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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 COUNTY OF SANTA BARBARA

10
11 THE PEOPLE OF THE STATE OF
CALIFORNIA ,

12 Plaintiff,

13 v.

14 MICHAEL JOE JACKSON,

15 Defendant.

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CASE NO. 1133603

APPLICATION FOR COURT ORDER
THAT GEORGE LOPEZ' AND ANN
SERRANO LOPEZ' OPPOSITION TO
DEFENDANT MICHAEL JACKSON'S EX
PARTE APPLICATION FOR AN ORDER
THAT A SUBPOENA DUCES TECUM
ISSUE, SUPPORTING DECLARATIONS,
EXHIBITS, AND PROPOSED ORDER BE
FILED UNDER SEAL, AND TO HOLD AN
IN CAMERA HEARING ON DEFENDANT
JACKSON'S EX PARTE APPLICATION

HEARING: _____
TIME: _____
DEPARTMENT: SM 2
JUDGE: Hon. Rodney S. Melville

21 **I. INTRODUCTION**

22 Pursuant to California Rules of Court, R. 234.1 and 243.4, Respondents George Lopez
23 and Ann Serrano Lopez make this Application for a Court Order that Respondents' Opposition to
24 Defendant Michael Jackson's ("Defendant Jackson") Ex Parte Application for an Order that a
25 Subpoena Duces Tecum issue, supporting declarations, exhibits, and proposed order be filed
26 under seal. This Application also requests that any hearing on Defendant Jackson's Ex Parte
27 Application be held *In Camera*. Respondents further request that the Court order that Defendant
28 Jackson's Ex Parte Application also be filed under seal.

4836-8999-3472.1

FAX FILED
FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA BARBARA

FEB 18 2005

GARY M. BLAIR, Executive Officer
By *Carrie L. Wagner*
CARRIE L. WAGNER, Deputy Clerk

* Unsealed pursuant
to 6/16/05 court
order

FILED UNDER SEAL
W. J. Cameron

1 **II. FACTUAL BACKGROUND**

2 Respondents George Lopez and Ann Serrano Lopez have filed with the Court their
3 Opposition to Defendant's Jackson Ex Parte Application for an Order that a Subpoena Duces
4 Tecum issue. The Opposition is made on the grounds that neither George Lopez nor Ann Lopez
5 have any relevant testimony or evidence to offer, are not material witnesses, are not proper
6 impeachment witnesses, and that Defendant Jackson has failed to carry his burden by his
7 exclusive reliance on inadmissible hearsay, inadmissible double hearsay, and other evidentiary
8 flaws contained in the declarations of Defendant Jackson's defense attorneys submitted in support
9 of his Ex Parte Applications.

10 As set forth more fully in the Ex Parte Application, Opposition and the previously filed
11 Motion to Quash Subpoenas of which Respondents have requested that the Court take judicial
12 notice of, George Lopez is a well-known comedian, television and motion picture actor, and star
13 of the ABC television network weekly program entitled "The George Lopez Show." As this Court
14 is well aware, Defendant Jackson is an international, mega-celebrity, and the trial in the People v.
15 Michael Joe Jackson case has drawn, and is expected to draw unprecedented and international
16 media publicity. Sealing the record and allowing for this hearing to be held *In Camera*, will
17 prevent the media from seeking to speculate before the "court of public opinion" if the Ex Parte
18 Application, its Opposition, and/or its ruling is "good" or "bad" for the defense or prosecution in
19 the case, thereby preventing any undue influence on prospective jurors and avoiding potential
20 prejudice to the minor, alleged victim, Defendant Jackson, or the prosecution.

21 Allowing the public to inspect the Ex Parte Application, Opposition, and/or Ruling will
22 unjustifiably thrust George Lopez and his wife, Ann into the eye of a media storm, resulting in
23 harm and prejudice to George Lopez and his wife Ann through potentially erroneous speculation
24 and interpretation by legal analysts concerning the Ex Parte Application, while making Mr. and
25 Mrs. Lopez fodder for the press, the tabloid community, and the public at large, all at the expense
26 of George Lopez, his career and his public image.

