, she said " I ... I told David that I told  
27 you, and David said you better not say anything" or, you know, she's like "I'm so scared for you,  
28 I'm so scared for your daughter. You know, you better not say anything 'cause David, his brother,

1 he's bad new, he's bad news, you don't want to get involved with these people." So, I took it more  
2 as a warning that David didn't want it disclosed that he was abusive. That if I disclosed that he was  
3 abusive, he wouldn't get custody of the children.

4 Z Were you aware that at some point in time David was actually arrested for an incident of domestic  
5 violence against Janet?

6 M I think I did, but I ... I don't ... I don't know the details.

7 Z Do you know if the case was resolved by then?

8 M I.. I don't know.

9 Z The time that she came to you and she had all those bruises that she wanted you to see, by then you  
10 knew the case was resolved?

11 M Right.

12 Z She had never called you and told you specifically that David had been arrested?

13 M No.

14 Z Over the next number of years she had a number of phone calls with you, did she not?

15 M Yeah, she called me every once in a while ... out of the blue.

16 Z She would let you know how Gavin was doing?

17 M Yeah, wanted to know if I wanted to hang out.

18 Z She appeared to believe at least that she had some level of friendship with you, is that right?

19 M Correct.

20 Z And when she was calling, it was purely a social call?

21 M Correct.

22 Z She wasn't asking you to do anything for her?

23 M No.

24 Z Or to take her take her anywhere?

25 M No.

26 Z Did she tell you that she was seeing somebody else?

27 M Yes.

28 Z And who was the person that she was seeing?

1 M Ah ...

2 Z Did she tell you?

3 M I ... I don't ... She told me a name, I don't remember.

4 Z Or what he did for a living?

5 M I think that he was like in the army or navy or some kind of armed forces.

6 Z Did she tell you she had met somebody and that she was happy in this relationship?

7 M Yeah. Yeah.

8 Z And that he was a decent person?

9 M Right.

10 Z Was it you sense that she was telling you this because she felt you would appreciate hearing that she

11 was in a decent relationship?

12 O You're asking her to speculate.

13 Z Well, I mean ... Were you thinking that she was trying to manipulate you in any way with these

14 conversations, or was she just having a conversation with someone she perceived to be a friend?

15 M I just thought she was just staying in touch.

16 Z Ok, all right. When she said that Gavin was well, she sounded like she sincerely wanted you to

17 know that Gavin was well?

18 M Uh-huh

19 Z And I guess what I'm asking you is that, and I'm not trying to hide anything, I just want to know if

20 you felt that you were being manipulated by her in any way? By these telephone calls, or did she

21 just really want to talk to you, and say hello?

22 O If ... if you had any such feeling at the time.

23 M It may have .. may have crossed my mind a slight bit.

24 Z Were you angry at the conclusion of the phone call?

25 M No ....

26 Z Did you ever tell ...

27 M ... where as why she was calling me like.

28 Z Did she tell you at any time during those phone calls that David was out of her life?

1 M She did tell me that she got full custody of the children and David has no visitation rights. In one  
2 conversation, I don't know when. Don't ask me when.

3 Z Did she tell you that at any time that she was ... that he had been convicted of any criminal offenses?  
4 M No.

5 Z You said in a report that she had been to your home. How many times had she been to your home?  
6 M Once, I think, maybe just once. I think just one time.

7 Z By herself or with others?  
8 M With Star.

9 Z Did Star actually come into your home as well?  
10 M Yes.

11 Z How come they were there?  
12 M We were making a pit stop.

13 Z Where were you, where were you at the time?  
14 M We were in Encino.

15 Z Is that where your home was?  
16 M Yes.

17 Z And so are you living now at the same place you were living back then?  
18 M Correct.

19 Z Ok. And ... and then why did you have to be in Encino? Was that where the examination was?  
20 M Yes.

21 Z Which one?  
22 M Star's neurological.

23 Z Did you have extensive dealing with the children, the two boys?  
24 O What do you mean by extensive?  
25 Z During the course of the litigation, did you spend time with them, did you talk with them, did you  
26 over reports with them?  
27 M I spent time with them and talked with them. They're very affectionate. So, whenever they would  
28 come to the office, if Janet had to go over something with the attorney, go over interrogatories or

