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Attorneys for Respondents  
GEORGE LOPEZ AND ANN SERRANO LOPEZ

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SANTA BARBARA

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 611605 Court  
order

**FILED UNDER SEAL**  
*H. J. Jackson*

THE PEOPLE OF THE STATE OF  
CALIFORNIA,

Plaintiff,

v.

MICHAEL JOE JACKSON,

Defendant.

CASE NO. 1133603

RESPONDENTS GEORGE LOPEZ AND  
ANN SERRANO LOPEZ' OPPOSITION,  
**FILED UNDER SEAL**, TO DEFENDANT  
MICHAEL J. JACKSON'S EX PARTE  
APPLICATION FOR AN ORDER THAT A  
SUBPOENA DUCES TECUM ISSUE;  
MEMORANDUM OF POINTS AND  
AUTHORITIES; DECLARATION OF  
GEORGE LOPEZ; DECLARATION OF  
ANN SERRANO LOPEZ; DECLARATION  
OF JAMES E. BLANCARTE, IN SUPPORT  
THEREOF, AND [PROPOSED] ORDER

DEPARTMENT: SM 2  
JUDGE: Hon. Rodney S. Melville

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4847-7618-6880.1

## MEMORANDUM OF POINTS AND AUTHORITIES

George Lopez and Ann Serrano Lopez ("Ann Lopez") (at times referred to collectively herein as, "Respondents") respectfully submit their Opposition to Defendant Michael Joseph Jackson's ("Defendant Jackson") Ex Parte Application for an Order That a Subpoena Duces Tecum Issue (the "Ex-Parte Application").<sup>1</sup>

### I.

#### INTRODUCTION AND FACTUAL BACKGROUND

On January 27, 2005 this Honorable Court granted Respondents' Motion to Quash Subpoenas to appear as witnesses at the trial of People v. Michael Joe Jackson ("Defendant Jackson's Trial").

On or about, February 10, 2005 Defendant Jackson served on Respondents' attorney the Ex Parte Application at bar. Pursuant to the Ex Parte Application, defense counsel for Defendant Jackson once again attempt to compel Mr. and Mrs. George Lopez to appear on March 1, 2005 as witnesses at Defendant Jackson's Trial. In addition, Defendant Jackson's attorneys now also ask the court to approve the issuance of subpoenas duces tecum for Mr. and Mrs. George Lopez to produce documents and personal financial records at Defendant Jackson's Trial.<sup>2</sup>

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<sup>1</sup> Respondents submit their Opposition to Jackson's Ex Parte Application based on their information and belief that no subpoenas as to each or either of them have issued or are otherwise pending. Therefore, this Opposition is not filed as a Motion to Quash.

Defendant Jackson attempted service of a second round of subpoenas on Respondents' attorney prior to Friday, February 4, 2005; the date on which Respondents' Motion for Attorney's Fees and Costs was otherwise due to be filed regarding Respondents' Motion to Quash. These subpoenas were subsequently withdrawn, by Defendant Jackson, who later filed the present Ex Parte Application that Subpoena Duces Tecum Issues. In light Defendant Jackson's Ex Parte Application, Respondents' Motion for Attorney's Fees is deferred and reserved by Respondents, pending the Court's ruling on Defendant Jackson's Ex-Parte Application.

<sup>2</sup> Nothing in this Opposition is or should be construed to be a waiver of Respondents' rights of privacy and confidentiality regarding their personal financial records, documents and other tangible things including, without limitation, any other right or privilege they have, or may have, at law or in equity, all of which are hereby reserved, expressly, on behalf of Respondents, and each of them.

II.

IMPORTANT PROCEDURAL REQUIREMENTS, RESTRICTIONS AND DEFECTS  
APPLICABLE TO DEFENDANT JACKSON'S ATTEMPTED SERVICE OF HIS EX  
PARTE APPLICATION AND DEFECTS

A.) Defendant Jackson's Attempted Service of His Ex Parte Application on Respondents' Counsel, by Facsimile Transmission, is in Violation of the Express Requirements, Restrictions of California Code of Civil Procedure Section 103.3 (e), and is Therefore Defective and Not Properly Before the Court.

California Code of Civil Procedure section 1013(c) expressly provides that, "Service by facsimile transmission shall be permitted only where the parties agree and a written confirmation of that agreement is made." Cal. Code of Civ. Proc. § 103. (e)

On or about February 10, 2005 counsel for Respondents were served with Defendant Jackson's Ex Parte Application, by facsimile transmission. See, James E. Blancarte ("Blancarte Decl.") ¶ 10

Counsel for Respondents have never agreed orally, or pursuant to any "written confirmation," to be served by facsimile transmission, on behalf of Respondents.<sup>3</sup>

Moreover, at no time did counsel for Respondents agree to waive any statutory or procedural requirement otherwise applicable to effecting proper service of Defendant Jackson's Ex Parte Application. Blancarte Decl., ¶ 11.

Based on these facts, and pursuant to the express requirements of Cal. Code of Civ. Proc. §101.3 (e), attempted service of Defendant Jackson's Ex Parte Application by facsimile transmission was improper and fatally defective. Therefore, it is respectfully submitted that Defendant Jackson's Ex Parte Application is not properly before the court, is therefore not at issue, and should be denied by the Court without further consideration.

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<sup>3</sup> At the January 27, 2005, in camera Hearing of Respondents' Motion to Quash, counsel for Respondents agreed to accept service on behalf of Mr. Lopez." ... if one were to be attempted" (Emphasis Supplied). However, at no time did counsel for Respondents waive any provision of any California Code that might otherwise apply to any such attempt at service including, without limitation, the express provisions and requirements of Cal Pcn. Code §1330, Cal. Code of Civ. Proc. § 1013 (e).



1 **B.) Defendant Jackson's Attempted Service of His Ex Parte Application (and the**  
2 **Subpoenas contained therein) Violates the Express Restrictions of California Penal Code**  
3 **Section 1330.**

4 The case of People vs. Michael J. Jackson is subject to the restrictions of  
5 California Penal Code Section 1330 which reads in pertinent part as follows:

6 No person is obliged to attend as a witness before a court or a  
7 magistrate out of the county where the witness resides, or is served  
8 with the subpoena, unless, the distance be less than 150 from his or  
9 her place of residence to the place of trial, or unless the judge of the  
10 court in which the offense is triable,... upon an affidavit of the  
11 district attorney or prosecutor, or of the defense, or his or her  
12 counsel,... stating that he or she believes the evidence of the  
13 witness is material and necessary, shall endure on the subpoena an  
14 order for the attendance of the witness. (Emphasis supplied)

15 In the instant case, Respondents, George Lopez and Ann Lopez, are husband and  
16 wife who reside together in Toluca Lake, California, which is located in Los Angeles County, and  
17 which residence is not less than 150 miles from Santa Maria, California, located in Santa Barbara  
18 County. Declaration of George Lopez ("G. Lopez Decl.") ¶2. Blancarte Decl., ¶ 12.<sup>4</sup>

19 In addition, Defendant Jackson's defense team has not filed with the court an  
20 affidavit or declaration expressly asking for relief from the "less than 150 miles" restriction of  
21 Pen. Code § 1330. Based on the facts set forth above, and the express provisions and  
22 requirements of Cal. Pen. Code § 1330, the attempted service by, facsimile transmission, of  
23 Defendant Jackson's Ex Parte Application on counsel for Respondents is defective. Therefore, it  
24 is respectfully submitted that the Ex Parte Application is not properly before the court, is  
25 therefore not at issue, and should be denied by the court without further consideration.

