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6

7 UNITED STATES DISTRICT COURT
8 CENTRAL DISTRICT OF CALIFORNIA
9

10 JOSEPH JACKSON,)
11 Plaintiff,)
12 v.)
13 CONRAD MURRAY, an individual, ACRES)
HOME HEART & VASCULAR ASSOCIATES,)
14 INC., a Texas Corporation, GCA HOLDINGS,)
LLC., a Nevada Limited Liability Company,)
15)
16 Defendant.)
17

Case No.)
COMPLAINT FOR WRONGFUL DEATH;
RESPONDEAT SUPERIOR; AND
NEGLIGENT HIRING, TRAINING, AND
SUPERVISION)
JURY TRIAL DEMANDED)

18 and)
19 Nominal Parties:)
20 KATHERINE JACKSON, individually and)
as guardian ad item of MICHAEL JOSEPH)
21 JACKSON, JR., a minor, PARIS-MICHAEL)
KATHERINE JACKSON, a minor, and PRINCE)
22 MICHAEL JACKSON II, a minor,)
23 Nominal Plaintiff Parties.)
24

25 Plaintiff, Mr. Joseph Jackson, complains of defendants, and each of them, and by this complaint
26 alleges as follows:
27

28 **PARTIES**

1. On June 25, 2009, Joseph Jackson was the biological and natural father of decedent, Michael

1 Joseph Jackson, born August 29, 1958, and died June 25, 2009, and the dependent parent of Michael
2 Joseph Jackson supported as provided in California Code of Civil Procedure section 377.60. Joseph
3 Jackson makes this claim for the wrongful death of Michael Jackson, who died in Los Angeles, California,
4 and whose estate is administered in the Superior Court of California, County of Los Angeles. Mr. Jackson
5 is therefore a citizen and domiciliary of California in this wrongful death proceeding.

6 2. On that date, defendant Conrad Murray, was a physician licensed to practice medicine in the
7 States of Texas, Nevada, and California, a citizen and domiciliary of Nevada, and engaged in the practice of
8 medicine in Texas, Nevada, and California, treating decedent, Michael Joseph Jackson. Defendant Murray
9 is the President, director, and employee of defendants Acres Home Heart & Vascular Institute, Inc., and
10 GCA Holdings, LLC.

11 3. On that date, Acres Home Heart & Vascular Institute, Inc. (hereinafter sometimes “Acres
12 Home”), was and now is a corporation organized and existing under the laws of the State of Texas, and a
13 citizen and domiciliary of Texas.

14 4. On that date GCA Holdings, LLC, also known as Global Cardio-Vascular Associates Holdings,
15 LLC (hereinafter sometimes “Global”), was and now is a limited liability company organized and existing
16 under the laws of the State of Nevada, and a citizen and domiciliary of the State of Nevada.

17 5. On that date the nominal parties were the decedent Michael Jackson’s other dependent parent,
18 children, and heirs at law as provided in California Code of Civil Procedure section 377.60 as follows:

19 Michael Joseph Jackson, Jr., born February 13, 1997 (child of decedent);

20 Paris-Michael Katherine Jackson, born April 3, 1998 (child of decedent);

21 Prince Michael Jackson II, born February 21, 2002 (child of decedent);

22 Katherine Esther Jackson, born May 4, 1930 (mother of decedent).

23 6. Pursuant to Civil Code section 364, on March 27, 2010, Mr. Jackson served a Notice of Intent to
24 Initiate Legal Proceedings on defendants, and he has complied with all pre-litigation statutes and
25 requirements to initiate this proceeding.

26 7. Mr. Jackson believes there are other parties responsible for Michael Jackson’s death, but has not
27 yet gathered sufficient information regarding their potential liability or responsibility. He has made various
28

1 preliminary claims under governmental pre-litigation code sections regarding claims he discovered as of
2 May 1, 2010. Mr. Jackson will amend this complaint when he has gathered sufficient information to
3 establish the responsibility or liability of other persons, businesses, or entities for Michael Jackson’s death.

4 **JURISDICTION AND VENUE**

5 8. This Court has jurisdiction over this action pursuant to 28 U.S.C. Section 1332 because there is
6 complete diversity of citizenship between the parties and the amount in controversy exceeds \$75,000,
7 exclusive of interest and costs. Plaintiff Joseph Jackson brings this wrongful death proceeding in the
8 representative capacity provided for in 28 U.S.C. section 1332 of the decedent who died in the County of
9 Los Angeles, State of California, and is therefore a citizen of the State of California. Defendant, Conrad
10 Murray, is a citizen of the State of Nevada. The nominal parties to this proceeding are all citizens of and
11 domiciled in the State of California, and should be aligned with the plaintiff. However, their citizenship is
12 not considered for diversity purposes because they are only nominal parties.

