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2 I, Michael J. Jackson, declare as follows:

3 1. I make this declaration based on my own personal knowledge, and if called as
4 a witness to testify as to the facts set forth herein, I could and would do so competently.

5 2. I am a musical performer, and am currently on a concert tour in South Africa.
6 I have shows scheduled as follows: October 4 and 6, 1997 in Capetown; October 10 and 12,
7 1997 in Johannesburg; and October 15, 1997 in Durbin

8 3. On October 16, 1997 I am going to Vienna, Austria for two days for business
9 meetings. From there, on or about October 18 or 19, 1997, I will go to Poland for two to
10 three days. My trip to Poland may change, and if I do not go I will most likely return to
11 Paris, France, where I have stayed during the occasional breaks scheduled in this leg of my
12 tour of Western Europe.

13 4. My next performance is on November 8, 1997 at Wetten Dass in Liepzig,
14 Germany. I must be in rehearsals for this performance for roughly one week; thus, I must
15 be there on approximately the 1st of November. If my schedule permits it before my
16 November 8th performance, I may fly to New York on or about October 30th for one or two
17 days, but I cannot be certain.

18 5. After Liepzig, my next performance is in London on December 1, 1997. I
19 must be there for rehearsals the last week of November. Again, if my schedule permits it
20 during the middle two weeks of November, I may fly to New York or elsewhere in the
21 United States, again for business meetings. As of the signing of this declaration, however, I
22 cannot be certain.

23 6. I have not lived in California for several years, dating back to approximately
24 1993. I do come to California infrequently, but not at all regularly. My deposition in this
25 case was taken in New York city, where I was living at that time. In fact, since
26 approximately August 1996, I have been living almost exclusively overseas on a concert tour
27 that has covered the Far East, Australia, Southeast Asia, Eastern and now Western Europe.
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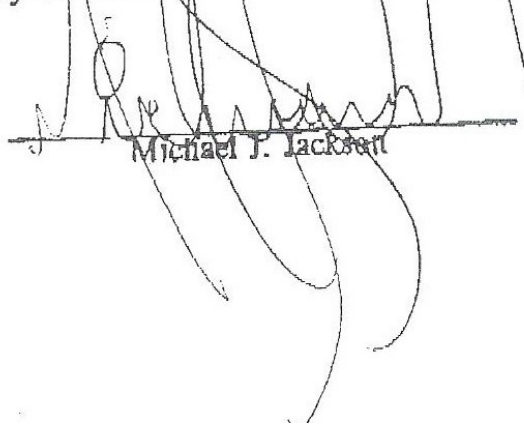
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7. Given my schedule, and the substantial time and financial commitments that are made by me and countless others related to my performances, it will be a great hardship for me (and many others) if I have to come to Los Angeles to appear at this trial. I am informed and believe that the issue to be tried is very narrow -- namely, how much money in damages Mr. Gutierrez should be forced to pay for having defamed me. I am also informed and believe that this determination depends on evidence of Mr. Gutierrez's state of mind towards me, and his financial wherewithal.

8. I do not believe I have any relevant testimony on Mr. Gutierrez's state of mind towards me. Specifically, I have never met Mr. Gutierrez, and could only guess about his personal views or feelings about me based on his having published the false reports at issue. I have absolutely no information about Mr. Gutierrez's financial status.

9. For these reasons, I ask that I be relieved from appearing at trial, and that, if necessary, my videotaped deposition be used.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct. Executed this ___ day of October 1997, in South Africa.


Michael J. Jackson

KATTEN MUECHIN & ZAVES
1988 Avenue of the Stars, Suite 1400
Los Angeles, California 90067-6042
310-788-4400