

The following is an excerpt of the upcoming book "Untouchable: The Strange Life and the Tragic Death of Michael Jackson" by Randall Sullivan published in Vanity Fair's November 2012 issue. You can read the full article at this link: <http://www.scribd.com/doc/109408030/VF-MJ-Article>



Randall Sullivan was a contributing editor to *Rolling Stone* for over twenty years. As an investigative reporter for the magazine, in 2005 he wrote a well-known article examining the murder of rap legend the Notorious B. I. G., the rapper for Michael Jackson's song "This Time Around" – HIStory album.

“It appeared at first that MJ had died intestate. In the absence of a will, his entire estate would belong to Prince, Paris and Blanket and would be placed into a court-administered trust until the 3 children came of age.

This meant that custody would be the only way any adult could have access to Michael's wealth and property. On June 29, 2009 LA County Superior Court judge Beckloff gave KJ temporary custody of MJ's 3 kids and limited access to some of his property.

2 days later, a certified copy of a document titled "Last Will of Michael Joseph Jackson" was filed in the same court by 2 of the 3 executors named in the doc, John Branca and John McClain.

A handwritten annotation stated that the signing had taken place in Los Angeles at 5 p.m. on July 7, 2002. **According to Branca, who produced the document, Michael's will had been in the files of his law firm ever since. For good measure, Branca also noted that he had been rehired as one of Jackson's attorney on June 17, 2009, a week before Jackson's death.**

By the time the will and a related trust agreement arrived at the courthouse, Branca had already retained the services of 2 powerful and highly paid allies. One was Howard Weitzman, **WHO HAD HELPED JOHNNIE COCHRAN PERSUADE MICHAEL JACKSON TO SETTLE THE JORDAN CHANDLER CASE in 1993.**

Branca's other top hire was a "crisis manager", Mike Sitrick.

That Branca had put Weitzman and Sitrick on his payroll indicated that he expected a public fight.

The most notable thing about the trust agreement was that it gave Branca and McClain ABSOLUTE DISCRETION TO DECIDE HOW THE MONEY from the trust intended to support Katherine Jackson would be distributed.

Because the Estate would NOT begin disbursing funds to Michael Jackson's children FOR MANY YEARS

, Branca and McClain would potentially be paid TENS OF MILLIONS OF DOLLARS to administer the Estate.

Knowing that the provisions would send a shiver through the family, Branca met with the Jacksons at Jermaine's house the day AFTER the will was filed. According to Branca, his presentation was greeted with approval: "They applauded 3 times when they were told who got the property" he recalled.

Katherine remembers the meeting differently. According to her, the atmosphere went from quiet to glum. She personally **was offended that JOHN BRANCA NEVER ONCE SAID HOW SORRY HE WAS FOR HER LOSS.**

The man was cold, Mrs. Jackson thought, just as Michael had described him:

"My son had told me and the kids that HE NEVER WANTED BRANCA TO BE ANY PART OF HIS BUSINESS EVER AGAIN".

In court, it was clear that, for the moment, there would be no real objection to the will itself. Although few at this time were voicing doubts about its authenticity, some were privately raising other questions. Branca had been fired as Michael Jackson's attorney in early 2003. **WHY HADN'T HE TURNED OVER THE ORIGINAL COPY OF THE WILL?**

That might have been well-advised, according to some attorneys.

Moreover, Branca had chosen to REMAIN AN EXECUTOR OF THE WILL EVEN AFTER HE WAS DISMISSED AS MICHAEL'S ATTORNEY - not the standard practice.

The "complete and unfettered discretion" that the trust document gave Branca and McClain also raised eyebrows. The attorneys Andrew and Danielle Mayoras are the authors of a serialized online analysis of the legal machinations involving Michael Jackson's fortune. **"THEY HAVE TOTAL POWER AND CONTROL OVER KATHERINE JACKSON" Andy Mayoras said of the executors.**

"This is unusual because Michael Jackson's affection and trust and support of his mother was publicly displayed in the past, plus she has his kids.