13 9. Venue in this District is appropriate under 28 U.S.C. Section 1391 because a substantial part of
14 the events giving rise to this claim occurred in the district. Plaintiff’s decedent died in this District.
15 Plaintiff’s decedent resided and was domiciled in this District.

16 **STATEMENT OF THE CASE**

17 **A. Defendants’ initial medical treatment of Michael Jackson.**

18 10. In 2006, in Las Vegas, Nevada, Michael Jackson consulted with defendant Murray concerning
19 the medical care of Jackson’s children who were suffering from colds and the flu. Defendants Murray,
20 Acres Home, and Global solicited Michael Jackson to take care of his individual health needs. Defendants
21 Murray, Acres Home, and Global represented they had multi-state facilities to care for Mr. Jackson.
22 Defendants began a course of medication treatments for Michael Jackson which was below the standard of
23 care and ultimately resulted in Jackson’s over-medication and death on June 25, 2009.

24 11. Defendants utilized their facilities, drug registrations, prescription medication rights,
25 equipment, and operations in Texas, Nevada, and California to treat Michael Jackson from 2006 through
26 2009. Defendant Murray engaged in business as an officer, director, and employee of defendants Acres
27 Home and GCV Holdings (“Global”), to solicit, treat, prescribe, diagnose, and provide medical care for
28 Michael Jackson from 2006 through 2009. Defendants utilized their multi-state facilities and personnel in

1 Texas and Nevada and multi-state licencing in Texas, Nevada, and California, to induce Michael Jackson to
2 undergo diagnosis, care, and treatment for his health care needs and prescription medications.

3 12. On May 3, 2009, defendants Acres Home, Global, and Murray agreed with various entities
4 involved in Michael Jackson's world tour called "This Is It" to provide diagnosis, care, treatment, and
5 medications to Michael Jackson. The Agreement provided defendants would utilize their medical facilities
6 and their drug registrations with the Drug Enforcement Administration to prescribe medications to Michael
7 Jackson in each state where the world tour might visit, including the States of Texas, Nevada, and
8 California. Defendants agreed to provide treatments on a world-wide basis, including medications on a
9 multi-state basis, and to transport such prescription medications through interstate commerce utilizing
10 defendants' Drug Enforcement Administration registration.

11 13. On May 12, 2010, defendants purchased the drug Propofol, along with other medications, from
12 Applied Pharmacy in the State of Nevada for Michael Jackson's treatment, and defendants transported the
13 drugs to Santa Monica, California, utilizing their Texas and Nevada drug registrations with the Drug
14 Enforcement Administration. Defendants procured equipment and facilities to treat Michael Jackson based
15 on their practices of medicine in Texas and Nevada. Defendants utilized their personnel in Texas and
16 Nevada to conduct and carry out Michael Jackson's diagnosis, care, and treatment.

17 **B. Michael Jackson's Death**

18 **1. The 911 emergency call.**

19 14. On June 25, 2009, at 12:22 p.m., the Los Angeles Fire Department received a 911 call from
20 Alberto Alvarez, who was Michael Jackson's security agent at Michael Jackson's home at 100 North
21 Carolwood Drive, Beverly Hills, California. He stated that a 50-year old "gentleman" was not breathing,
22 and he needed emergency assistance. Alvarez did not state the address of the location, and he did not
23 identify himself or the "gentleman" to whom he was referring.

24 15. Alvarez said the patient was under a doctor's care who was administering cardio-pulmonary
25 resuscitation (CPR) on the bed. The 911 operator said the patient should be removed to the floor. The
26 operator said CPR should be continued under the doctor's care, and paramedics were on the way.

27 16. The Fire Department immediately responded to the 911 call. The paramedics arrived at 100 N.
28 Carolwood within four (4) minutes at 12:26 p.m. They were at Michael Jackson's bedside at 12:27 p.m.

1 17. Michael Jackson was not breathing, his color was pale, and he was in cardiac arrest. His
2 condition level was “severe.” His pupils were fixed and dilated. He had no pulse or respirations.

3 **2. The Paramedics’ resuscitation efforts**

4 18. At 12:29 p.m., the paramedics began Jackson’s resuscitation. Michael Jackson had no pulse,
5 blood pressure, respirations, or oxygen saturation reading, and his heart was in PEA (pulseless electrical
6 activity) with no contractions. Michael Jackson’s condition remained unchanged throughout the
7 resuscitation except that at 12:34 p.m., the PEA had ceased and his heart was in asystole (no heart beat).
8 Defendants failed to provide the paramedics with an accurate history of Michael Jackson’s care and
9 treatment. Defendants failed to inform the paramedics of defendants’ administration of various drugs to
10 Michael Jackson, including the drug Propofol, and other benzodiazepines. Defendants’ conduct was below
11 the standard of care.