26 **C.) Defendant Jackson's Ex Parte Application is Subject to the Procedural**  
27 **Requirements of the Court's Express Instructions to Defense Counsel at the January 27,**  
28 **2005 Hearing of Respondent's Motions to Quash:**

29 "I'm going to grant the motion to quash. I will instruct the defense  
30 that if they wish to resubpoena him [George Lopez], that they must  
31 submit an affidavit to me and give notice to counsel for Mr. Lopez

32 <sup>4</sup> The subpoena duces tecum contained in Defendant Jackson's Ex Parte Application were served by facsimile  
33 transmission on counsel for Respondents. The law offices of counsel for Respondents are located in downtown, Los  
34 Angeles, California, in Los Angeles County, and the law offices of counsel for Respondents are also not less than 150  
35 miles from the Santa Maria Court.

1 of the intent to resubpoena so that I can, everyone can, evaluate the  
2 reasons in advance of any further subpoenas." At the January 27,  
3 2005 hearing, the Court further stated that defense counsel must  
4 "... address the specific reasons that they would need to subpoena  
5 both of these individuals". (Transcript of Court's in camera hearing  
6 on January 27, 2005.) pg.9, lns. 6 - 11, and pg. 11, lns. 16-22.  
7 Attached as Exhibit "A" to Blancarte Decl.

8 In support of their Ex Parte Application, counsel for Defendant Jackson have  
9 submitted only the conclusory declarations of Robert M. Sanger, Esq. and Susan C. Yu, Esq.  
10 (collectively, the "Sanger and Yu" Declarations). The Sanger and Yu Declarations each lack any  
11 personal knowledge of any of the purely speculative assertions made by Defendant Jackson's  
12 attorneys therein. In addition, the Sanger and Yu Declarations, are each replete with inadmissible  
13 hearsay, inadmissible double hearsay, and other fatal evidentiary flaws which underscore the  
14 inadmissibility of the unsubstantiated inferences sought to be drawn from Respondents on  
15 collateral, non-substantive issues<sup>5</sup>.

### 16 III.

#### 17 DEFENDANT JACKSON'S EX PARTE APPLICATION IS BASED ON 18 INADMISSIBLE HEARSAY, AND DOUBLE HEARSAY AND 19 BASED THEREON SHOULD BE DENIED.

20 California Evidence Code Section 1200, (the "Hearsay Rule") states, in pertinent  
21 part, as follows:

22 "(a) Hearsay Evidence is evidence of a statement that was made other than by a  
23 witness while testifying at the hearing and that is offered to prove the truth of the matter stated.

24 (b) Except as provided by law, hearsay evidence is inadmissible." (Emphasis  
25 added.)

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28 <sup>5</sup> The assertions set forth in the Sanger and Yu Declarations are subject to multiple hearsay objections and other  
evidentiary objections, See, "Evidentiary Objections to Declarations of Robert M. Sanger and Susan C. Yu filed  
concurrently herein and herein as part of Respondent's Opposition to Defendant Jackson's filed Ex Parte Application  
For An Order That a Subpoena Duces Tecum Issue".

1 **A.) Defendant Jackson's Ex Parte Application Is Subject To The Stricter And More**  
2 **Narrow Standard of Review Regarding Exclusion Of Hearsay Evidence Set Forth In**  
3 **California Constitution, Article I, § 28 (D)**

4 Cal. Evid. Code § 210 defines relevant evidence as "evidence relevant to the  
5 credibility of a witness or hearsay declarant, having any tendency in reason to prove or disprove  
6 any disputed fact that is of consequence to the determination of the action". However, because  
7 People vs. Michael Jackson is a criminal action, consideration by the court of Defendant  
8 Jackson's Ex Parte Application is necessarily subject to the stricter, narrower relevancy standard  
9 in criminal cases articulated in California Constitution, Article I, § 28(d), which reads as follows:

10 "[R]elevant evidence, shall not be excluded in any criminal  
11 proceeding, including pretrial and post conviction motions and  
12 hearings... [Except] Nothing in this section shall affect any existing  
statutory rule of evidence relating to privilege or hearsay, or  
Evidence Code, Sections 352, 782 or 1103." (Emphasis added).

13 Based on the foregoing authorities, it is clear that even if the evidence sought from  
14 Mr. and Mrs. Lopez were deemed relevant (which respondents submit it is not), Defendant  
15 Jackson's exclusive reliance on Cal. Evid. Code § 210 is, nonetheless, subject to the  
16 qualifications and restrictions relating to the scope of relevant testimony in criminal cases in  
17 accord with Cal Const, Art. I §28 (d). See also, Cal. Evid. Code § 352.

18 **B.) Defendant Jackson's Defense Team Does Not Argue That Any Statutory Exceptions**  
19 **To The Hearsay Rule Apply, or to Any this Statutory Rule of Evidence Because, In Fact, No**  
20 **Exceptions Are Applicable.**

21 Under this constitutional and statutory framework, the black-letter rule of  
22 applicable law cannot be more pronounced: Hearsay evidence is inadmissible unless it satisfies  
23 certain exceptions, none of which are argued by Defendant Jackson's defense team because none  
24 apply to the unsubstantiated, speculative and conjectural assertions contained in the Sanger and  
25 Yu Declarations. Cal. Evid. Code §§ 1200(a) and (b).

26 In the matter at bar, it is respectfully submitted that the probative value of the  
27 evidence sought by Defendant Jackson's defense team through its Ex Parte Application is  
28 relevant, if at all, only as to purely speculative inferences regarding collateral, non-substantive



1 matters, and as such should be excluded by the court by denying Defendant Jackson's Ex-Parte  
2 Application.

3 IV.

4 **GEORGE AND ANN LOPEZ HAVE NO PERSONAL KNOWLEDGE REGARDING**  
5 **THE GUILT OR INNOCENCE OF MICHAEL JACKSON AND CANNOT PROVIDE**  
6 **RELEVANT ADMISSIBLE EVIDENCE AT DEFENDANTS JACKSON'S TRIAL**

7 On or about January 27, 2005, at the in camera hearing on Respondents' Motion to  
8 Quash, defense attorney Susan Yu argued unsuccessfully that George and Ann Lopez could  
9 provide relevant testimony, or provide impeachment testimony, citing California Evidence Code  
10 ("Cal. Evid. Code") § 210 in sole support of these otherwise unsubstantiated and unfounded  
11 assertions. Blancarte Decl., ¶ 3, Ex. A. Ms. Yu's arguments were countered, substantively, by  
12 George Lopez and Ann Lopez who, pursuant to their respective declarations filed in support of  
13 their Motion to Quash, which have been incorporated into this operation, affirmed that they had  
14 no personal knowledge relating to the ten (10) felony charges (the "Charges") against Defendant  
15 Jackson regarding alleged sexual abuse of a minor, and could not offer any relevant testimony at  
16 his trial. See, Transcript of Court's in camera hearing dated January 27, 2005 (Ct. Trans.), at pg.  
17 6, lns 6-28, and pg. 7, lns. 1-23 (Blancarte Decl., Exh. "A"). See also, Application of Finn, 54  
18 Cal. 2d 807, 813 (1960), People v. Rhone, 267 Cal.App. 2d 652, 657 (1968).

19 Pursuant to Defendant Jackson's Ex Parte Application, his attorneys once again  
20 submit to the court the same unsubstantiated and conclusory assertions previously considered and  
21 ruled on at the hearing of Respondents' Motion to Quash; namely that Mr. Lopez is "a material  
22 witness to relevant facts in this case", and arguing further that "Mr. and Mrs. Lopez are relevant  
23 impeachment witnesses in this case who can assist the defense establish that the accusers are not  
24 credible". Yu Decl., ¶ 1, 3.

25 As noted previously above, the new, equally speculative, conjectural assertions set  
26 forth in the Sanger and Yu Declarations are submitted to the court without personal knowledge,  
27 or other substantive, non-hearsay declarations. Also, with the exception of their previously noted  
28 reliance on Cal. Evid. Code § 210, counsel for Defendant Jackson cite no case law or other legal

1 authority in support of the unsubstantiated, speculative and conclusionary assertions contained in  
2 the declarations they filed in support of their Ex Parte Application.

