

PARTY WITHOUT ATTORNEY OR ATTORNEY: STATE BAR NO.: NAME: Robert C. Brandt, Esq. 74178 FIRM NAME: Feinberg, Mindel, Brandt & Klein, LLP STREET ADDRESS: 12424 Wilshire Blvd., 9th Floor CITY: Los Angeles, CA 90025 STATE: ZIP CODE: TELEPHONE NO.: 310-447-8675 FAX NO.: 310-447-8678 E-MAIL ADDRESS: rbrandt@fmbklaw.com ATTORNEY FOR (name): Respondent, Martin Isaacs	FOR COURT USE ONLY <div style="font-size: 1.5em; font-weight: bold;">FILED</div> Superior Court of California County of Los Angeles <div style="font-size: 1.2em;">OCT 07 2016</div> Sherri R. Carter, Executive Officer/Clerk By <u>Michael Rodriguez</u> , Deputy												
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 NORTH HILL STREET MAILING ADDRESS: SAME AS ABOVE CITY AND ZIP CODE: LOS ANGELES, CA 90012 BRANCH NAME: CENTRAL DISTRICT	CASE NUMBER: BD 643 753												
PETITIONER: MARY JANE BLIGE RESPONDENT: MARTIN ISAACS OTHER PARENT/PARTY:													
<table style="width:100%;"> <tr> <td style="width:33%;">REQUEST FOR ORDER</td> <td style="width:33%;"><input type="checkbox"/> CHANGE</td> <td style="width:33%;"><input type="checkbox"/> TEMPORARY EMERGENCY ORDERS</td> </tr> <tr> <td><input type="checkbox"/> Child Custody</td> <td><input type="checkbox"/> Visitation (Parenting Time)</td> <td><input checked="" type="checkbox"/> Spousal or Partner Support</td> </tr> <tr> <td><input type="checkbox"/> Child Support</td> <td><input type="checkbox"/> Domestic Violence Order</td> <td><input checked="" type="checkbox"/> Attorney's Fees and Costs</td> </tr> <tr> <td><input type="checkbox"/> Property Control</td> <td colspan="2"><input type="checkbox"/> Other (specify):</td> </tr> </table>		REQUEST FOR ORDER	<input type="checkbox"/> CHANGE	<input type="checkbox"/> TEMPORARY EMERGENCY ORDERS	<input type="checkbox"/> Child Custody	<input type="checkbox"/> Visitation (Parenting Time)	<input checked="" type="checkbox"/> Spousal or Partner Support	<input type="checkbox"/> Child Support	<input type="checkbox"/> Domestic Violence Order	<input checked="" type="checkbox"/> Attorney's Fees and Costs	<input type="checkbox"/> Property Control	<input type="checkbox"/> Other (specify):	
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NOTICE OF HEARING

1. TO (name(s)): Mary Jane Blige and her attorney of record
☒ Petitioner ☐ Respondent ☐ Other Parent/Party ☐ Other (specify):

2. A COURT HEARING WILL BE HELD AS FOLLOWS:

a. Date: 12/8/16 Time: 8:30 AM ☐ Dept.: 81 ☐ Room: 832
 b. Address of court ☒ same as noted above ☐ other (specify):

3. **WARNING to the person served with the Request for Order:** The court may make the requested orders without you if you do not file a *Responsive Declaration to Request for Order* (form FL-320), serve a copy on the other parties at least nine court days before the hearing (unless the court has ordered a shorter period of time), and appear at the hearing. (See form FL-320-INFO for more information.)

(Forms FL-300-INFO and DV-400-INFO provide information about completing this form.)

COURT ORDER
(FOR COURT USE ONLY)**It is ordered that:**

4. ☐ Time ☐ for service ☐ until the hearing is shortened. Service must be on or before (date):
5. ☐ A *Responsive Declaration to Request for Order* (form FL-320) must be served on or before (date):
6. ☐ The parties must attend an appointment for child custody mediation or child custody recommending counseling as follows (specify date, time, and location):
7. ☐ The orders in *Temporary Emergency (Ex Parte) Orders* (form FL-305) apply to this proceeding and must be personally served with all documents filed with this *Request for Order*.
8. ☐ Other (specify):

