1	CARLSMITH BALL LLP	FAXFILED
	James E. Blancarte (SBN 85948) Alejandro Menchaca (SBN 220471)	
2	444 S. Flower St., 9th Floor	FILED
3	Los Angeles, CA 90071	SUPERIOR COURT of CALIFORNIA COUNTY of SANTA BARBARA
4	Telephone: 213-955-1283 Facsimile: 213-623-0032 Email:	FEB 1 8 2005
5	Elliali.	GARY M. BLAIR, Executive Officer
6	Attorneys for	CARRIE L. WAGNER, Deputy Clerk
	George Lopez and Ann Serrano Lopez	* Unstaled pursuant t
7		Lello 105 Couct ord
8	SUPERIOR COURT OF	THE STATE OF CALIFORNIA
9	COUNTY OF	SANTA BARBARA
10		FILED/UNDER SEAL
	TYP DEODI E OF THE STATE OF	CASE NO. 1133603
11	THE PEOPLE OF THE STATE OF CALIFORNIA,	CASE 140. 1133003
12		RESPONDENTS GEORGE LOPEZ AND ANN SERRANO LOPEZ REQUEST THAT
13	Plaintiff,	THIS COURT TAKE JUDICIAL NOTICE
1.4	icts.c <sub>v</sub> ,m mjracts.	OF GEORGE LOPEZ'S AND ANN LOPEZ'S MOTION TO QUASH
14	MICHAEL JOE JACKSON,	SUBPOENAS
15	Defendant.	HEARING:
16		TIME:
17	•	DEPARTMENT: SM 2 JUDGE: Hon. Rodney S. Melville
18	Respondents George Lopez and Ann	Serrano Lopez hereby request that this Court take
19	Judicial Notice of George Lopez's and Ann I	Lopez's Motion to Quash Subpoenas directing them to
20	appear on January 31, 2005 at the trial of Pe	ople v. Michael Joseph Jackson, Case No. 113603,
21	the supporting Declarations and exhibits of (	George Lopez, Ann Serrano Lopez, James E.
22	Blancarte, and Alejandro Menchaca all filed	on January 19, 2005.
23	Respondents also request that this Co	ourt take Judicial Notice of the filings of the fact,
24	conclusions of law, and judgment rendered t	by the Honorable Rodney M. Melville, Judge of the
25	Superior Court of the State of California, Co	ounty of Santa Barbara, at the January 27, 2005
26	hearing on George Lopez's and Ann Lopez's	Motion to Quash Subpoenas.
27	Attached to this Notice, marked as E	xhibit "A" is the Notice of Motion of George Lopez's
28	and Ann Lopez's Motion to Quash Subpoens	as; Memorandum of Points and Authorities;
CARLSMITH BALL LLP	4850-1559-0144.1	
HONOLULU	mijracts.com	PEOLIEST FOR MIDICIAL NOTICE

