

Associated Press - June 25, 2010

Michael Jackson's father files wrongful death suit

By ANTHONY McCARTNEY and KEN RITTER (AP) – 2 hours ago

LOS ANGELES — Michael Jackson's father filed a wrongful death lawsuit Friday against the doctor charged with giving the pop superstar a lethal dose of sedatives one year ago, accusing the Nevada doctor of negligence, secrecy and poor training.

Joe Jackson sued Dr. Conrad Murray on Friday — the anniversary of Michael Jackson's death — in federal court in Los Angeles.

The complaint, which seeks more than \$75,000, accuses Murray of professional negligence for providing the singer with a mix of sedatives — including the anesthetic propofol — that authorities say killed him.

Propofol is normally administered only in hospital settings, but Murray had been providing Jackson the drug in the bedroom of the singer's rented mansion in Los Angeles. Joe Jackson contends the physician tried to conceal his administration of the drug after Jackson's death.

The lawsuit also names medical clinics that Murray operates in Las Vegas and Houston, claiming they did not properly train or supervise the doctor. The lawsuit was filed in federal court because Murray's clinics are in other states and the doctor lives in Nevada.

Murray has pleaded not guilty to an involuntary manslaughter charge filed in February. His attorneys have said that he did not give Jackson anything that "should have" killed him.

His civil attorney, Charles Peckham, repeated that assertion Friday.

"We'd like to remind people that Dr. Murray has not been found guilty of anything and we believe his innocence will be proven in a court of law," Peckham said in a statement. "We've been told we were going to be sued for months so today's filing is no surprise to us."

Joe Jackson's attorney, Brian Oxman said there's a one-year deadline after a death to sue doctors in the state of California.

"It's an important thing for Joseph Jackson," Oxman said of the lawsuit after he personally filed it. "He wants justice for his son Michael."

Also Friday, a court official in Nevada approved what a prosecutor called a reprieve of efforts to revoke Murray's medical license in that state.

Prosecutor Gerard Costantian said Murray's attorneys paid about \$5,000 toward Murray's \$15,000 back child support obligation, and the rest will be paid in coming months. Murray lawyer Kristine Brewer said later the money came from an anonymous benefactor whose name she didn't know.

Murray owes the money to the mother of his 12-year-old son in California. He didn't have to appear in court Friday. Nevada law allows for the suspension of professional licenses for nonpayment of child support.

The lawsuit came on a day when fans around the world were mourning Jackson. Joe Jackson was not seen at two of the marquee locations — the unveiling of a statue in the family's hometown of Gary, Ind., and the Glendale, Calif., cemetery where his son is interred.

Joe Jackson's lawsuit claims Murray repeatedly lied to paramedics and doctors about giving Jackson propofol. Using hospital records obtained earlier this year, the lawsuit claims Murray told an emergency room doctor that he had only provided Jackson two medications, Valium and Flomax.

It also claims the doctor changed his story to police. Murray's attorneys have said detectives misinterpreted parts of Murray's statements, and their official timeline differs from what he says happened.

The lawsuit faults Murray for not keeping adequate medical records. It also says Murray used his clinics in Nevada and Texas to obtain drugs that were then given to Michael Jackson.

The Jackson family patriarch is seeking damages for a variety of issues, including loss of income and support, emotional distress, and pain and suffering.

It is unclear what money, if any, he'll be able to collect if he wins. Even before Jackson's death, Murray faced mounting debts and adverse judgments in several courts for unpaid bills and child support. His \$150,000 a month contract to be Jackson's personal physician while the singer performed in a series of comeback London concerts was never signed, and his attorneys have said he is barely hanging on financially.

The complaint leaves the door open to additional defendants being added.

"Mr. Jackson believes there are other parties responsible for Michael Jackson's death, but has not yet gathered sufficient information regarding their potential liability or responsibility," the complaint states.

Jackson has filed a complaint against concert promoter AEG Live with the California Medical Board, alleging it was engaged in the illegal practice of medicine by allegedly guiding Murray's treatments of the singer.

Steve Cron, a criminal defense attorney who also handles civil matters, including wrongful cases, said the case will likely benefit from the criminal prosecution of Murray.

He said Joe Jackson's attorney will now have access to evidence presented in that case, and could have the case strengthened if Murray is convicted.

"Hopefully from his point of view, Murray gets convicted," Cron said. "If he's convicted, that pretty much makes it a done deal that he's liable."

But Cron said there are disadvantages to filing the case in federal court, rather than state court where most wrongful death actions are heard. He said the case will likely move faster through the federal system than it would a state court, and the makeup of the jury will become a greater factor.

Cron said a civil jury would have to unanimously find Murray is liable; in state court only nine jurors would have to find him guilty in the civil case.

Ritter reported from Las Vegas.