12 19. The paramedics administered several cardiac stimulating drugs without effect. At 12:50 p.m.,
13 the paramedics contacted UCLA Medical Center, and described the absence of any life signs from Michael
14 Jackson. Dr. Richelle Cooper, who was head of the UCLA Emergency Department, told the paramedics to
15 consider terminating their resuscitation efforts.

16 20. Defendant Murray stated to the paramedics that he would be responsible for further
17 resuscitation efforts. The paramedics then placed Michael Jackson in the ambulance at 13:07 hours or 1:07
18 p.m., and the paramedics again attempted resuscitation without success. The ambulance arrived at UCLA
19 Medical Center at 13:13 or 1:13 p.m.

20 **3. The UCLA Emergency Room Treatments.**

21 **a. Michael Jackson had no heartbeat, pulse, or other vital signs.**

22 21. On June 25, 2009, at 13:15 hours or 1:15 p.m., the paramedics brought Michael Jackson into
23 the UCLA emergency room. Defendant Murray was present, and in his presence Michael Jackson was
24 identified to UCLA personnel under the false name Soule Shaun. The emergency room attendants noted
25 that while there was a cardiologist, defendant Murray, at the scene, defendant Murray provided no medical
26 history. Defendants’ conduct was a violation of the standard of care.

27 22. Michael Jackson had no pulse, blood pressure, spontaneous respirations, or heartbeat. He was
28 given several drugs including dopamine, epinephrine, atropine, vasopressin, and sodium bicarbonate, and

1 he his breathing was assisted by bagging with oxygen. He was not alert, his pupils were fixed and dilated,
2 and he had no response to pain.

3 23. Dr. Richelle Cooper, the head of the UCLA Medical Center Emergency Department, spoke to
4 defendant Murray. Defendant Murray told Dr. Cooper he had felt a pulse for Michael Jackson when he had
5 discovered him not breathing. He stated he had administered only Lorazepam (Ativan), Diazepam
6 (Valium), and Flomax.

7 **b. Dr. Cooper's examination and report.**

8 24. Defendant Murray said nothing about Propofol and nothing about Flumazenil (Romazicon), or
9 the other drugs found in Michael Jackson's body at his autopsy. Defendants' conduct was an extreme
10 departure from the standard of care. Defendants demonstrated a disregard for Michael Jackson's life by
11 concealing the Propofol and the "polypharmacy" Michael Jackson had received for months.

12 25. Dr. Richelle Cooper's written report dated June 26, 2009, stated:

13 "The initial limited history was provided by Dr. Murray, during the resuscitation of the
14 patient, and is noted in brief on the medical record. By report of Dr. Murray the patient had been
15 working long hours but **had not been ill**. There was no reported trauma or seizure activity
16 preceding the arrest. **The only reported medications reported for the patient were valium and**
17 **flomax. There is no history of drug use by the patient as reported by Dr. Murray.** The events
18 surrounding the arrest, reported by Dr. Murray was that he had placed an I.V. and given the patient
19 2 mg of lorazepam IV. Sometime earlier in the day Dr. Murray then administered a second 2mg
20 I.V. dose of lorazepam and reports witnessing the patient arrest." (Emphasis added).

21 26. Defendant Murray's statements to Dr. Cooper were negligent and violated the standard of care.
22 The statements were designed to conceal the inter-state shipment of medications utilizing defendants'
23 multi-state facilities and Texas and Nevada drug registrations to obtain medications in California.
24 Defendants' conduct was an extreme departure from the standard of care.

25 **c. Defendant's statements to Dr. Cooper contradicted his police statement**

26 27. Defendant Murray told police on June 27, 2009, two (2) days later, he was afraid Michael
27 Jackson was addicted to Propofol. He had a history of addiction, and defendant was trying to wean him off
28 the drugs. Yet, he told Dr. Cooper two (2) days earlier that Michael Jackson had no drug use history.

1 28. Defendants' history of prescriptions to Michael Jackson dated to at least December, 2008, and
2 likely to 2006. When police searched Michael Jackson's on June 26, 2009, they seized dozens of drug vials
3 showing Michael Jackson's drug use. Some of the vials showed that on December 22, 2008, defendants
4 prescribed Temazepam (Restoril) to Michael Jackson. On April 28, 2009, defendants prescribed
5 Lorazepam (Ativan) to Michael Jackson. On May 14, 2009, defendants prescribed Lidocaine (Xylocaine)
6 to Michael Jackson. Yet, defendant Murray told Dr. Cooper, Michael Jackson had no history of drug use.