REQUEST FOR JUDICIAL NOTICE

1	Declaration of George Lopez; Declaration of Ann Serrano Lopez; Declaration of James E.
2	Blancarte; and Declaration of Alejandro Menchaca.
3	DATED: February 16, 2005 CARLSMITH BALL LLP
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5	By: Manu E. Blancarte
6	Attorneys for Respondents  George Lopez and Ann Serrano Lopez
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CARLSMITH BALL LLP 1 FAX FILED James E. Blancarte (SBN 85948) Alejandro Menchaca (SBN 220471) 2 444 S. Flower St., 9th Floor Los Angeles, CA 90071 3 213-955-1283 Telephone: 213-623-0032 4 Facsimile: jblancarte@carlsmith.com Email: 5 6 Attorneys George Lopez and Ann Serrano Lopez 7 SUPERIOR COURT OF THE STATE OF CALIFORNIA 8 **COUNTY OF SANTA BARBARA** 9 10 CASE NO. 1133603 11 THE PEOPLE OF THE STATE OF CALIFORNIA, GEORGE LOPEZ' AND ANN SERRANO 12 LOPEZ' NOTICE OF MOTION AND Plaintiff. MOTION TO QUASH SUBPOENAS; 13 MEMORANDUM OF POINTS AND AUTHORITIES; DECLARATION OF 14 MICHAEL JOE JACKSON, GEORGE LOPEZ IN SUPPORT THEREOF; DECLARATION OF ANN 15 SERRANO LOPEZ IN SUPPORT Defendant. THEREOF; DECLARATION OF JAMES 16 E. BLANCARTE IN SUPPORT THEREOF: 17 DECLARATION OF ALEJANDRO MENCHACA IN SUPPORT THEREOF, AND [PROPOSED] ORDER 18 19 DATE: 8:30 AM TIME: 20 JUDGE: HON. RODNEY MELVILLE 21 22 TO THE ABOVE- ENTITLED COURT, DEFENDANT MICHAEL JOE JACKSON, 23 DEFENSE COUNSEL, AND TO THE DISTRICT ATTORNEY OF SANTA BARBARA 24 COUNTY, STATE OF CALIFORNIA: 25 PLEASE TAKE NOTICE that on , in Department SM-2 at 8:30 a.m., or 26 27 as soon thereafter as the matter may be heard, George Lopez and Ann Serrano Lopez (collectively "Mr. and Mrs. Lopez") will move the Court for an order 28 4836-2327-6544.1.000JEB-00001 CARLSMITH BALL LLP TTOWNSVE AT LAW MOTION TO QUASH SUBPOENAS

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# MEMORANDUM OF POINTS AND AUTHORITIES

# L INTRODUCTION AND FACTUAL BACKGROUND

On or about April 21, 2004, Defendant Michael Joe Jackson ("Defendant Jackson") was indicted on ten (10) felony counts (the "Charges") related to alleged sexual abuse of a minor.

These Charges include 1 (one) count of conspiracy relating to child abduction, false imprisonment, and extortion, four (4) counts of committing a lewd act upon a child, one (1) count of attempting to commit a lewd act upon a child, and four (4) counts of administering an intoxicating agent to assist in the commission of a felony.

On or about December 27, 2004, Susan Yu, Esq., one of the defense attorneys for Defendant Jackson, caused George Lopez, and his wife Ann Serrano Lopez to be served with subpoenas to appear in person on January 31, 2005, as witnesses at the upcoming criminal trial of Defendant Jackson.

George Lopez is a well-known comedian, television and motion picture actor, and star of the ABC network weekly TV comedy program entitled the "George Lopez Show" (the "Show").

Neither George nor Ann Lopez have any personal knowledge relating to the Charges, and as such, cannot offer any relevant or material testimony on Defendant Jackson's behalf at trial.

Declaration of George Lopez ("George Lopez Decl."), ¶ 3 and Declaration of Ann Serrano Lopez ("Ann Lopez Decl."), ¶ 3.

Mr. and Mrs. Lopez, through their legal counsel, James E. Blancarte, have made good faith efforts to avoid attorney's fees, costs and undue constraints on the Court's time and resources resulting from the filing of the instant motions by asking counsel for Defendant Jackson to voluntarily withdraw the subpoenas served on Mr. and Mrs. Lopez. This request has been made on behalf of Mr. and Mrs. Lopez on the grounds that they each lack personal knowledge regarding the Charges pending against Defendant Jackson, and based on the legal authorities previously cited herein.

On or about January 10, 2005, counsel for George and Ann Lopez, James E. Blancarte ("Mr. Blancarte") attempted to contact defense counsel, Susan Yu ("Ms. Yu") in an effort to apprise Ms. Yu of Mr. and Mrs. Lopez's lack of any personal knowledge regarding the Charges, 4836-2327-6544

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CARLSMITH BALL LLP ATTEMNESS AT LAW HONOLULU and to allow Ms. Yu the opportunity to voluntarily withdraw the subpoenas without expending the Court's time and resources in hearing motions to quash said subpoenas. Declaration of James E. Blancarte ("Blancarte Decl."), ¶ 5.