3 **A.) The Evidence Sought by Defendant Jackson from George Lopez and Ann Lopez In**  
4 **His Ex Parte Application is Purely Speculative and Conjectural in Nature And, As Such,**  
5 **Should Be Excluded by the Court.**

6 In the case at bar, Defendant Jackson's attorneys seek to call Mr. and Mrs. Lopez  
7 as witnesses at his upcoming trial in a transparent attempt to draw tenuous and speculative  
8 inferences on collateral, nonsubstantive matters which have no tendency in reason to prove or  
9 disprove Defendant Jackson's guilt or innocence regarding any of the ten (10) felony counts of  
10 sexual abuse of a minor (the "Charges").

11 In this regard, the Court is urged to note that "evidence which produces only  
12 speculative inferences is irrelevant evidence", and therefore, inadmissible. People v. De La  
13 Plane, 88 Cal. App. 3d Supp. 223, 242 (1979); See also People v. Louie, 158 Cal. App. 3d Supp  
14 28, 47 (proffered evidence is not relevant if it has a tendency to prove or disprove a disputed  
15 intermediate or ultimate fact of consequence to determination of the action only by resort to  
16 inferences or deductions from that evidence that are speculative or conjectural in nature).  
17 (Emphasis supplied).

18 Respondents, through their Opposition, are clearly challenging the relevancy if  
19 any, and admissibility of the evidence sought by Defendant Jackson's Ex Parte Application.  
20 Confronted with this type of issue, courts have engaged in a balancing test. See, Kessler vs.  
21 Gray, 77 Cal. App. 3d 284, 291(1978).

22 In the Kessler case, the court, when considering the admissibility or exclusion of  
23 challenged evidence, engaged in a balancing test, and excluded the challenged evidence after  
24 considering the relationship between the evidence and the relevant inferences to be drawn from it;  
25 namely, whether the evidence is relevant to a main, or only a collateral issue. Based on this type  
26 of balancing test the court in Kessler found that the probative value of the challenged evidence  
27 was substantially outweighed by the probability that its admission would among other things,  
28 necessitate undue conception of time, or create confusion of issues by the jury. Id. at 291.



1 In the instant case Thomas J. Mesereau, Defendant Jackson's lead defense counsel  
2 has read to the members of the prospective jury pool a list of approximately 350 names of  
3 prospective witnesses, "...including those of celebrities with no apparent connection to the  
4 case."(emphasis supplied).<sup>6</sup> Clearly, in the absence of George Lopez having any personal  
5 knowledge, or being able to present any admissible or relevant testimony, the appearance at  
6 Defendant Jackson's Trial of a celebrity like Mr. Lopez, who is a well known and popular star of  
7 a weekly, ABC network, prime time TV sit-com (the "George Lopez Show") will only add to  
8 unnecessary consumption of time and distraction of the jury from the main issues of guilt or  
9 innocence confronted by Defendant Jackson in this case.

10 Thus, it is clear on balance, that compelling George Lopez and his wife Ann Lopez  
11 to appear as witnesses at Defendant Jackson's Trial to confirm their lack of personal knowledge  
12 and relevant testimony will necessitate an undue consumption of time, and will likely create  
13 confusion of issues for the jury.

14 As illustrated by a review of the Sanger and Yu Declarations filed in support of  
15 Defendant Jackson's Ex Parte Application, said Application is, at best, a transparent attempt to  
16 cause the jurors at trial to draw speculative inferences, regarding collateral, non-substantive  
17 matters; namely that the Arvizo family took advantage of well known and/or wealthy people for  
18 "the purpose of getting money"- and that such conduct somehow makes Defendant Jackson  
19 innocent of the ten (10) counts of felony sex and abuse of a minor which are the material charges  
20 which will be at issue at Defendant Jackson's trial. The conjectural inferences on collateral  
21 matters, sought by Jackson's defense team through the Ex Parte Application are not only  
22 speculative, at best, but they are also outside the scope and requirements of California Evidence  
23 Code § 350 which holds in pertinent part that only relevant evidence is admissible.

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27 <sup>6</sup> Mr. Mesereau's statement to members of the prospective jury pool regarding the number of prospective jurors in the  
28 People vs. Michael J. Jackson case, and the quote, " ... including those of celebrities with no apparent connection to  
the case", are each set forth in a news report ("News Report") entitled "Jackson's Witness List Is a Who's of Stars",  
in the February 15, 2005 edition of the Los Angeles Times, Blancarte Decl., ¶ 13, Ex. "B".

1 **B.) Neither George Nor Ann Lopez Are Material Witnesses.**

2 The fact that Defense Attorneys' Declarations contain self-serving and conclusory  
3 assertions that George and Ann Lopez are material witness, *doesn't make it so*. Black's Law  
4 Dictionary, Seventh Edition (1999), defines a material witness as "a witness who can testify about  
5 matters having some logical connection with the consequential facts." As set forth in the  
6 Declarations of George Lopez and Ann Lopez, in support of the previously filed Motion to Quash  
7 (Request for Judicial Notice Ex. "A", G. Lopez Decl. ¶ 7, Ex. "A", A. Lopez Decl. ¶7, Ex. "A")  
8 neither George nor Ann Lopez have any personal knowledge relating to the Charges, and as such  
9 cannot offer any relevant or material testimony at defendant Jackson's trial.

10 Secondly, as to the new assertions that Mr. and Mrs. Lopez may have given the  
11 minor victim money, or may have in their possession certain documents and financial records,  
12 George and Ann Lopez have each confirmed that they have not given Gavin Arvizo, or any other  
13 member of the Arvizo family any money, and have further confirmed that neither of them are in  
14 custody, possession, or control of any of the documents specified in the Declaration of Robert M.  
15 Sanger and requested in the subpoena duces tecum set forth in Defendant Jackson's Ex Parte  
16 Application. Sanger Del., ¶ 9, Yu, Decl. George Lopez Decl., ¶8, Ann Lopez Decl., ¶8.

17 Thus, it is clear that under these facts, and circumstances, and in accord with  
18 statutory and case law applicable to said facts and circumstances, neither George nor Ann Lopez  
19 are percipient or material witnesses to, or have any personal knowledge of Defendant Jackson's  
20 guilt or innocence regarding the Charges against him, or regarding the conclusory, purely  
21 speculative and unsubstantiated inferences they seek to draw with respect to what are, at best,  
22 collateral, non-substantive matters which have no logical connection with the consequential facts  
23 of this case, namely the guilt or innocence of Defendant Jackson as to the ten (10) felony charges  
24 of sexual abuse of a minor.

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1 C.) George Lopez and Ann Lopez Are Not Relevant Impeachment Witnesses.

2 Ms. Yu's conclusory assertion that "Mr. and Mrs. Lopez are relevant impeachment  
3 material witnesses," is premature, at best, and lacks any foundation whatsoever in the absence of  
4 any trial testimony by any witness at trial. Yu Decl., ¶ 3.

5 Cal. Evid Code §780 provides, in relevant part that "the court or jury may consider  
6 in determining the credibility of a witness any matter that has any tendency in reason to prove of  
7 disprove the truthfulness of his testimony at the hearing." The trial of Defendant Jackson's case  
8 has not yet commenced, and not one trial witness has been sworn. Therefore, the determination  
9 of whether or not any particular witness is or is not credible, is premature and not at issue.  
10 George Lopez and Ann Lopez cannot be "relevant impeachment witnesses" in the absence of any  
11 trial testimony by any trial witness.

12 V.

13 **CONCLUSION**

14 Based on the facts, circumstances, and applicable statutory and case law cited  
15 hereinabove, Respondents George Lopez and Ann Lopez respectfully submit that Defendant  
16 Jackson has failed to carry or otherwise satisfy his burden of showing that good cause exists to  
17 compel this Honorable Court to approve Defendant Jackson's Ex Parte Application For and Order  
18 that a Subpoena Duces Tecum Issue; which Application should be denied.

