COLLINS, MESEREAU, REDDOCK & YU Thomas A. Mesereau, Jr., State Bar Number 091182 Susan C. Yu, State Bar Number 195640 2 1875 Century Park East, 7th Floor Los Angeles, CA 90067 3 GARY M. St.A. C., Executive Officer Tel.: (310) 284-3120, Fax: (310) 284-3133 Colored But and 4 1st Glouty Clerk SANGER & SWYSEN Attorneys at Law Robert M. Sanger, State Bar No. 058214 5 233 East Carrillo Street, Suite C 6 Santa Barbara, CA 93101 Tel.: (805) 962-4887. Fax: (805) 963-7311 7 OXMAN & JAROSCAK 8 Brian Oxman, State Bar No. 072172 14126 East Rosecrans 9 Santa Fe Springs, CA 90670 Tel.: (562) 921-5058, Fax: (562) 921-2298 10 Attorneys for Defendant MICHAEL JOSEPH JACKSON 11 12 13 SUPERIOR COURT OF THE STATE OF CALIFORNIA 14 FOR THE COUNTY OF SANTA BARBARA, COOK DIVISION 15 16 THE PEOPLE OF THE STATE OF Case No. 1133603 17 CALIFORNIA. EX PARTE APPLICATION FOR AN ORDER THAT REPLY TO OPPOSITION Plaintiffs. 18 TO MOTION FOR AN ORDER 19 EXCLUDING FOURTEEN ITEMS OF VS. **IRRELEVANT EVIDENCE BE FILED** UNDER SEAL 20 MICHAEL JOSEPH JACKSON, 21 Honorable Rodney S. Melville Defendant. 22 Date: TBA Time: 2:30 a.m. Dept: SM 8 23 24 25 TO THE CLERK OF THE ABOVE ENTITLED COURT: 26 Defendant requests that the Court issue an order that Mr. Jackson's pleading entitled REPLY 27 TO OPPOSITION TO MOTION FOR AN ORDER EXCLUDING FOURTEEN ITEMS OF 28 EX PARTE APPLICATION FOR AN ORDER THAT REPLY TO OPPOSITION TO MOTION FOR AN ORDER EXCLUDING FOURTEEN ITEMS OF IRRELEVANT EVIDENCE BE FILED UNDER SEAL

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1	IRRELEVANT EVIDENCE and accompanying documents be filed under seal and for such other		
2	such further relief as the Court may deem just and proper. This request is based on the overriding		
3	interests of Mr. Jackson's rights to due process and a fair trial under the Fifth, Sixth and Fourteenth		
4	Amendments to the United States Constitution and Article I, Sections 1, 7, and 15 of the California		
5	Constitution.		
6	Dated: February 8, 2005		
7	mjfacts.com	Respectfully submitted,	
8		COLLINS, MESEREAU, REDDOCK & YU Thomas A. Mesereau, Jr. Susan C. Yu	
10	4 .	SANGER & SWYSEN Robert M. Sanger	
11		OXMAN & JAROSCAK	
12		Brian Oxman	
13	ijfacts.com	1. P. An Sandream	
14		By: Robert M. Sanger	
15	20 5	Attorneys for Defendant MICHAEL JOSEPH JACKSON	
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28	EX PARTE APPLICATION FOR AN ORI	DER THAT REPLY TO OPPOSITION TO MOTION FOR AN ORDER	
_		EN ITEMS OF IRRELEVANT EVIDENCE BE FILED UNDER SEAL	

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MEMORANDUM OF POINTS AND AUTHORITIES

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THE COURT HAS THE AUTHORITY TO ORDER THAT A RECORD BE FILED UNDER SEAL

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

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

(California Rule of Court 243.1(d).)

II.

OVERRIDING INTERESTS EXIST THAT MEETS THE ABOVE CRITERIA FOR SEALING A RECORD

It is necessary to seal the record pursuant to California Rule of Court 243.1(d) based on the overriding interests of Mr. Jackson's rights to due process and a fair trial under the Fifth, Sixth and Fourteenth Amendments to the United States Constitution and Article I, Sections 1, 7, and 15 of the California Constitution.

An inspection of the exhibits will reveal that they disclose the testimony of witnesses or potential witnesses and disclose possible evidence, the admissibility of which, is yet to be determined.

The overriding interests of Mr. Jackson's rights to a fair trial and due process would be compromised if the exhibits are not filed under seal. A person accused of a crime is entitled to due process and a fair trial under the Fifth, Sixth and Fourteenth Amendments to the United

EX PARTE APPLICATI<mark>ON FOR</mark> AN ORDER THAT REPLY TO OPPOSIT<mark>ION TO MOTION FOR AN ORDER EXCLUDING FOURTEEN ITEMS OF IRRELEVANT EVIDENCE BE FILED UNDER SEAL</mark>

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States Constitution and Article I, Sections 1, 7, and 15 of the California Constitution, Material 1 2 contained the exhibits pertains to evidence and the testimony of witnesses that, if made public, 3 would compromise Mr. Jackson's these rights and would result in prejudice to Mr. Jackson. In order to protect these overriding interests, it is necessary that the exhibits be filed under seal. 4 5 CONCLUSION For the reasons stated above, Mr. Jackson requests that the Court issue an order that 6 REPLY TO OPPOSITION TO MOTION FOR AN ORDER EXCLUDING FOURTEEN ITEMS 7 OF IRRELEVANT EVIDENCE and accompanying documents be filed under seal. 8 Dated: February 7, 2005 9 10 COLLINS, MESEREAU, REDDOCK & YU Thomas A. Mesereau, Jr. 11 Susan C. Yu SANGER & SWYSEN 12 Robert M. Sanger 13 OXMAN & JAROSCAK Brian Oxman 14 15 16 Robert M. Sanger Attorneys for 17 MICHAEL JOSEPH JACKSON 18 19 20 21 22 23 24 25 26 27 28 EX PARTE APPLICATION FOR AN ORDER THAT REPLY TO OPPOSITION TO MOTION FOR AN ORDER EXCLUDING FOURTEEN ITEMS OF IRRELEVANT EVIDENCE BE FILED UNDER SEAL

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DECLARATION OF ROBERT M. SANGER

I, Robert Sanger, 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 Sanger & Swysen, and co-counsel for Michael Jackson.
- 2. It is necessary that Mr. Jackson's pleading entitled REPLY TO OPPOSITION TO MOTION FOR AN ORDER EXCLUDING FOURTEEN ITEMS OF IRRELEVANT EVIDENCE and accompanying documents, be filed under seal in order to protect the overriding interests of Mr. Jackson's rights to due process and a fair trial, as well as to prevent the disclosure of witnesses, potential witnesses and potential evidence.

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 Santa Maria, California.

Robert M. Sanger

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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 foregoing document EX PARTE APPLICATION FOR AN ORDER THAT REPLY TO OPPOSITION TO MOTION FOR AN ORDER EXCLUDING FOURTEEN ITEMS OF IRRELEVANT EVIDENCE BE FILED UNDER SEAL

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

Gibson, Dunn & Crutcher LLP
Theordore J. Boutrous, Jr.
William E. Thomson
Michael H. Dore
333 South Grand Avenue
Los Angeles, CA 91171
Fax - 213-229-7520

Tom Sneddon Gordon Auchincloss Ron Zonen Jerry Franklin District Attorney 568-2398

X	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.	
X	STATE - I declare under penalty of perjury under the laws of the State of California that the above is true and correct.	
	FEDERAL - I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.	
	Executed February 8, 2005, at Santa Maria, California	

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