Mr. Blancarte was told that Ms. Yu was not available. Id. at ¶ 6. Instead, Mr. Blancarte was directed to speak with Scott Ross, Defendant Jackson's private investigator. Id. Mr. Blancarte explained to Mr. Ross that neither Mr. or Mrs. Lopez have any personal knowledge relating to the Charges pending against Michael Jackson. Id. Mr. Ross responded stating that "We don't really know if they (George and Ann Lopez) know anything. We've heard that were involved in a fundraiser for the minor (victim)" Id. at ¶ 7. Mr. Ross further indicated that Michael Jackson's lawyers plan to question the Mr. and Mrs. Lopez at trial regarding how Mr. Lopez became involved in the fundraiser, how much money was raised at the fundraiser, and where did the money go. Id. Mr. Ross indicated that such questioning was part of defense counsel's theory that the mother of the minor is "only out for money. So, Mr. Lopez's involvement in a fundraiser is something we (defense team) want to know more about." Id.

Neither George nor Ann Lopez have ever been involved in a fundraiser for the minor victim in Defendant Jackson's case. Therefore, neither George Lopez nor his wife Ann have any personal knowledge regarding fundraisers for the minor victim. George Lopez Decl., ¶ 4; Ann Lopez Decl., ¶ 4.

Following the above-referenced discussion with Mr. Ross, Mr. Blancarte prepared a letter to Ms. Yu dated January 14, 2005, wherein he again confirmed that "neither Mr. or Mrs. Lopez have personal knowledge of any matters relating to any of the ten (10) criminal charges pending against Michael Jackson. Blancarte Decl., ¶ 10, Ex. "B". Mr. Blancarte added that "at trial neither George nor Ann Lopez can offer any material or relevant testimony on behalf of Michael Jackson." Id Despite these representations, Defendant Jackson's attorneys have refused to voluntarily withdraw the subpoenas, thereby necessitating the making of these motions to quash.

### II. ARGUMENT

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A. The Subpoenas Should be Quashed Based on the Fact that George Lopez and

Ann Serrano Lopez Have No Personal Knowledge of the Matters Relating to the

Charges Against Jackson and Cannot Offer any Relevant Testimony.

This Court has the authority to quash a subpoena that is regular on its face where the facts justify such an action. People v. Rhone, 267 Cal. App. 2d 652,656 (1968), CA Code of Civil Procedure § 1987.1. In Rhone, the Court upheld the trial court's quashing of subpoenas holding that "while the defendant is entitled to compel the attendance of witnesses, ... in the instant case he failed to show that the persons he subpoenaed could offer relevant testimony on his behalf. It is not claimed that they had personal knowledge of the matters relating to the charges." 267 Cal. App. 2d at 657 (emphasis added) citing Application of Finn, 54 Cal. 2d 807, 813 (1960).

Based on the clear and express holding of <u>Rhone</u> and <u>Finn</u>, Defendant Jackson must satisfy a two-pronged test before compelling the attendance of George and his wife Ann Lopez at the trial of <u>People v. Michael Jackson</u>. Specifically, Mr. and Mrs. Lopez' attendance can only be compelled by Defendant Jackson after a showing is made that George Lopez and/ or his wife Ann Serrano Lopez have, 1) personal knowledge of the matters relating to any of the ten (10) criminal charges pending against Defendant Jackson, and 2) can offer any material or relevant testimony on behalf of the Defendant.