1 something, they would come into my office and they would sit on my lap, and write me notes, and  
2 stick them up on my board, and you know, very huggy, very, very clinging, very affectionate.  
3 S What did the notes say?  
4 M We love you Mary, and things like that. You know, just very a, just very lovey dovey.  
5 Z How old were they during this time?  
6 M I can't remember - 8, 9, 10, I don't know.  
7 Z Was Gavin healing from his cancer during this time?  
8 M I don't know.  
9 Z Was he going through chemotherapy during this time?  
10 M That he would come to my office? Yeah, they would come in all the time.  
11 Z During the time that you dealing with them, was he going through?  
12 M Yes.  
13 Z Did ... did you see him at time when at times it was obvious that he was going through -  
14 M Oh, yes.  
15 Z ... chemotherapy?  
16 M Oh, yes.  
17 Z His appearance changed very dramatically did it not?  
18 M Yes.  
19 Z Was it during this particular of time that the boys were behaving in kind of a huggy affectionate way  
20 or had they always -  
21 M No, they had always been that way from day one.  
22 Z Those pictures that you had said you had seen at your employment regarding her injuries, did your  
23 firm take those pictures?  
24 M I don't know. I don't know where those pictures came from.  
25 Z Ok, but you saw them in your case file.  
26 M Yes.  
27 Z And when you brought that up in conversation with her regarding that she says David did this to  
28 her, and she said yes, how ... did there ... was there a conversation that went beyond that, and do



1 your remember that?

2 M Yeah, I said you ... you ... can't do, you can't lie like this?

3 Z Ok.

4 M You can't put me in this position.

5 Z And you recall what her response was to any of that?

6 M Basically .... no.

7 Z So you don't remember what her response was?

8 M I just remember being flabbergasted.

9 S You firm also represented David though for the lawsuit? Correct?

10 M Correct.

11 S Ok. David had the phone number for the law firm?

12 M Correct.

13 S Did he ever call you and threaten you himself?

14 M No.

15 S And he never you that his brother was in the Mexican mafia? Or --

16 M No.

17 S And ... and it was your understanding that Janet had made him aware that she had told you that

18 these injuries were not sustained by the JC Pennys person?

19 M Could you repeat that please?

20 S Probably not?

21 [Laughter]

22 M Sorry, I got lost.

23 S But it was you understanding that Janet had told David that Janet had informed you that the injuries

24 were not from the occurrence, or were not from the JC Penny personnel, but from David?

25 M Yes.

26 S Ok.

27 Z Who was the first person you told about Janet's statements to you about the cause of the injuries,

28 and when was that conversation?

1 M I want to say it was maybe two weeks after Mr. Jackson was arrested.  
2 Z Who was the next person you discussed it with?  
3 M No one. Well, ah, I discussed it with Toni Sadri.  
4 Z And what did Mr. Sadri tell you?  
5 M Mr. Sadri was doing research for Mr. Rothstein with regards to attorney-client privilege.  
6 Z We're talking about over a year ago then?  
7 M I ... I ... I don't know. I ... I ... I don't know when Mr. Jackson was arrested? I'm sorry, I have no  
8 recollection since ...  
9 Z Then you do have some recollection of what you told Mr. Rothstein?  
10 M Yeah, yeah it was after ... it was just a few weeks after, because it started to really bother me.  
11 Z Would that be safe to say it was over a year ago.  
12 M If you say so. I can't answer that. I just said that. I don't know when Mr. Jackson was arrested, but  
13 it was two weeks after that. So, if you want to tell me what date he was arrested, I can tell you when  
14 it was.  
15 Z And other than Mr. Sadri and Mr. Rothstein, did you discuss it with anybody else other than your  
16 current counsel?  
17 M Yes, I did - Scott Ross.  
18 Z Anybody else?  
19 M Harlan Braun.  
20 Z Anybody else?  
21 M No.  
22 Z Either of the two medical examinations that Janet had, the first one, particularly when she was on  
23 the ground, do you know who was standing around at the time ... that there were people who came  
24 out and witnessed -  
25 M No, there were people walking in an office building, you know, nobody -  
26 Z Were ... were you concerned about people -  
27 M Yeah, when the office staff came out, I was concerned. I said, "You're making a fool out of  
28 yourself, you know. Stop acting like a child and get up."

