

Respondent has received \$220,000 and his lawyer has received \$25,000.

4. My success as an entertainer has nothing to do with the Respondent. I was successful when I met him and have continued to enjoy success although there have certainly been ups and downs. The Respondent knows full well that the European leg of my present tour made no money and, when the tour returned to the United States, he was paid as indicated above for the concert dates on the US leg of the tour. I suspect by the time we appear in Court, that he will have received additional funds. Respondent suggests we lived a lavish lifestyle and in fact, we over spent and we are in significant debt. As reflected in the concurrently filed declaration of Michael Miskei, we owe millions of dollars in taxes and have significant advances that have to be recouped by record companies. Additionally, we own a home in New Jersey in [REDACTED]. We have been trying to sell the [REDACTED] property for well over a year with no success. The monthly payments to maintain the [REDACTED] home, and my home in [REDACTED] (which is valued at less than what is owed and was acquired prior to marriage) is well over \$50,000, and the Respondent has contributed nothing. He has prepared the expense page of his Income and Expense declaration as if he is paying those costs which he is not. Even after receiving the amounts set forth hereinabove, he has refused to even contribute to the cost of maintaining the storage facility that holds various personal property. He has refused to return to me, my grammy and other achievement awards. He has possession of 3 cars which are leased but prepaid. The Range Rover he has was to have been turned in last February and he has failed to do so and I am asking the Court to order him to do so. He also has possession of a Mercedes C300 and SL550 which have prepaid leases however, these automobiles are in the name of my corporation. I would like the C300 returned to me forthwith. He will not have a car payment while he uses the SL 550. I am not responsible for supporting his parents and his children from another relationship, but during the marriage my income was used for that purpose even though Respondent had income.

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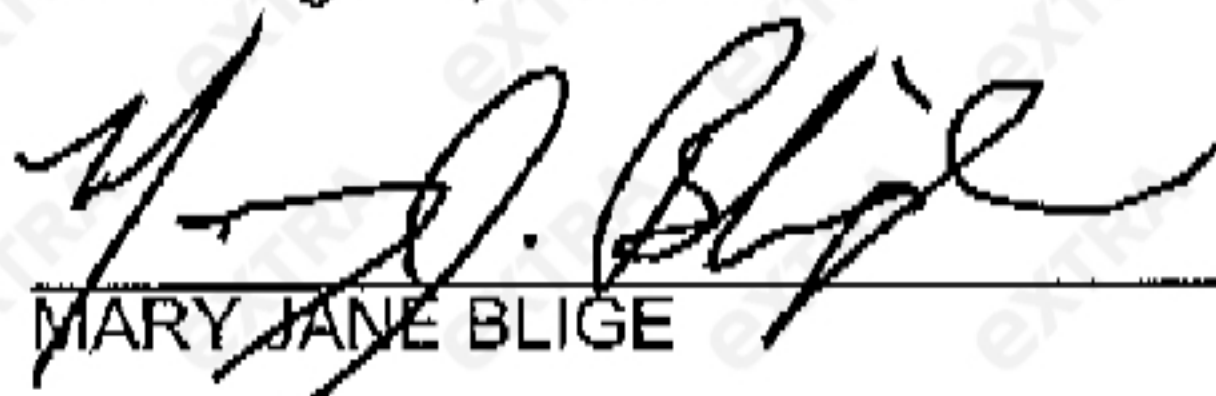
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MARY JANE BLIGE

1 5. Respondent has also misappropriated hundreds of thousands of dollars in the
2 last two plus years. He booked some \$420,000 of travel charges e.g., airfare, hotels, which
3 were not business related and did not include me. I just recently learned this information.

4 I declare under penalty of perjury under the laws of the State of California that the
5 foregoing is true and correct.

6 Dated: December 7, 2016, at Los Angeles, California.

7
8 
9 MARY JANE BLIGE

DECLARATION OF GARY FISHBEIN

I, GARY FISHBEIN, declare as follows:

I am an attorney at law, duly licensed to practice in the State of California, and a partner in the law firm of Buter, Buzard, Fishbein & Royce LLP, attorneys of record for Petitioner in the above-entitled action. I know the following of my own knowledge and could testify competently thereto if called upon as a witness to do so.