Under the facts and circumstances at issue Defendant Jackson's attempt to compel George Lopez and his wife Ann to appear as witnesses at his trial appears, at best, to be an eleventh hour fishing expedition regarding collateral issues of dubious substance and probative value, or, at worst, an attempt to influence or impress the jurors with the appearance of non-percipient, celebrity witnesses called by the defense. Under either, or any similar scenario, Defendant Jackson's attempt to call George Lopez and his wife Ann as witnesses falls fall short of the standard the court necessarily requires to compel the attendance of non-percipient witnesses like Mr. and Mrs. Lopez at Defendant Jackson's trial.

As set forth previously above, Mr. and Mrs. Lopez lack personal knowledge regarding the Charges pending against Defendant Jackson, and therefore cannot offer relevant testimony on his 4836-2127-6544

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behalf. Additionally, Defendant Jackson's desire to inquire into collateral issues regarding a "fundraiser" for the minor victim is not probative and a waste of the Court's time given the fact that neither George Lopez nor his wife Ann have ever been involved in a fundraiser for the minor victim in the pending action.

B. Compelling George Lopez and his wife Ann to Appear at Defendant Jackson's Trial is Contra to Efficient, Orderly, and Economic Criminal Trial Procedure, is Not in the Interest of Justice, and will Result in Substantial and Unjustified Harm and Damage to Mr. Lopez' Career Commitments and Contractual Obligations.

George and Ann Lopez can offer no personal knowledge relating to the Charges, pending against Defendant Jackson, and neither of them have participated in a fundraiser for the minor victim. Thus, compelling their appearance at Defendant Jackson's trial would only serve to unjustifiably prolong what is already widely anticipated to be a lengthy trial, necessarily imposing additional constraints and burdens on the Court's time and resources. Under these facts and circumstances, calling witnesses without personal knowledge to appear at trial constitutes an abuse of process, is contra to efficient, orderly and economic criminal trial procedure and not in the interest of justice.

George Lopez is currently in production of ABC network's weekly TV comedy, "the George Lopez Show". The Show's production schedule is ongoing and runs from the present through, at minimum, the week of March 28, 2005; with a likelihood of being extended into April 2005. Lopez Decl. ¶ 5. Compelling George Lopez to appear as a witness at Defendant Jackson's upcoming trial (when he has no relevant testimony to give) will cause significant harm and damage to Mr. Lopez' career commitments and contractual obligations regarding "the George Lopez Show"; a weekly ABC network television show that employs approximately 100 persons with a daily production budget of approximately \$250,000.00 per day, and will be unjustifiably disruptive to the show and its long established and ongoing production schedule causing substantial harm to the producers of the Show, the network, advertisers, and the large number of individuals who's income and likelihood is dependent on the show and its production schedule. . 4836-2327-6544

individuals who's income and likelihood is dependent on the show and its production schedule. . 1 2 Lopez Decl., ¶ 6. C. George Lopez and Ann Serrano Lopez Should Be Awarded Reasonable 3 Attorneys' Fees in Making this Motion. 4 California Code of Civil Procedure § 1987.2 provides, in relevant part that 5 "a court may in its discretion award the amount of the reasonable 6 expenses incurred in making or opposing the motion [to quash] including reasonable attorneys' fees, if the court finds that the 7 motion was opposed...without substantial justification". 8 In this instance, for the reasons set forth above, defense counsel has no justification for 9 compelling the attendance of Mr. and Mrs. Lopez at Defendant Jackson's trial. If Defendant 10 Jackson and his attorneys refuse and otherwise fail to voluntarily withdraw the subpoenas by the 11 date on which the motions to quash are filed, then such failure is for all intents and purposes the 12 same as a bad faith opposition to said motions and Mr. and Mrs. Lopez should be awarded 13 \$4,650.00 in attorneys' fees and costs incurred by Mr. and Mrs. Lopez plus additional attorney's 14 fees and costs, according to proof, for work, if any, required to represent Mr. & Mrs. Lopez at the 15 hearing of said motions to quash. 16 Ш. CONCLUSION 17 Based on the foregoing, it is respectfully requested that the subpoenas served upon George 18 Lopez and Ann Serrano Lopez by Defendant Jackson's attorneys be quashed, and that Mr. and 19 Mrs. Lopez be awarded attorney fees and costs in an amount not less than \$ 4,450.00, plus such 20 additional attorney's fees and costs, incurred after the filing date of the instant motions, according 21 to proof. 22 Dated: January 19, 2005 CARLSMITH BALL LLP 23 24 James E. Blancarte 25 Attorneys for George Lopez and Ann Serrano Lopez 26 27 28 4836-2327-6544

