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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

Attorneys for
George Lopez and Ann Serrano Lopez

** Unsealed pursuant to
2/11/05 Court order*

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SANTA BARBARA

FILED UNDER SEAL
W. J. Camera

THE PEOPLE OF THE STATE OF
CALIFORNIA,

CASE NO. 1133603

Plaintiff,

RESPONDENTS GEORGE LOPEZ AND
ANN SERRANO LOPEZ REQUEST THAT
THIS COURT TAKE JUDICIAL NOTICE
OF GEORGE LOPEZ'S AND ANN
LOPEZ'S MOTION TO QUASH
SUBPOENAS

v.

MICHAEL JOE JACKSON,

Defendant.

HEARING: _____

TIME: _____

DEPARTMENT: SM 2

JUDGE: Hon. Rodney S. Melville

Respondents George Lopez and Ann Serrano Lopez hereby request that this Court take Judicial Notice of George Lopez's and Ann Lopez's Motion to Quash Subpoenas directing them to appear on January 31, 2005 at the trial of People v. Michael Joseph Jackson, Case No. 113603, the supporting Declarations and exhibits of George Lopez, Ann Serrano Lopez, James E. Blancarte, and Alejandro Menchaca all filed on January 19, 2005.

Respondents also request that this Court take Judicial Notice of the filings of the fact, conclusions of law, and judgment rendered by the Honorable Rodney M. Melville, Judge of the Superior Court of the State of California, County of Santa Barbara, at the January 27, 2005 hearing on George Lopez's and Ann Lopez's Motion to Quash Subpoenas.

Attached to this Notice, marked as Exhibit "A" is the Notice of Motion of George Lopez's and Ann Lopez's Motion to Quash Subpoenas; Memorandum of Points and Authorities;

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: James E. Blancarte
6 James E. Blancarte
7 Attorneys for Respondents
8 George Lopez and Ann Serrano Lopez
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Exhibit “A”

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Attorneys
 George Lopez and Ann Serrano Lopez

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
 COUNTY OF SANTA BARBARA**

THE PEOPLE OF THE STATE OF
 CALIFORNIA,

Plaintiff,

v.

MICHAEL JOE JACKSON,

Defendant.

CASE NO. 1133603

**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**

DATE: _____

TIME: 8:30 AM

JUDGE: HON. RODNEY MELVILLE

TO THE ABOVE- ENTITLED COURT, DEFENDANT MICHAEL JOE JACKSON,
 DEFENSE COUNSEL, AND TO THE DISTRICT ATTORNEY OF SANTA BARBARA
 COUNTY, STATE OF CALIFORNIA:

PLEASE TAKE NOTICE that on _____, in Department SM-2 at 8:30 a.m., or
 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

- 1 (a) Quashing the criminal trial subpoenas in the above captioned matter served on Mr.
2 and Mrs. Lopez on or about December 27, 2004, and
3 (b) an award of reasonable attorney fees and expenses incurred by Mr. And Mrs. Lopez
4 in making this motion.

5 The motions to quash are made under California Code of Civil Procedure § 1987.1 and the
6 Court's authority to quash a subpoena "where the person subpoenaed by the defendant has no
7 personal knowledge relating to the charges against him and cannot offer any relevant testimony."
8 Application of Finn, 54 Cal. 2d 807, 813 (1960), People v. Rhone, 267 Cal. App. 2d 652, 657
9 (1968).

10 In the instant case, George Lopez, and his wife, Ann Serrano Lopez, each lack personal
11 knowledge of the ten (10) criminal charges related to alleged sexual abuse of a minor ("the
12 Charges") pending against Defendant Michael Joe Jackson ("Defendant Jackson"), and can offer
13 no relevant testimony on behalf of Defendant Jackson in the above captioned matter.

14 The motion for reasonable attorney fees and expenses made concurrently herewith is
15 made under California Code of Civil Procedure §1987.2 on the grounds that under the facts,
16 circumstances and legal authorities in this matter, any opposition to the motions to quash would
17 be made in bad faith and without any substantial justification.