1 Z Do you remember who that was who came out of the office?  
2 M Ah, you know what, it was a black guy in purple scrubs. That's all I know.  
3 Z How do you know he was associated with that office?  
4 M Because I had seen him inside.  
5 Z Ok, do you remember who the doctor was?  
6 M I can't remember his name.  
7 Z Did it show up in any report later on.  
8 M Well, I'm sure it did.  
9 Z Well, do you remember it sometime later? Did ... did you tell Mr. Rothstein about how she  
10 behaved at that time?  
11 M Yes.  
12 Z All right. When you got the medical reports back eventually from that doctor, was there any  
13 reference to her behavior out in the hallway, or out on the sidewalk?  
14 M I didn't read it.  
15 Z Do you know if there was any reference to it?  
16 M No. Un-uh. I didn't read it. How would I know if I didn't read it.  
17 Z Somebody told you?  
18 M Ok.  
19 [Crosstalk]  
20 Z Perhaps somebody told you?  
21 M No, no one told me.  
22 Z Ah, at any point in time, did you become aware that there was some kind of a consequence to her  
23 behavior. In other words, if somebody had witness it and brought it to the attention of the litigants,  
24 the people involved?  
25 M Well, her behavior inside?  
26 Z Her behavior when she when she through herself on the ground?  
27 M I was going to say something.  
28 Z Go ahead.

1 M Her behavior inside was far worse than her behavior outside.  
2 Z But how about on the outside? Do you know of anybody had actually seen that and did a report?  
3 M No, I.. I don't.  
4 Z How long had the law firm been involved in litigation with her at the time of this first medical  
5 exam?  
6 M I don't know.  
7 Z Had it been measured in months or even a year?  
8 M About a year.  
9 Z So it was well over a year at that point?  
10 M Oh ycs. I'd say two three ycars.  
11 Z Had there been interrogatories conducted or depositions conducted at that point?  
12 M Yes.  
13 Z I'm not familiar with how civil practices works. Do they generally do interrogatories first, or  
14 depositions first?  
15 M Yes.  
16 Z Before they get to medical exams?  
17 M Yes. Medical exams are the last.  
18 Z Those are the last thing.  
19 M Yes.  
20 Z The ... the... da ... there was a fair measure of investment at this point, is that right of efforts and  
21 work and time and even money into this case by everybody, by a lot of people?  
22 M I don't know.  
23 Z Did you put a lot work into this case by that point?  
24 O What do you mean by a long of work?  
25 Z Had you worked on it many hours? More than 10 hours?  
26 M Yes.  
27 Z Just driving people around doing things?  
28 M Yes.

1 Z More than a hundred hours?  
2 M Thats an awful lot of time  
3 Z Do you know if the circumstances of this litigation - if this is one of those cases thats taken on I  
4 guess they call it a contingency, they  
5 M Correct  
6 Z So the law firm makes money if they're successful in the firm  
7 M Yeah.  
8 Z Did you have any discussion with Janet about that?  
9 M No.  
10 Z Were you concerned at all about the fact there would be a loss of income to the law firm?  
11 M No.  
12 Z Is there anything else that I need to know about this?  
13 M No.  
14 Z About any of your conversations with Janet?  
15 M No.  
16 SR How many times do you think you drove her different places during the course of the time that you  
17 dealt with her? Would you say more than a dozen?  
18 M Oh, yeah  
19 SR Or more than 2 dozen  
20 M More, I, I, I would say more than a dozen, less than 2 dozen.  
21 SR And your telephone conversations with her, were they fairly frequent?  
22 M Oh, yes.  
23 SR Daily?  
24 M Yes, I would say if you want to average it, that there were some days when there were 3 calls a day  
25 and maybe 2 weeks of no calls so , you can't really measure that  
26 SR Was she somebody you would consider to be a needy client?  
27 M Definitely  
28 SR Um, from the time that you starting chaffering her around because she didn't have a car, did she