19 Dated: February 17, 2005

CARLSMITH BALL LLP

21 By: James E. Blancarte

22 James E. Blancarte  
23 Attorneys for Respondents,  
24 GEORGE LOPEZ AND ANN SERRANO  
25 LOPEZ





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# Declaration

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**DECLARATION OF GEORGE LOPEZ**

I, George Lopez, declare as follows:

1. I know the facts set forth herein of my own personal knowledge, except as to those facts stated upon information and belief, and as to those facts so stated I believe them to be true, and if called and sworn as a witness, I could and would competently testify thereto.

2. My wife, Ann Serrano Lopez ("Ann Lopez") and I live in Toluca Lake, California, located in Los Angeles County. I am informed and believe that our residence in Toluca Lake, California is not less than 150 miles from the Santa Maria Courthouse located in the city of Santa Maria, in the County of Santa Barbara.

3. On or about December 27, 2004, attorneys for Michael J. Jackson ("Defendant Jackson") caused me to be served with a subpoena ("Subpoena") to appear on January 31, 2005, to testify as a witness in the trial of People v. Michael Joe Jackson ("Defendant Jackson's Trial").

4. On or about January 19, 2005, I caused to be filed with this Honorable Court my signed Declaration ("Original G. Lopez Declaration") in support of the Motion to Quash filed by my attorneys, on my behalf, regarding the above-referenced Subpoena.

5. I am informed and believe, that on or about February 8, 2005, Defendant Jackson caused to be filed his Ex Parte Application for an Order that a Subpoena Duces Tecum Issue (Defendant Jackson's "Ex Parte Application"). I am further informed and believe that the subpoenas sought by the Ex Parte Application are intended to be served on me, and on my wife, Ann Serrano Lopez ("Ann Lopez").

6. On or about February 17, 2005, I am causing to be filed with the court my opposition ("Opposition") to Defendant Jackson's Ex Parte Application.

7. In support of my Opposition to the Ex Parte Application, I hereby adopt the Original G. Lopez Declaration, dated January 18, 2005. A true and correct copy of the Original G. Lopez Declaration, dated January 18, 2005, is attached hereto and incorporated herein by reference as Exhibit "A".

1 8. In response and opposition to the new assertions set forth in the February 8th, 2005  
2 Declarations of Defendant Jackson's attorneys, Robert M. Sanger, Esq. and Susan C. Yu, Esq.  
3 (Defense Attorneys' Declarations"), which Declarations were filed by them in support of  
4 Defendant Jackson's Ex Parte Application, I further declare as follows:

5 (a) I have no personal knowledge of the Arvizos using "Gavin Arvizo's  
6 illness to gain access to, and take advantage of, people for purpose of  
7 getting money";

8 (b) I have no personal knowledge that the "Arvizos have fraudulently  
9 solicited funds from wealthy and/or famous people", and that "Gavin and  
10 his parents made a practice of going 'over the top' to ingratiate themselves  
11 to such people, to smother them with excessive compliments and to try to  
12 get financial gain.";

13 (c) I have never provided money to the Arvizos, or any of them;

14 (d) I do not have or otherwise possess any "notes and cards" from the  
15 Arvizos, or any of them, of any kind, that "contained effusive praise" for  
16 me, nor do I have or possess other "notes or cards", of any kind, from the  
17 Arvizos, or any of them;

18 (e) I have no personal knowledge that the "Arvizos sent similar cards  
19 to Mr. Jackson, and to people who they were attempting to defraud";

20 (f) I do not have or otherwise possess records "reflecting payment to,  
21 and on behalf of, the Arvizo family"; and

22 (g) I do not have, or otherwise possess, "records, cancelled checks  
23 and/or receipts", or any other document or tangible thing of any kind  
24 "reflecting payments to, and on behalf of, the Arvizo family", because no  
25 such payments were ever made by me. (See sub-paragraph 4.C, above).

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1 9. Based on the facts set forth above, and based further on the Original G. Lopez  
2 Declaration on file herein, I respectfully submit that I can offer no personal knowledge or relevant  
3 testimony at Defendant Jackson's Trial, and based on these facts, circumstances, and the legal  
4 authorities cited by my attorneys in support of my Opposition to Defendant Jackson's Ex Parte  
5 Application, I respectfully request that this Honorable Court deny Defendant Jackson's Ex Parte  
6 Application.

7 I declare under penalty of perjury under the laws of the State of California that the  
8 foregoing is true and correct. Executed this 16<sup>th</sup> day of February, 2005, at Toluca Lake,  
9 California.

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11 George Lopez  
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Exhibit “A”

**DECLARATION OF GEORGE LOPEZ**

I, George Lopez, declare as follows:

1. I know the facts set forth herein of my own personal knowledge, except as to those facts stated upon information and belief, and as to those facts so stated I believe them to be true, and if called and sworn as a witness could and would competently testify thereto.

2. On or about December 27, 2004, I was served with a subpoena to appear on January 31, 2005 to testify as a witness in the trial of People v. Michael Joe Jackson ("Defendant Jackson"). A true and accurate copy of this subpoena is attached as Exhibit "A" to my Declaration and incorporated herein by reference.

3. I am aware of the 10 criminal felony charges pending against Defendant Jackson, and I have discussed these charges with my attorney, James E. Blancarte, and have confirmed to Mr. Blancarte that I have no personal knowledge regarding those charges and can offer no relevant testimony regarding same.

4. I have not been involved, appeared, or participated in a fundraiser for the minor and alleged victim in the Michael Jackson case.

5. I am currently involved in taping weekly episodes of the "George Lopez Show" ("the Show") for the ABC television network. The weekly production schedule of the Show runs from the present, through at minimum, the week of March 28, 2005; with a likelihood of being extended into April 2005.

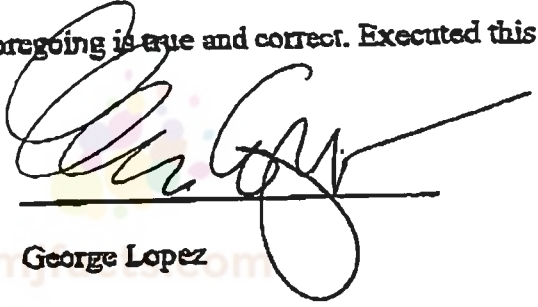
6. I am informed and believe that the average daily cost of production for the Show is \$250,000.00 (Two Hundred and Fifty Thousand Dollars). I am also informed and believed that approximately 100 people are employed on or by the Show during the Show's normal production schedule. Compelling me to appear at the trial will present significant economic hardship to the



1 income and livelihood.

2 7. Based on the fact that I have no personal knowledge regarding the charges pending  
3 against Defendant Jackson and therefore, can offer no testimony, I respectfully request that this  
4 Honorable Court quash the subpoena served on me regarding Defendant Jackson's case.

5 I declare under penalty of perjury that the foregoing is true and correct. Executed this 18<sup>th</sup>  
6 day of January, 2005.

7   
8 \_\_\_\_\_  
9 George Lopez



# Declaration

**DECLARATION ANN SERRANO LOPEZ**

I, Ann Serrano Lopez, declare as follows:

1. I know the facts set forth herein of my own personal knowledge, except as to those facts stated upon information and belief, and as to those facts so stated I believe them to be true, and if called and sworn as a witness, I could and would competently testify thereto.

2. My, husband, George Lopez ("George Lopez") and I live in Toluca Lake, California, located in Los Angeles County. I am informed and believe that our residence in Toluca Lake, California is not less than 150 miles from the Santa Maria Courthouse located in the city of Santa Maria, in the County of Santa Barbara.