18 Dated: January 19, 2005

CARLSMITH BALL LLP

19
20 By: James E. Blancarte
21 James E. Blancarte
22 Attorneys for Defendant
23 George Lopez and Ann Serrano Lopez
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1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I. INTRODUCTION AND FACTUAL BACKGROUND

3 On or about April 21, 2004, Defendant Michael Joe Jackson ("Defendant Jackson") was
4 indicted on ten (10) felony counts (the "Charges") related to alleged sexual abuse of a minor.
5 These Charges include 1 (one) count of conspiracy relating to child abduction, false
6 imprisonment, and extortion, four (4) counts of committing a lewd act upon a child, one (1) count
7 of attempting to commit a lewd act upon a child, and four (4) counts of administering an
8 intoxicating agent to assist in the commission of a felony.

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

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

15 Neither George nor Ann Lopez have any personal knowledge relating to the Charges, and
16 as such, cannot offer any relevant or material testimony on Defendant Jackson's behalf at trial.
17 Declaration of George Lopez ("George Lopez Decl."), ¶ 3 and Declaration of Ann Serrano Lopez
18 ("Ann Lopez Decl."), ¶ 3.

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

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

1 and to allow Ms. Yu the opportunity to voluntarily withdraw the subpoenas without expending
2 the Court's time and resources in hearing motions to quash said subpoenas. Declaration of James
3 E. Blancarte ("Blancarte Decl."), ¶ 5.

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

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

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

1 **II. ARGUMENT**

2 **A. The Subpoenas Should be Quashed Based on the Fact that George Lopez and**
3 **Ann Serrano Lopez Have No Personal Knowledge of the Matters Relating to the**
4 **Charges Against Jackson and Cannot Offer any Relevant Testimony.**

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

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

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

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

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

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

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

18 George Lopez is currently in production of ABC network's weekly TV comedy, "the
19 George Lopez Show". The Show's production schedule is ongoing and runs from the present
20 through, at minimum, the week of March 28, 2005; with a likelihood of being extended into April
21 2005. Lopez Decl. ¶ 5. Compelling George Lopez to appear as a witness at Defendant Jackson's
22 upcoming trial (when he has no relevant testimony to give) will cause significant harm and
23 damage to Mr. Lopez' career commitments and contractual obligations regarding "the George
24 Lopez Show"; a weekly ABC network television show that employs approximately 100 persons
25 with a daily production budget of approximately \$250,000.00 per day, and will be unjustifiably
26 disruptive to the show and its long established and ongoing production schedule causing
27 substantial harm to the producers of the Show, the network, advertisers, and the large number of
28 individuals who's income and likelihood is dependent on the show and its production schedule.

1 individuals who's income and likelihood is dependent on the show and its production schedule. .

2 Lopez Decl., ¶ 6.

3 **C. George Lopez and Ann Serrano Lopez Should Be Awarded Reasonable**

4 **Attorneys' Fees in Making this Motion.**

5 California Code of Civil Procedure § 1987.2 provides, in relevant part that

6 "a court may in its discretion award the amount of the reasonable
7 expenses incurred in making or opposing the motion [to quash]
8 including reasonable attorneys' fees, if the court finds that the
9 motion was opposed...without substantial justification".

10 In this instance, for the reasons set forth above, defense counsel has no justification for
11 compelling the attendance of Mr. and Mrs. Lopez at Defendant Jackson's trial. If Defendant
12 Jackson and his attorneys refuse and otherwise fail to voluntarily withdraw the subpoenas by the
13 date on which the motions to quash are filed, then such failure is for all intents and purposes the
14 same as a bad faith opposition to said motions and Mr. and Mrs. Lopez should be awarded
15 \$4,650.00 in attorneys' fees and costs incurred by Mr. and Mrs. Lopez plus additional attorney's
16 fees and costs, according to proof, for work, if any, required to represent Mr. & Mrs. Lopez at the
17 hearing of said motions to quash.