1 ever come into possession of a car? During the period of time when you started chaffering her to  
2 the time that all of the litigation ended, do you know -  
3 M That I well, okay now, that I know now or that I knew then.  
4 SR Then.  
5 M At the time, I was told she did not have a car.  
6 SR Okay, and have you learned something since then that's different?  
7 M I learned something towards the end of the case that's different  
8 SR What was that?  
9 M That she had a car. That she hid it.  
10 SR Sorry, say that again?  
11 M That she hid this car, this white Bronco or Blazer or something that Michael Jackson had given her,  
12 ah, to take Gavin to the doctor. But she said she didn't want to drive it because one day I was  
13 taking her home and she said, oh drive me up this street and then up that street, and it was like this  
14 whole maze. And she said this is my car. I go, you have a car? And she goes, well yeah, but I can't  
15 afford the gas so I don't drive it. You know, and then she tells me well Michael gave it to me to  
16 take you know Gavin, you know. He's so wonderful and you know, and why don't you come and  
17 bring your daughter to Neverland and you know, we'll stay for the weekend, and bla, bla, bla. So -  
18 SR Now was this before or after David left?  
19 M This was after David left. This was at the very end, very end. I would say this was like after the  
20 mediation, before the minors comp hearing. Somewhere in there. I know I was pissed.  
21 SR Was this after you already had the information about her faking the injuries?  
22 M Yes, but wait a minute. She didn't fake injuries.  
23 SR I'm sorry. After I got, after she told you ...  
24 M I never said she faked injuries, OK? Thank you  
25 SR Not injuries but the source of the injuries or the cause of the injuries. Where she gave you  
26 misleading information.  
27 M OK.  
28 SR Or different information.

1 M Correct  
2 SR Try and be as accurate as possible. Ah, it was at that time you found out about the white Bronco, is  
3 that right?  
4 M Repeat that please, I'm sorry.  
5 SR David was already out of the picture when you saw the white Bronco.  
6 M Yeah, pretty much.  
7 SR You'd already been driving her around for a long period of time.  
8 M Yes.  
9 SR And she showed you the car?  
10 M Yes.  
11 SR Where was the car parked?  
12 M It was kind of a side street like I said, it was like a maze of turn right turn left turn right turn left  
13 somewhere around her apartment building.  
14 SR And this was where?  
15 M Los Angeles.  
16 SR East LA?  
17 M Ah, East LA, yeah I guess, Soto Street.  
18 SR Soto Street? And she told you that that was a car that was given to her by Michael Jackson?  
19 M Uh huh.  
20 SR And you asked her why doesn't she use it?  
21 M Right.  
22 SR And she told you?  
23 M That she can't afford the gas.  
24 SR She can't afford the gas.  
25 M She didn't have money for gas?  
26 SR On this occasion she was still one of your clients? You hadn't resolved the lawsuit by then?  
27 M Correct.  
28 SR So you were chaffering her around?

1 M Correct

2 SR Were you taking her places other than in conjunction with some mission for the litigation in other  
3 words did you find yourself taking her out for any groceries or things like that?

4 M Do I have to answer that?

5 O You don't have to answer any question you don't want to.

6 M No I don't

7 SR You don't necessarily have to ask your lawyer if you can refuse to answer a question.

8 M No, its up to him, I mean , yes, took, her, yes ...

9 SR Well, what kinds of places did you take her?

10 M To buy groceries, uh, buy ice cream for the kids, take them to McDonalds,  
11 SIR Who paid for all of that?

12 M I did, out of my own pocket .

13 SR How many times did that happen?

14 M Several, I'd say more than 4 or 5.

15 SR What was the largest bill you ever accumulated on your own behalf or on her behalf by yourself?

16 M You know, 10 dollars, 20 dollars at the most, you know to buy you know, 3 kids you know a meal at  
17 McDonalds, Taco Bell a couple times, you know for a burrito and Gavin liked. You know I felt bad  
18 for the kid. He had cancer, you know, and he liked his ice cream so I'd pick him up an ice cream.  
19 And you know, give him the ice cream.