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MOTION TO QUASH SUBPOENAS





























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MOTION TO QUASH SUBPOENAS

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.

I. George Lopez, declare as follows:

- 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 <u>People v. Michael Joe Jackson</u> ("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 <u>daily</u> 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

income and livelihood. Based on the fact that I have no personal knowledge regarding the charges pending against Defendant Jackson and therefore, can offer no testimony, I respectfully request that this Honorable Court quash the subpoens served on me regarding Defendant Jackson's case. I declare under penalty of perjury that the foregoing is true and correct. Executed this 18th day of January, 2005. mjfacts.com George Lopez 4830-2327-6544.1.000JEB-00001 MOTION TO QUASH SUBPOENAS





























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## DECLARATION ANN SERRANO LOPEZ

L Aim 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 <u>People v. Michael Joe Jackson</u> ("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

4836-1327-6544.1.0001@B-00001

MOTION TO QUASH SUBPOENAS

CARLENSTH BALL LLE Assessment affects Herenity

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CARLSMITH BALL LLP ATTOMOGRATIAN HONOLULU I, James E. Blancarte, declare and say as follows:

- 1. I am an attorney duly licensed to practice law in the State of California. I am a partner in 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, 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 witness at the trial of <u>People v. Michael Joe Jackson</u>, Case No. 1133603.
- 3. Within the context of the attorney client privilege, I have discussed with Mr. and Mrs. Lopez the ten (10) felony criminal charges (the "Charges") pending against Defendant Jackson for alleged sexual abuse of a minor and related criminal counts.
- 4. George Lopez and his wife, Ann each confirmed that they have no personal knowledge regarding the Charges pending against Defendant Jackson.
- 5. On or about January 10, 2005, I called attorney Yu at the telephone number provided for her on the subpoenas she caused to be served on Mr. and Mrs. Lopez. Ms. Yu's law office advised me that attorney Yu was not available. I was then directed to a Mr. Scott Ross who is identified on each of the above referenced subpoenas as a private investigator for Defendant Jackson and his attorneys.
- 6. I told Mr. Scott that within the context of the attorney client privilege, I had discussed with Mr. and Mrs. Lopez the Charges of sexual abuse of a minor and related criminal counts pending against Defendant Jackson. I confirmed to Mr. Scott George Lopez and his wife,

Ann Serrano Lopez each confirmed to me that they have no personal knowledge relating to any of the Charges pending against Defendant Jackson, and can offer no relevant testimony on his behalf at trial.

- 7. Mr. Ross responded by stating, "We don't really know if they (George and Ann Lopez) know anything. We've heard that they were involved in a fundraiser for the minor [victim]". I then asked Mr. Ross what relevance that had to the charges pending against Defendant Jackson's. Mr. Ross stated that at trial Defendant Jackson's lawyers "plan to question Mr. and Mrs. Lopez regarding how they got involved in the fundraiser; how much money was raised, and how the money was spent".
- 8. Mr. Ross further indicated that this line of questioning was part of defense counsel's theory that the mother [of the minor/victim] "is only out for money. So, Mr. Lopez's Mr. Lopez's involvement is a fundraiser is something we [Defendant Jackson's defense team] want to know more about."
- 9. I closed the conversation with Mr. Ross by asking him to convey to attorney Yu my representations that neither George Lopez, nor his wife Ann Serrano Lopez, have personal knowledge regarding the Charges pending against Michael Jackson, and can offer no relevant testimony on his behalf at trial.
- attorney Yu a letter confirming that Mr. and Mrs. Lopez have no personal knowledge regarding the Charges pending against Defendant Jackson, and can offer no relevant testimony regarding same. When I finished the letter I called attorney Yu's telephone number to obtain her fax number. Attorney Yu's office was closed. I was not able to find a current fax number for attorney Yu in Parker's Directory, or on the California State Bar web-site. Attorney Yu's fax number was not provided on the copy of the subpoenas she caused to be served on Mr. and Mrs. Lopez, so I faxed a copy of the letter to attorney Yu's investigator Mr. Scott Ross at the fax number set forth 12