18 **III. CONCLUSION**

19 Based on the foregoing, it is respectfully requested that the subpoenas served upon George
20 Lopez and Ann Serrano Lopez by Defendant Jackson's attorneys be quashed, and that Mr. and
21 Mrs. Lopez be awarded attorney fees and costs in an amount not less than \$ 4,450.00, plus such
22 additional attorney's fees and costs, incurred after the filing date of the instant motions, according
23 to proof.

24 Dated: January 19, 2005

CARLSMITH BALL LLP

25 By: James E. Blancarte
26 James E. Blancarte
27 Attorneys for George Lopez and Ann
28 Serrano Lopez



Declaration

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 18th
6 day of January, 2005.

7 
8
9 George Lopez



Exhibit "A"

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): Susan Yu, Esq. MESEREAU & YU 1875 Century Park East, Suite 700 Los Angeles, CA 90067 ATTORNEY FOR (Plaintiff) Defendant		TELEPHONE NO: (See Item 3) SBN: 195640	FOR COURT USE ONLY
Insert name of court, judicial district or branch court, if any, and post office and street address: SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA BARBARA, SANTA MARIA BRANCH			
Title of case: People v. Michael Joe Jackson			
SUBPENA (CRIMINAL OR JUVENILE) <input type="checkbox"/> DUCES TECUM		CASE NUMBER: 1133603	

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (NAME):

George Lopez

1. YOU ARE ORDERED TO APPEAR AS A WITNESS in this action at the date, time, and place shown in the box below UNLESS you make a special arrangement with the person named in Item 3:

a. Date: Monday, January 31, 2005	Time: 09:00 a.m.	Dept.: SM-2	DN: <input type="checkbox"/>	Room: <input type="checkbox"/>
b. Address: 312 E. Cook St., Department SM-2, Santa Maria, CA 93454 - Hon. Rodney Melville				

2. AND YOU ARE

- a. ☒ ordered to appear in person.
- b. ☐ not required to appear in person if you produce the records described in the accompanying affidavit and a completed declaration of custodian of records in compliance with Evidence Code sections 1560, 1562, and 1271. (1) Place a copy of the records in an envelope (or other wrapper). Enclose your original declaration with the records. Seal them. (2) Attach a copy of this subpoena to the envelope or write on the envelope the case name and number, your name and date, time, and place from Item 1 (the box above). (3) Place this first envelope in an outer envelope; seal it, and mail it to the clerk of the court at the address in Item 1. (4) Mail a copy of your declaration to the attorney or party shown at the top of this form.
- c. ☐ ordered to appear in person and to produce the records described in the accompanying affidavit. The personal attendance of the custodian or other qualified witness and the production of the original records is required by this subpoena. The procedure authorized by subdivision (b) of section 1560, and sections 1561 and 1562, of the Evidence Code will not be deemed sufficient compliance with this subpoena.
- d. ☐ ordered to make the original business records described in the accompanying affidavit available for inspection at your business address by the attorney's representative and to permit copying at your business address under reasonable conditions during normal business hours.

3. IF YOU HAVE ANY QUESTIONS ABOUT THE TIME OR DATE FOR YOU TO APPEAR, OR IF YOU WANT TO BE CERTAIN THAT YOUR PRESENCE IS REQUIRED, CONTACT THE FOLLOWING PERSON BEFORE THE DATE ON WHICH YOU ARE TO APPEAR:

a. Name:


Susan Yu, Esq.

b. Telephone number:

For Questions - Call Scott Ross (818) 884-8960

4. WITNESS FEES: You may be entitled to witness fees, mileage, or both, in the discretion of the court. Contact the person named in Item 3 AFTER your appearance.

DISOBEDIENCE OF THIS SUBPENA MAY BE PUNISHED BY A FINE, IMPRISONMENT, OR BOTH. A WARRANT MAY ISSUE FOR YOUR ARREST IF YOU FAIL TO APPEAR.