20 SR Was Gavin sick the entire time you knew him?

21 M Yes. No, not in the beginning.

22 SR At the beginning?

23 M No, he was fine in the beginning.

24 SR But he came down with this and started the treatments while the litigation was  
25 M Correct  
26 SR in progress?  
27 M Correct

28 Z I have a question. You mentioned that earlier you met with Mr. Ross. Ok



1 M No, I didn't meet with him.

2 Z Had a conversation, had a conversation with Ok. Was the conversation regarding McDonalds and  
3 so forth in that conversation?

4 M No.

5 Z Ok.

6 SIR Were any other details of this discussed in that conversation?

7 M No.

8 SIR Thank you.

9 Z I think I asked you if he was sick during the entirety of that time, up until the time of the settlement?

10 M No, he was not sick at the beginning.

11 Z I understand.

12 M Ok.

13 Z I mean I was he sick at the end.

14 Z At the time the litigation settled.

15 M Well, he wasn't going to school or anything. I mean I hear he was on the mend but you know, I  
16 don't know the extent, I didn't speak to his doctors. I don't know, you know I don't know the  
17 extent of his illness, but he wasn't going to school.

18 Z During the time that he had the examinations, the independent medical examinations, IME exam,  
19 was he sick during that time?

20 M He seemed pretty fine. I mean, I don't, like I said. I don't know what was happening inside his  
21 body but his hair, he had hair, he was eating well, he seemed fine. You'd never know, the lay  
22 person or the person who didn't know, would never know he was sick.

23 Z Was he going for treatments at the time?

24 M Not that I, I think he was done with all his treatments.

25 Z Steve, do you have any questions?

26 R No, I don't think so

27 SIR I do, briefly. Mary, when was the first conversation that we had, remember how that came?

28 M Ah, we had a conversation Thursday, ah, I don't know, 2 weeks ago, Thursday, maybe?

1 SIR (inaudible)  
2 M A week ago, I don't know  
3 SIR (inaudible)  
4 M It was Thursday, I think it was a week ago Thursday.  
5 SIR And you had called Mr. Mesereau's office, correct?  
6 M Yes.  
7 SIR And I responded to that call?  
8 M Yes sir.  
9 SIR But we never discussed any of the facts.  
10 M No.  
11 SIR I see, nothing further. Thank you very much  
12 Thank you Mary  
13 RBO One second please.  
14 [Cross talk]  
15 RBO You mentioned that you had discussions with ah, Janet Arvizo about her new boyfriend who was  
16 from the Army. Remember anything about this?  
17 M Very casual.  
18 O I think she said army or navy.  
19 M Army, Navy, something, some kind of armed forces or even police officers or something. Or I  
20 don't remember, something in a uniform.  
21 RBO Can you recall to the best of your ability what she said to you about her new boyfriend?  
22 M He was wonderful and wonderful with the kids.  
23 RBO Was she living with him?  
24 M Ah, I don't know, no she didn't indicate.  
25 RBO Did she say to you where he was from?  
26 M No.  
27 RBO Did she tell you anything about him?  
28 M No.

1 RBO Did you ask her how she had met him?  
2 M No.  
3 RBO Do you remember anything at all that you can tell us about this new boyfriend?  
4 M No, just da, ah, I mean, I know more now since she called me again.  
5 RBO When did she call you again?  
6 M Ah, I want to say about 2 months ago.  
7 RBO And what did she say when she called you then?  
8 M She wanted to know what I was doing, what I had been doing, what was happening, ah, if we could  
9 get together and I said "No," that I really didn't want to get together. And she said "I had a baby,  
10 got married." And I said to the same guy you know that you told me about. She said, yeah, same  
11 guy, he's in the military or the Coast Guard or I don't remember. And she said yeah, yeah, he's  
12 great, he's wonderful and we have this baby. And I asked her how Gavin was. And she said Gavin  
13 was great, everything was great and you know, started talking like her usual devil, you know,  
14 there's a devil, there's a devil, everybody's the devil, you know, and its just ...  
15 RBO Who was she referring to as the devil?  
16 M Michael Jackson.  
17 RBO And?  
18 M And everybody involved.  
19 RBO Do you know how many times she said he was the devil?  
20 M I don't know how many times, several times. But she said that about everybody. So, everybody  
21 was the devil. If she didn't like you, you're the devil.  
22 RBO Did she why he was the devil?  
23 M Just the devil that ruined her life, was all she said.  
24 RBO Did she say where she was living?  
25 M No, no cause I asked her. I said well if I need to get in touch with you how do I get in touch with  
26 you. And she said you call, you know, Larry Feldman. I'll leave a message there that if you call or  
27 give him your name, and if you call they are to call me right away and I'll call you right back. If  
28 there's anything you want to discuss, anything you want to talk to me about.