THIS IS NOT NORMAL FOR AN ADULT BENEFICIARY

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Branca professed to be astonished when Katherine Jackson's attorneys filed a motion asking the court to give Michael's mother control of her son's wealth, based on "conflicts of interest" and "other factors" that were said to compromise the ability of Branca and McClain to administer

the Estate. **THE BUSINESS ARRANGEMENTS ENTERED INTO ON MICHAEL'S BEHALF WITH SONY AND AEG** , which remain matters of dispute, **WERE SPECIFICALLY REFERENCED.**

After acknowledging that "we're getting off to a bit of rocky start here", Judge Beckloff ruled in favor of the executors named in the will. "Someone needs to be at the helm of the ship" the judge stated. Under the circumstances, judge's decision made sense.

Weitzman and the other attorneys representing Branca and McClain had argued that a singular level of knowledge would be required to sort through the mountain of debt and scores of lawsuits that MJ had left behind, while at the same time managing the assets of his enormous - and enormously complicated - estate.

Michael Jackson's internment in the Great Mausoleum at Forest Lawn took place on September 3, 2009 - a date chosen not for any sentimental significance but because it was the one day when no members of the family had paying events to attend.

By the time of the funeral, Randy Jackson was leading the opposition to Branca, in coordination with his father. Both men and most of the Jackson family, for that matter were increasingly suspicious of the will and the trust document.

Attorneys who specialized in probate law agreed almost unanimously on HOW BADLY DRAWN BOTH THE WILL AND THE TRUST APPEARED TO BE. Each document was much shorter, much simpler and much less detailed than one would have expected for the disposition of such a large personal fortune. The absence of provisions that would have protected the estate from tax burdens was perplexing. An observation that resonated powerfully among Michael's family was that his children had not been listed by their proper legal names.

The biggest questions of all continued to be how and why Branca had remained in possession of the will and trust agreements until July 2009. Michael had dismissed Branca as his attorney in February 2003 with a letter in which Branca had been "commanded" to deliver the originals of "all my files, records, documents and accounts" to a new attorney, David LeGrand. He did in fact delivered several boxes of papers to LeGrand. In 2004, after LeGrand was dismissed, Brian Oxman, a onetime Jackson lawyer, took possession of the documents. "I had access to every

file and I had to go through them” he recalls. “And I did. There was no will. There was no trust. It just showed up after he died”. (Branca, through his attorney, declined to comment.).

Oxman suggested hiring a team of private investigators. In October 2009 Janet Jackson hosted a family meeting at which the contents of their report were disclosed. Among the revelations: Michael Jackson had been in New York City on July 7, 2002, the date on which, according to the handwritten annotation on the signature page of the will, he had executed that doc in Los Angeles. In fact, he had been in the company of Reverend Al Sharpton. On Branca's behalf, Weitzman has insisted that the signature on the will is genuine and that all 3 witnesses were present when Jackson signed his name. Weitzman himself, though, has offered NO details about when or where the will was signed.

Armed with the results of the investigation, it looked as if KJ and her children might be poised to try to push Branca aside and seize at least partial control of the estate. The family's facade of a united front, though, was cracking into pieces. The competing schemes, hidden agendas and factional conflicts that churned beneath the surface provided points of vulnerability.

The weak points were located mainly in the characters of the Jackson brothers. Randy was the one pressing hardest. Branca and his attorneys were continually telling people what a problematic fellow Randy was. The Jacksons themselves viewed Randy as the most selfish and conniving among them.

Jermaine, as always, could be gotten to. The estate could help clean up his child support arrears and help him relaunch his career. Branca also sent a message that the estate could find a place for Jermaine in the Cirque du Soleil deal, performing live with Janet and collecting fat checks, but only if he was in board with the men in charge. “We should try to work with Branca” Jermaine began telling Katherine.

Jackie was in some sense the estate's inside man. He had been friend with John McClain since high school and had introduced McClain to the family. It was McClain who helped Jackie win the right to make a profit from his failing clothing business by selling MJ designer t-shirts. Jackie i also being paid by the estate as a consultant. In November 2009, Katherine's attorney announced that Mrs. Jackson was withdrawing any objections to Branca and McClain's continuing to serve as the estate's executors. Katherine would begin to receive a monthly stipend. Provisions were made to cover the cost of housing and expenses for the children. The executors would get on with the business of settling the estate.

All of Katherine's children complained that she had accepted a deal that cut them out entirely – as she had. Katherine herself was increasingly unhappy with the stingy allowance she received.

