

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA BARBARA STREET ADDRESS: 312-C East Cook Street MAILING ADDRESS: P.O. Box 5369 CITY AND ZIP CODE: Santa Maria, CA 93456-5369 BRANCH NAME: Cook Division	FOR COURT USE ONLY FILED SUPERIOR COURT OF CALIFORNIA COUNTY OF SANTA BARBARA SEP 07 2004 CARY L. BLAIR, Executive Officer BY: <i>[Signature]</i> CARY L. BLAIR, Executive Officer
People of the State of California v. Michael Joe Jackson	CASE NUMBER: 1133603
FINDINGS AND ORDER RE OPPOSITION TO MOTION TO QUASH CERTAIN SUBPOENAS AND ORDER FOR RELEASE OF RELEASE OF REDACTED DOCUMENT	

On July 26, 2004, Defendant filed his Opposition to the Motion to Quash Certain Subpoenas under conditional seal. The Court makes the following findings:

This document in its unredacted form identifies potential witnesses and specifies items of evidence the admissibility of which has yet to be determined by the Court and provides the identity of the minor complaining witness or his family. It specifically identifies potential witnesses by name.

In this case, protection of the Defendant's right to a fair trial and protection of the identity of the minor complaining witness and his family overcomes the right of public access to the record. A substantial probability exists that those interests will be prejudiced if the record is not sealed as requested. The intensity of the media coverage in this case is unprecedented. Each court hearing is thoroughly reported and exhaustively analyzed by the media. It is substantially probable that if the evidence expected to be given at trial were to be released pretrial, it would be similarly reported and analyzed. The sealing order is necessary to maintain the integrity of the available jury pool by limiting its exposure to the expected evidence and testimony pretrial and to prevent exposure to inadmissible items of evidence. The Court has consistently held that because of the pervasive media coverage in this case, the Defendant's right to a fair trial outweighs public access. Those findings are relevant here and incorporated by reference. [See Findings and Order re: Motion for Protective Order, filed January 23, 2004 and Findings and Order re: Sealing of Search Warrant Materials, filed January 23, 2004]

There are no less restrictive means to protect those interests. The extraordinary circumstances present in this case overcome the presumption that cautionary admonitions and instructions to the jury pool would have a curative effect. It is far more desirable to avoid the prejudice in the first instance than to hope to identify unaffected jurors later.

The Court acknowledges that its order must be narrowly tailored to accommodate the maximum public disclosure. The document should be released and placed in the public file in the redacted form attached to these findings.

Dated: SEP 07 2004

[Signature]
 Judge of the Superior Court
 RODNEY S. MELVILLE

COPY

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25 SUPERIOR COURT OF THE STATE OF CALIFORNIA
26 FOR THE COUNTY OF SANTA BARBARA, COOK DIVISION

27 THE PEOPLE OF THE STATE OF
28 CALIFORNIA,

Plaintiffs,

vs.

MICHAEL JOSEPH JACKSON,
Defendant.

) Case No. 1133603

) OPPOSITION TO PLAINTIFF'S MOTION
) TO QUASH SUBPOENAS ISSUED TO

) [REDACTED] WILLIAM
) DICKERMAN AND STAN KATZ;
) MEMORANDUM OF POINTS AND
) AUTHORITIES; DECLARATIONS OF
) ROBERT M. SANGER, TIFFANY
) PAVELIC AND MICHAEL VOLARICH

) UNDER SEAL

) Honorable Rodney Melville

) Date: July 27, 2004

) Time: 8:30 am.

) Dept: SM 2

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA BARBARA

JUL 26 2004

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

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I.

