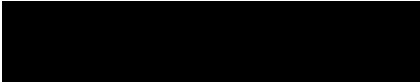


December 30, 2009

VIA E-MAIL AND OVERNIGHT DELIVERY

Brian Oxman
Oxman & Jaroscak



Re: Your Subpoenas to UCLA Medical Center and UCLA Health Systems

Dear Brian:

This letter addresses the two subpoenas you recently served on UCLA Medical Center and UCLA Health Systems (collectively, “the UCLA Parties”). Your subpoenas seek every single medical record associated with Michael Joseph Jackson (“Michael”), and all documents or communications related to such records. Among other things, you seek:

medical records, autopsy reports, autopsy photographs, autopsy recordings, toxicology reports, specimen slides, treatments, prescriptions, medications, billings, business records, financial records, payments records, or consultations regarding the above-named patient, including but not limited to ambulance reports, admissions reports, discharge reports, history, laboratory results, physicians, nurses, and physical therapy treatment records, autopsy reports, postmortem examinations, diagnosis, prognosis, assessments, progress notes, X-rays, MRI scans, laboratory slides, pharmacy records, drug dispensing records, laboratory specimens, prescriptions, recommended medications, physical therapy reports, billing records, X-ray reports, matters contained in and pertaining to outpatient clinics, emergency records, in-patient care records, and all other matters respecting any health care treatment or examination of the patient.

Your requests are clearly improper. First, it is undisputable that your requests seek information that is protected by Michael’s fundamental privacy rights. *See generally* JUDGE ROBERT I. WEIL, JUDGE IRA A. BROWN, ET AL., CALIFORNIA PRACTICE GUIDE: CIVIL PROCEDURE BEFORE TRIAL § 8:305 (Rutter 2009) (“The constitutional right of privacy applies to a party’s medical records.”). Indeed, medical records have been called the “quintessential

zone of human privacy.” *Id.* Your request for every single one of Michael’s medical records clearly violates this right. Moreover, your disregard for Michael’s privacy rights is demonstrated by your inclusion of Michael’s social security number on the very subpoena itself. It is well recognized that an individual’s social security number is highly confidential information that may not be included on documents that are part of the public record. *See* CAL. R. CT. 1.20 (requiring redaction of social security numbers in order to “protect personal privacy and other legitimate interests”).

Second, the majority of the documents you seek are protected by the physician/patient privilege. *See* CAL. EVID. CODE §§ 990 *et seq.* (protecting from disclosure “confidential communication[s] between patient and physician” including “information obtained by an examination of the patient, transmitted between a patient and his physician in the course of that relationship . . . , [and/or] a diagnosis made and the advice given by the physician in the course of that relationship”). The courts have a long history of liberally construing this privilege in favor of nondisclosure. *See, e.g., Kramer v. Policy Holders’ Life Ins. Ass’n*, 5 Cal.App.2d 380 (1935).

Third, even if none of the above were true, the documents you are seeking are not discoverable because they have absolutely no relevancy—at all—to your client’s Petition for Family Allowance. Joseph Jackson’s (“Joseph”) theory is that he is entitled to a family allowance because (1) Michael, Joseph, and Katherine Jackson allegedly agreed during Michael’s lifetime that Michael would contribute to Joseph’s support; (2) Michael allegedly supported Joseph for many years prior to Michael’s death; and (3) Joseph is allegedly incapable of supporting himself. None of these issues have anything to do with Michael’s medical records. Because these documents are plainly not “reasonably calculated to lead to the discovery of admissible evidence,” they are not discoverable. CAL. CODE CIV. PROC. § 2017.010.

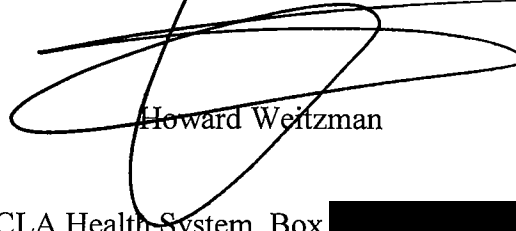
Fourth, your requests are clearly overbroad. You seek all of Michael’s medical records for his entire lifetime, without any limitation as to time or subject matter.

Because of the sensitivity of these records, and because these documents clearly lack any connection to your client’s Petition, the only reasonable conclusion is that you are seeking Michael’s medical records for some improper purpose. If you do not immediately withdraw your subpoenas and notify the UCLA parties of your withdrawal, we will move to quash your subpoenas and will seek sanctions against you including our attorneys’ fees. *See* CAL. CODE CIV. PROC. § 1987.2(a).

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Finally, it is unclear why you have served two subpoenas seeking identical documents. We assume that the second subpoena is meant to supersede the first subpoena and that you are withdrawing the first subpoena. Please confirm that this is the case, and immediately inform the UCLA Parties that they are not required to produce documents on January 11, 2010 (the date requested in the first subpoena).

Sincerely,

A handwritten signature in black ink, appearing to be "Howard Weitzman", written over the printed name.

Howard Weitzman

cc: Office of Legal Affairs, UCLA Health System, Box [REDACTED]

HW

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