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| 1 2 3 4 | COLLINS, MESEREAU, REDDOCK & YU Thomas A. Mesereau, Jr., State Bar Number 091182 Susan C. Yu, State Bar Number 195640 1875 Century Park East, 7th Floor Los Angeles, CA 90067 Tel.: (310) 284-3120, Fax: (310) 284-3133 FEB - 8 2005 | | | |
| 5 6 7 | SANGER & SWYSEN Robert M. Sanger, State Bar Number 058214 233 East Carrillo Street, Suite C Santa Barbara, CA 93101 Tel.: (805) 962-4887, Fax: (805) 963-7311 | | | |
| 8 9 10 | OXMAN & JAROSCAK Brian Oxman, State Bar Number 072172 14126 East Rosecrans Santa Fe Springs, CA 90670 Tel.: (562) 921-5058, Fax: (562) 921-2298 Order | | | |
| 11 | Attorneys for Defendant MICHAEL JOSEPH JACKSON | | | |
| 12 13 14 | SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF SANTA BARBARA, COOK DIVISION | | | |
| 15 16 17 18 | THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiffs, Plaintiffs, ORDER THAT A SUBPOENA DUCES TECUM ISSUE; DECLARATIONS OF ROBERT SANGER AND SUSAN YU | | | |
| 19 20 21 22 23 | MICHAEL JOSEPH JACKSON, Defendant. Defendant. Defendant. Honorable Rodney S. Melville Date: TBA Time: TBA Dept.: 8 | | | |
| 24 | njfacts.com mjfacts.com mjfacts.com | | | |
| 25 | TO THE CLERK OF THE ABOVE-ENTITLED COURT: | | | |
| 26 | Mr. Jackson respectfully requests that the Court make an order allowing the issuance of the | | | |
| 27 | attached subpoena duces tecum for George Lopez. Mr. Lopez, through his attorney, James Blancarte, | | | |
| | EX PARTE APPLICATION FOR AN ORDER THAT A SUBPOENA DUCES TECUM ISSUE | | | |

objected to a previous subpoena. Mr. Lopez is a material witness to relevant facts in this case and is the 1 proper subject of a subpoena. Morever, Mr. Lopez is believed to be in possession of relevant 2 3 documents. (See attached Declarations of Robert M. Sanger and Susan Yu.) Failing to allow Mr. Jackson to compel the attendance of Mr. Lopez would violate Mr. Jackson's rights to compel the 4 5 compulsory attendance of favorable witnesses, to a fair trial, and to due process, under the Fifth, Sixth and Fourteenth Amendments to the United States Constitution and the Constitution of the State of 6 7 California. 8 Dated: February 8, 2005 Respectfully submitted, 9 COLLINS, MESEREAU, REDDOCK & YU Thomas A. Mesereau, Jr. 10 Susan C. Yu **SANGER & SWYSEN** 11 Robert M. Sanger 12 OXMAN & JAROSCAK 13 Brian Oxman 14 15 Robert M. Sanger 16 Attorneys for Defendant MICHAEL JOSEPH JACKSON 17 18 19 20 21 22 23 24 25 26 27

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¹ We also request that the Court endorse the subpoena for service of more than 150 miles even though Mr. Blancarte did not object to the previous subpoena on that ground and agreed to accept service. Out of an abundance of caution we ask for endorsement.

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1. I am an attorney at law duly licensed to practice law in the courts of the State of California, a partner in the law firm of Sanger & Swysen, and co-counsel for Michael Jackson.

I, Robert M. Sanger, declare:

- 2. Based on my review of the prosecution's investigation and that of the defense, I believe that George Lopez is a percipient witness to admissible evidence in this case.
- 3. Mr. Lopez is a witness to the modus operandi of the Arvizo family. The Arvizos used Gavin Arvizo's illness to gain access to, and take advantage of, people for purpose of getting money. The Arvizos have fraudulently solicited funds from wealthy and/or famous people. Gavin and his parents made a practice of going "over the top" to ingratiate themselves to such people, to smother them with excessive compliments and to try to get financial gain.
- 4. Based on our investigation, it appears Mr. Lopez is a well known celebrity. He is a comedian and actor. We believe that he volunteered to coach underprivileged children at the Laugh Factory and that he specifically worked with Gavin, Davellin and Star Arvizo. Mr. Lopez attended their stage performances. After Gavin became ill, Mr. Lopez and his wife became involved in fund raising events with the Arvizo family and visited Gavin in the hospital. Thereafter, our investigation discloses that Mr. and Mrs. Lopez allowed the Arvizo family to come to their home.
- 5. Mr. Lopez has refused to be interviewed by Mr. Jackson's investigators. However, based on interviews of other people, I am informed that Mr. Lopez was involved with the Arvizo family in 2000 and 2001 through a mutual connection with Jamie Masada, the owner of the Laugh Factory.
- 6. I believe and am informed that the Arvizo family targeted Mr. Lopez and his wife for financial assistance and used their standard modus operandi. It appears likely that Mr. and Mrs. Lopez provided money to the Arvizos.
- 7. Based on the current investigation, it is probable that the Arvizo family sent notes and cards to Mr. and Mrs. Lopez that contained effusive praise for them. The Arvizos sent similar cards to Mr. Jackson, and to people who they were attempting to defraud. These cards contain similar words and phrases. The targets of the Arvizos' scams are often referred to as "Mommy" or "Daddy," or "Big Sister" or "Big Brother." Mr. And Mrs. Lopez may have received such cards and/or notes and may still

have them in their possession. This evidence is relevant because the Arvizo family used this same modus operandi to ingratiate themselves with Mr. Jackson and then to seek money under false pretenses. The sheriffs in this case have interviewed a witness who has described an incident in which the family turned on Mr. and Mrs. Lopez after they felt the Lopezes were not going to give them more money. The witness stated to the Sheriffs that Mr. Arvizo claimed that hundreds of dollars were missing from Gavin Arvizo's wallet, which he had left at Mr. Lopez's home. Mr. Arvizo demanded that Mr. Lopez replace the allegedly missing money. Mr. Arvizo attempted to have Gavin spontaneously verify the exact amount that was missing from the wallet. Gavin stated that he did not know how much money It is believed that Mr. and Mrs. Lopez have records in their possession reflecting payments to, and on behalf of, the Arvizo family. These records may include cancelled checks and/or receipts. James Blancarte, Mr. Lopez's attorney has agreed to accept service of this subpoena on behalf of his client. Mr. Blancarte objected to a previous version of this subpoena on relevance grounds. However, the facts stated above demonstrate good cause to believe Mr. and Mr. Lopez have relevant and I declare under the penalty of perjury under the laws of the State of California that the foregoing

Robert M. Sanger

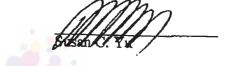
I, Susan C. Yu declare:

- 1. I am an attorney at law duly licensed to practice law in the courts of the State of California, a partner in the law firm of Collins, Mesereau, Reddock & Yu, and co-counsel for Mr. Michael Jackson in the pending criminal action entitled People v. Michael Joe Jackson, Santa Barbara County Superior Court Case No. 1133603. I submit this declaration in support of, trial subpoenas reissued² to Mr. George Lopez and to Mrs. Ann Lopez, material witnesses in this case. I have personal knowledge of the facts set forth herein and, if called and sworn as a witness, I could and would competently testify thereto under oath.
- 2. The teenage accusers in this case attended a comedy camp run by Jamie Masada in Los Angeles called "The Laugh Factory." Our investigation revealed the following about Mr. and Mrs. Lopez:
 - (a) Mr. Lopez was assigned by Jamie Masada as the comedy camp coach of the teenage accusers;
 - (b) Mr. Lopez attended these teenage accusers' performance at and "graduation" from the comedy camp;
 - (c) Mr. Lopez may have been a participant in the first fundraising event held for accuser John Doe at the Laugh Factory by Mr. Masada in approximately the summer to fall of 2000;
 - (d) Mr. and Mrs. Lopez visited John Doe in the hospital on several occasions;
 - (e) Mr. and Mrs. Lopez became close to the teenage accusers' family and thereby gave the teenage accusers' father, David Doe, their home address, as well as their home and cellular phone numbers. The Doe family, either collectively or individually was invited to and did in fact visit the home of Mr. and Mrs. Lopez and socialized with them. Mr. and Mrs. Lopez also regularly talked to the teenage accusers' family.

² This declaration is being presented pursuant to the Honorable Rodney Melville's ruling on Mr. and Mrs. Lopez In Camera Motion to Quash held on January 27, 2005. In this connection, by submitting this required declaration, I, in no way (directly or indirectly or expressly or impliedly) waive any attorney work-product or privileges.