	Date: December 27, 2004	
		(SIGNATURE OF PERSON ISSUING SUBPENA)
		Susan Yu
		(TYPE OR PRINT NAME)
		Attorney for Defendant
		(TITLE)

(See reverse for proof of service)

SUBPENA

(CRIMINAL OR JUVENILE)



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 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 18th day of January, 2005.

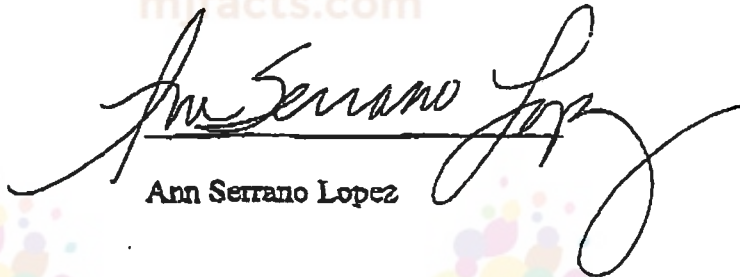

Ann Serrano Lopez



Exhibit "A"

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): Susan Yu, Esq. MESEREAU & YU 1875 Century Park East, Suite 700 Los Angeles, CA 90067 ATTORNEY FOR (Name): Defendant		TELEPHONE NO: (See Item 3) SBN: 195640	FOR COURT USE ONLY
Typed name of court, judicial district or branch court, if any, and post office and street address: SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA BARBARA, SANTA MARIA BRANCH			
Title of case: People v. Michael Joe Jackson			
SUBPENA (CRIMINAL OR JUVENILE) <input type="checkbox"/> DUCES TECUM		CASE NUMBER: 1133603	

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (NAME):

ANA SERRANO LOPEZ

1. YOU ARE ORDERED TO APPEAR AS A WITNESS in this action at the date, time, and place shown in the box below UNLESS you make a special arrangement with the person named in Item 2:

a. Date: Monday, January 31, 2005	Time: 09:00 a.m.	Day: SM-2	Div.: <input type="checkbox"/>	Room: <input type="checkbox"/>
b. Address: 312 E. Cook St., Department SM-2, Santa Maria, CA 93454 - Hon. Rodney Melville				

2. AND YOU ARE

- a. ☒ ordered to appear in person.
- b. ☐ not required to appear in person if you produce the records described in the accompanying affidavit and a completed declaration of custodian of records in compliance with Evidence Code sections 1560, 1562, and 1271. (1) Place a copy of the records in an envelope (or other wrapper). Enclose your original declaration with the records. Seal them. (2) Attach a copy of this subpoena to the envelope or write on the envelope the case name and number, your name and date, time, and place from Item 1 (the box above). (3) Place this first envelope in an outer envelope; seal it, and mail it to the clerk of the court at the address in Item 1. (4) Mail a copy of your declaration to the attorney or party shown at the top of this form.
- c. ☐ ordered to appear in person and to produce the records described in the accompanying affidavit. The personal attendance of the custodian or other qualified witness and the production of the original records is required by this subpoena. The procedure authorized by subdivision (b) of section 1560, and sections 1561 and 1562, of the Evidence Code will not be deemed sufficient compliance with this subpoena.
- d. ☐ ordered to make the original business records described in the accompanying affidavit available for inspection at your business address by the attorney's representative and to permit copying at your business address under reasonable conditions during normal business hours.

3. IF YOU HAVE ANY QUESTIONS ABOUT THE TIME OR DATE FOR YOU TO APPEAR, OR IF YOU WANT TO BE CERTAIN THAT YOUR PRESENCE IS REQUIRED, CONTACT THE FOLLOWING PERSON BEFORE THE DATE ON WHICH YOU ARE TO APPEAR:

a. Name:


Susan Yu, Esq.

b. Telephone number:

For Questions - Call Scott Ross (818) 884-8960

4. WITNESS FEES: You may be entitled to witness fees, mileage, or both, in the discretion of this court. Contact the person named in Item 3 AFTER your appearance.

