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FEB 0 9 2004 GARY M. BLAIR, Executive Officer Carried Wagner CARRIE L. WAGNER, Deputy Clerk

MARK J. GERAGOS, SBN 108325 Attorney for Defendant, MICHAEL JACKSON

SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF SANTA BARBARA

THE PEOPLE OF THE STATE OF CALIFORNIA.

Plaintiff.

VS.

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MICHAEL JACKSON.

Defendant.

Case No.: 1133603

DEFENDANT'S NOTICE OF MOTION AND MOTION FOR ORDER SEALING DEFENDANT'S RESPONSE TO PLAINTIFF'S MEMORANDUM REGARDING DEFENDANT'S AIM OF ATTORNEY-CLIENT AND ATTORNEY WORK PRODUCT PRIVILEGES DECLARATION OF MARK J. GERAGOS; [PROPOSED] ORDER

February 13, 2004 Date:

Place: SM-2 Time: 8:30 a.m.

ALL INTERESTED PARTIES

PLEASE TAKE NOTICE that on February 13, 2004, at 8:30 a.m. or as soon thereafter as the matter may be heard, in Department SM2, Defendant Michael Jackson ("Mr. Jackson") will, and hereby does, move for an order directing that "Defendant's Response to Plaintiff's Memorandum Regarding Defendant's Claim of Attorney-Client

DEFENDANT'S NOTION OF MOTION AND MOTION TO SEAL DEFENDANT'S RESPONSE TO PLAINTER'S MEMORANDUM REGARDING DEFENDANT'S CLAIM OF ATTORNEY-CLIENT AND ATTORNEY WORK PRODUCT PRIVILEGE

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FEB-09-2004 12:15PM

FAX: 2136251600

and Attorney Work Product Privileges" be maintained under conditional seal until further 1 order of court, pursuant to California Rules of Court, rule 243.1 et seq. The motion will be made on the ground that the facts, as established by the 3 accompanying declaration of Mark J. Geragos, are sufficient to justify sealing the specified records pursuant to California Rules of Court, rule 243.1 et seq. 5 The motion will be based on this notice of motion, on the declaration of Mark J. б Geragos served and filed herewith, on the records and the file herein, and on such 7 evidence as may be presented at the hearing of the motion. 8 9 Respectfully Submitted, 10 Dated: February 6, 2004 GERAGOS & GERAGOS 11 12 MARK/J. GERAGOS 13 Attorney for Defendant MICHAEL JACKSON 14 15 Benjamin Brafman (Admitted Pro Hac 16 Vice) BRÁFMAN & ROSS PC 17 767 Third Avenue, 26th Floor New York, NY 10017 18 Telephone: 212-750-7800 Facsimile: 212-750-3906 19 Steve Cochran (SBN 105541) 20 KATTEN MUCHIN ZAVIS ROSENMAN 21 2029 Century Park East, Suite 2600 Los Angeles, California 90067 Telephone: (310) 788-4400 22 Facsimile: (310) 712-8455 23 Robert M. Sanger (SBN 58214) 24 SANGER & SWYSEN 233 E. Carrillo St., Suite C 25 Santa Barbara, CA 93101 Telephone: 805-962-4887 26 805-963-7311 27

DAFFENDANT'S NOTION OF MOTION AND MOTION TO SEAL DEFENDANT'S RESPONSE TO FLAINTER'S MEMORANDUM REGARDING REPENDANT'S CLAIM OF ATTORNEY-CLIENT AND ATTORNEY WORK PRODUCT PRIVILEGE

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I, MARK J. GERAGOS, declare as follows:

- 1. I am an attorney at law, duly licensed to practice and practicing law in the State of California, State Bar No. 108325, with principal offices located at 350 South Grand Avenue, 39th Floor, Los Angeles, California 90071. I am one of the attorneys for the defendant, Michael Jackson in this criminal action. I have personal knowledge of the following facts and if called as a witness, I could and would competently testify thereto.
- 2. This motion pertains to a filing regarding various materials that were seized during the execution of various search warrants. On January 16, 2004, the Court ordered "that all motions regarding said materials shall be filed under seal" and "that the Court rule re: redaction shall be followed." (See January 16, 2004 minute order at page 4.)
- 3. As explained in the unreducted version of Mr. Jackson's filing, the defense is lodging a reducted version of the filing with the Court for the Court's review. The defense anticipates the Court will subsequently file the reducted version publicly. The prosecution is being served with the reducted version of the filing as well as this Motion.