3 THE COURT HAS THE INHERENT POWER TO HOLD HEARINGS AND ISSUE
4 ORDERS REGARDING PROPERTY SEIZED FROM A CRIMINAL SUSPECT
5 PURSUANT TO A SEARCH WARRANT

6 A. The Court Should Strike the Opposition for the District Attorney and Grant Mr.
7 Jackson's Motion to Suppress.

8 The District Attorney opposed Mr. Jackson's Motion to Suppress with an Opposition that
9 is not supported by a factual declaration regarding the knowledge or imputed knowledge of the
10 District Attorney or law enforcement on the critical issue before the Court. In the Opposition,
11 they say, "[i]t was not known that Mr. Miller was employed by a lawyer retained by defendant
12 when the search was initiated." (Plaintiff's Opposition at 2:18-20.) However, there is no
13 declaration or other factual basis submitted to support this bald statement of purported fact.
14 Therefore, without a declaration, the bald allegation is of no legal effect

15 Mr. Jackson, on the other hand, submitted a declaration asserting the factual basis for the
16 assertion that the District Attorney and law enforcement did know or reasonably should have
17 known that Mr. Miller was a private investigator working for Mr. Jackson's attorney, Mark
18 Geragos. That declaration has not been opposed by any other declaration or offer of proof.

19 If there were to be no evidentiary hearing, Mr. Jackson would therefore prevail on the
20 papers filed. The Court would properly conclude that the District Attorney and law enforcement
21 knew or reasonable should have known of the relationship between Mr. Miller and Mr. Jackson's
22 defense.

23 B. Evidence Code Sections 402 and 405 Authorize the Court to Hold a Hearing to
24 Determine a Preliminary Fact in Dispute.

25
26 ¹ Furthermore, in open Court on July 9, 2004, the District Attorney, Tom Sneddon,
27 specifically told the Court that the factual allegation in the Opposition was not correct. It was
28 unclear as to exactly what he maintained the correct statement of fact to be and he said he was
willing to testify at a future hearing to his knowledge.

OPPOSITION TO PLAINTIFF'S MOTION TO QUASH SUBPOENAS ISSUED TO [REDACTED]
WILLIAM DICKERMAN AND STAN KATZ

1 If the Court finds that factual dispute exists in this motion because the prosecution has
2 denied, without a supporting declaration, that the District Attorney knew at the time of the search
3 that Bradley Miller was an investigator hired by Mr. Jackson's attorney, Mark Geragos, then it
4 should hold a hearing pursuant to Evidence Code Section 402 and 405. Those sections require
5 that the Court determine the preliminary fact in dispute. If the Court is not inclined to determine
6 the issue by striking the prosecution's Opposition, then it is proper to proceed to an evidentiary
7 hearing on the preliminary fact.

8 C. The Court Has The Power to Conduct Proceedings and Suppress Seized Property
9 Based on a Motion Made on Sixth Amendment Grounds.

10 The District Attorney asserts that "[t]here are no 'non-statutory' grounds for suppressing
11 evidence in a criminal case." (Plaintiff's Motion to Quash, 8:16-17.) This is simply false. In
12 *People v. Superior Court (Laff)* (2001) 25 Cal. 4th 703, the Supreme Court of California held
13 (emphasis added):

14 Law enforcement officials who seize property pursuant to a warrant issued by the
15 court do so on behalf of the court, which has authority pursuant to Penal Code
16 Section 1536 to control the disposition of the property. (*People v. Superior Court*
17 (1972) 28 Cal.App. 3d 600, 607-608 [104 Cal. Rptr. 876].) This authority also
18 arises from the court's inherent power to control and prevent the abuse of its
19 process. (*Id.* at p. 607; *Ensoniq Corp. v. Superior Court* (1998) 65 Cal.App. 4th
1537, 1547 [77 Cal. Rptr. 2d 507].) Thus, even in the absence of statutory
20 authorization, the superior court possesses the inherent power to conduct
21 proceedings and issue orders regarding property seized from a criminal
22 suspect pursuant to a warrant issued by the court.

20 While the actions taken by the government in the present case are much more egregious
21 than the actions of the government in *Laff*, where the issue was whether seized materials were
22 privileged, rather than an invasion of the defense function, the holding of *Laff* is applicable here.

23 It is a non-sequitur to suggest that this Court does not have the authority to suppress the
24 materials seized from Brad Miller's office on the grounds that Mr. Jackson's Sixth and
25 Fourteenth Amendment rights were violated, but that it does have the authority to dismiss the
26 case on those same grounds. Dismissal may be the only relief that is adequate to address the
27 government's unconstitutional intrusion into the defense function, however, in the interim, the
28

1 government must not be allowed to benefit from the fruits of this illegal intrusion.

