

1 THOMAS W. SNEDDON, JR., DISTRICT ATTORNEY
County of Santa Barbara
2 By: RONALD J. ZONEN (State Bar No. 85094)
Senior Deputy District Attorney
3 GERALD McC. FRANKLIN (State Bar No. 40171)
Senior Deputy District Attorney
4 1105 Santa Barbara Street
Santa Barbara, CA 93101
5 Telephone: (805) 568-2300
6 FAX: (805) 568-2398

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FILED
SUPERIOR COURT of CALIFORNIA
COUNTY OF SANTA BARBARA

FEB 10 2004

GARY M. BLAIR, EXEC. OFFICER
Alicia Alcocer
ALICIA ALCOCER, Deputy Clerk

7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
8 **FOR THE COUNTY OF SANTA BARBARA**
9 **SANTA MARIA DIVISION**

10
11 THE PEOPLE OF THE STATE OF CALIFORNIA,
12 Plaintiff,
13 v.
14 MICHAEL JOE JACKSON,
15 Defendant.

No. 1133603

PLAINTIFF'S NOTICE OF
MOTION AND MOTION FOR
ORDER SEALING PLAINTIFF'S
REPLY TO DEFENDANT'S
RESPONSE TO PLAINTIFF'S
MEMO RE: PRIVILEGE
CLAIMS

DATE: February 13, 2004
TIME: 8:30 a.m.
DEPT: SM 2 (Melville)

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19 TO: ALL INTERESTED PARTIES:

20 PLEASE TAKE NOTICE that on February 13, 2004, at 8:30 a.m., or as soon
21 thereafter as the matter may be heard, in Department SM 2, Plaintiff will move, and hereby
22 does move, for an order directing that "Plaintiff's Reply To 'Defendant's Response To
23 Plaintiff's Claim Of Attorney-Client And Attorney-Work-Product Privileges'" be maintained
24 under conditional seal until further order of court, pursuant to California Rules of Court, rule
25 243.1 et. seq.

26 The motion will be made on the ground that our Reply To Response To Memo Re
27 Privilege Claims concerns certain material seized in obedience to a search warrant, and the
28 Court has previously directed that "all motions regarding said materials shall be filed under


1 seal" pending the court's own determination whether the filed motion may and should be
2 redacted.

3 The motion will be based on this notice of motion, on the declaration of Gerald
4 McC. Franklin served and filed herewith, on the records and the file herein, and on such
5 evidence as may be presented at the hearing of the motion.

6 DATED: February 9, 2004

7 Respectfully submitted,

8 THOMAS W. SNEDDON, JR.
9 District Attorney

10 By: 
11 Gerald McC. Franklin, Senior Deputy
12 Attorneys for Plaintiff

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 AN ORDER OF THE COURT SHOULD BE OBEYED,
3 WHEN POSSIBLE, BY LAWYERS PRACTICING BEFORE
4 THE COURT, PARTICULARLY IN THE MATTER IN WHICH
5 THE ORDER WAS MADE

6 The Court in this case has directed "that all motions regarding [materials subject to a
7 claim of privilege] shall be filed under seal." (January 16, 2004 minute order, page 4.)

8 Reason enough for our Reply to Response to Memo Re Claim of Privilege be filed
9 under conditional seal pending further order of the Court on or after February 13, 2004.

10
11 DATED: February 9, 2004

12 Respectfully submitted,

13 THOMAS W. SNEDDON, JR.
14 District Attorney

15 By: Gerald McC. Frankin
16 Gerald McC. Frankin, Senior Deputy

17 Attorneys for Plaintiff
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[PROPOSED] ORDER

The Court having reviewed the unredacted "Plaintiff's Reply to 'Defendant's Response to Plaintiff's Memo Re: 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:

1. "Plaintiff's Reply to 'Defendant's Response to Plaintiff's Memo Re: Defendant's Claim of Attorney-Client and Attorney Work-Product Privileges'" ("Plaintiff's Reply") is conditionally sealed.

2. The Court will entertain suggestions from defense counsel concerning any redaction the Court should order made to "Plaintiff's Reply" before it is placed in the public file, and

3. The motion to maintain Plaintiff's Reply under seal until further order of the Court shall be heard on February 13, 2004.

DATED: February _____, 2004

RODNEY S. MELVILLE
Judge of the Superior Court

PROOF OF SERVICE

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STATE OF CALIFORNIA
COUNTY OF SANTA BARBARA } SS

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years and I am not a party to the within-entitled action. My business address is: District Attorney's Office; Courthouse; 1105 Santa Barbara Street, Santa Barbara, California 93101.

On February 10, 2004, I served the within PLAINTIFF'S NOTICE OF MOTION AND MOTION FOR ORDER SEALING PLAINTIFF'S REPLY TO DEFENDANT'S RESPONSE TO PLAINTIFF'S MEMO RE: PRIVILEGE CLAIMS on Defendant, by MARK JOHN GERAGOS, ROBERT SANGER, STEVE COCHRAN and BENJAMIN BRAFMAN, his counsel in this action, and on BRADLEY MILLER, by his counsel, DANIEL V. NIXON, by faxing a true copy to each of them at the facsimile number shown below the addresses on the attached Service List, and then by causing the Santa Barbara County Mailing Center to mail a true copy thereof (two true copies, to Attorneys Geragos and Nixon) to counsel at those addresses, by first class mail, postage fully prepaid.

I declare under penalty of perjury that the foregoing is true and correct.
Executed at Santa Barbara, California on this 10th day of February, 2004.



Rosemary Moll



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SERVICE LIST

MARK JOHN GERAGOS, ESQ.
Geragos & Geragos, Lawyers
350 S. Grand Avenue, Suite 3900
Los Angeles, CA 90071-3480
FAX: (213) 625-1600
Attorney for Defendant Michael Jackson

mjfacts.com

ROBERT SANGER, ESQ.
Sanger & Swysen, Lawyers
233 E. Carrillo Street, Suite C
Santa Barbara, CA 93001
FAX: (805) 963-7311
Co-counsel for Defendant

STEVE COCHRAN, ESQ.
Katten, Muchin, Zavis & Rosenman, Lawyers
2029 Century Park East, Suite 2600
Los Angeles, CA 90067-3012
FAX: (310) 712-8455
Co-counsel for Defendant

BENJAMIN BRAFMAN, ESQ.
Brafman & Ross P.C.
767 Third Avenue, 26th Floor
New York City, NY 10017
FAX: (212) 750-3906
Co-Counsel for Defendant

DANIEL V. NIXON, ESQ.
Byrne & Nixon LLP
350 S. Grand Avenue, 39th Floor
Los Angeles, CA 90071
FAX: (213) 620-8012
Attorney for Bradley Miller

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