Date: _____

REQUEST FOR ORDER

JUDICIAL OFFICER

CHECK: \$0.00
 CASH: \$0.00
 CHANGE: \$0.00
 CARD: \$0.00

Page 1 of 4

ISAACS, MARTIN

CIT/CASE: BD643753
 LEA/DEF#: _____

RECEIPT #: FIN454287009
 DATE PAID: 10/07/16 10:36
 PAYMENT: \$90.00
 RECEIVED: _____

PETITIONER: MARY JANE BLIGE
 RESPONDENT: MARTIN ISAACS
 OTHER PARENT/PARTY:

CASE NUMBER:
 BD 643 753

REQUEST FOR ORDER

Note: Place a mark ☒ in front of the box that applies to your case or to your request. If you need more space, mark the box for "Attachment." For example, mark "Attachment 2a" to indicate that the list of children's names and birth dates continues on a paper attached to this form. Then, on a sheet of paper, list each attachment number followed by your request. At the top of the paper, write your name, case number, and "FL-300" as a title. (You may use *Attached Declaration* (form MC-031) for this purpose.)

1. ☐ **RESTRAINING ORDER INFORMATION**

One or more domestic violence restraining/protective orders are now in effect between (specify):

☐ Petitioner ☐ Respondent ☐ Other Parent/Party (Attach a copy of the orders if you have one.)

The orders are from the following court or courts (specify county and state):

- a. ☐ Criminal: County/state (specify): Case No. (if known):
 b. ☐ Family: County/state (specify): Case No. (if known):
 c. ☐ Juvenile: County/state (specify): Case No. (if known):
 d. ☐ Other: County/state (specify): Case No. (if known):

2. ☐ **CHILD CUSTODY**

☐ I request temporary emergency orders

☐ **VISITATION (PARENTING TIME)**

a. I request that the court make orders about the following children (specify):

Child's Name

Date of Birth

☐ Legal Custody to (person who decides: health, education, etc):

☐ Physical Custody to (person with whom child lives):

☐ Attachment 2a.

b. ☐ The orders I request for ☐ child custody ☐ visitation (parenting time) are:

(1) ☐ Specified in the attached forms:

☐ Form FL-305 ☐ Form FL-311 ☐ Form FL-312 ☐ Form FL-341(C)
☐ Form FL-341(D) ☐ Form FL-341(E) ☐ Other (specify):

(2) ☐ As follows (specify):

☐ Attachment 2b.

c. The orders that I request are in the best interest of the children because (specify):

☐ Attachment 2c.

d. ☐ This is a change from the current order for ☐ child custody ☐ visitation (parenting time).

(1) ☐ The order for legal or physical custody was filed on (date):

. The court ordered (specify):

(2) ☐ The visitation (parenting time) order was filed on (date):

. The court ordered (specify):

☐ Attachment 2d.

PETITIONER: MARY JANE BLIGE
 RESPONDENT: MARTIN ISAACS
 OTHER PARENT/PARTY:

CASE NUMBER:
 BD 643 753

3. ☐ CHILD SUPPORT

(Note: An earnings assignment may be issued. See *Income Withholding for Support* (form FL-195))

a. I request that the court order child support as follows:

Child's name and age

☐ I request support for each
 child based on the child support guideline.

☐ Monthly amount (\$) requested
 (if not by guideline)

☐ Attachment 3a.

b. ☐ I want to change a current court order for child support filed on (date):

The court ordered child support as follows (specify):

c. I have completed and filed with this *Request for Order* a current *Income and Expense Declaration* (form FL-150) or I filed a current *Financial Statement (Simplified)* (form FL-155) because I meet the requirements to file form FL-155.

d. The court should make or change the support orders because (specify):

☐ Attachment 3d.

4. ☒ SPOUSAL OR DOMESTIC PARTNER SUPPORT

(Note: An *Earnings Assignment Order For Spousal or Partner Support* (form FL-435) may be issued.)

a. ☒ Amount requested (monthly): \$ no less than \$129,319

b. ☐ I want the court to ☐ change ☐ end the current support order filed on (date):
 The court ordered \$ per month for support.

c. ☐ This request is to modify (change) spousal or partner support after entry of a judgment.

I have completed and attached *Spousal or Partner Support Declaration Attachment* (form FL-157) or a declaration that addresses the same factors covered in form FL-157.

d. I have completed and filed a current *Income and Expense Declaration* (form FL-150) in support of my request.

e. The court should make, change, or end the support orders because (specify): ☐ Attachment 4e.

See attached Memorandum of Points and Authorities, Declaration of Martin Isaacs, Declaration of Robert C. Brandt, Esq., and Declaration of Irwin Nachimson, C.P.A.