3. On or about December 27, 2004, attorneys for Michael J. Jackson ("Defendant Jackson") caused me to be served with a subpoena ("Subpoena") to appear on January 31, 2005, to testify as a witness in the trial of People v. Michael Joe Jackson ("Defendant Jackson's Trial").

4. On or about January 19, 2005, I caused to be filed with this Honorable Court my signed Declaration ("Original A. Lopez Declaration") in support of the Motion to Quash filed on my behalf by my attorneys, regarding the above-referenced Subpoena.

5. I am informed and believe, that on or about February 8, 2005, Defendant Jackson filed his Ex Parte Application for an Order that a Subpoena Duces Tecum Issuc (Defendant Jackson's "Ex Parte Application"). I am further informed and believe that the subpoenas sought by the Ex Parte Application are intended to be served on me, and on my husband, George Lopez.

6. On or about February 17, 2005, I am causing to be filed with the court my opposition ("Opposition") to Defendant Jackson's Ex Parte Application.

7. In support of my Opposition to the Ex Parte Application, I hereby adopt the Original A. Lopez Declaration, dated January 18, 2005. A true and correct copy of the Original A. Lopez Declaration, dated January 18, 2005, is attached hereto and incorporated herein by reference as Exhibit "A".

///

1 8. In response and opposition to the new assertions set forth in the February 8th, 2005  
2 Declarations of Defendant Jackson's attorneys, Robert M. Sanger, Esq. and Susan C. Yu, Esq.  
3 (Defense Attorneys' Declarations"), which Declarations were filed by them in support of  
4 Defendant Jackson's Ex Parte Application, I further declare as follows:

5 (h) I have no personal knowledge of the Arvizos using "Gavin Arvizo's  
6 illness to gain access to, and take advantage of, people for purpose of  
7 getting money";

8 (i) I have no personal knowledge that the "Arvizos have fraudulently  
9 solicited funds from wealthy and/or famous people", and that "Gavin and  
10 his parents made a practice of going 'over the top' to ingratiate themselves  
11 to such people, to smother them with excessive compliments and to try to  
12 get financial gain.";

13 (j) I have never provided money to the Arvizos, or any of them;

14 (k) I do not have or otherwise possess any "notes and cards" from the  
15 Arvizos, or any of them, of any kind, that "contained effusive praise" for  
16 me, nor do I have or possess other "notes or cards", of any kind, from the  
17 Arvizos, or any of them;

18 (l) I have no personal knowledge that the "Arvizos sent similar cards  
19 to Mr. Jackson, and to people who they were attempting to defraud";

20 (m) I do not have or otherwise possess records "reflecting payment to,  
21 and on behalf of, the Arvizo family"; and

22 (n) I do not have, or otherwise possess, "records, cancelled checks  
23 and/or receipts", or any other document or tangible thing of any kind  
24 "reflecting payments to, and on behalf of, the Arvizo family", because no  
25 such payments were ever made by me. (See sub-paragraph 4.C, above).

26 ///

27 ///

28 ///



1 9. Based on the facts set forth above, and based further on the Original A. Lopez  
2 Declaration on file herein, I respectfully submit that I can offer no personal knowledge or relevant  
3 testimony at Defendant Jackson's Trial, and based on these facts, circumstances, and the legal  
4 authorities cited by my attorneys in support of my Opposition to Defendant Jackson's Ex Parte  
5 Application, I respectfully request that this Honorable Court deny Defendant Jackson's Ex Parte  
6 Application.

7 I declare under penalty of perjury under the laws of the State of California that the  
8 foregoing is true and correct. Executed this 16<sup>th</sup> day of February, 2005, at Toluca Lake,  
9 California.

10  
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12 Ann Serrano Lopez  
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# Exhibit “A”

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**DECLARATION ANN SERRANO LOPEZ**

I, Ann Serrano Lopez, declare as follows:

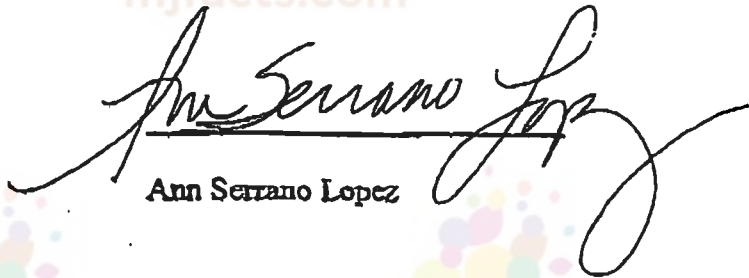
1. I know the facts set forth herein of my own personal knowledge, except as to those facts stated upon information and belief, and as to those facts so stated I believe them to be true, and if called and sworn as a witness could and would competently testify thereto.

2. On or about December 27, 2004, I was served with a subpoena to appear on January 31, 2005 to testify as a witness in the trial of People v. Michael Joe Jackson ("Defendant Jackson"): A true and accurate copy of this subpoena is attached herein as Exhibit "A" to my Declaration and incorporated herein by reference.

3. I am aware of the 10 criminal felony charges pending against Defendant Jackson, and I have discussed these charges with my attorney, James E. Blancarte, and have confirmed to Mr. Blancarte that I have no personal knowledge regarding those charges and can offer no relevant testimony regarding same.

4. I also have no knowledge relating to any fundraiser on behalf of the minor and alleged victim in the Michael Jackson case. My husband, George Lopez did not appear or participate in any such fundraiser.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 18<sup>th</sup> day of January, 2005.

  
Ann Serrano Lopez



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# Declaration

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**DECLARATION OF JAMES E. BLANCARTE**

I, James E. Blancarte, declare and say as follows:

1. I am an attorney duly licensed to practice law in the State of California, and a partner of the law firm of Carlsmith Ball, LLP, attorneys of records for George Lopez and his wife, Ann Serrano Lopez (collectively, "Mr. & Mrs. Lopez"). I state the facts set forth herein of my own personal knowledge, except as to those facts stated on information and belief, and as to those facts, I believe them to be true and if called as a witness could and would testify competently thereto.

2. On or about December 27, 2004, Susan Yu, Esq. ("Attorney Yu") defense counsel for Michael Joe Jackson ("Defendant Jackson") caused Mr. and Mrs. Lopez to each be served with criminal trial subpoenas to appear as witnesses at the trial of People v. Michael Joe Jackson, Case No. 1133603.

3. On or about January 19, 2005, George and Ann Lopez caused their Motion to Quash the Subpoenas (the "Motion to Quash") to be filed with the court by me, on their behalf.

4. On or about, January 27, 2005 the Motion to Quash came on for hearing, in camera ("the Hearing"). At the Hearing, Susan Yu, counsel for Defendant Jackson argued, unsuccessfully that George and Ann Lopez could provide relevant testimony, or impeachment testing at Defendant Jackson's Trial. (Ct. trans. at pg.7, ln. 28, pg. 8, lns. 25-28. A true and correct copy of the transcript of the Hearing of January 27, 2005 is attached and incorporated herein by reference as Exhibit "A".

5. At said Hearing, the court granted the Motion to Quash.

6. On or about January 27, 2005, I represented Mr. & Mrs. Lopez at the above referenced Hearing in Santa Maria California. For that purpose, I drove to from my residence in Burbank, California to the Santa Maria Courthouse in Santa Maria, California, County of Santa Barbara. At the beginning of my drive to the Santa Maria Courthouse I set the trip odometer on my car to zero.

7. At the end of the above referenced Hearing, I drove from the Santa Maria Courthouse to my residence in Burbank, California. When I arrived at my residence, I checked my trip odometer. The trip odometer indicated that I had traveled 340 miles, round trip, from my residence to Santa Maria Court House.

8. I have been to the residence of George and Ann Lopez in Toluca Lake, California, on multiple occasions.

9. It is my personal knowledge that the residence of George and Ann Lopez is approximately 1-2 miles West of my residence in Burbank, California.