7 29. Defendant Murray told Dr. Cooper that Michael Jackson had not been ill. However, aside from
8 Michael Jackson's polypharmacy addiction illness, as discussed below regarding the Coroner's Autopsy,
9 Michael Jackson was suffering at his death from co-morbidities, including anemia, chronic pneumonia,
10 chronic bronchitis, and brain swelling. Defendants' statements to Dr. Cooper were designed to conceal the
11 multi-state prescription of medications from defendants' Texas and Nevada facilities.

12 **4. Despite heroic resuscitation efforts Michael Jackson died.**

13 30. At 13:21 hours or 1:21 p.m., the nurses and physicians at UCLA detected a weak femoral pulse
14 and cardiac activity for Michael Jackson. At 13:22 hours he showed cardiac activity. At 13:33 he showed
15 a weak ventricular rhythm (contracting of the lower heart chambers). Dr. Cooper reported that when
16 Michael Jackson was intubated with an endotracheal tube he had good breath sounds and "The initial
17 cardiac rhythm appeared to be wide and slow in the 40s." At 13:52 or 1:52 p.m. he had a pulse of 53 beats
18 per minute, with a MAE complex (major arrhythmic event).

19 31. At 14:05 the physicians inserted an intra aortic balloon pump (mechanical device placed in the
20 aorta to assist blood flow) to attempt resuscitation and obtain circulation with a spontaneous heartbeat. The
21 pump was placed in the aorta just above the heart, and his diastolic blood pressure (blood pressure between
22 heart beats) went from 20 to approximately 40 at times and sometimes to 60 mmHg. Despite these efforts,
23 Michael Jackson did not regain a spontaneous pulse or heartbeat. Following failure of the balloon pump to
24 restore circulation, and the lack of a heart-beat, pulse, or spontaneous respirations, Michael Jackson was
25 pronounced dead at 14:26 hours or 2:26 p.m. on June 25, 2009.

26 **C. The Police Search of Michael Jackson's House.**

27 32. On June 26, 2009, the police searched the Carolwood house and seized eight (8) used bottles of
28 Propofol (Diprivan), and later another three (3). They seized medications at Michael Jackson's bedside,

1 including Clonazepam (Klonopin), Benoquin (Monobenzone), Flomax (Tamsulosin Hydrochloride),
2 Hydroquinone, Lidocaine (Xylocaine), Temazepam (Restoril), Tizanidine (Zanaflex), Trazodone
3 (Desyrel), Flumazenil (Romazicon), Ephedrine (Ephedra), Prednisone, Amoxicillin, Azrithomycin,
4 BQ/KA/RA (beniquin, kojic acid, retinoic acid); Lorazepam (Ativan), Midazolam (Versed) and Diazepam
5 (Valium). Police also found in his house baggies of marijuana, Lantaprost Flush Solution, which is used to
6 control glaucoma, a box of Nystatin, an antifungal drug used to treat yeast infections, and Triamcinolone,
7 which is a topical steroid used to treat skin inflammation. The Clonazepam (Klonopin) and Trazodone
8 (Desyrel) were prescribed to by Dr. Metzger. The Tizanidine (Zanaflex) was prescribed by Dr. Klein.

9 33. Defendants disclosed none of these dugs to the paramedics, except Ativan. They disclosed
10 none of these drugs to the doctors, except Valium, Ativan, and Flomax. Defendants' conduct of their
11 Texas and Nevada prescription activities was below the standard of care.

12 **D. Defendant's Story Told to the Police on June 27, 2009.**

13 **1. Defendant Murray's efforts to "wean" Michael Jackson off drugs.**

14 34. On June 27, 2009, which was two (2) days following Michael Jackson's death, defendant
15 Murray, his attorneys, and advisors met with Los Angeles Police Detectives. Defendant appeared pursuant
16 to Police Detectives' request. Defendant had consulted with his attorneys prior to making his statement, yet
17 afterward claimed his statement was incorrect.

18 35. Defendant Murray told police he gave 50 mg of Propofol diluted with an unspecified amount of
19 Lidocaine (Xylocaine) by intravenous (I.V.) drip to Michael Jackson each night for six (6) weeks. He said
20 he had been treating Michael Jackson for insomnia. The Propofol helped Michael Jackson sleep.