5. ☐ PROPERTY CONTROL

☐ I request temporary emergency orders

a. The ☐ petitioner ☐ respondent ☐ other parent/party be given exclusive temporary use, possession, and control of the following property that we ☐ own or are buying ☐ lease or rent (specify):

b. The ☐ petitioner ☐ respondent ☐ other parent/party be ordered to make the following payments on debts and liens coming due while the order is in effect:

Pay to: _____	For: _____	Amount: \$ _____	Due date: _____
Pay to: _____	For: _____	Amount: \$ _____	Due date: _____
Pay to: _____	For: _____	Amount: \$ _____	Due date: _____
Pay to: _____	For: _____	Amount: \$ _____	Due date: _____

c. ☐ This is a change from the current order for property control filed on (date):

d. Specify in Attachment 5d the reasons why the court should make or change the property control orders.

PETITIONER: MARY JANE BLIGE RESPONDENT: MARTIN ISAACS OTHER PARENT/PARTY:	CASE NUMBER: BD 643 753
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6. ☒ ATTORNEY'S FEES AND COSTS

I request attorney's fees and costs, which total (specify amount): \$100,000 attorneys fees
\$30,000 forensic accountant fees. I filed the following to support my request:

- A current *Income and Expense Declaration* (form FL-150).
- A *Request for Attorney's Fees and Costs Attachment* (form FL-319) or a declaration that addresses the factors covered in that form.
- A *Supporting Declaration for Attorney's Fees and Costs Attachment* (form FL-158) or a declaration that addresses the factors covered in that form.

7. ☐ DOMESTIC VIOLENCE ORDER

- Do not use this form to ask for domestic violence restraining orders! Read form DV-505-INFO, *How Do I Ask for a Temporary Restraining Order*, for forms and information you need to ask for domestic violence restraining orders.
- Read form DV-400-INFO, *How to Change or End a Domestic Violence Restraining Order* for more information.

- The *Restraining Order After Hearing* (form DV-130) was filed on (date):
- I request that the court ☐ change ☐ end the personal conduct, stay-away, move-out orders, or other protective orders made in *Restraining Order After Hearing* (form DV-130). (If you want to change the orders, complete 7c.)
- ☐ I request that the court make the following changes to the restraining orders (specify): ☐ Attachment 7c.

- I want the court to change or end the orders because (specify): ☐ Attachment 7d.

8. ☐ OTHER ORDERS REQUESTED (specify):☐ Attachment 8.9. ☐ TIME FOR SERVICE / TIME UNTIL HEARING I urgently need:

- ☐ To serve the *Request for Order* no less than (number): court days before the hearing.
- ☐ The hearing date and service of the *Request for Order* to be sooner.
- I need the order because (specify): ☐ Attachment 9c.

10. ☒ FACTS TO SUPPORT the orders I request are listed below. The facts that I write in support and attach to this request cannot be longer than 10 pages, unless the court gives me permission.☐ Attachment 10.

See Memorandum of Points and Authorities;
Declaration of Martin Isaacs;
Declaration of Robert C. Brandt, Esq.; and
Declaration of Irwin Nachimson, C.P.A.

I declare under penalty of perjury under the laws of the State of California that the information provided in this form and all attachments is true and correct.

Date: October 6, 2016

Martin Isaacs

(TYPE OR PRINT NAME)

(SIGNATURE OF APPLICANT)



Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the proceeding. Contact the clerk's office or go to www.courts.ca.gov/forms for *Request for Accommodations by Persons With Disabilities and Response* (form MC-410). (Civ. Code, § 54.8.)

3 **MEMORANDUM OF POINTS AND AUTHORITIES**

4 **I.**

5 **INTRODUCTION**

6 Respondent, Martin Isaacs (hereinafter "Mr. Isaacs") brings this Request for Orders seeking
7 an initial *pendente lite* monthly spousal support order of no less than \$129,319 (and based upon the
8 analysis of non-income to Mr. Isaacs, no less than \$150,419 per month), a \$100,000 contribution to
9 his attorney's fees and a \$30,000 contribution to his forensic accounting fees.

10 Petitioner, Mary Jane Blige (hereinafter "Ms. Blige") filed this action on July 25, 2016
11 following a 13+ year marriage. Ms. Blige is a tremendously successful R&B artist whose career spans
12 more than two (2) decades. Ms. Blige has a new studio album that is expected to be released in the
13 near future; she is touring the country; and she recently wrapped filming on a feature film. Until
14 recently, Mr. Isaacs was Ms. Blige's personal manager, responsible for negotiating and engaging in
15 business transactions on Ms. Blige's behalf. Incident to the filing of the Petition for Dissolution, Ms.
16 Blige suddenly terminated Mr. Isaacs's employment. Mr. Isaacs presently has zero income and no
17 access to joint personal and/or business accounts as Ms. Blige has cut off his access to same.

