



JACKSONSECRETVAULT.COM  
IN ASSOCIATION WITH CELEBRITYVAULT  
& ART & ARTIFACT  
THE PHOTOGRAPHIC ART CENTER *Presents...*

THE UNVEILING OF THE  
JACKSON SECRET VAULT  
LITHOGRAPHIC  
COLLECTION

WITH A SPECIAL GUEST APPEARANCE BY

*Katherine Jackson*

& A PRIVATE AUTOGRAPH SESSION  
WITH THE PURCHASE OF THE  
NEVER CAN SAY GOODBYE BOOK  
& SECRET VAULT LITHOGRAPH

PART OF THE PROCEEDS OF SALES GO TO  
THE HEAL THE WORLD FOUNDATION



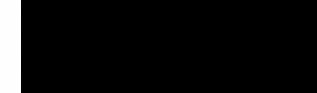
DEC 10, 2010

*Six-Nine* PM

BEVERLY HILLS, CA 90210  
RSVP



ZIA F. MODABBER



December 8, 2010

**VIA Messenger and Email**



Howard Mann  
Vintage Pop Media Group, LLC  
Vintage Pop Media, Inc.



**Re: Estate of Michael J. Jackson/The Celebrity Vault**

Dear Howard:

I am litigation counsel for John Branca and John McClain, Co-Special Administrators of the Estate of Michael Joseph Jackson (the "Estate"). I write with respect to the print advertisement for Jacksonsecretvault.com's "Unveiling of the Jackson Secret Vault Lithographic Collection" scheduled to take place this Friday, December 10, 2010. In particular, the ad (a copy of which is attached) contains an unauthorized image of Michael Jackson to promote the event.

California Civil Code Section 3344.1 provides that any person who, without consent, uses a deceased personality's name, photograph or likeness for the purpose of advertising or selling products or merchandise shall be liable for damages, including without limitation, attorneys fees. No consent by the Estate has been given for your use of Michael Jackson's image or other personality rights for this ad, or anything else.

We do not yet know exactly what you will be selling as the "Jackson Secret Vault Lithographic Collection," but to the extent you sell or infringe on any Estate-owned or controlled intellectual property, we intend to hold you liable for any and all damages the Estate may be entitled to recover under all relevant state and federal laws.

The attached advertisement also states that "part of the proceeds of sales go to the Heal the World Foundation." Heal the World Foundation was a charitable organization founded by Michael Jackson, and for many years was closely associated in the public's mind with him. However, there is presently no connection between the Estate and Heal the World Foundation. (In fact, the Estate has obtained an injunction against those currently using the name from committing any acts calculated to cause purchasers to believe that there is any sponsorship of, approval by, or connection with the Estate.) By using Michael Jackson's image and likeness to promote an event benefitting Heal The World Foundation, the advertisement appears

Howard Mann  
December 8, 2010  
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intentionally designed to not only trade off of Michael Jackson's name and personality rights by suggesting an association between the Estate and the Event, but creating an association between the Estate and Heal The World Foundation where none exists.

By this letter we demand that you immediately cease and desist from these activities and, in particular, that you remove the image and likeness of Michael Jackson from your advertisement. We also demand that you correct your advertisements in a clear and conspicuous manner, and in all places where it may be found, to make clear that your event is in no way endorsed by or connected with the Estate, and that the Heal the World Foundation, to the extent it is a legitimate charitable entity lawfully collecting money as such, has nothing whatsoever to do with Michael Jackson or his Estate. Please confirm your compliance with the terms of this letter immediately.

This letter is not meant to be an exhaustive recitation of all unlawful or wrongful activities engaged in by you, either directly or indirectly, and is written without a waiver of any or all of the Estate's rights at law or at equity. All such rights are hereby expressly reserved.

Very truly yours,



Zia F. Modabber

ZFM/prp

cc:



Howard L. Weitzman, Esq. (via email)

# THE DURST FIRM

Lee H. Durst, Attorney and R.E. Broker [SBN 69704 & DRE 00905812]

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## OF COUNSEL:

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Larry Rothman & Associates, A P.L.C.\*\*

Law Offices of James Hodges

Law Offices of Amanda Bui, A P.L.C.

The Nicholson Law Firm

\*\* Member of the Board of Directors & Shareholder

December 9, 2010

Via Fax Only – (3)

Zia F. Modabber  
Katten Muchin Rosenman LLP  
1000 Wilshire Blvd  
East

Los Angeles, California 90017

Re: Demand to Cease and Desist

Dear Ms. Modabber:

Thank you for your letter of December 8, 2010. I am in-house counsel for Vintage Pop Media Group, LLC and I have the following comments concerning your request:

- The invitation that you scanned and annexed to your cease and desist letter in no way suggests or intimates a relationship between the Estate of Michael Jackson and/or Vintage Pop Media Group and/or Heal The World Foundation. Nowhere on the invitation itself does Vintage Pop Media Group use or suggest or imply that the estate supports Vintage Pop Media Group or Heal The World Foundation initiatives.
- Vintage Pop Media Group LLC operates with legal copyrights, as the photographs, images and designs were purchased through bankruptcy and are therefore unencumbered. Michael Jackson filed a Federal civil case against Vintage Pop and its majority shareholders in 2003. This Federal lawsuit was dismissed with prejudice in Vintage Pop's favor in 2004 under the following Causes of Action:
  - Conversion
  - Copyright Infringement (17U.S.C. § 101)
  - False Designation of Origin (Lanham Act 15 U.S.C. § 1125a)
  - Violation of Statutory Rights of Publicity (ca Civil Code § 3344)
  - Common Law Misappropriation of Right of Publicity
  - Violation of Right of Privacy
  - Violation of 15 U.S.C. 1125a, Cybersquatting
  - Accounting
  - Constructive Trust
  - Injunctive Relief
- The photo shown in the invitation is a photo owned by Vintage Pop Media.
- It is our position that Vintage Pop Media Group is operating within the rights awarded in the 2004 dismissal.
- Vintage Pop Media Group will confer with counsel as to your infringement notice and review all outstanding items proposed for our Jackson Secret Vault launch, and will work to ensure they fully comply with lawful usage.

- Vintage Pop Media Group operates in a partnership with and remits revenue shares to the beneficiaries of the Estate of Michael Jackson.
- Vintage Pop Media is making a donation of a portion of its profits to Michael Jackson's beloved charity, Heal the World Foundation. The Charity is not a sponsor of this Exhibit. If you want Vintage Pop Media to display a sign explaining that the Estate of Michael Jackson is not associated with Michael's Heal the World Foundation, we will do so.

In my capacity as General Counsel for Vintage Pop Media Group LLC, I have been authorized to accept service of process by mail.

Very truly yours,

THE DURST FIRM

*Lee H. Durst*

By \_\_\_\_\_  
Lee H. Durst

CC: Clients