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on the business card he had previously provided to Mr. and Mrs. Lopez. A true and accurate copy of this January 14, 2005 letter is attached hereto as exhibit "A" to my Declaration and incorporated here in by reference.

On or about January 18, 2005, I again called attorney Yu's law office to ask that 11. she and her law office voluntarily withdraw the criminal trial subpoenas she caused to be served on Mr. and Mrs. Lopez regarding Defendant Jackson's case, to confirm to her Mr. and Mrs. Lopez' lack of personal knowledge relating to the Charges pending against Defendant Jackson, and to further confirm that George Lopez and his wife Ann have never participated in a fundraiser for the minor victim in Defendant Jackson's case. I was told that attorney Yu was not available so I left her a voicemail message regarding the above representations, and regarding my request that she voluntarily withdraw the criminal trial subpoenas she caused to be served on Mr. and Mrs. Lopez.

- Thereafter, I drafted, faxed, and messengered a letter to attorney Yu confirming 12. the above referenced representation and renewing my request that she and her law offices voluntarily withdraw the above referenced subpoenas.
- On the morning of Wednesday, January 19, 2005, I received a telephone call from 13. Bryan Oxman, who identified himself as "one of Michael Jackson's attorneys". Mr. Oxman said he was returning my call on behalf of attorney, Yu. I reiterated to Mr. Oxman that Mr. and Mrs. Lopez have no personal knowledge related to any of the Charges pending against his client, Defendant Jackson. I also confirmed to Mr. Oxman that neither George Lopez, or his wife Ann have participated in a fundraiser for the minor, alleged victim in Defendant Jackson's case.
- Based on these facts, I asked that defense counsel for Defendant Jackson voluntarily withdraw the criminal trial witness subpoena they caused to be served on Mr. and Mrs. Lopez on or about December 27, 2004. Mr. Oxman did not agree to withdraw the subpoena,

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stating he would "get back to me" later in the day. I advised Mr. Oxman that absent the withdrawal of the subpoena I was proceeding with the filing of the instant motions to quash.

- As of the time the instant motions were filed on the afternoon of Wednesday, 15. January 19, 2005, I had not received any further communication from any of Defendant Jackson's attorneys, and the subject subpoenas had not been withdrawn by counsel for Defendant Jackson.
- As of Tuesday, January 18, 2005, I have spent seven (7) hours in preparation and 16. filing of the instant motions, including, without limitation, legal research, interviews with George Lopez and his wife Ann Serrano Lopez; interviews with the manager for George Lopez regarding Mr. Lopez' career commitments and contractual obligations (during the time period in which Defendant Jackson seeks to compel Mr. Lopez' attendance at his trial); supervising and reviewing legal research and drafting by my associate, Alejandro Menchaca; reviewing and amending drafts of the subject motions; preparing declarations in support of said motions, drafting correspondence to attorneys for Defendant Jackson, and engaging in various telephone conferences with all the above referenced individuals, including, without limitation counsel and private investigators for Defendant Michael Jackson, all with regard to the criminal subpoenas which attorncy Yu caused to served on my clients, George Lopez and Ann Serrano Lopez, on or about December 27, 2004.
- 17. My current billing rate is \$350, per hour. In addition, as of the time of the filing of the instant Motions to Quash, my associate, Alejandro Menchaca has spent approximately Twelve (12) hours in the research, preparation and filing of the Motions to Quash. Mr. Menchaca's hourly billing rate is \$ 200 an hour. Based on these facts, as of the time of the filing if the instant motion to quash, George and Ann Serrano Lopez have incurred approximately \$4,650.00 in attorneys fees and costs regarding the instant motion to quash.