18 As a result of the bleak financial situation in which Mr. Isaacs has been placed, Mr. Isaacs has
19 been forced to seek Court intervention to obtain an award of *pendente lite* spousal support and
20 attorney's fees and costs.

21 **II.**

22 **STATEMENT OF FACTS**

23 The parties were married on December 7, 2003. The date of separation is yet to be determined
24 but the marriage duration is greater than ten (10) years. The parties do not have any children together,
25 but Mr. Isaacs has two children from a prior relationship whom he supports. Ms. Blige does not have
26 any children.

27 Ms. Blige's successful entertainment careers spans the course of decades. A celebrated singer,
28 songwriter, producer, and actress, Ms. Blige is the recipient of nine Grammy Awards and has been

1 dubbed the "Queen of Hip Hop Soul." Ms. Blige has released more than ten (10) studio albums, many
2 of which have reach multi-platinum status. Ms. Blige's new studio album, "Strength of a Woman,"
3 is slated to be released in October 2016. Ms. Blige has been touring internationally since 1997-1998.

4 Ms. Blige's career does not show any signs of slowing down as she recently wrapped filming
5 a supporting role in a feature length film, which is expected to be released in theaters in 2017. Ms.
6 Blige has had a guest role in various television shows. Mary J. Blige is a household name. As per the
7 parties' jointly filed Individual Income Tax Returns, Ms. Blige has earned from \$1.5 million to
8 upwards of \$5.1 million between 2013 and 2015.¹ As per the concurrently filed declaration of Mr.
9 Isaacs's forensic accountant Irwin Nachimson, C.P.A., *Ms. Blige's average monthly income available*
10 *for support is \$371,749.*² (Declaration of Irwin Nachimson ¶ 3).

11 Mr. Isaacs's role in growing Ms. Blige's career has been significant. Mr. Isaacs was Ms.
12 Blige's personal manager for more than one decade and throughout the entire marriage. Mr. Isaacs
13 has negotiated practically every deal on behalf of Ms. Blige, and based upon Ms. Blige's income over
14 the years, their relationship has been financially lucrative. During the marriage, Mr. Isaacs was
15 compensated 10% of all income received by Ms. Blige. (Declaration of Martin Isaacs ¶ 10). As per
16 Mr. Isaacs's Schedule C attached to the parties' draft 2015 Individual Income Tax Return, Mr. Isaacs
17 earned roughly \$554,465 in 2015. Based thereon, Mr. Isaacs's average monthly income in 2015 was
18 \$46,2015 per month. (Declaration of Irwin Nachimson ¶ 3). Mr. Isaacs's Income and Expense
19 Declaration is filed concurrently herewith. As of approximately July 25, 2016, however, the date that
20 the Petition was filed, Mr. Isaacs's income has been reduced to zero as a result of him being
21 terminated. Mr. Isaacs does not have any income at this time.

22 Since the Petition for Dissolution was filed, Ms. Blige has made two payments to Mr. Isaacs.

23
24 ¹ In conformity with the parties' Stipulated Protective Order re: Confidential Information; And Order
25 Thereon, Mr. Isaacs will, upon request, lodge the parties' joint tax returns rather than file them with
26 the court. (Declaration of Robert C. Brandt, Esq. ¶ 6).

27 ² It should be noted that this is a preliminary determination based upon the limited financial
28 information that has been produced by Ms. Blige to Mr. Isaacs thus far and that the calculations
regarding Ms. Blige's cash flow available for support are subject to change based upon the receipt
of further data.

1 In August 2016, Ms. Blige paid \$35,000 to Mr. Isaacs. On or about September 7, 2016, Ms. Blige
2 paid the sum of \$50,000 to Mr. Isaacs pursuant to the parties' Stipulation Re Advance of Spousal
3 Support; Retroactivity; Order Thereon, which also preserved retroactivity for spousal support to
4 September 1, 2016. (See **Exhibit "1"**). These funds have already been depleted as Mr. Isaacs has had
5 to secure new living accommodations. The parties were paying approximately \$25,000 per month for
6 their Beverly Hills rental. Currently, Mr. Isaacs is in the process of securing a new residence, but he
7 is doing so with zero income and with nominal funds in his bank account. (Declaration of Martin
8 Isaacs ¶ 13).