3. Mr. and Mrs. Lopez are relevant impeachment witnesses in this case who can assist the defense establish that the accusers are not credible and that Mr. Jackson is innocent. Mr. Jackson is entitled to call and examine these witnesses at trial under the United States Constitution, the California Constitution and California Penal Code Section 686. Accordingly, without these witnesses, Mr. Jackson will be denied a right to a fair trial and will suffer extreme prejudice.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed this 8th day of February, 2005 at Los Angeles, California.



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Form Adopted for Mandatory Use Judicial Council of California 982(a)(16) [Rev. January 1, 2005]

SUBPOENA AND PROOF OF SERVICE Welfare and Inst

Penal Code, § 1326 et seq. Welfare and Institutions Code, §§ 341, 664, 1727 www.courtinfo.ca.gov

State of California that the foregoing is true and correct.

(SIGNATURE)

I certify that the foregoing is true and correct.

Date: February 8, 2005

Date:

(SIGNATURE)

ATTACHMENT

1. Please provide all files, records, and documents, however preserved, relating to Gavin Arvizo, Star Arvizo, Davellin Arvizo, Janet Arvizo or David arvizo, or anyone acting on their behalf to include bank records, receipts, , canceled checks, notes, memos, bookkeeping, entries, letters, cards, computer data, emails, phone messages or anything else.

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SUBPOENA AND PROOF OF SERVICE
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| c. Date of delivery: | mjfacts.com |
| d. Time of delivery: | · |
| I received this subpoena for service on (date): | |
| 3. NON-SERVICE RETURN OF SUBPOENA | |
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| a. L After due search, careful inquiry, and diligent atter business, I have been unable to make personal de this county on the following persons (specify): | mpts at the dwelling house or usual place of abode or usual place of elivery of this Subpoena Subpoena Duces Tecum in |
| b. Reason: | |
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| (3) No such address. | (6) Other reasons (explanation required): |
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| 4. Person serving: | • |
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| a. | e Exempt from registration under Bus. & Prof. Code section 22350(b). |
| c. Registered California process server. | f. Name, address, and telephone number and, if applicable, |
| d. Employee or independent contractor of a | county of registration and number: |
| registered California process server. | |
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| I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. | (For California sheriff, marshal, or constable use only) I certify that the foregoing is true and correct. |
| Date: February 8, 2005 | Date: |
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| (SIGNATURE) | (SIGNATURE) |

ATTACHMENT

1. Please provide all files, records, and documents, however preserved, relating to Gavin Arvizo, Star Arvizo, Davellin Arvizo, Janet Arvizo or David arvizo, or anyone acting on their behalf to include bank records, receipts, , canceled checks, notes, memos, bookkeeping, entries, letters, cards, computer data, emails, phone messages or anything else.

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I, the undersigned declare:

I am over the age of 18 years and not a party to the within action. I am employed in the County of Santa Barbara. My business address is 233 East Carrillo Street, Suite C, Santa Barbara, California, 93101.

On February 8, 2005, I served the EX PARTE APPLICATION FOR AN ORDER THAT A SUBPOENA DUCES TECUM ISSUE; DECLARATIONS OF ROBERT SANGER AND SUSAN YU BE FILED UNDER SEAL

foregoing documents on the interested parties in this action by depositing a true copy thereof as follows: on the interested parties in this action by depositing a true copy thereof as follows:

Tom Sneddon Gerald Franklin Ron Zonen Gordon Auchincloss District Attorney 1112 Santa Barbara Street Santa Barbara, CA 93101 805-568-2398

| | BY U.S. MAIL - I am readily familiar with the firm's practice for collection of mail and processing of correspondence for mailing with the United States Postal Service. Such correspondence is deposited daily with the United States Postal Service in a sealed envelope with postage thereon fully prepaid and deposited during the ordinary course of business. Service made pursuant to this paragraph, upon motion of a party, shall be presumed invalid if the postal cancellation date or postage meter date on the envelope is more than one day after the date of deposit. |
|----------|--|
| <u>X</u> | BY FACSIMILE -I caused the above-referenced document(s) to be transmitted via facsimile to the interested parties |
| | BY HAND - I caused the document to be hand delivered to the interested parties at the address above. |
| <u>X</u> | STATE - I declare under penalty of perjury under the laws of the State of California that the above is true and correct. |
| | Executed February 8, 2005, at Santa Barbara, California. |
| | cts.com |

Bobette Tryon