21 36. Defendant claimed he felt Michael Jackson may have been forming an addiction and therefore
22 attempted to "wean" Michael Jackson off the drugs. His "weaning" process involved giving Michael
23 Jackson on June 22, 2009, three (3) days before his death, 25 mg of Propofol, along with an unknown
24 amount of Lorazepam (Ativan) and Midazolam (Versed). Defendant claimed Michael Jackson was able to
25 sleep with these mixtures. On June 23, 2009, defendant claimed he gave Michael Jackson Lorazepam
26 (Ativan) and Midazolam (Versed) without any Propofol.

27 **2. Defendants' treatment administered to Michael Jackson on June 25, 2009.**

28 37. On June 25, 2009, the date of Michael Jackson's death, defendant claimed he arrived at the

1 Carolwood house at 1:00 a.m. Michael Jackson had been rehearsing at the Staples Center in downtown Los
2 Angeles until after midnight. Before Michael Jackson left rehearsals defendant received a telephone call
3 from Michael Jackson's associates requesting he go to the Carolwood house to attend to Michael Jackson.

4 38. Defendant told police Michael Jackson complained of not feeling well, dehydration, and not
5 being able to sleep. He said that at 1:30 a.m. he attempted to induce sleep by giving Michael Jackson a 10
6 mg tablet of Diazepam (Valium). Thirty (30) minutes later at 2:00 a.m. when Michael Jackson had not
7 gone to sleep, defendant injected Michael Jackson with 2 mg Lorazepam (Ativan) after dilution with an
8 unknown substance, and administered the drugs by I.V. At 3:00 a.m. defendant Murray administered 2 mg
9 of Midazolam (Versed) I.V. after dilution with an unknown substance At 5:00 a.m. Michael Jackson
10 remained awake, and defendant Murray stated he administered another 2 mg of Lorazepam (Ativan) I.V.
11 after dilution with an unknown substance.

12 39. Defendant claimed Michael Jackson remained awake for the next two and a half (2 ½) hours.
13 At 7:30 a.m. defendant Murray administered another 2 mg of Midazolam (Versed) I.V. after dilution with
14 an unknown substance. Defendant claimed he was continuously at Michael Jackson's bedside and was
15 monitoring him with a pulse oximeter. However, when police searched the house, they found the pulse
16 oximeter in the closet in the next room.

17 40. At 10:40 a.m. defendant claimed he administered 25 mg of Propofol (Diprivan) diluted with
18 Lidocaine (Xylocaine), through an I.V. drip. Defendant said Michael Jackson finally went to sleep. After
19 approximately 10 minutes, defendant Murray stated he left Michael Jackson's bedside to go to the restroom
20 to relieve himself. He claimed he was out of the room for approximately two (2) minutes until 10:52 a.m.

21 **3. The administration of Propofol.**

22 41. At approximately 10:52 a.m., defendant claimed he returned to Michael Jackson's bedside and
23 noticed Michael Jackson was no longer breathing. Defendant claimed he started cardiopulmonary
24 resuscitation (CPR) by hand. Defendant said he administered 0.2 mg of Flumazenil (Romazicon) to
25 Michael Jackson, which is an anti-overdose medication for benzodiazepines, but which has no effect on
26 Propofol. The dose given was inadequate for Lorazepam (Ativan). It was improperly administered.
27 Defendant did not know how to use the drug. It was an extreme deviation from the standard of care,
28 grossly negligent, and reckless for him not to have called the paramedics immediately.

1 42. Defendant stated he called for assistance on his cellular telephone to Michael Amir Williams, a
2 security guard at the Carolwood house. Defendant said that while he spoke to Williams and told him the
3 nature of the emergency, Williams did not respond by coming to his aid. Defendant said he continued his
4 CPR while waiting for Williams.

5 43. After a few minutes defendant claimed he went downstairs to the kitchen where he asked the
6 chef, Kai Chase, to send Michael Jackson's son, Prince Jackson, to his father's bedside. Defendant Murray
7 then returned to Michael Jackson's bedside. Defendant Murray claimed he continued his CPR on the bed
8 in which he had found Michael Jackson. Defendant Murray's conduct of failing to call 911, of leaving
9 Michael Jackson's bedside, and conducting CPR on the bed instead of a hard surface was below the
10 standard of medical care for physicians.

11 **4. Attempts to clean-up the scene.**

12 44. Prince Jackson responded to defendant Murray's call and called house security assistance.
13 Alberto Alvarez, a security guard, went to defendant's aid and saw Michael Jackson on the bed lifeless.
14 Defendant claimed that after only a few minutes Alvarez called 911 on his cellular telephone for help.