The clamor for action increased after Branca and McClain submitted to judge Beckloff's court their preliminary accounting of disbursements during the 16 months between Michael's death and October 31, 2010. **The three-page document showed that, whereas Katherine had received modest sums enumerated in thousands, NEARLY \$29 MILLION HAD BEEN PAID OUT TO PEOPLE WORKING FOR THE ESTATE.**

Under the heading "Co-Executive and Creator Director Compensation" payments totaling almost \$18 million were listed between February 2010 and October 8, 2010, indicating that **Branca and McClain had each received NEARLY \$9 MILLION OVER A PERIOD OF 8 MONTHS.**

In the end, Katherine came to believe she needed an attorney who might offer an alternative to simply accepting Branca's control of the estate and being grateful for whatever generosity he chose to extend. In April 2011 she found such a person in Perry Sanders Jr.

Sanders saw the right play was to challenge Branca's decision to retain the originals of the will and trust agreement after he was fired and to attack his failure to resign from his position as executor. He seemed to think he had enough to encourage a deal. Some members of the Jackson family, Randy and Joe in particular, complained that this new lawyer looked like yet another guy who wanted to get in bed with Branca. At a lunch meeting in Beverly Hills, **Sanders assured Weitzman that he would much rather work WITH the Estate than fight against it.** Within the week, he had proved this by settling a lawsuit involving Jackson's Heal the World Foundation, orchestrating an arrangement that guaranteed Melissa Johnson, who ran the foundation, and KJ seats on the charity's board of directors, but still gave John Branca ultimate control.

When Joe and Randy renewed their complaints, Sanders assured Katherine that he was ready to go to war with Branca if he had to, but that an amicable settlement was clearly preferable. He would be meeting with Weitzman again soon, he told her, this time for dinner, to determine if that was possible.

Sanders refused to say afterward exactly what had transpired during his dinner with Weitzman,

but it was obvious in the days that followed that a deal had been struck. The executors agreed to initiate the process of paying out a portion of the estate into Katherine's hands - \$30 million into the trust, according to some reports. There was much to be worked out, and the money had NOT been released, but the contours seemed agreeable. Katherine would soon describe Branca as a "very able man". Sanders, for his part, would say that he admired Weitzman and respected Branca.

But the Estate was still NOT formally settled and the money KEPT NOT MATERIALIZING.

Several of Katherine's children were convinced that the Estate intended to delay the funding of the Family Trust in the hope that Katherine, now 82, would die before collecting her part. Perry Sanders himself was growing impatient, more inclined by the week to suspect that the executors were in fact stalling.

Documents filed with Beckloff showed the estate had generated gross earnings in excess of \$475 million through May 2012 and that nearly all of Michael's debts had been paid off.

What Michael's siblings wanted to know was how much of that money Branca and McClain and their attorneys were paying themselves. Only a truly exhaustive audit, Sanders believed, could provide that information.

Randy and Janet wanted more than an audit – they wanted Branca removed. The atmosphere enveloping the Calabasas estate was increasingly murky as the third anniversary of Michael's death approached. What happened next, and the motivation behind it, is difficult to untangle. In part, it was an attempt by 5 of Jackson siblings to create a platform for maximum exposure of allegations against the executors.

The episode began with the famous letter that stated the will naming Branca and McClain as executors was "Fake, Flawed and Fraudulent". The letter noted that Michael was absolutely NOT in Los Angeles on the date of his signature reflected in the Will. "Our brother told us in no uncertain terms and without hesitation in the months prior to his death that he despised both of you and that he did not want either of you to have anything to do with his life or estate for that matter."

The letter went on to imply that the executors were dragging things out in the hope that

Katherine Jackson would die before they had to pay her any money.

AEG was the letter's final target. The Estate HAD DECLINED - INEXPLICABLY IN THE FAMILY'S VIEW - TO JOIN THE WRONGFUL DEATH SUIT OR TO LAUNCH ONE ON ITS OWN.

All in all, Sanders thought, it was the kind of letter that couldn't possibly have been written by a competent attorney. He was not happy to see Michael's siblings highlighting a point he himself knew to be of **SUPREME SIGNIFICANCE**.