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 18th day of January, 2005. James E. Blancarte 15. 4K36-2327-6544

LAMOTH BALL LLP NEW AT LAW

MOTION TO QUASH SUBPOENAS





























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# CARLSMITH BALL LLP

A LIMITED LIABILITY LAW PARTNERSHIP

444 SOUTH FLOWER STREET
9TH FLOOR

LOS ANGELES, CALIFORNIA 90071-2901
TELEPHONE 213.955.1200 FAX 213.623.0032
WWW.CARLSMITH.COM

DIRECT DIAL NO. 213.955.1283 IBLANCARTE@CARLSMITH.COM

January 14, 2005

Via Facsimile & U.S. Mail
Susan Yu, Esq.
MESEREAU & YU
1875 Century Park East, Suite 700
Los Angeles, CA 90067

Re: The People vs. Michael Joe Jackson

Ms. Yu:

This law firm represents George Lopez and his wife Ann Lopez. We are in receipt of the criminal trial subpoenas served recently on Mr. and Mrs. Lopez regarding the above captioned criminal case.

As you well know, your client, Michael Jackson, is charged with ten (10) felony counts of alleged sexual abuse of a minor. Within the context of the attorney client privilege, I have discussed those criminal charges and your subpoenas regarding same with George Lopez and his wife Ann. This letter confirms that neither Mr. or Mrs. Lopez has personal knowledge of any matter relating to any of the ten (10) criminal charges pending against Michael Jackson. Therefore, at trial neither George nor Ann Lopez can offer any material or relevant testimony on behalf of Michael Jackson. Requiring Mr. and Mrs. Lopez to appear at trial under these circumstances is an abuse of process, is contra to efficient, orderly and economic criminal trial procedure and is therefore not in the interest of justice.

Based on these facts, and in accord with <u>People vs. Rhone</u> 267 Cal. App. 652, 73 Cal. Rptr. 63 (1968), citing <u>In re Finn</u> 54 Cal. 2nd 807, 813, 8 Cal. Rptr. 741, 356 P. 2d 685, 688, (1960), the subpoena served on George Lopez and the one served on Ann Lopez are each subject to a motion to quash. For these reasons and based on the authorities set forth above, we request that you voluntarily withdraw the subpoenas for <u>Mr.</u> and <u>Mrs. George Lopez</u>.

Please confirm to our law offices, in writing, no later than 3:00 p.m. on Wednesday January 19th that the above referenced subpoenas for Mr. and Mrs. Lopez are withdrawn. In the absence of receiving such written notice, we will file a motion to quash the subpoenas and will ask the court to award sanctions against you, your law offices and/or your client Michael Jackson in the form of, without limitation, attorneys fees and costs incurred by George and Ann Lopez regarding the above referenced motions to quash.

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January 14, 2005 Page 2

We await your written and timely response to our request for your voluntary withdrawal of each of the above referenced subpoenas.

In the meantime, this letter is formal and written notice to you, your law offices and your client, Michael Jackson, that nothing in this letter is or should be construed to be a waiver of the attorney client privilege, or of any right, remedy, action, cause of action, defense or affirmative defense which George Lopez and Ann Lopez has, or may have, at law or equity, against you, your law offices, and/or your client, Michael Jackson, regarding any matter directly or indirectly related to the above captioned case, or specifically related to the above referenced subpoenas, all of which are hereby reserved, expressly, on behalf of George Lopez and Ann Lopez.

