APR 2 6 2005

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

THOMAS W. SNEDDON, JR., DISTRICT ATTORNEY
County of Santa Barbara
By: RONALD J. ZONEN (State Bar No. 85094)
Senior Deputy District Attorney
J. GORDON AUCHINCLOSS (State Bar No. 150251)
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Telephone: (805) 568-2300
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V.

MICHAEL JOE JACKSON.

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA DIVISION

THE PEOPLE OF THE STATE OF CALIFORNIA, No. 1133603

Plaintiff, PLAINTIFF'S

PLAINTIFF'S MOTION FOR ORDER DIRECTING WITNESS TO DEBBIE ROWE TO TESTIFY FULLY AS TO RELEVANT MATTERS NOTWITIISTANDING CONTRACTUAL AGREEMENT WITH DEFENDANT THAT CERTAIN MATTERS ARE CONFIDENTIAL

DATE: Not Set TIME: Not Set

DEPT: TBA (Melville)

TO: THE CLERK OF THE SUPERIOR COURT AND TO DEFENDANT AND HIS COUNSEL:

Defendant.

PLEASE TAKE NOTICE that as soon as the matter may be heard, Plaintiff will move the court for its order directing Debbie Rowe, to be called as a witness by Plaintiff, to answer all questions put to her on direct examination and on cross-examination to which objection is not made or to which an objection has been overruled, notwithstanding any contractual agreement to which she is a party that may require her to keep certain aspects of her relationship with Defendant confidential.

PLAINTIFF'S MOTION FOR ORDER DIRECTING WITNESS DEBBIE ROWE TO TESTIFY FULLY

LOCATION: 8055601077

NOTWITHSTANDING AGREEMENT MAKING CERTAIN MATTERS CONFIDENTIAL RX TIME 04/26 '05 09:25

RX TIME

04/26 '05 09:25

LOCATION:8055601077

I, Ronald Zonen, say:

1. I am a lawyer admitted to practice in all the courts of this State. I am employed as a deputy of the District Attorney of Santa Barbara County. I am one of the lawyers for Plaintiff in the above-captioned matter.

- 2. Debbie Rowe is a former wife of Defendant, and the biological mother of two children born during her marriage to Defendant.. She has been subpoensed as a witness for Plaintiff.
- 3. I am informed by Ms. Rowe that she entered into a contract with Defendant in connection with her marriage to him that obliges her to maintain the confidentiality of certain information gained by her by reason of her relationship with Defendant. She expressed her concern that certain of the matters upon which she may be asked to testify come within the confidentiality provisions of her agreement with Defendant. I am informed that she will refuse to testify to such matters if and when asked about them unless ordered to do so by the Court. I am informed that Ms. Rowe will testify fully as to such matters if so ordered by the Court.
- 4. I believe that to the extent Ms. Rowe's agreement with Defendant could be construed to require that she maintain in confidence information that is relevant to the prosecution of the above-captioned matter, that contractual provision is contrary to public policy.
- 5. I therefore respectfully request that the Court order Ms. Rowe to answer all questions put to her by counsel for Plaintiff or Defendant as to which no objection is made by counsel or concerning which any objection by counsel is overruled.

I declare under penalty of perjury that the foregoing is true, except as to matters stated upon my information and belief, and as to such matters, I believe it to be true. I execute this Declaration at Santa Maria, California on April ______, 2005.

RONALD ZONEN

PLAINTIFF'S MOTION FOR ORDER DIRECTING WITNESS DEBBIE ROWE TO TESTIFY FULLY
NOTWITHSTANDING AGREEMENT MAKING CERTAIN MATTERS CONFIDENTIAL
LDCATION: 8055601077 RX TIME 04/26 '05 09:25

A CONTRACT EXPRESSLY PROVIDING THAT A PARTY THERETO WILL CONCEAL FROM THE COURT A FACT HE OR SHE HAS A DUTY TO MAKE KNOWN TO THE COURT IS CONTRARY TO PUBLIC POLICY AND VOID. A CONTRACT THAT PROVIDES THAT A PARTY WHO IS LATER CALLED AS A WITNESS AGAINST ANOTHER PARTY IN A CRIMINAL PROCEEDING SHALL NOT DISCLOSE MATTERS THAT ARE RELEVANT TO THE ISSUES IN THAT PROCEEDING STANDS ON NO FIRMER FOOTING.

