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6 Network L.L.C.; ABC, Inc.; Cable News
Network LP, LLLP; Courtroom Television
7 Network LLC; The Associated Press, *Los*
Angeles Times; and The New York Times
8 Company

FILED
SUPERIOR COURT of CALIFORNIA
COUNTY OF SANTA BARBARA

FEB 09 2004

GARY M. BLAIR, EXEC. OFFICER

By *Alicia Alcocer*
ALICIA ALCOCER, Deputy Clerk

9
10 SUPERIOR COURT, STATE OF CALIFORNIA
11 FOR THE COUNTY OF SANTA BARBARA

12
13 THE PEOPLE OF THE STATE OF
14 CALIFORNIA,

15 Plaintiff,

16 vs.

17 MICHAEL JOE JACKSON,

18 Defendant.

Case No.: 1133603

**OPPOSITION OF THE ACCESS
PROONENTS TO PLAINTIFF'S MOTION
FOR ORDER DIRECTING THAT CERTAIN
WARRANTS FOR FURTHER SEARCH OF
HARD DRIVES; SUPPORTING AFFIDAVIT
AND RETURN BE FILED AND
MAINTAINED UNDER SEAL UNTIL
FURTHER ORDER OF COURT**

Date: Friday, February 13, 2004

Time: 8:30 a.m.

Place: Department SM9,
Judge Rodney S. McIville

[VIA FACSIMILE]

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1 For the reasons stated in their Opposition, filed February 6, 2004, to the District Attorney's
2 Motion to Seal the Telephone Warrant Records and the District Attorney's Request to File Under
3 Seal the Bradley Miller Warrant Records, the Access Proponents¹ hereby oppose the District
4 Attorney's latest Motion for Order Directing That Certain Warrants for Further Search of Hard
5 Drives; Supporting Affidavit and Return Be Filed and Maintained Under Seal Until Further Order of
6 Court, which was filed on February 5, 2004, and posted to this Court's special website for this case at
7 the end of the day on February 6, 2004. As the Supreme Court of California recognized in explaining
8 the strong First Amendment presumption of openness in *NBC Subsidiary (KNBC-TV), Inc. v.*
9 *Superior Court*, 20 Cal. 4th 1178 (1999):

10 "If public court business is conducted in private, it becomes impossible to expose
11 corruption, incompetence, inefficiency, prejudice, and favoritism. For this reason
12 traditional Anglo-American jurisprudence distrusts secrecy in judicial proceedings and
13 favors a policy of maximum public access to proceedings and records of judicial
14 tribunals."

15 *Id.* at 1211 n.28 (quoting *Estate of Hearst*, 67 Cal. App. 3d 777, 784 (1977)). Moreover, as the
16 Supreme Court of the United States has explained, "[p]eople in an open society do not demand
17 infallibility from their institutions, but it is difficult for them to accept what they are prohibited from
18 observing." *Press-Enterprise Co. v. Superior Court*, 478 U.S. 1, 13 (1986)) (quoting *Richmond*
19 *Newspapers, Inc. v. Virginia*, 448 U.S. 555, 572 (1980) (plurality)).

20 The District Attorney's latest efforts to keep the warrant records in this case secret contradict
21 these fundamental constitutional values and should be rejected.

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27 ¹ The "Access Proponents" refer to National Broadcasting Company, Inc.; CBS Broadcasting Inc.;
28 Fox News Network L.L.C.; ABC, Inc.; Cable News Network LP, LLLP; Courtroom Television
Network LLC; The Associated Press; *Los Angeles Times*; and The New York Times Company.

1 DATED: February 9, 2004

2 Respectfully submitted,

3 GIBSON, DUNN & CRUTCHER LLP
4 Theodore J. Boutros, Jr.
5 Julian W. Poon

6 By: Theodore J. Boutros, Jr.
7 Theodore J. Boutros, Jr.

8 Attorneys for National Broadcasting Company, Inc.;
9 CBS Broadcasting Inc.; Fox News Network L.L.C.;
10 ABC, Inc.; Cable News Network LP, LLLP; Courtroom
11 Television Network LLC; The Associated Press; Los
12 Angeles Times; and The New York Times Company

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CERTIFICATE OF SERVICE

MAIL, COMMERCIAL OVERNIGHT MESSENGER, FAX, HAND DELIVERY

I, Lindie S. Joy, hereby certify as follows:

I am employed in the County of Los Angeles, State of California; I am over the age of eighteen years and am not a party to this action; my business address is 333 South Grand Avenue, Los Angeles, California 90071, in said County and State; I am employed in the office of Julian W. Poon, a member of the bar of this Court, and at his/her direction, on February 9, 2004, I served the following:

OPPOSITION OF THE ACCESS PROPONENTS TO PLAINTIFF'S MOTION FOR ORDER DIRECTING THAT CERTAIN WARRANTS FOR FURTHER SEARCH OF HARD DRIVES; SUPPORTING AFFIDAVIT AND RETURN BE FILED AND MAINTAINED UNDER SEAL UNTIL FURTHER ORDER OF COURT

on the interested parties in this action, by:

Service by Mail: placing true and correct copy(ies) thereof in an envelope addressed to the attorney(s) of record, addressed as follows:

Thomas W. Sneddon
District Attorney
Santa Barbara County
1105 Santa Barbara Street
Santa Barbara, CA 93101-2007

Mark John Geragos
Geragos & Geragos
350 S. Grand Avenue, Suite 3900
Los Angeles, CA 90071-3480

I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business.

Service by Commercial Overnight Messenger: placing true and correct copy(ies) thereof in an envelope addressed to the attorney(s) of record, addressed as follows:

and after sealing said envelope I caused same to be delivered to the aforementioned attorney(s) by qualified commercial overnight messenger.

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1 **Service by Fax:** causing a true copy thereof to be sent via facsimile to the attorney(s) of
2 record at the telecopier number(s) so indicated, addressed as follows:

3 **Attorney Name & Address**

Fax and Callback Number

4 Thomas W. Sneddon
5 District Attorney
6 Santa Barbara County
7 1105 Santa Barbara Street
8 Santa Barbara, CA 93101-2007

Facsimile: (805) 568-2398
Telephone: (805) 568-2306

7 Mark John Geragos
8 Geragos & Geragos
9 350 S. Grand Avenue, Suite 3900
10 Los Angeles, CA 90071-3480

Facsimile: (213) 625-1600
Telephone: (213) 625-3900

10 and that the transmission was reported as completed and without error.

11 **Service by Hand Delivery:** delivering true and correct copy(ies) thereof and sufficient
12 envelope(s) addressed to the attorney(s) of record, addressed as follows:

13
14 to a messenger or messengers for personal delivery.

15 I certify under penalty of perjury that the foregoing is true and correct, that the foregoing
16 document(s), and all copies made from same, were printed on recycled paper, and that this Certificate
17 of Service was executed by me on February 9, 2004 at Los Angeles, California.

18
19 

20 Lindie S. Joy

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