

1 **COLLINS, MESEREAU, REDDOCK & YU**  
2 Thomas A. Mesereau, Jr., State Bar Number 091182  
3 Susan C. Yu, State Bar Number 195640  
4 1875 Century Park East, 7<sup>th</sup> Floor  
5 Los Angeles, CA 90067  
6 Tel.: (310) 284-3120, Fax: (310) 284-3133

7 **SANGER & SWYSEN**  
8 Attorneys at Law  
9 Robert M. Sanger, State Bar No. 058214  
10 233 East Carrillo Street, Suite C  
11 Santa Barbara, CA 93101  
12 Tel.: (805) 962-4887, Fax: (805) 963-7311

13 **OXMAN & JAROSCAK**  
14 Brian Oxman, State Bar No. 072172  
15 14126 East Rosecrans  
16 Santa Fe Springs, CA 90670  
17 Tel.: (562) 921-5058, Fax: (562) 921-2298

18 Attorneys for Defendant  
19 **MICHAEL JOSEPH JACKSON**

20 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
21 FOR THE COUNTY OF SANTA BARBARA, COOK DIVISION

22 THE PEOPLE OF THE STATE OF CALIFORNIA,

23 Plaintiffs,

24 vs.

25 MICHAEL JOSEPH JACKSON,

26 Defendant.

) Case No. 1133603

) EX PARTE APPLICATION THAT REPLY  
) TO OPPOSITION TO MOTION FOR AN  
) ORDER ALLOWING INDIVIDUAL  
) SEQUESTERED VOIR DIRE OF  
) PROSPECTIVE JURORS BE FILED  
) UNDER SEAL

) Honorable Rodney S. Melville

) Date: January 28, 2005

) Time: 9:30 am

) Dept: SM 8

27 TO THE CLERK OF THE ABOVE ENTITLED COURT:

28 Defendant requests that the Court determine whether it is appropriate to issue an order that  
the accompanying REPLY TO OPPOSITION TO MOTION FOR AN ORDER ALLOWING

EX PARTE APPLICATION THAT REPLY TO OPPOSITION TO MOTION FOR AN ORDER ALLOWING  
INDIVIDUAL SEQUESTERED VOIR DIRE OF PROSPECTIVE JURORS BE FILED UNDER SEAL

**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SANTA BARBARA

JAN 25 2005

GARY M. BLAIR, Executive Officer  
BY *Carrie L. Wagner*  
CARRIE L. WAGNER, Deputy Clerk

1 INDIVIDUAL SEQUESTERED VOIR DIRE OF PROSPECTIVE JURORS and accompanying  
2 documents he filed under seal. This request is based on the Orders of Judge Melville in this case.

3 Dated: January 25, 2005

4 Respectfully submitted,

5 COLLINS, MESEREAU, REDDOCK & YU  
6 Thomas A. Mesereau, Jr.  
7 Susan C. Yu

8 SANGER & SWYSEN  
9 Robert M. Sanger

10 OXMAN & JAROSCAK  
11 Brian Oxman

12 By: Robert M. Sanger  
13 Robert M. Sanger  
14 Attorneys for Defendant  
15 MICHAEL JOSEPH JACKSON

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 Pursuant to California Rule of Court 243.1(d), the Court has the authority to order a  
3 record be filed under seal if it expressly finds that:

- 4 1. There exists an overriding interest that overcomes the right of public access to the  
5 record;
- 6 2. The overriding interest supports sealing the record;
- 7 3. A substantial probability exists that the overriding interest will be prejudiced if the  
8 record is not sealed;
- 9 4. The proposed sealing is narrowly tailored; and
- 10 5. No less restrictive means exist to achieve the overriding interest.

11 (California Rule of Court 243.1(d).)

12 Pursuant to the Court's prior instructions, including instructions reiterated on May 28,  
13 2004, we are submitting REPLY TO OPPOSITION TO MOTION FOR AN ORDER

14 ALLOWING INDIVIDUAL SEQUESTERED VOIR DIRE OF PROSPECTIVE JURORS out of  
15 an abundance of caution so that the Court may determine whether or not it may be filed under  
16 seal. It does not appear that this particular document makes references to statements of  
17 witnesses, documents, exhibits, photographs or other evidence that may be subject to the pretrial  
18 rule regarding the filing of documents under seal. (Exhibit 1, Declaration of Robert M. Sanger.)

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EX PARTE APPLICATION THAT REPLY TO OPPOSITION TO MOTION FOR AN ORDER ALLOWING  
INDIVIDUAL SEQUESTERED VOIR DIRE OF PROSPECTIVE JURORS BE FILED UNDER SEAL

1 CONCLUSION

2 For the reasons stated above, Mr. Jackson submits the matter for the Court's  
3 determination as to whether it should be ordered that the accompanying REPLY TO  
4 OPPOSITION TO MOTION FOR AN ORDER ALLOWING INDIVIDUAL SEQUESTERED  
5 VOIR DIRE OF PROSPECTIVE JURORS and accompanying documents be filed under seal.

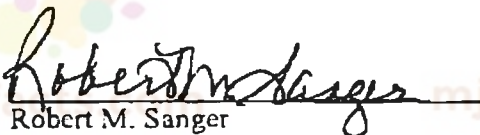
6 Dated: January 25, 2005

7 COLLINS, MESEREAU, REDDOCK & YU  
8 Thomas A. Mesereau, Jr.  
Susan Yu

9 SANGER & SWYSEN  
10 Robert M. Sanger

11 OXMAN & JAROSCAK  
12 Brian Oxman

13 By:



14 Robert M. Sanger  
15 Attorneys for  
16 MICHAEL JOSEPH JACKSON

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EX PARTE APPLICATION THAT REPLY TO OPPOSITION TO MOTION FOR AN ORDER ALLOWING  
INDIVIDUAL SEQUESTERED VOIR DIRE OF PROSPECTIVE JURORS BE FILED UNDER SEAL

1 DECLARATION OF ROBERT M. SANGER

2 I, Robert Sanger, declare:

- 3 1. I am an attorney at law duly licensed to practice law in the courts of the State of  
4 California, a partner in the law firm of Sanger & Swysen, and co-counsel for Michael  
5 Jackson.
- 6 2. Pursuant to the Court's prior instructions, including instructions reiterated on May 28.  
7 2004, we are submitting the REPLY TO OPPOSITION TO MOTION FOR AN ORDER  
8 ALLOWING INDIVIDUAL SEQUESTERED VOIR DIRE OF PROSPECTIVE  
9 JURORS out of an abundance of caution so that the Court may determine whether or not  
10 it may be filed under seal. It does not appear that this particular document makes  
11 references to statements of witnesses, documents, exhibits, photographs or other evidence  
12 that may be subject to the pretrial rule regarding the filing of documents under seal.

13 I declare under penalty of perjury that the foregoing is true and correct and that this  
14 declaration was executed this 25<sup>th</sup> day of January 2005 at Santa Barbara, California.

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18 Robert M. Sanger  
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EX PARTE APPLICATION THAT REPLY TO OPPOSITION TO MOTION FOR AN ORDER ALLOWING  
INDIVIDUAL SEQUESTERED VOIR DIRE OF PROSPECTIVE JURORS BE FILED UNDER SEAL