DISOBEDIENCE OF THIS SUBPENA MAY BE PUNISHED BY A FINE, IMPRISONMENT, OR BOTH. A WARRANT MAY ISSUE FOR YOUR ARREST IF YOU FAIL TO APPEAR.

	Date: December 27, 2004	 (SIGNATURE OF PERSON ISSUING SUBPENA)
		Susan Yu (TYPE OR PRINT NAME)
		Attorney for Defendant (TITLE)
	(See reverse for proof of service)	



Declaration

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. 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 People v. Michael Joe Jackson, 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,

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

4 7. Mr. Ross responded by stating, "We don't really know if they (George and Ann
5 Lopez) know anything. We've heard that they were involved in a fundraiser for the minor
6 [victim]". I then asked Mr. Ross what relevance that had to the charges pending against
7 Defendant Jackson's. Mr. Ross stated that at trial Defendant Jackson's lawyers "plan to question
8 Mr. and Mrs. Lopez regarding how they got involved in the fundraiser; how much money was
9 raised, and how the money was spent".

10 8. Mr. Ross further indicated that this line of questioning was part of defense
11 counsel's theory that the mother [of the minor/ victim] "is only out for money. So, Mr. Lopez's
12 Mr. Lopez's involvement is a fundraiser is something we [Defendant Jackson's defense team]
13 want to know more about."

14 9. I closed the conversation with Mr. Ross by asking him to convey to attorney Yu
15 my representations that neither George Lopez, nor his wife Ann Serrano Lopez, have personal
16 knowledge regarding the Charges pending against Michael Jackson, and can offer no relevant
17 testimony on his behalf at trial.

18 10. On or about the afternoon of January 14, 2005, I drafted and attempted to send to
19 attorney Yu a letter confirming that Mr. and Mrs. Lopez have no personal knowledge regarding
20 the Charges pending against Defendant Jackson, and can offer no relevant testimony regarding
21 same. When I finished the letter I called attorney Yu's telephone number to obtain her fax
22 number. Attorney Yu's office was closed. I was not able to find a current fax number for attorney
23 Yu in Parker's Directory, or on the California State Bar web-site. Attorney Yu's fax number was
24 not provided on the copy of the subpoenas she caused to be served on Mr. and Mrs. Lopcz, so I
25 faxed a copy of the letter to attorney Yu's investigator Mr. Scott Ross at the fax number set forth
26
27
28

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

4 11. On or about January 18, 2005, I again called attorney Yu's law office to ask that
5 she and her law office voluntarily withdraw the criminal trial subpoenas she caused to be served
6 on Mr. and Mrs. Lopez regarding Defendant Jackson's case, to confirm to her Mr. and Mrs.
7 Lopez' lack of personal knowledge relating to the Charges pending against Defendant Jackson,
8 and to further confirm that George Lopez and his wife Ann have never participated in a fundraiser
9 for the minor victim in Defendant Jackson's case. I was told that attorney Yu was not available
10 so I left her a voicemail message regarding the above representations, and regarding my request
11 that she voluntarily withdraw the criminal trial subpoenas she caused to be served on Mr. and
12 Mrs. Lopez.
13

14 12. Thereafter, I drafted, faxed, and messengered a letter to attorney Yu confirming
15 the above referenced representation and renewing my request that she and her law offices
16 voluntarily withdraw the above referenced subpoenas.
17

18 13. On the morning of Wednesday, January 19, 2005, I received a telephone call from
19 Bryan Oxman, who identified himself as "one of Michael Jackson's attorneys". Mr. Oxman said
20 he was returning my call on behalf of attorney, Yu. I reiterated to Mr. Oxman that Mr. and Mrs.
21 Lopez have no personal knowledge related to any of the Charges pending against his client,
22 Defendant Jackson. I also confirmed to Mr. Oxman that neither George Lopez, or his wife Ann
23 have participated in a fundraiser for the minor, alleged victim in Defendant Jackson's case.
24

25 14. Based on these facts, I asked that defense counsel for Defendant Jackson
26 voluntarily withdraw the criminal trial witness subpoena they caused to be served on Mr. and
27 Mrs. Lopez on or about December 27, 2004. Mr. Oxman did not agree to withdraw the subpoena,
28

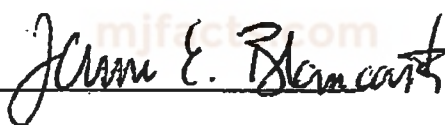
1 stating he would "get back to me" later in the day. I advised Mr. Oxman that absent the
2 withdrawal of the subpoena I was proceeding with the filing of the instant motions to quash.