Sincerely,

CARLSMITH BALL, LLP

James E. Blancarte

JEB/mb

cc: George Lopez

Ann Lopez

Scott Ross, P.I. for Mesereau & Yu, attorneys for Michael Jackson (via fax)

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# Declaration

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## DECLARATION OF ALEJANDRO MENCHACA

I, Alejandro Menchaca, declare as follows:

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CARLSMITH BALL LLP

George and Ann Lopez, I have personal knowledge of the facts set forth herein, and if called as a witness could and would testify competently thereto.

I am an associate at the law firm of Carlsmith Ball, LLP, attorneys of record for

As of the time of the filing of the instant motions, I have spent approximately twelve (12) hours researching applicable case law and authority, as well as drafting, revising, editing and filing the instant Motions to Quash and Supporting Declarations, My billing rate is \$ 200.00 an hour.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed the 18th day of January, 2005 at Los Angles, California.

Alejandro Menchaca

State of california, county of Los Angeles

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# PROOF OF SERVICE

LOPEZ AND ANN SERRANO LOPEZ REQUEST THAT THIS COURT TAKE

SUBPOENAS on the parties named on the attached listing.

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Angeles, California 90071-2901.

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

JUDICIAL NOTICE OF GEORGE LOPEZ'S AND ANN LOPEZ'S MOTION TO QUASH

On February 17, 2005, I served the foregoing RESPONDENTS GEORGE

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CARLSMITH BALL LILP

ATTURNE'S AT LA

4850-1559-0144.1

(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.

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

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

See ServiceList

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.

.aura Nava.

STATE OF CALIFORNIA, COUNTY OF ALAMEDA

### PROOF OF SERVICE

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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.

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On January 19, 2005, I Served The Foregoing GEORGE LOPEZ' AND ANN SERRANO LOPEZ' NOTICE OF MOTION AND MOTION TO QUASH SUBPOENAS; MEMORANDUM OF POINTS AND AUTHORITIES; DECLARATION OF GEORGE LOPEZ IN SUPPORT THEREOF; DECLARATION OF ANN SERRANO LOPEZ IN SUPPORT THEREOF; DECLARATION OF JAMES E. BLANCARTE IN SUPPORT THEREOF; DECLARATION OF ALEJANDRO MENCHACA IN SUPPORT THEREOF, AND [PROPOSED] ORDER

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On The Parties Named On The Attached Listing.

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

> > **MESEREAU & YU** 1875 Century Park East Suite 700

> > > Los Angeles, CA 90067

Thomas William Sneddon Jr 1105 Santa Barbara St

Santa Barbara, CA 93108 805-568-2398

I declare under penalty of perjury under the laws of the State of California that the

Susan Yu (Personal Service)

Executed on January 19, 2005, at Los Angeles, California.

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CARLSWITH BALL LLP

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foregoing is true and correct.

Laura Nava

PROOF OF SERVICE

Service List 1 Personal Service, Mail and Facsimile 2 Susan Yu 3 MESEREAU & YU 1875 Century park East, Suite 700 4 Los Angeles, CA 90067 Fax 310-284-3133 5 Facsimile and Mail Service Only 6 7 Thomas William Sneddon Jr. COLLINS, MESEREAU, REDDOCK & YU 1105 Santa Barbara St. 8 Santa Barbara, CA 93108 Fax 805-568-2398 9 Robert M. Sanger 10 SANGER & SWYSEN 233 east Carrillo Street Suite C 11 Santa Barbara, CA 93101 Fax 805-963-7311 12 13 Brian Oxman OXMAN & JAROSCAK 14126 East Rosecrans 14 Santa Fe Springs, CA 90670 Fax 562-921-2298 15 16 17 18 19 20 21 22 23 24 25 26 27 28 CARLSMITH BALL I, LP ATHUBIED ALLAN HONOLULU PROOF OF SERVICE