As the letter stated, **Branca and McClain HAD WRITTEN TO JUDGE YVETTE PALAZUELOS, who is presiding the wrongful death lawsuit, ASKING HER TO "KEEP ALL DOCUMENTS HANDED OVER BY AEG FOR DISCOVERY UNDER COURT SEAL" clearly protecting AEG.**

Sanders had already told Katherine privately that he would go at **Branca and McClain through THEIR RELATIONSHIP WITH AEG. Sanders had found EVIDENCE OF CONFLICT OF INTEREST in the relationship between the executors and the entertainment company**, Sanders said, and was looking for proof of actual collusion. It wasn't something he had wanted to reveal in advance, however.

Sanders hoped he could survive long enough to show he was preparing not just a well-made brick but a suitcase-size nuclear bomb. The executors and their attorneys had been given far greater reason for concern by the request Sanders had made for "all supporting documents" of the "Second Account Current" the estate had filed with judge Beckloff covering the period between November 1, 2010 and December 31, 2011, with a particular emphasis **ON THE ESTATE DEALINGS CONNECTED TO AEG.**

Branca and Weitzman were certainly smart enough to see where this was heading. In its submission to the judge, the Estate's accounting was extensive but OPAQUE, divided into broad categories of "disbursements".

Sanders had hired the best forensic accountant he could find to go through the estate's documents piece by piece. He was clearly targeting anything that might suggest **COLLUSION BETWEEN THE ESTATE AND AEG**.

Sanders already possessed perhaps enough ammunition, he believed, to file a claim based on conflict of interest that targeted Branca and Weitzman personally for **the estate's failure to either file ITS OWN LAWSUIT AGAINST AEG or to join in the case filed by Katherine**, and was prepared to make this known at the August 10, 2012 hearing before judge Beckloff.

In apparent anticipation of such a move, **in early August the Estate REQUESTED AND RECEIVED A POSTPONEMENT** of the hearing, putting it off until September 20. Sanders said he had no problem with that. On August 20, however, **the Estate FILED 9 SEPARATE OBJECTIONS TO SANDERS' REQUEST FOR DOCUMENTS**, characterizing it as "vague and ambiguous" and "unduly burdensome".

The Estate's lawyers also claimed that some of the information sought by Katherine Jackson was "**HIGHLY CONFIDENTIAL**" or was protecting by attorney-client privilege and as attorney work product. The demand Sanders had made on Katherine Jackson's behalf **"clearly infringed upon Branca and McClain RIGHTS TO PRIVACY"**, argued the Estate's attorneys, who also objected to the demand for documents in the "control of third parties" and assumed "the existence of documents" without proof that they did in fact exist."

Vanity Fair website published the excerpt of Sullivan's book with the title: "Michael Jackson's burial was delayed because Janet wanted her burial-plot deposit back": <http://www.vanityfair.com/online/oscars/2012/10/michael-jackson-burial-delayed-janet-jackson-deposit> claiming that the burial was delayed for 3 months due to financial wrangling between Janet Jackson and the Estate of Michael Jackson.

According to Sullivan: "Janet put up to the \$40,000 deposit at Forest Lawn to secure a spot for Michael but refused to let the funeral take place until the money was repaid". **The second part of Sullivan's claim is untrue, as shown by the contract signed with the Forest Lawn and the emails between Katherine Jackson's attorney at that time, Burt Levitch, and the Estate of Michael Jackson (see the documents at:** <http://muzikfactorytwo.blogspot.it/2012/10/janet-jackson-did-not-delay-michael.html>

While Janet indeed had paid the advance to secure a spot, the Jackson family was still considering alternatives as the final resting place for Michael (Neverland, Forest Lawn, Gary and Las Vegas), that's the reason why the burial was delayed.

When they finally dettled on the Forest Lawn, they amended the initial contract purchasing a tomb at the Great Mausoleum. Randy Jackson, on behalf of the family, did NOT approach the Estate for payment till August 29, 2009. This is the very date when the family learnt that neither Forest Lawn nor the Glendale Police Department will proceed rendering their services without full payment.

Levitch appeared at Court on September 1, 2009. Judge Beckloff swiftly approved all the funeral expenses asked by Katherine which is about \$1 million. The funeral expenses were paid before the burial on September 3, 2009. The Estate reimbursed Janet in 2010.

Janet sent a legal letter sent via her attorney Blair G. Brown demanding that Vanity Fair retracts its statement: <http://www.janetjackson.com/story/news/letter-from-blair-brown-to-graydon-cartier-of-vanity-fair>