10. On or about, February 10, 2005 my law offices at Carlsmith Ball LLP in downtown Los Angeles were served, by facsimile transmission, with Defendant Jackson's Ex Parte Application For an Order that a Subpoena Duces Tecum Issue (the "Ex Parte Application").

11. Neither I, nor any other attorney at my firm have ever agreed orally, or in a written agreement, to accept service on behalf of George Lopez or Ann Lopez, of any pleadings or other document by facsimile transmission.

12. Based on all of the above, I am informed and believe that the residence of George and Ann Lopez is approximately 171 miles from the Santa Maria Court House, and therefore not less than 150 miles from said courthouse.

13. On or about, February 15, 2005, I read and downloaded from the internet a Los Angeles Times article ("Article") of the same date, entitled, "Jackson's Witness List Is a Who's Who of Stars." A true and correct copy of said Article is attached and incorporated herein as Exhibit "B".

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this Declaration was executed on this 17<sup>th</sup> day of February, 2005, at Los Angeles, California.

John E. Blank

James E. Blancarte



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# Exhibit “A”

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF SANTA BARBARA  
SANTA MARIA BRANCH; COOK STREET DIVISION

DEPARTMENT SM-2

HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF )  
CALIFORNIA, )

Plaintiff, )

-vs- )

No. 1133603

MICHAEL JOE JACKSON, )

Defendant. )

**CONFIDENTIAL**

REPORTER'S TRANSCRIPT OF IN-CAMERA PROCEEDINGS

THURSDAY, JANUARY 27, 2005

9:50 A.M.

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

BY: Official Court Reporter

**COPY**



1 APPEARANCES OF COUNSEL:

2 For Plaintiff: (NO APPEARANCE)

3  
4  
5 For Defendant: COLLINS, MESEREAU, REDDOCK & YU  
6 BY: SUSAN C. YU, ESQ.  
7 (Via Conference Call)  
1875 Century Park East, Suite 700  
Los Angeles, California 90067

8 -and-

9 SANGER & SWYSEN  
10 BY: ROBERT M. SANGER, ESQ.  
11 233 East Carrillo Street, Suite C  
12 Santa Barbara, California 93101

13 For George and Ann Serrano Lopez:

14 CARLSMITH BALL LLC  
15 BY: JAMES E. BLANCARTE, ESQ.

16 -and-

17 ALEJANDRO MENCHACA, ESQ.  
18 444 South Flower Street, 9th Floor  
Los Angeles, California 90071

19 Also Present: TRACY SPLITGERBER,  
20 Court Research Attorney

21

22

23

24

25

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28

1 Santa Maria, California  
2 Thursday, January 27, 2005  
3 9:50 a.m.

4  
5 THE COURT: Can you hear us? Hello?

6 MS. YU: Yes. Good morning.

7 THE COURT: All right. We're in chambers,  
8 in-camera hearing. State your appearances, please.

9 MS. YU: Good morning, Your Honor. Susan Yu  
10 on behalf of Mr. Jackson.

11 MR. BLANCARTE: James E. Blancarte and  
12 Alejandro Menchaca on behalf of George Lopez and Ann  
13 Lopez.

14 MR. SANGER: And Robert Sanger also for Mr.  
15 Jackson.

16 THE COURT: Also present is the court  
17 reporter, the research attorney, the clerk, and  
18 myself.

19 We have a motion to quash without any  
20 response. Who's speaking for the defense?

21 MR. SANGER: I believe Miss Yu is going to  
22 address this, Your Honor.

23 MS. YU: Yes, Your Honor.

24 I apologize. We did not receive the motion  
25 until two days ago. I think Mr. Blancarte  
26 personally served, dropped it off at our office in  
27 Los Angeles, and we were already up here in Santa  
28 Maria, and the mail was forwarded to us, and we got

1 it just the day before yesterday. And now there's  
2 actually much researching and working on it in  
3 opposition, and I didn't see any hearing date. It  
4 was left blank. And I was going to call and find  
5 out whether there was a hearing date.

6 THE COURT: Mr. Oxman was given the hearing  
7 date.

8 MS. YU: Oh. I didn't know that.

9 Well, if I can address the motion, then.  
10 May I, Your Honor?

11 THE COURT: Yes.

12 MS. YU: The two cases the moving parties  
13 cite are People vs. Rhone and the Application of  
14 Finn. The Application of Finn is cited in Rhone.

15 And I believe the moving parties are not  
16 accurately interpreting the requirements. They  
17 argue that there must be a two-pronged test that Mr.  
18 Jackson must satisfy that, number one, the Lopezes  
19 must have personal knowledge of the matters relating  
20 to any of the ten charges and also offer material or  
21 relevant testimony.

22 I don't believe that's the express holding.  
23 The express holding of Finn was that the defendant,  
24 criminal defendant, would have to demonstrate  
25 relevancy, not necessarily personal knowledge  
26 relating to any of the matters.

27 But in any event, even if both prongs have  
28 to be satisfied, we can demonstrate that Mr. Lopez

1 and Mrs. Lopez, particularly Mr. Lopez, George  
2 Lopez, is an important witness who can lay a  
3 foundation as to whether additional material  
4 witnesses are required. He is mentioned 11 times in  
5 the grand jury transcript. (xxxx Xxxxx)  
6 mentioned -- testified to the grand jury that he,  
7 Mr. Lopez, came and visited him at the hospital on a  
8 daily basis.

9 We have information that supports our  
10 understanding that Mr. Lopez was part of the  
11 fund-raising or knew about the fund-raising, either  
12 directly or indirectly, and I think we're entitled  
13 to ask him these questions. I think that for him to  
14 say that he believes it is not relevant will not  
15 have any support. There are cases --

16 THE COURT: Doesn't he deny being at the  
17 fund-raiser?

18 MS. YU: I think he denies it, but I found a  
19 case that says that a witness's belief that whether  
20 his testimony will be relevant is not a good ground  
21 to quash the motion. And that case is People vs.  
22 Superior Court of County of Humboldt, and it is  
23 56 Cal.App.3d 374, 1976.

24 I also found a case, People vs. Singletary.  
25 It's 276 Cal.App.2d 601, 1969. And in that case, an  
26 attorney, a public defender's statement that the  
27 testimony was not relevant was not the controlling  
28 factor in determining whether to quash the motion;



1 that we are entitled to seek material information  
2 from a witness who can lay a foundation.

3 So Mr. Lopez, even though he may deny, may  
4 actually provide us with information that will lead  
5 us to establish material -- materiality with other  
6 witnesses. He can also help us gather information  
7 for impeachment material against the complaining  
8 witnesses, so he is critical to our case.

9 THE COURT: Counsel?

10 MR. BLANCARTE: Thank you, Your Honor.

11 Your Honor, the holding of the Rhone case is  
12 clear in it stating that if the proposed witness  
13 cannot offer relevant testimony and has no personal  
14 knowledge, then the motion is subject to being  
15 quashed.

16 Mr. Lopez is not unilaterally drawing a  
17 conclusion. He is simply submitting to the Court,  
18 based on the controlling law and the facts, that he  
19 has no personal knowledge of the underlying ten  
20 counts confronted by Mr. Jackson.

21 And as to the only communication we've had  
22 in response to our motion to quash, the investigator  
23 for Mr. Jackson stated, and I declared under penalty  
24 of perjury that he stated to me personally that the  
25 defense did not know if Mr. Lopez really knew  
26 anything about the case, but they were interested in  
27 whether he had been at a fund-raiser, who had talked  
28 to him about being at this fund-raiser, how much

1 money was raised, and how the money was spent.

2 Mr. Lopez, under oath, has declared he has  
3 never been or participated in a fund-raiser for the  
4 supposed victim.