1 **III. ARGUMENT**

2 CA Rules of Court, Rule 243.1(d) holds, in pertinent part that:

3 “The court may order that record be filed under seal only if it
4 expressly finds facts that establish: (1) There exists an overriding
5 interest that overcomes the right to public access to the record; (2)
6 the overriding interest supports sealing the record; (3) a substantial
7 probability exists that the overriding interest will be prejudiced if
8 the record is not sealed; (4) the proposed sealing is narrowly
9 tailored; and (5) No less restrictive means exist to achieve the
10 overriding interest.

11 In this instance, and as set forth in George Lopez’s Declaration in support of his Motion to
12 Quash, Mr. Lopez’s celebrity status will only add to the unprecedented media scrutiny which is
13 expected to surround the trial of People v. Michael Joe Jackson. This level and type of public
14 scrutiny is not substantive, and is not in the interest of justice.

15 On the other hand, there exists an overriding interest in avoiding potential prejudice to
16 either the minor alleged victim, the prosecution, or Defendant Jackson, from media and tabloid
17 speculation that may unduly influence the “court of public opinion” and/ or prospective jurors.
18 The interest of justice in securing a fair adjudication of the merits of this case, and avoiding
19 prejudice to either the minor alleged victim, the prosecution, and/or Defendant Jackson overrides
20 the de minimus, substantive value of public interest in the celebrity status of George Lopez and/or
21 his wife Ann. Absent maintaining the Ex Parte Application under seal, and having the hearing of
22 the Motions In Camera, there is significant potential for Mr. and Mrs. George Lopez being
23 exposed to severe harm and prejudice through reckless and scandalous speculation by the media
24 and tabloid press regarding what connection George Lopez and/or his wife might have to the
25 minor, alleged victim , the prosecution, or to Defendant Jackson and his alleged activities, which
26 when reported would sell the largest volume of newspapers or tabloid magazines.

27 Additionally, the proposed sealing of the Ex Parte Application, Opposition, and/or Ruling
28 is narrowly tailored and there is no less restrictive means to achieve the overriding interest, as the
29 motion cannot be redacted in such a way that the public cannot discover who the identity of the
30 Respondents.

1 **IV. CONCLUSION**

2 Based on the foregoing, Respondents respectfully request that this Court order that the
3 Defendant Jackson's Ex Parte Application, Respondents' Opposition, supporting declaration,
4 exhibits, and proposed order be filed under seal and that the hearing on this Ex Parte Application
5 be held In Camera.

6 DATED: February 16, 2005

CARLSMITH BALL LLP

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8 By: James E. Blancarte
9 James E. Blancarte
10 Attorneys for Respondents
11 George Lopez and Ann Serrano Lopez

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1 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

2 PROOF OF SERVICE

3 I am employed by Firm Name. I am over the age of eighteen and not a party to the
4 within action. My business address is 444 South Flower Street, 9th Floor, Los Angeles,
5 California 90071-2901.

6 On February 17, 2005, I served the foregoing APPLICATION FOR COURT
7 ORDER THAT GEORGE LOPEZ' AND ANN SERRANO LOPEZ' OPPOSITION TO
8 DEFENDANT MICHAEL JACKSON'S EX PARTE APPLICATION FOR AN ORDER
9 THAT A SUBPOENA DUCES TECUM ISSUE, SUPPORTING DECLARATIONS,
10 EXHIBITS, AND PROPOSED ORDER BE FILED UNDER SEAL, AND TO HOLD AN IN
11 CAMERA HEARING ON DEFENDANT JACKSON'S EX PARTE APPLICATION on the
12 parties named on the attached listing.

13 (By Mail) I am readily familiar with the firm's practice of collection and
14 processing correspondence for mailing. Under that practice it would be deposited
15 with the U.S. Postal Service on that same day with postage fully prepaid, addressed
16 to the person(s) to whom it is to be served. I caused such envelope with postage
17 thereon fully prepaid to be placed in the United States mail at Los Angeles,
18 California.

19 (By Facsimile) I caused such document to be transmitted via facsimile to the
20 offices of the addressee(s) at the last-known facsimile number.

21 (By Personal Service) I served the foregoing document by placing true copies
22 thereof enclosed in sealed envelope(s) addressed as stated on the attached mailing
23 list. I delivered such envelope(s) by hand to the office(s) of the addressee(s).

24 ServiceList

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

27 Executed on February 17, 2005, at Los Angeles, California.

28 
Laura Nava

1 **SERVICE LIST**

2 **Personal Service, Mail and Facsimile**

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