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11 Attorneys for Defendant
12 **MICHAEL JOSEPH JACKSON**

13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
14 **FOR THE COUNTY OF SANTA BARBARA, COOK DIVISION**

16 **THE PEOPLE OF THE STATE OF**
17 **CALIFORNIA,**

18 Plaintiffs,

19 vs.

20 **MICHAEL JOSEPH JACKSON,**

21 Defendant.

Case No. 1133603

**MR. JACKSON'S NOTICE OF MOTION
AND MOTION TO DISMISS AND
MOTION TO PERMIT BROADCAST
RESPONSE**

Honorable Rodney S. Melville

Date: ~~March 7, 2005~~

Time: 8:30 p.m.

Dept: SM 2

26 **TO THE CLERK OF THE ABOVE ENTITLED COURT:**

27 Please take notice that on ~~March 7, 2005~~, at 8:30 a.m., or as soon thereafter as the matter can
28 be heard, in Department SM-2 of the Santa Barbara Superior Court located at 312 East Cook Street,

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MR. JACKSON'S NOTICE OF MOTION AND MOTION TO DISMISS & PERMIT BROADCAST RESPONSE

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA BARBARA

FEB 23 2005

GARY M. SLAIR, Executive Officer
BY *Carrie L. Wagner*
CARRIE L. WAGNER, Deputy Clerk

1 Santa Barbara, California 92454, before the Honorable Rodney S. Melville, Mr. Michael Jackson,
2 through his counsel, will and hereby does move the court to dismiss the above-entitled action and
3 moves to permit a Broadcast Response. Mr. Jackson makes this motion on the following grounds:

4 (1) The Court's modification of the January 23, 2004, Protective Order to permit Witness Martin
5 Bashir to engage in an irrational and fraudulent attack on Mr. Jackson in several nationally broadcast
6 television programs constituted an invidious discrimination against and destruction of Mr. Jackson's rights
7 to a fair trial;

8 (2) Mr. Jackson sustained irreparable injury because the Court sanctioned and approved through the
9 modification of its "gag order" a witness to attack Mr. Jackson while Mr. Jackson was forced to sit silent
10 and "gagged" thereby creating the appearance of impropriety, favoritism, and a violation of civil rights that
11 cannot be erased by any remedial efforts;

12 (3) The case against Mr. Jackson should be dismissed because the Court's modification of the
13 Protective Order violated Mr. Jackson's rights to a fair trial, and Mr. Jackson should be permitted to
14 respond in a national broadcast with equal time and under the same terms and conditions that Witness
15 Bashir was permitted to defame Mr. Jackson.

16 This Motion will be based on this Notice of Motion and Motion, the accompanying
17 Memorandum, the Declaration of Brian Oxman, and all the records, papers and other pleadings on
18 file with the court.

19 Dated: February 23, 2005


Respectfully submitted,

20 COLLINS, MESEREAU, REDDOCK & YU
21 Thomas A. Mesereau, Jr.
Susan C. Yu

22 SANGER & SWYSEN
23 Robert M. Sanger

24 OXMAN & JAROSCAK
25 Brian Oxman

26 By:


27 R. Brian Oxman
Attorneys for Defendant
MICHAEL JOSEPH JACKSON