5 Based on everything that we have, there  
6 could be no relevant testimony, and what the defense  
7 for Mr. Jackson is proposing is a last-minute  
8 fishing expedition on a collateral issue, which we  
9 submit to the Court, respectfully, has insufficient  
10 relevancy to compel what would be the need for Mr.  
11 or Mrs. Lopez to be present.

12 We've not heard from the defense anything  
13 but their interest in a fund-raiser that he has no  
14 personal knowledge of. Under those circumstances,  
15 the law seems to be very clear that the burden  
16 having been on the responding party to show the  
17 Court why there is a compelling need for the  
18 appearance of this witness is a burden that they  
19 have failed to meet, one, by not filing an  
20 opposition, and, two, by reiterating -- by  
21 expressing to the Court, in effect, their desire to  
22 conduct last-minute discovery on a collateral issue  
23 of dubious substance and relevance.

24 MS. YU: If I may, Your Honor, I  
25 respectfully disagree. Relevancy is not just  
26 information and evidence relating to the matters  
27 currently pending, the pending charges per se, but  
28 also any information that will help the defense

1 impeach the complaining witnesses. That's under 210  
2 Evidence Code.

3 Mr. Lopez, again, is mentioned 11 times, and  
4 I can -- I can give the page numbers in the  
5 transcript, but apparently he visited the -- I guess  
6 John Doe -- I'm sorry if I mentioned his name  
7 earlier.

8 THE COURT: We're in chambers.

9 MS. YU: (Continuing) -- on a regular  
10 basis, and we are entitled to ask Mr. Lopez and Mrs.  
11 Lopez, because other witnesses are stating that he  
12 was part of the fund-raising. And if he is denying  
13 that now that he was personally involved, I think we  
14 are entitled to ask him whether he was approached by  
15 the complaining witnesses to help him with the  
16 fund-raising, whether others have approached, what  
17 he knows about the fund-raising, what he knows about  
18 the family, what was discussed in terms of helping  
19 John Doe with his medical treatment.

20 Because we believe that the fund-raising was  
21 not for his medical treatment. It was -- it was for  
22 some other purposes, and there was an ulterior  
23 motive, and it will help us get -- establish our  
24 impeachment material against complaining witnesses.  
25 And Mr. Lopez was critically involved, and his  
26 belief that it's not relevant because he was not  
27 personally involved is not a basis to quash the  
28 motion according to the cases that I cited earlier.

1           So I think, although it may be inconvenient  
2   for Mr. Lopez to come to court, he is a critical  
3   witness who can help us establish our defense.

4           THE COURT: All right. I'm going to grant  
5   the motion to quash.

6           I will instruct the defense that if they  
7   wish to resubpoena him, that they must submit an  
8   affidavit to me and give notice to counsel for Mr.  
9   Lopez of the intent to resubpoena so that I can,  
10   everyone can, evaluate the reasons in advance of any  
11   further subpoenas.

12          All right.

13          MR. SANGER: Procedurally, could I inquire,  
14   Your Honor?

15          Would counsel accept service of the  
16   subpoena, or would it be necessary to serve Mr.  
17   Lopez personally?

18          MR. BLANCARTE: Your Honor, we would accept  
19   service if one were to be attempted. That would not  
20   be a problem. We would hope that that would not be  
21   necessary, but we will accept service.

22          And if I may address two other points, Your  
23   Honor.

24          THE COURT: Yes.

25          MR. BLANCARTE: One, we have submitted a  
26   proposed order, if that's acceptable to the Court.  
27   Otherwise, we would take whatever order the Court  
28   would prepare, and we would respectfully request



1 that, given what the Court has heard on the record  
2 this morning and our declarations indicating that we  
3 made attempt, in good faith, to not only contact  
4 opposing counsel, but to resolve this without the  
5 need to take the Court's time, we have not submitted  
6 and did not intend to the submit our time from the  
7 last conversation we had with Mr. Oxman in which  
8 they did not withdraw the subpoena voluntarily.

9 We have not submitted time for today or  
10 preparation for today's hearing, but we would  
11 respectfully submit that the time up until the  
12 filing of the motion under 1987 would be an  
13 appropriate award of attorney's fees, given there  
14 was no opposition filed and that the law holds that  
15 if they do oppose and the failure to file is as good  
16 as an opposition, because we're here with you, that  
17 at least that reasonable amount of attorney's fees  
18 should be granted.

19 MS. YU: If I may, Your Honor. Counsel's  
20 request is prohibited by the case of Fabricant vs.  
21 Superior Court. His request for sanctions, applying  
22 these civil discovery rules, doesn't apply in  
23 criminal cases, and this case is 163 Cal.Rptr. 894,  
24 1980.

25 MR. BLANCARTE: May I address the Court?

26 THE COURT: Yes.

27 MR. BLANCARTE: If everything before the  
28 Court, including the last-minute opposition to

1 sanctions, which are right out of the Criminal  
2 Practice Guide, if this were as critical as counsel  
3 would have the Court believe, we would have a much  
4 different circumstance before the Court.

5 We're only requesting the attorney's fees  
6 because, as critical as counsel has represented this  
7 is to their case, we never got the courtesy of any  
8 attempt to resolve this, making this entire  
9 proceeding necessary, and that is the reason that we  
10 think the attorney's fees award is not only  
11 reasonable, but appropriate.

12 MS. YU: It --

13 THE COURT: I'll take that under submission,  
14 and I'll look at the law. Thank you.

15 MS. YU: Thank you, Your Honor.

16 THE COURT: On the order, you need to prepare  
17 a new order based on my ruling today, with the  
18 provision that they're to address the specific  
19 reasons that they would need to subpoena both of  
20 these individuals. And also indicate your  
21 willingness to accept service so that it's all in  
22 the record.

23 MR. BLANCARTE: Very well. Thank you, Your  
24 Honor.

25 THE COURT: Thank you.

26 MS. YU: Thank you.

27 MR. MANCHACA: Thank you, Your Honor.

28 MR. SANGER: And I'm sorry for the

1 confusion.

2 THE COURT: Okay.

3 (Discussion held off the record.)

4 THE COURT: Just a minute, Mr. Sanger. I  
5 was going to order that the -- is this a transcript  
6 that should be sealed? Or --

7 MR. BLANCARTE: We would request it be  
8 sealed, but we would just want it so that we can  
9 conform the order that the Court has requested with  
10 the transcript.

11 MR. SANGER: I would I assume they want it  
12 sealed, because they don't want their client's name  
13 out there, which is fine. Technically, it should be  
14 sealed, because it deals with statements of  
15 witnesses.

16 THE COURT: And the names that were  
17 mentioned, the statements of the children that --  
18 yes, okay.

19 The Court will order that the transcript --  
20 you may make arrangements with the court reporter to  
21 purchase a copy of the transcript, but it's a sealed  
22 transcript, which means that under an order issued  
23 by this Court, that you're not to reveal anything  
24 about this proceeding, either -- and Mr. Sanger's  
25 fully aware of that, so that --

26 MR. BLANCARTE: Understood, Your Honor.  
27 That's why we requested the filing under seal in the  
28 in-camera proceeding.

1 MR. SANGER: I should send them a copy of  
2 the protective order.

3 THE COURT: Yes, thank you.

4 MR. BLANCARTE: That would be appreciated.  
5 Thank you, Counsel.

6 THE COURT: And you can talk to my court  
7 reporter now.

8 (In-camera proceedings concluded.)

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REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE )  
OF CALIFORNIA, )  
Plaintiff, )  
-vs- ) No. 1133603  
MICHAEL JOE JACKSON, )  
Defendant. )

I, MICHELE MATTSON McNEIL, RPR, CRR,  
CSR #3304, Official Court Reporter, do hereby  
certify:

That the foregoing pages 3 through 13  
contain a true and correct transcript of the  
proceedings had in the within and above-entitled  
matter as by me taken down in shorthand writing at  
said proceedings on January 27, 2005, and thereafter  
reduced to typewriting by computer-aided  
transcription under my direction.