15 45. Alberto Alvarez told police that before he called 911 defendant Murray instructed him to
16 conceal bottles of Propofol, place them in a bag, and clean up the room. Defendants' conduct of attempting
17 to conceal the multi-state supply of drugs and the use of their facilities in Texas and Nevada to obtain
18 medications was an extreme departure from the standard of care. Alberto Alvarez told police defendant
19 Murray asked him to call 911 only after the drugs were concealed.

20 46. The Los Angeles Fire Department recorded the 911 telephone call at 12:22 p.m., which
21 was approximately one (1) hour and thirty (30) minutes from the time defendant Murray claimed he found
22 Michael Jackson not breathing at 10:52 a.m. Defendant Murray told the Detectives several times that it
23 was around 11:00 a.m. that he found Michael Jackson not breathing. Defendant Murray's statement
24 disclosed the lapse of one (1) hour and thirty (30) minutes between discovering Michael Jackson not
25 breathing and the 911 telephone call.

26 **E. Defendant Murray's Revised Version of the Events.**

27 47. Defendant Murray altered his version of the June 25, 2009, events upon the police discovering
28 that he spent forty-seven (47) minutes talking on the telephone between 11:18 a.m. and 12:05

1 p.m. on June 25, 2009. The reason defendant felt he could change his story was because he kept no
2 medical records documenting his treatment as required by Business & Professions Code section 2266.

3 48. Defendant Murray claimed in his new version of the events that he discovered Michael Jackson
4 was not breathing while he was talking on the telephone with his girlfriend at 12:05 p.m. The story
5 changed from going to the bathroom for two minutes (2) after ten (10) minutes of observing Michael
6 Jackson at 10:40 a.m., to talking on the phone with several people from 11:18 a.m. to 12:05 p.m. for 47
7 minutes. Defendant eliminated his careful observations of Michael Jackson and substituted telephone
8 conversations with others where he didn't notice that Michael Jackson had stopped breathing.

9 49. Defendant Murray's conduct under this new version of the events was a violation of the
10 standard of care. The standard of care for the administration of Propofol required a measured infusion
11 using a mechanical pump which was constantly monitored because of unpredictable changes in the
12 patient's blood pressure. Instead, defendant Murray infused the drug by I.V. drip and syringe, without
13 essential monitoring or resuscitation equipment, rendering it inherently dangerous. While administering
14 anesthesia to Michael Jackson, defendants endangered Michael Jackson's life by talking on the telephone to
15 patients and personnel to conduct their Texas and Nevada medical practices.

16 50. Defendants were negligent and acted below the standard of care by conducting their Texas and
17 Nevada medical practice business outside of Michael Jackson's immediate presence for 47 minutes while
18 Michael Jackson was unconscious. During that time a Propofol "drip" infusion took place, and defendants
19 did not notice that Michael Jackson had stopped breathing. There was no evidence of standard of care
20 monitoring which would be required when Propofol was administered.

21 **F. The Coroner's Autopsy Findings.**

22 **1. Michael Jackson died from acute Propofol intoxication and Benzodiazepine Effect.**

23 51. The Coroner's Office conducted an autopsy of Michael Jackson on June 26, 2009, and reached
24 conclusions on September 18, 2009. The Report concluded Michael Jackson died from acute Propofol
25 intoxication contributed to by the "Benzodiazepine Effect." Michael Jackson had a "polypharmacy" of
26 drugs in his system. Seven (7) of them were detected in the toxicology screen. Flumazenil (Romazicon),
27 was detected in the I.V., and defendant said he administered Flomax (Tamsulosin Hydrochloride). There
28 were lethal levels of Propofol (Diprivan) in Michael Jackson's body.

1 52. Defendant claimed he only administered 25 mg of Propofol to Michael Jackson on June 25,
2 2009. However, the Coroner's Toxicology Report showed lethal amounts in his system where
3 administration had to exceed more than five (5) times that amount. The presence of lethal levels of
4 Propofol in Michael Jackson's body disclosed defendants' conduct below the standard of care which
5 brought an end to Michael Jackson's life.

6 **2. Defendant Ignored Michael Jackson's Lung, Brain, and Anemia Symptoms**

7 53. While defendant Murray told Dr. Cooper at the UCLA emergency room that prior to June 25,
8 2009, Michael Jackson had not been ill, Michael Jackson was suffering from chronic pneumonia, chronic
9 respiratory bronchitis, anemia, and brain swelling. The Los Angeles County Coroner's Autopsy Report
10 documented Michael Jackson's underlying illnesses. Defendant's gross negligence in giving
11 benzodiazepines and Propofol to Michael Jackson while not treating his co-morbidity conditions was an
12 extreme departure from the standard of care and reckless.