1. I have been practicing for 35 years and my practice consists entirely of family law matters. I have handled matters that are straight forward and simple to those that are extremely complex. My firm is AV rated and I am rated AV Preeminent. I have been named a Super Lawyer for approximately the last 10 years, have appeared on panels as a lecturer, and have served as a Judge Pro Tem and a mediator in family law matters. I am currently a member of the Court's VAST program and a member of the nation's top 1% of the National Association of Distinguished Counsel. I was formerly a member of the Executive Committee of the Family Law Section of the Los Angeles County Bar. My hourly rate to the Petitioner is \$650 and associates are billed from \$350 to \$450 per hour.

2. I have reviewed the declaration of Robert Brandt as well as the declaration of Respondent and of Irwin Nachimson. My declaration primarily responds to Mr. Brandt's request for attorney and accounting fees.

3. Mr. Brandt refers to a confidentiality agreement which has now been executed by the parties and filed with the Court, but is not yet returned. The agreement needed to be revised to differentiate between "filing" confidential documents and "lodging" same. We have been extremely cooperative with Mr. Brandt in providing information and documentation and did so both on September 7, 2016 as discussed hereinafter, and on October 19, 2016. A copy of my October 19, 2016 correspondence is attached hereto, marked **Exhibit A** and incorporated herein by this reference.

4. Mr. Brandt's declaration was executed on October 6, 2016, and he was hired in this matter on or about August 24, 2016. On August 25, 2016, I caused to be delivered to Mr. Brandt, a check for \$25,000 representing the Petitioner's contribution to his fees.

1 Based upon subsequent statements made by Mr. Brandt, it is my understanding that \$5,000
2 of that sum was paid to Petitioner's forensic accountant, Irwin Nachimson.

3 5. Mr. Brandt's timesheets which are attached as Exhibit 2 to the RFO, begin on
4 August 23, 2016 and run through September 9, 2016 which means the billing statements
5 provided end close to a month prior to the execution of Mr. Brandt's declaration. That
6 notwithstanding, in a period of time that equates to approximately 17 days, Mr. Brandt's firm
7 ran up over \$14,000 in fees. Attached hereto, marked **Exhibit B** and incorporated herein
8 by this reference, are my billing statements with nominal redactions, which cover the period
9 July 27, 2016 through November 16, 2016, a period of some 3-1/2 months. In that period
10 of time, the fees that my client has incurred with me total just under \$22,000. I am anxious
11 to see Mr. Brandt's updated billing statements when he files his reply which statements
12 would likely take us from September 9th or 10th through his firm's most current billing cycle.
13 Note that in a span of 3-1/2 months, my client has incurred approximately \$22,000 in fees
14 while in the span of 17 days, Mr. Brandt's firm incurred over \$14,000 in fees. The point here
15 obviously, is that it is our position that the Respondent's fees are excessive and unnecessary
16 and this is further demonstrated hereinafter.

17 6. In my opinion and based on my experience, there are a number of positions
18 that have been taken by the Respondent which are simply without merit but which have
19 caused fees to increase. For example, on or about September 11th, approximately 6 weeks
20 after the Petition was filed, the Petitioner discovered the Prenuptial Agreement that she and
21 the Respondent had entered into prior to marriage. I was obviously unaware of the
22 existence of the Prenuptial Agreement so, the Stipulation re Advance of Spousal Support
23 to which Mr. Brandt refers and which is attached as Exhibit 1 to Respondent's RFO, was
24 entered into before we knew that there was a Prenuptial Agreement in place that waives
25 spousal support by both parties. As discussed hereinafter, all subsequent advances to the
26 Respondent have been without prejudice as to characterization. I provided the Prenuptial
27 Agreement to Mr. Brandt's firm on or about September 13th, a few days after it was
28 discovered. I suggested to him that we agree to bifurcate the issue of the validity of the

1 Prenuptial Agreement which is extremely common as practitioners of any experience would
2 readily admit. However, Mr. Brandt refused to stipulate to same. I thought this was rather
3 odd considering that the California Rules of Court specifically list as an appropriately
4 bifurcated issue, the validity of a prenuptial agreement. Because of his refusal to so
5 stipulate, on September 23rd we filed a request to bifurcate seeking a separate trial to
6 determine the validity of the Prenuptial Agreement and asking to stay discovery of certain
7 issues pending that trial. Note that the request we filed did not ask that the trial take place
8 on the hearing date, but rather, that at the hearing scheduled for November 9th, a trial date
9 be set.