A contract in which a party to it agrees to conceal a fact that party has a duty to disclose to the court is against public policy and is unenforceable. (See Williamson v. Superior Court (1978) 21 Cal.3d 829, 837, citing Valentine v. Stewart (1860) 15 Cal. 387, 404.)

There may be nothing illegal, per se, about an agreement between a celebrity and his espoused that obliges the parties to keep confidential personal information gained by either in the course of that relationship, on the sensible theory that, e.g., the National Inquirer ought not to be made privy to pillow talk. But to the extent that agreement might be read as preventing either party from giving relevant evidence in the course of a criminal trial, the attempted enforcement of that confidentiality agreement – either at the trial itself, or in a later action for breach of the agreement – would be contrary to public policy.

Ms. Rowe is right to disclose her concern about the inhibiting effect of her agreement with Michael Jackson on her ability to testify fully and truthfully in response to questions concerning matters the Court deems pertinent to the issues framed by the pending prosecution. Plaintiff respectfully requests that the Court order Ms. Rowe to testify truthfully and responsively to questions put to her by counsel for Plaintiff and Defendant without regard to any agreement she may have made to hold such information in confidence.

PLAINTIFF'S MOTION FOR ORDER DIRECTING WITNESS DEBBIE ROWE TO TESTIFY FULLY NOTWITHSTANDING AGREEMENT MAKING CERTAIN MATTERS CONFIDENTIAL

LOCATION:8055601077

RX TIME 04/28 '05 09:25

PLAINTIFF'S MOTION FOR ORDER DIRECTING WITNESS DEBBIE ROWE TO TESTIFY FULLY NOTWITHSTANDING AGREEMENT MAKING CERTAIN MATTERS CONFIDENTIAL RX TIME 04/26 '05 09:25

PROOF OF SERVICE

SS

STATE OF CALIFORNIA

COUNTY OF SANTA BARBARA)

I am a citizen of the United States and a resident of the County aforesaid; I am over

the age of eighteen years and I am not a party to the within-entitled action. My business address is: District Attorney's Office; Courthouse; 1112 Santa Barbara Street, Santa Barbara. California 93101.

On April 26, 2005, I served the within PLAINTIFF'S MOTION FOR ORDER DIRECTING WITNESS DEBBIE ROWE TO TESTIFY FULLY, ETC. on Defendant. by THOMAS A. MESEREAU. JR. and ROBERT SANGER, by personally delivering a copy to counsel in open court. I declare under penalty of perjury that the foregoing is true and correct.

Executed at Santa Maria. California on this 26th day of April, 2005.

To Joseph

mjfacts.com

mifacts.com

ilijiacts.com

SERVICE LIST THOMAS A. MESEREAU, JR. Collins, Mesereau, Reddock & Yu, LLP 1875 Century Park East, No. 700 Los Angeles, CA 90067 FAX: [CONFIDENTIAL] Attorney for Defendant Michael Jackson б ROBERT SANGER, ESQ. Sanger & Swysen, Lawyers 233 E. Carrillo Street, Suite C Santa Barbara, CA 93001 FAX: (805) 963-7311 Co-counsel for Defendant

PLAINTIFF'S MOTION FOR ORDER DIRECTING WITNESS DEBBIE ROWE TO TESTIFY FULLY NOTWITHSTANDING AGREEMENT MAKING CERTAIN MATTERS CONFIDENTIAL

LOCATION: 8055601077

RX TIME 04/26 105 09:25