13 54. Michael Jackson had neurological, pulmonary, and anemia signs over several weeks prior to his
14 death. In May and June, 2009, Michael Jackson was confused, easily frightened, unable to remember,
15 obsessive, and disoriented. He had impaired memory, loss of appetite, and absence of energy. He was cold
16 and shivering during the summer rehearsals for his show, and as shown in photographs and motion pictures
17 of him, he uncharacteristically wore heavy clothing during the rehearsals, while other dancers wore scant
18 clothing and were perspiring from the heat. Others had to give him jackets or shirts to keep him warm and
19 he needed a heater to control the shivering.

20 55. Defendants "polypharmacy" drug administration, including Propofol every night as a sleep aid,
21 in the presence Michael Jackson's co-morbidity conditions was reckless, and defendants recklessly ignored
22 the signs of Michael Jackson's pulmonary inflammation, brain swelling, and anemia. They recklessly
23 continued his drug treatments despite the "polypharmacy" and benzodiazepine effects. Their polypharmacy
24 administration of drugs, benzodiazepines, and Propofol was an extreme departure from the standard of care.

25 **FIRST CLAIM**

26 (By Joseph Jackson for Professional Negligence against Defendants Acres Home, Global, and Murray)

27 56. Mr. Jackson refers to paragraphs 1 through 55 inclusive, and incorporates them in this Claim.

28 57. Defendants, and each of them, were negligent in failing to provide adequate care, treatment,

1 diagnosis, resuscitation equipment, informed consent, and attention to Michael Jackson. Defendants
2 negligently supervised, failed to provide adequate personnel, and were inadequately trained to administer
3 proper care and treatment to Michael Jackson within the standard of care. Defendants failed to utilize the
4 degree of skill, care, training, knowledge, and experience reasonably expected of physicians, health care
5 providers, and health care facilities in their respective locations and within the same and surrounding
6 location as defendants, and negligently treated, diagnosed, resuscitated, and failed to use due care for
7 Michael Jackson, thereby causing and contributing to his death.

8 58. Defendants failed to use due care and failed to respond to Michael Jackson's distress and life
9 threatening condition as a result of their failure to have inadequate equipment, personnel, and supervision
10 regarding his care and treatment. Defendants negligently did not recognize Michael Jackson's life
11 threatening distress which defendants caused through their use of inadequate equipment, personnel, and
12 monitoring. Defendants' response to the emergency was below the standard of care.

13 59. As a proximate and legal result of defendants' conduct, Joseph Jackson has been injured in an
14 amount not presently ascertained, but in an amount in excess of the \$75,000 minimum diversity
15 jurisdictional amounts of this Court. Such damages include loss of wages and earnings, loss of services,
16 loss of affection, loss of income and support, medical expenses for treatment of physical and emotional
17 injuries, costs and expenses incurred, physical suffering and injury, costs of personal attendants, increased
18 transportation costs, emotional distress, pain and suffering, and other costs, expenses, and general damages
19 not presently ascertained. At such time as Mr. Jackson is able to ascertain these damages, he will amend
20 the complaint to include these damages.

21 SECOND CLAIM

22 (By Joseph Jackson Against Defendants Acres Home and Global for Respondeat Superior and Vicarious
23 Liability)

24 60. Mr. Jackson refers to paragraph 1, paragraphs 3 through 55, and paragraphs 57 through 59,
25 inclusive, and incorporates them in this Claim.

26 61. From 2006 through 2009, defendant Murray acted within the course and scope of his duties,
27 employment, agency, and administrative capacity with defendants Acres Home and Global in providing
28 care and treatment to Michael Jackson from Texas and Nevada, and defendants Acres Home and Global

1 must answer for the negligence of their agent and employee. The risk of injury to Michael Jackson was an
2 inevitable and inherent risk of defendant Acres Home's and Global's business and enterprise in Texas and
3 Nevada. In accepting defendants' care and treatment, Michael Jackson relied upon defendant Murray's
4 position, employment, and participation in defendants Acres Homes' and Global's business and enterprise.

5 62 Defendants Acres Home and Global are liable whether or not they were negligent, and whether
6 or not they had control over their employee defendant Murray. As defendant Murray's employer,
7 defendants Acres Home and Global are vicariously liable for their employee's torts committed toward
8 Michael Jackson, which were within the scope of defendant Murray's employment. The losses caused by
9 the torts of employee defendant Murray were, as a practical matter, sure to occur in the conduct of the
10 employer's enterprise, and the responsibility for those torts constituted a cost of defendant Acres Home and
11 Global doing business. The employer is liable not because the employer had control over the employee or
12 was in some way at fault, but because the employer's enterprise created the inevitable risks of injury to
13 Michael Jackson as a part of doing business.