1 RBO Did she talk to you about the old case that you had with JC Penny?  
2 M No, no.  
3 RBO Did she ask you how were doing?  
4 M No.  
5 SIR You also said you received a call from the DA, Tom Sneddon.  
6 M Oh, that was in the very beginning. Actually, no, it wasn't, it was in the very beginning, it was like  
7 the first day of the case, the first day the news broke.  
8 SIR Um.  
9 M It was like the very first day.  
10 SIR What was he calling the office or calling you direct?  
11 M Yeah, calling the office.  
12 SIR So he wasn't calling you direct?  
13 M Well I, any calls that come in for Mr. Rothstein, go straight to me.  
14 SIR All right.  
15 M He doesn't take calls off the switchboard.  
16 SR What was it that Mr. Sneddon said in that call?  
17 M But, I didn't discuss anything with him. That he just, I took a message.  
18 SR He was asking for Mr. Rothstein?  
19 M Yeah, he wanted, actually he was asking for information and of course I said I wasn't gonna give  
20 any information.  
21 SR Remember ...  
22 M But there was, we had like 75 calls that day. Everybody, everybody from every magazine, every  
23 newspaper, every TV station, we had everybody calling us that day.  
24 SR Do you remember what information Mr. Sneddon was trying to get?  
25 M Ah, I, you know, I don't think I was privy to that information.  
26 SR Back to the phone call you had with the ...  
27 M Actually, oh, I take that back. Somebody else from Mr. Sneddon's office called first. There was  
28 another person that called first, another attorney.

1 SR Can I clarify what time period we're talking about?  
2 M This is the very, very like first days, I don't even think Michael Jackson had been arrested yet.  
3 SR First days, first days of what?  
4 M News breaking that there was an investigation or something.  
5 SR Into Michael Jackson?  
6 M Right  
7 SR Ok  
8 M And that it involved the child who was in the TV show who, of course I happened to know, so I  
9 knew right away, you know, I'm not stupid.  
10 RBO Oh, when this person for the DA's office called immediately after the news of Michael Jackson  
11 broke in the media, what were they asking for?  
12 M Information on a file and I said you know, I'd take a message for Mr. Rothstein and he'd call you  
13 back.  
14 RBO And you also mentioned that you knew from the television program that it was Gavin Arvizo?  
15 M Oh yes.  
16 RBO When you saw the television program did you discuss what you were thinking or what you knew  
17 about him with anyone?  
18 M No.  
19 RBO Any reason why you didn't discuss that with anyone?  
20 M No, well I had no reason to discuss it with anybody. I, I, at that point it was moot.  
21 RBO Back to the phone call that Janet Arvizo did to you where she called what, 2 months ago?  
22 Is that right?  
23 M Something like that, yeah.  
24 RBO Did she say anything else to you that you remember in that phone call?  
25 M No just no, its just weird when she calls. Its uncomfortable.  
26 RBO Why is that?  
27 M I just feel like I'm under a microscope or something, its like I'm being grilled. I don't know.  
28 RBO Did she ask you questions?