2 II.

3 THE ISSUE OF WHETHER JULY 27, 2004 IS AN INCONVENIENT DATE FOR THE
4 WITNESSES IS MOOT

5 It is understandable that certain witnesses may be unable to testify on July 27, 2004, due
6 to religious observances, vacation plans or pregnancy.² However, the Court has continued the
7 hearing until August 16, 2004, and the issues regarding that date are now moot. These witnesses
8 should remain under court order to appear on August 16, 2004. To the extent that any witness
9 needs a continuance beyond August 16, 2004, that witness can make a showing, presumably
10 through their own counsel. Inconvenience, however, that is not a ground to quash the subpoena
11 it is only grounds for continuance or other arrangements within the discretion of the Court.

12 III.

13 THE WITNESSES WERE PROPERLY SUBPOENAED PURSUANT TO PENAL CODE
14 SECTION 1330

15 A. The Witnesses Reside Within 150 Miles of the Courthouse.

16 The witnesses reside well within the 150 mile limit of Penal Code Section 1330. The
17 Court can take judicial notice that the address of the witnesses are within a 150 mile radius of the
18 Santa Maria Courthouse. In addition, the use of a ruler and a commercially available map show
19 that the distance is approximately 120 miles. (Declaration of Robert M. Sanger at ¶ 4.) This
20 comports with the plain language of the statute.

21 Penal Code Section 1330 states "[n]o person is obliged to attend as a witness before a
22 court or magistrate out of the county where the witness resides, or is served with the subpoena.

23
24 ² The fact that it may be inconvenient for certain witnesses to testify on a particular day
25 or the issue of whether the witnesses reside within 150 miles of the courthouse are matters to be
26 raised by the witnesses, not the District Attorney of Santa Barbara County. At least two, and
27 probably all, of these witnesses have counsel, and at least one of them is an attorney himself.
28 The District Attorney does not have standing to advocate on matters of convenience or distance
from the courthouse. The District Attorney should be interested in seeing this matter fully
examined by the Court and should not take a position on behalf of a witness subpoenaed by Mr.
Jackson simply for the purpose of interfering with the defense of his case.

1 unless the distance be less than 150 miles from his or her place of residence to the place of trial."
2 There is no mention of driving distance. The plain language does not allow for an interpretation
3 that the statute is concerned with anything other than actual mileage which is represented by a
4 150 mile radius from the Courthouse..

5 The prosecution provides this Court with no authority that permits "driving distance" as
6 opposed to "map radius distance"³ and it does not appear that there is any such authority in light
7 of the plain language of the statute. Federal authority supports the same conclusion. In *Deloro*
8 *Smelting & Refining Co. v. Engelhard Minerals & Chemicals Corp.* 313 F. Supp. 470, 474 (N.D.
9 Cal. 1970), the court state the 100 mile limitation that permits service of summons outside the
10 state is measured "as the crow flies" rather than by road miles. (1 W. Schwartzner, W. Tashima
11 & J. Wagstaff, Cal. Practice Guide, Federal Civil Procedure Before Trial, sec. 5:24.18 (2003).)

12 **B. The Witnesses Do Not Reside More Than 150 Miles Away From the Courthouse**
13 **Even By Highway.**

14 The prosecution states that [REDACTED] resides 151.39 miles from the court (Plaintiff's
15 Motion to Quash, 12:4-6), and Attorney Dickerman resides 154.72 miles from the court
16 (Plaintiff's Motion to Quash, 11:26-12:3.) However, the prosecution has chosen to use an on-
17 line calculator, Map Quest, without providing a foundation for the information. It turns out, that
18 the prosecution used the procedure for calculating distance by requesting the "quickest route"
19 rather than the "shortest route."

20 Using the shortest route, even by highway mileage, the witnesses reside within 150 miles
21 of the courthouse. The "shortest route" distance from [REDACTED] residence to the Santa
22 Maria Court House is 148.6 miles driving distance and the driving distance between Attorney
23 Dickerman and the Santa Maria Court House is 149.3 miles. (Declaration of Robert M. Sanger at
24 _____)

25 ³ The purpose of the 150 mileage limitations in discovery statutes was to conform to the
26 Legislature's view of the "long-established practice of limiting the territorial scope of the powers
27 of a court to compel the attendance of witnesses." *Twin Lock, Inc. v. Superior Court*, 52 Cal. 2d
28 754, 759 (1959) (limitation of miles for witnesses to attend court is a territorial limitation of a
subpoenaing party's power and a limitation on the court's powers, not a travel restriction). The
limitation is territorial in nature, not a driving mileage restriction.