DATED: Santa Maria, California,  
January 31, 2005.

Michele Mattson McNeil

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304



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Exhibit “B”  
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<http://www.latimes.com/news/local/la-me-jackson15feb15,1,5121036.story?ctrack=1&cset=true>

## **Jackson's Witness List Is a Who's Who of Stars**

**Elizabeth Taylor, Stevie Wonder and Kobe Bryant are named, but may never have to testify.**

By Steve Chawkins and Eric Slater  
Times Staff Writers

February 15, 2005

SANTA MARIA, Calif. — They don't call them "celebrity trials" for nothing.

In fact, the defense witness list unveiled Monday at Michael Jackson's child-molestation trial was loaded with stars nearly as famous as Jackson himself.

Prospective jurors were given a tantalizing glimpse of a roster that reads like the guest list of a Hollywood benefit, with possible appearances by such show-biz luminaries as Elizabeth Taylor, Stevie Wonder, Diana Ross and Jay Leno, not to mention record producer Quincy Jones, actor Chris Tucker, basketball sensation Kobe Bryant and CNN interviewer Larry King.

Additional witnesses include Ed Bradley of "60 Minutes," talk show host Maury Povich, Backstreet Boys singer Nick Carter and his younger brother Aaron.

Of course, not every witness on a courtroom list takes the stand. In fact, some legal experts interviewed on Monday predicted quite a few no-shows.

Santa Barbara County Superior Court Judge Rodney S. Melville told the potential jurors to expect fewer people to actually testify, and a prosecutor suggested that the defense was merely attempting to dazzle them with star power.

"Would the testimony of someone like an Elizabeth Taylor influence you disproportionately?" Deputy Dist. Atty. Ron Zonen asked potential jurors.

No way, each of them replied.

As if to underscore the point, a silver-haired 62-year-old man misidentified Deepak Chopra, one of Jackson's possible witnesses, as a rap star. Chopra is a best-selling New Age author and physician.

One woman said she had met quite a few celebrities through her uncle, a film editor in Los Angeles, and couldn't quite understand all the fuss.

"They're people," she said, "like anyone else."

On Monday, defense attorneys and prosecutors had their first chance to interview the people who may determine whether Jackson is guilty of molesting a 13-year-old cancer patient and conspiring to cover it up.

The first 18 of about 250 prospective jurors sat in a packed courtroom for five hours answering questions about their views of the media, the legal system, Michael Jackson and the credibility of children.

To find out whether any of them knew possible witnesses, Jackson's attorney, Thomas A. Mesereau Jr., read approximately 350 names, including those of celebrities with no apparent connection to the case.

One puzzling inclusion was actor Corey Feldman, 33, who, as a child star, was befriended by Jackson. Last week in an interview with ABC, Feldman said that when he was a teen, Jackson showed him nude photos of men and women in a book about venereal disease, a seemingly incriminating admission for someone on the defense witness list.

Feldman reportedly has been subpoenaed to testify for the prosecution as well.

For their part, prosecutors ran through a list that included dozens of law enforcement personnel, a young man who accused Jackson of molestation in 1993, and the singer's ex-wife, Debbie Rowe, who is challenging him for custody of their children.

Also on the list are a former maid at Jackson's Neverland ranch and her son, who reportedly have accused Jackson in another molestation incident.

If stars are being asked to vouch for Jackson's character, defense attorneys may have a tough time persuading them to show up, according to some observers.

"The problem with character witnesses is that ... on cross-examination the prosecution can ask them anything," said Laurie Levenson, a professor at Loyola Law School in Los Angeles and a former federal prosecutor.

"As a prosecutor, I used to salivate when the defense called character witnesses because I could put that witness' whole life on trial," she said.

Jackson may also be hurt by the size of his celebrity-studded witness list, said Kirby Behre, a Washington, D.C., criminal defense attorney who represented Linda Tripp during the impeachment of President Clinton.

"Doesn't that sound like a clumsy attempt to let the jury know you have a lot of famous friends — hoping that a juror would think, 'Gee, if that famous person likes Michael Jackson then he can't be bad'?" Behre asked. "I don't know what the defense's objective is, but if a juror just thinks they're showing off their famous friends, that could backfire."

Such concerns may resonate with a 40-year-old university researcher who was a jury candidate Monday. Asked by Mesereau about the impact of the media on the court system, the man suggested that justice suffers in the limelight.

"I worry that some people may get more of a fair trial than others because of who they are," said the man, who also said he was fearful that reporters would end up "camping on my front lawn."

Jackson's attorneys signaled in their questioning that they would take the media to task during their client's trial. None of the prospective jurors had a problem with that.



"They can't even get the weather right!" a woman said to laughter and applause. "The media has overblown this — it's really irritating."

The same prospective juror, a former Santa Barbara resident who once made a living performing singing telegrams, was the only one who acknowledged that parents sometimes get their children to lie. The point will be a key one in the trial because Jackson's attorneys contend that his young accuser was manipulated by a greedy mother.

When she was a child, the prospective juror said, her parents sometimes would ask her to put off unannounced visitors.

"Tell them we're not here," she said they would tell her. "You haven't seen us!"

The group included an 18-year-old man who said he indulged in karaoke singing every day, a retiree who casts Western sculptures in bronze and a woman who teaches emotionally disturbed children.

Another woman said she had been falsely accused twice — once of molesting a young relative and another time of assaulting a student at the school where she taught.

"I know that children can lie," she said. "I empathize with Michael Jackson in regard to the accusation."

Attentive and serious, Jackson nodded as the woman related her story. If convicted, he faces 20 years in prison on 10 felony counts.

Jackson wore a dark suit with a gray armband, a multicolored vest, a chain of medallions across his waist and a gold sunburst on his breast pocket.

It seemed clear that the singer's attorneys would not try to change his appearance for the trial or frame him as a regular guy who happens to cut one of the most distinctive figures in the world.

But whether others who are rich and famous can be persuaded to take the stand on Jackson's behalf is an open question. Representatives of many of the stars on the witness list had no comment.

Most of the celebrity witnesses will be able to avoid testifying, observers said. And even if Judge Melville agrees to subpoena some from the list, the spectacle of defense attorneys appearing to force people to say nice things about Jackson may not play well.

"If they're subpoenaed, they may have to testify, but you kind of defeat the purpose of defending your client when you bring a guy kicking and screaming to the stand," Behre said.

As for Kobe Bryant, who settled a rape allegation just before he was to stand trial in Colorado last year, he and Jackson have met, but outside observers were puzzled when his name came up as a possible witness.

"Kobe Bryant didn't want to be called in his own case," Levenson said. "Why would he want to take the stand in somebody else's trial?"

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STATE OF CALIFORNIA, COUNTY OF LOS ANGELES  
PROOF OF SERVICE

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

On February 17, 2005, I served the foregoing **RESPONDENTS GEORGE LOPEZ AND ANN SERRANO LOPEZ' OPPOSITION, FILED UNDER SEAL, TO DEFENDANT MICHAEL J. JACKSON'S EX PARTE APPLICATION FOR AN ORDER THAT A SUBPOENA DUCES TECUM ISSUE; MEMORANDUM OF POINTS AND AUTHORITIES; DECLARATION OF GEORGE LOPEZ; DECLARATION OF ANN SERRANO LOPEZ; DECLARATION OF JAMES E. BLANCARTE, IN SUPPORT THEREOF, AND [PROPOSED] ORDER** on the parties named on the attached listing.

☒ (By Mail) 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 fully prepaid, addressed to the person(s) to whom it is to be served. I caused such envelope with postage thereon fully prepaid to be placed in the United States mail at Los Angeles, California.

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

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

  
Laura Nava