14 THIRD CLAIM

15 (By Joseph Jackson against Defendants Acres Home and Global for Negligent Hiring,
16 Supervision, and Training)

17 63. Mr. Jackson refers to paragraph 1, paragraph 3 through 55, paragraphs 57 through 59, and
18 paragraphs 61 through 62, inclusive, and incorporate them in this Claim.

19 64. From 2006 through 2009, defendants Acres Home and Global aided, abetted, directed, and
20 controlled defendant Murray's conduct regarding defendant Murray's negligent care and treatment of
21 Michael Jackson. From 2006 through 2009, defendant Acres Home and Global acted below the standard of
22 care for health care providers by providing inadequate and negligent assistance, facilities, personnel,
23 medications, training, and equipment from the States of Texas and Nevada regarding Michael Jackson's
24 care and treatment. Defendant Acres Home and Global facilitated and made possible defendant Murray's
25 negligent and improper administration of medications, over-use of medications, and interstate shipments of
26 medications in a manner below the standard of care for health care providers, facilities, and supervisors.

27 65. Defendants Acres Home and Global were negligent and acted below the standard of care in
28 supplying or failing to supply directly or through third persons and other entities inadequate equipment,

1 medications, treatments, care, and facilities for Michael Jackson. Defendants, as suppliers, knew or had
2 reason to know, such equipment, medications, treatments, care, and facilities were necessary for Michael
3 Jackson's safety, and that their failure to meet the standard of care was likely to create an inherent and
4 unreasonable risk of harm to Michael Jackson. Defendants were negligent and violated the standard of care
5 by failing to provide adequate personnel, equipment, and services to Michael Jackson, and by utilizing
6 persons who lacked adequate experience, training, or facilities. Defendants' entrustment of equipment,
7 medications, and inadequate facilities to its personnel for Michael Jackson's care was a violation of the
8 standard of care, and defendants not only negligently supervised its personnel, but also provided inadequate
9 facilities, equipment, medications, treatments, training, and hiring of personnel thereby creating an
10 unreasonable risk to Michael Jackson's life.

11 66. Defendants Acres Home and Global failed to exercise due care in hiring, training, supervising,
12 or retaining defendant Murray as an employee. Defendants Acres Home and Global had the duty to act
13 reasonably in hiring a competent medical physician trained in the administration of the anesthesia,
14 Propofol, and other drugs defendant Murray administered to Michael Jackson. Michael Jackson relied to
15 his detriment on defendant Acres Home and Global fulfilling that duty when he permitted defendant
16 Murray to give him care and treatment on behalf of Acres home and Global. Defendants Acres Home and
17 Global failed to exercise reasonable care in Texas and Nevada in hiring, training, and supervising defendant
18 Murray, and their acts were below the standard of care.

19 WHEREFORE, plaintiff, Mr. Joseph Jackson, prays for judgment against defendants, and each of
20 them as follows:

21 A. On the First Claim for Professional Negligence against for a Judgment against defendants
22 Conrad Murray, Acres Home Heart & Vascular Associates, Inc., a Texas corporation, and GCA Holdings,
23 LLC, a Nevada Limited Liability Company, for compensatory damages in an amount to be proved at time
24 of trial;

25 B. On the Second Claim for Respondeat Superior and Vicarious Liability Abuse of Process for a
26 judgment against defendants Acres Home Heart & Vascular Associates, Inc., a Texas corporation, and
27 GCA Holdings, LLC, a Nevada Limited Liability Company, for compensatory damages in an amount to be
28 proved at time of trial;

1 C. On the Third Claim for Negligent Hiring, Supervision, and Training Violation, for a Judgment
2 against defendants Acres Home Heart & Vascular Associates, Inc., a Texas corporation, and GCA
3 Holdings, LLC, a Nevada Limited Liability Company, for compensatory damages in an amount to be
4 proved at time of trial;

5 D. The Court award Mr. Joseph Jackson costs of suit as provided by law;

6 E. That any award of damages be apportioned among all persons and nominal parties entitled to
7 share in such award as provided by law;

8 F. For such further relief the court deems appropriate.

9
10 DATED: June 25, 2010

11 BRIAN OXMAN

12
13 By: _____

14 Brian Oxman
15 Attorneys for Mr. Joseph Jackson

16
17 **DEMAND FOR JURY TRIAL**

18
19 Mr. Joseph Jackson hereby demands a jury trial.

20
21 DATED: June 25, 2010

22 BRIAN OXMAN

23
24 By: _____

25 Brian Oxman
26 Attorneys for Mr. Joseph Jackson