10 7. Because the Petitioner is a celebrity, TMZ picked up the filing and ran a story
11 about her request to bifurcate. Almost immediately with the publication of the story, I
12 received a barrage of emails from Mr. Brandt asking me why I hadn't served him with the
13 motion to bifurcate. In fact, I hadn't served him because I hadn't even received the
14 conformed copy back from the Court. Moreover, when we did serve Mr. Brandt, we simply
15 did it by mail on September 27th and that Proof of Service is in the Court's file. It was my
16 belief that serving Mr. Brandt by mail on September 27th for a hearing that wasn't scheduled
17 until November 9th, was more than sufficient. However, Mr. Brandt sent a myriad of emails
18 complaining to me about my not having him personally served with the request. In fact, I
19 was rather chastised for same and at one point simply told Mr. Brandt to stop emailing me
20 about the subject as I was no longer going to engage. These are the kinds of actions that
21 have needlessly increased fees. On September 29, 2016, Mr. Brandt sent me an email
22 regarding our request for an order to bifurcate and listed a number of dates that supposedly
23 made him unavailable for a November 9th hearing. However, none of the dates listed
24 conflicted with November 9th. A copy of Mr. Brandt's letter is attached hereto, marked
25 **Exhibit C** and incorporated herein by this reference. The Court will note in Exhibit C that Mr.
26 Brandt asked us to continue for 60 days a motion to bifurcate to simply set a trial date.
27 Obviously, I did not agree. In the intervening period, Mr. Brandt served the Petitioner with
28 a Demand for Production of Documents and a set of Form Interrogatories. We were of the

1 opinion that with our motion pending to bifurcate and concurrently seeking to limit discovery
2 to the issues that would be relevant, assuming the motion to bifurcate were granted, that a
3 lot of the discovery propounded was not yet relevant. If the Prenuptial Agreement is held to
4 be valid, there is limited property between the parties and there is no spousal support. I
5 asked Mr. Brandt to stay certain discovery and he refused. Accordingly, on October 6, 2016,
6 we proceeded by way of ex parte application to stay discovery pending the November 9th
7 hearing on our request to bifurcate and to limit discovery. Mr. Brandt gave us ex parte notice
8 in response asking to continue the November 9th hearing on our request to bifurcate and
9 obviously, opposing our request to stay discovery. While I was not present at that hearing
10 as my associate attended and while Mr. Brandt and his associate attended, Judge Lewis
11 made various recommendations. First, Judge Lewis essentially took our motion to bifurcate
12 off calendar, obtained Mr. Brandt's consent to the motion to bifurcate, and set a Trial Setting
13 Conference in April of next year. Judge Lewis also recommended the utilization of a
14 discovery referee and for this job, Judge Robert Schnider was hired. In this regard, there
15 was a Stipulation and Order executed on October 6, 2016.

16 8. A telephonic hearing was held before Judge Schnider in which he made
17 various orders limiting the scope of discovery, specifically allowing same with respect to the
18 Prenuptial Agreement, its validity and execution thereof, and matters related to the pending
19 RFO for fees and support.

20 9. The RFO that is now pending before the Court was not originally scheduled on
21 this date. Rather, it was originally scheduled for December 8, 2016. Immediately upon my
22 receipt of the RFO, I contacted Mr. Brandt and advised him that I already had a matter on
23 calendar that day, i.e., a Voluntary Settlement Conference with Commissioner Jill Robbins
24 which could not be moved on a case that had been pending for approximately two years.
25 I asked Mr. Brandt to voluntarily agree to continue the RFO and even offered to only do so
26 for a few days. Mr. Brandt said that he would do that but then was informed by the Court
27 that a short continuance was not available. Therefore, I again had to file an ex parte
28 application on October 21, 2016 seeking to continue the hearing. Mr. Brandt filed opposition