3 15. As of the time the instant motions were filed on the afternoon of Wednesday,
4 January 19, 2005, I had not received any further communication from any of Defendant Jackson's
5 attorneys, and the subject subpoenas had not been withdrawn by counsel for Defendant Jackson.

6 16. As of Tuesday, January 18, 2005, I have spent seven (7) hours in preparation and
7 filing of the instant motions, including, without limitation, legal research, interviews with George
8 Lopez and his wife Ann Serrano Lopez; interviews with the manager for George Lopez regarding
9 Mr. Lopez' career commitments and contractual obligations (during the time period in which
10 Defendant Jackson seeks to compel Mr. Lopez' attendance at his trial); supervising and
11 reviewing legal research and drafting by my associate, Alejandro Menchaca; reviewing and
12 amending drafts of the subject motions; preparing declarations in support of said motions,
13 drafting correspondence to attorneys for Defendant Jackson, and engaging in various telephone
14 conferences with all the above referenced individuals, including, without limitation counsel and
15 private investigators for Defendant Michael Jackson, all with regard to the criminal subpoenas
16 which attorney Yu caused to served on my clients, George Lopez and Ann Serrano Lopez, on or
17 about December 27, 2004.
18
19
20

21 17. My current billing rate is \$350, per hour. In addition, as of the time of the filing of
22 the instant Motions to Quash, my associate, Alejandro Menchaca has spent approximately Twelve
23 (12) hours in the research, preparation and filing of the Motions to Quash. Mr. Menchaca's
24 hourly billing rate is \$ 200 an hour. Based on these facts, as of the time of the filing if the instant
25 motion to quash, George and Ann Serrano Lopez have incurred approximately \$4,650.00 in
26 attorneys fees and costs regarding the instant motion to quash.
27
28

1 I declare under penalty of perjury under the laws of the State of California that the
2 foregoing is true and correct, and that this Declaration was executed on this 18th day of January,
3 2005.

4 

5 James E. Blancarte
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Exhibit "A"



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

JBLANCARTE@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 People vs. Rhone 267 Cal. App. 652, 73 Cal. Rptr. 63 (1968), citing In re Finn 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 Mr. and Mrs. George Lopez.

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.

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)

Declaration



1 **DECLARATION OF ALEJANDRO MENCHACA**

2 I, Alejandro Menchaca, declare as follows:

3 1. I am an associate at the law firm of Carlsmith Ball, LLP, attorneys of record for
4 George and Ann Lopez, I have personal knowledge of the facts set forth herein, and if called as a
5 witness could and would testify competently thereto.

6 2. As of the time of the filing of the instant motions, I have spent approximately
7 twelve (12) hours researching applicable case law and authority, as well as drafting, revising,
8 editing and filing the instant Motions to Quash and Supporting Declarations, My billing rate is
9 \$ 200.00 an hour.

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

12 

13 _____
14 Alejandro Menchaca

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 REQUEST THAT THIS COURT TAKE JUDICIAL NOTICE OF GEORGE LOPEZ'S AND ANN LOPEZ'S MOTION TO QUASH SUBPOENAS** 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.

☒ (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.



Laura Nava.

STATE OF CALIFORNIA, COUNTY OF ALAMEDA

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 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**

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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(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).

Susan Yu (Personal Service)
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 foregoing is true and correct.

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



Laura Nava

Service List

Personal Service, Mail and Facsimile

Susan Yu
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