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

Dated this 6th day of February 2004, Los Angeles, California.

MARK J. GERAGOS

DEFENDANT'S NOTION OF MOTION AND MOTION TO SUAL DITENDANT'S RESPONSE TO PLAINTIFF'S MEMORANDUM REGARDING DEPENDANT'S CLAIM OF ATTORNEY-CLIENT AND ATTORNEY WORK PRODUCT INVILEGE

PROPOSED ORDER

The Court, having reviewed the unreducted and reducted versions of "Defendant's Response to Plaintiff's Memorandum Regarding Defendant's Claim of Attorney-Client and Attorney Work Product Privileges" and in light of the Court's January 16, 2004 order, orders as follows:

- "Defendant's Response to Plaintiff's Memorandum Regarding Defendant's
 Claim of Attorney-Client and Attorney Work Product Privileges" is conditionally sealed;
- 2. The redacted version of "Defendant's Response to Plaintiff's Memorandum Regarding Defendant's Claim of Attorney-Client and Attorney Work Product Privileges" shall be placed in the public file; and,
- 3. The motion to maintain "Defendant's Response to Plaintiff's Memorandum Regarding Defendant's Claim of Attorney-Client and Attorney Work Product Privileges" under conditional seal until further order of the Court shall be heard on February 13, 2004, at 8:30 a.m.

DATED: FEB 0 9 2004

RODNEY S./MELVILLE
Judge of the Superior Court

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DEFENDANT'S NOTION OF MOTION AND MOTION TO SEAL DIVENDANT'S RESPONSE TO PLAINTIFF'S MEMORANDUM REGARDING DIFFUNDANT CLAIM OF ATTORNEY-CLERT AND ATTORNEY WORK PRODUCT PRIVACE

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PROOF OF SERVICE BY FAX STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 350 N. Grand Avenue, 39th Floor, Los Angeles, California 90071.

On execution date set forth below, I served the following

DOCUMENTS OR DOCUMENTS DESCRIBED AS:

DEFENDANT'S NOTICE OF MOTION AND MOTION FOR ORDER SEALING DEFENDANT'S RESPONSE TO PLAINTIFF'S MEMORANDUM REGARDING DEFENDANT'S CLAIM OF ATTORNEY-CLIENT AND ATTORNEY WORK PRODUCT PRIVILEGES; DECLARATION OF MARK J. GERAGOS; [PROPOSED] ORDER

placing a true copy thereof enclosed in sealed envelopes with postage thereon fully prepaid, to the attorneys and their perspective addresses listed below, in the United States Mail at Los Angeles, California.

X transmitting by facsimile transmission the above document to the attorneys listed below at their receiving facsimile telephone numbers. The sending facsimile machine I used, with telephone number (213) 625-1600, complied with C.R.C. Rule 2003(3). The transmission was reported as complete and without error.

or to their respective agents or employees.

PARTIES SERVED BY FAX:

Judge Rodney S. McIville	DA Thomas Sneddon	DDA Gerald Franklin
Fax No.: 805-346-7616	Fax No.: 805-568-2396	Fax No.: 805-568-2396
Benjamin Brafman	Steve Cochran	Robert M. Sanger
Fax No.: 212-750-3906	Fax. No.: 310-712-8455	Fax. No.: 805-963-7311

Executed on February 6, 2004, at Los Angeles, California.

I declare under penalty of perjury that the above is true and correct.

KAFFI NALJIAN

AGUS & CERAGOS LAWYERS

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