9 Ms. Blige has also made a payment of \$25,000 to Mr. Isaacs's current counsel. The \$25,000
10 was used as and for an initial retainer with the law offices of Feinberg, Mindel, Brandt & Klein, LLP
11 and the forensic accounting firm of Nigro, Karlin, Segal, Feldstein and Bolno.

12 The parties have a purported premarital agreement, but Mr. Isaacs disputes its validity and
13 enforceability. (Declaration of Martin Isaacs ¶ 5). On December 5, 2003, two (2) days prior to the
14 parties' wedding, the parties executed a premarital agreement (hereinafter "the PMA") in the state of
15 New York. Ms. Blige was represented by counsel during the negotiation, drafting and execution of
16 the PMA whereas Mr. Isaacs was not. Mr. Isaacs contests the validity of the PMA. On or about
17 September 23, 2016, Ms. Blige filed a Request for Orders for a separate trial regarding the validity of
18 the PMA, which is set for hearing on November 9, 2016.

19 III.

20 **UNTIL THE COURT DETERMINES THE VALIDITY OF THE PMA, MR. ISAACS** 21 **SHOULD RECEIVE *PENDENTE LITE* SPOUSAL SUPPORT AND ATTORNEY'S FEES**

22 Mr. Isaacs contends that the parties' PMA executed on December 5, 2003, just two (2) days
23 prior to the parties' date of marriage is unenforceable on grounds that include but are not limited to
24 duress. (Declaration of Martin Isaacs ¶ 5). The PMA contains an absolute waiver of spousal support
25 in the event of a dissolution of marriage. The validity of the PMA is directly in controversy and is the
26 subject of a future bifurcated trial based upon Ms. Blige's filing of a Request for Orders for a separate
27 trial on the issue.

28 Notably, despite the existence of the PMA, which purports to waive spousal support, Ms. Blige

1 and her attorney executed the Stipulation Re Advance of Spousal Support; Retroactivity; Order
2 Thereon on or about September 7, 2016, which not only characterizes a \$50,000 payment that was
3 made to Mr. Isaacs as "spousal support," but also preserves retroactivity regarding spousal support.
4 Evidently, Ms. Blige has her own reservations regarding the validity and enforceability of the PMA,
5 which upon even a preliminary review appears to be void as being against public policy.

6 Notwithstanding the existence of the PMA, the Court has jurisdiction to award *pendente lite*
7 spousal support to Mr. Isaacs while Mr. Isaacs challenges the PMA as being void. A line of California
8 cases confers upon the Court the authority and jurisdiction to award temporary spousal support to Mr.
9 Isaacs despite the existence of a PMA that otherwise terminates spousal support.

10 In Spreckels v. Spreckels (1952) 111 Cal.App.2d 529, the Court held that temporary spousal
11 support was available and appropriate while the wife challenged a property settlement agreement that
12 waived support. In Spreckels, after separating, the husband and wife executed a property settlement
13 agreement which contained a mutual spousal support waiver. The parties subsequently reconciled and
14 cohabitated for several years, after which the wife filed for dissolution of marriage, again. In finding
15 that the property settlement agreement waiving spousal support had not been judicially approved, was
16 challenged, and was not a bar to a *pendente lite* award of spousal support, the Court stated the
17 following:

18 "So when a [spouse] has entered into a property settlement agreement waiving 'all claims
19 whatsoever' for support or attorney's fees and such contract has been judicially determined to
20 be valid and binding the court may not thereafter, in another action, make an award of alimony
21 *pendente lite* and suit money contrary to the provisions of such agreement. [Citation.] ***If, however, such property settlement agreement has not had judicial approval and is attacked as being void or as having been obtained through fraud, the court may make an award for necessary temporary support, counsel fees and costs.***" (Id. at p. 532.) (Emphasis Added).

22 As is the case here, the parties' PMA, which contains a spousal support waiver, is being
23 challenged by Mr. Isaacs and given the fact that the PMA has not received judicial approval as to its
24 validity and/or enforceability, the Court has the discretion to make an award of spousal support and
25 attorney's fees and costs to Mr. Isaacs in the interim.

26 In In re Marriage of Askmo (2000) 85 Cal.App.4th 1032, the Court held that under Family
27 Code §3600, the trial court did not err in granting the wife's request for spousal support and attorney's
28 fees and costs while a prior appeal was pending and her default had not been set aside. In Askmo, a