1 M Yeah, and I don't feel comfortable discussing things with her.  
2 RBO What kind of questions did she ask?  
3 M I don't know  
4 RBO The final thing I'm thinking of, prior to that phone call 2 months ago, when was the next prior going  
5 back in time that you had talked to her on the phone?  
6 M Maybe a year before.  
7 RBO What do you recall about that conversation?  
8 M Basically she was just calling to say Hi, how's everybody, how's your daughter, everything ok with  
9 you guys? Everything's ok, you're ok? Yeah, ok, just checking to make sure you're ok.  
10 RBO Did she tell you what she was doing?  
11 M No, well, I don't know, I don't know whether I even listened.  
12 RBO Did she tell you about Michael Jackson in that phone conversation?  
13 M Well, I don't know. We talked about Michael Jackson a lot. That's all she ever wanted to talk  
14 about.  
15 RBO What do you remember her saying about Michael Jackson?  
16 M Previous to this call 2 months ago?  
17 RBO Yes.  
18 M Oh, how wonderful he was. How incredible he was with the kids and how wonderful his ranch was  
19 and how he saved Gavin's life and if it wasn't for him Gavin probably would have died. And you  
20 know, he's sent from God, her guardian angel, um, and so on, I mean she would go on and on. You  
21 know, she's very religious, uh, very ah, into her little candles and statues and things like that. Uh,  
22 you know, God bless you, and everything is you know, may God bless you, and keep you safe, and  
23 now lets pray together. Say a prayer with me right now, and that kind of stuff.  
24 RBO Do you remember the documentary where Gavin was shown on the television program?  
25 M Yeah.  
26 RBO Did you talk to Janet Arvizo after that program?  
27 M No.  
28 RBO Did you talk to her prior to that program.

1 M Yes.  
2 RBO With any ... When?  
3 M Don't know.  
4 RBO Do you remember any time period prior to that program  
5 M No.  
6 RBO Ok  
7 SR Actually I was trying to get your clarification as far as when you 2 months ago you spoke with her  
8 and prior to that you said approximately a year ago?  
9 M Maybe a year ago. You know she, you know, she called you, its not something that I write down, it  
10 wasn't anything you know that I gave any thought to.  
11 (Cross talk)  
12 O You don't have to explain it for us. That's ok.  
13 SR Mr. Oxman was trying to give you kind of an time period to identify with it you can say was it  
14 before that documentary came out or was it after.  
15 M I honestly don't know. I think it was before.  
16 SR Was her call to you at the office.  
17 M Yes. She always called me at the office. She doesn't have my home phone number.  
18 SR I have another question.. Mr. Oxman asked you as far as when you received this phone call from  
19 the DA's office inquiring about the case, their file. Did that caller specifically on the phone say  
20 Gavin Arvizo, and say this was in regard to the Arvizo matter, or did they just request to talk to one  
21 of the attorneys?  
22 M No. It was regarding the Arvizo matter.  
23 SR And that's the way they said that?  
24 M Yes.  
25 SR And then Mr. Oxman asked you, I just wanted to clarify this, he asked you at that time you had  
26 already had your conversation with Janet regarding, you know, her issues with her X-husband, am I  
27 correct on that?  
28 M You're, yeah.

1 SR At that time since you knew this was out, he asked you why didn't you say something then, and you  
2 said something about it was a mute issue or something, can you elaborate on that a little on why you  
3 didn't come forward then with your information about Janet?  
4 M Because I didn't want somebody coming after me.  
5 SR You said mute, that's why I didn't, I went ....  
6 M Well, I didn't say, I said moot. I said moot. And what I meant by that was is I just figured she got  
7 custody of the kids, David's doing his own thing. You know, I'm out of the loop. I just ... I'm ...  
8 I'm going live my life in peace.  
9 SR So at that time you weren't really fearing for your safety? [inaudible] Is that correct?  
10 M That day I guess. It's didn't cross my mind I guess.  
11 SR Anybody else have anything.  
12 O Thanks very much. If there's any subpoena are going to be served, any trial subpoena, I can be  
13 served, I will be available.  
14 RBO I appreciate that very much.  
15 O All right, gentlemen  
16 M The one's that going to my neighbors.  
17 O Well, they have a right to go to the neighbors. We can't keep them from doing that.  
18 M I don't have anything to hide. I mean.  
19 O Whatever it is they have a right to go there.  
20 M All right.  
21 O There's nothing we can do about that. Any further questions.  
22 RBO Appreciate it very much.  
23 SR All right  
24 M I can take my cold medicine now. Advil.  
25 [Crosstalk]  
26  
27  
28