1 ¶ 3.) The prosecution is incorrect in its claims.*

2 C. If for Some Reason, the Court Finds it Necessary to Endorse the Subpoenas, Good
3 Cause Appears.

4 Mr. Jackson has demonstrated good cause to show that he believes that the evidence of
5 the witnesses is material and that the attendance of the witnesses at the hearing is material and
6 necessary. (Declaration of Robert M. Sanger at ¶ 2.)

7 IV.

8 THE SUBPOENAS WERE PROPERLY SERVED

9 The attached declarations of Michael Volarich and Tiffany Pavelic demonstrate proper
10 service on [REDACTED] and William Dickerman. Furthermore, the witnesses, through the office
11 of the District Attorney, agreed to appear on August 16, 2004, in order to avoid being required to
12 appear on July 27, 2004.

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25 * Attorney Dickerman has refused to inform the court of his residence. The burden of
26 proving where a witness resides is on the witness and is a factual question for the court. *In re*
27 *Morelli*, 11 Cal. App. 3d 819, 831 (1970). The only address disclosed by Attorney Dickerman is
his office located at 11355 W. Olympic Blvd., Los Angeles, CA 90064. The court should take
judicial notice that most areas postal zone [REDACTED] where Attorney Dickerman claims he resides
are well within the 150 miles driving distance from the court.

28
OPPOSITION TO PLAINTIFF'S MOTION TO QUASH SUBPOENAS ISSUED TO [REDACTED]
WILLIAM DICKERMAN AND STAN KATZ

V.

CONCLUSION

For all of the foregoing reasons, the government's request to quash the subpoenas should be denied and the Court should either strike the prosecution's Opposition to the Motion to Suppress or conduct an evidentiary hearing into the preliminary facts pursuant to Evidence Code Sections 402 and 405.

Dated: July 26, 2004

Respectfully submitted,

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

KATTEN MUCHIN ZAVIS ROSENMAN
Steve Cochran
Stacey McKee Knight

SANGER & SWYSEN
Robert M. Sanger

OXMAN & JAROSCAK
Brian Oxman

By: 

Robert M. Sanger
Attorneys for
MICHAEL JOE JACKSON

DECLARATION OF ROBERT M. SANGER

I, Robert M. Sanger, declare:

1. I am an attorney at law duly licensed to practice law in the courts of the State of California, a partner in the law firm of Sanger & Swyson, and co-counsel for Michael Jackson.
2. I believe that the evidence that will be provided by [REDACTED] and William Dickerman is material to the issues of the knowledge or imputed knowledge of the District Attorney and law enforcement at or before the time that the search warrant for Brad Miller's office was executed, and that the attendance of these witnesses at the hearing on that issue is material and necessary.
3. The residence of [REDACTED] and the office of William Dickerman are within 150 miles of the Santa Maria courthouse. While the fastest driving time route to the courthouse may be a distance of more than 150 miles, the shortest driving route is less than 150 miles from the courthouse. Using www.mapsonus.com, I calculated the shortest highway route between [REDACTED] residence and the courthouse is 148.6 miles. The shortest highway distance between William Dickerman's office is 149.3 miles. Printouts of these calculations are attached to this Declaration.
4. Using a map of California and a ruler, I calculated that Santa Maria Courthouse is approximately 120 miles from West Los Angeles.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct this 26th day of July, 2004, at Santa Barbara, California.


Robert M. Sanger



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com



[PRINTOUTS REDACTED]



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mjfacts.com



mjfacts.com



mjfacts.com



mjfacts.com

DECLARATION OF MICHAEL VOLARICH

I, Michael Volarich, declare and say:

1. I am an employee of Loffredo & Volarich, Investigative Specialists, located at 141 South Lake Avenue, Suite 140, Pasadena, California 91101. I have been so employed since 1981.

2. On Saturday, July 17, 2004, I was contacted by Bill Pavelic and retained to effect service of a witness subpoena in the matter of The People of the State of California vs. Michael Joseph Jackson, Santa Barbara County Superior Court Case # 1133603. A copy of the subpoena I was asked to serve is attached as Exhibit "A." The named witness was identified as being [REDACTED]

3. Rush service was requested with special instructions to attempt service on Sunday, July 18, 2004, using two agents and to video the process if deemed feasible and to use extreme caution to avoid startling the witness [REDACTED] Joseph Volarich (licensed LA County Process Server - #4715) and I arrived at the aforementioned location on Sunday, July 18, 2004, at 2:50 p.m. and found it to be a [REDACTED] [REDACTED]. At approximately 3:05 p.m., we spoke to an unidentified male tenant of the building as he unlocked the door and asked for permission to enter as we were there to serve a subpoena.

4. The tenant let us in and he walked down the hall as we waited for the elevator. We took the elevator [REDACTED]. Due to the physical layout, it was decided not to video the process service out of privacy concerns. When I first knocked on the door [REDACTED], no one answered but the sound of a television could be heard.

5. A second and louder knock on the door proved successful as someone (sounded like a young male) responded asking what we wanted. When I asked for [REDACTED] a voice could be heard

DECLARATION OF MICHAEL VOLARICH

1 young male) responded asking what we wanted. When I asked for [REDACTED] a voice could be heard
2 calling out, "[REDACTED] it's for you," and seconds later the door was cracked open about 6-8". A
3 female Caucasian fitting the description of the witness asked what we wanted.

4 6. [REDACTED]
5 [REDACTED]
6 [REDACTED]

7 After very diplomatically explaining that we were of the belief
8 that we were at the right address and that she was in fact [REDACTED] Joseph
9 Volarich handed her the witness subpoena (at 3:10 p.m.) which she accepted. While she looked
10 over the subpoena, I advised her that if she had any questions or concerns she should contact the
11 attorney that issued the subpoena or to contact her own attorney.

12 7. She then closed the door and we departed [REDACTED]
13 [REDACTED]
14 [REDACTED]

15 We
16 departed without making any comments and immediately called Bill Pavelic with a status report.
17 He instructed us to meet with him. Shortly thereafter, we met with Bill Pavelic, and after
18 reviewing a photograph of the named witness, I was satisfied that service had been effected on
19 the named witness, [REDACTED] Joseph Volarich then executed a Proof of Service, a copy of
20 which is attached as Exhibit "B."

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

23 Executed this 26th day of July, 2004, at Pasadena, California.
24

25 
26

27 Michael Volarich,
28

DECLARATION OF MICHAEL VOLARICH

ATTORNEY OR BEST-INTEREST ATTORNEY (Name and address) COLLINS MEREDITH RENOOK & YU 1875 Century Park East, 21st Floor Los Angeles, CA 90007 ATTORNEY FOR: Michael Joseph Jackson	RETURN TO: 310-206-3120	COURT CLERK'S OFFICE Santa Barbara Superior Court - Cook Division 312 East Cook Street Santa Maria, CA
Title of case People v. Michael Joseph Jackson		CASE NUMBER 11520025
SUBPOENA (PERSONAL, OR JUDICIAL) <input type="checkbox"/> CLERK'S TRAILER		

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

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

a. Date: July 27, 2006 b. Address: 312 East Cook Street Santa Maria, CA	Time: 9:50 AM <input checked="" type="checkbox"/> Dept. 2 <input checked="" type="checkbox"/> CIV. Cook <input type="checkbox"/> RENOOK OR the Department's Website Judge Rodney Melville is presiding
--	--

2. ALSO 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 satisfaction of records in accordance with Evidence Code sections 1580, 1581, 1582, 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 title, 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 subsection (b) of section 1580, and sections 1581 and 1582, 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 witness's representative and to permit copying at your business address under reasonable normal business hours, 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 APPEARANCE IS REQUIRED, CONTACT THE FOLLOWING PERSON BEFORE THE DATE ON WHICH YOU ARE TO APPEAR:

a. Name: **Eric Massey/Robella Tyson**b. Telephone number: **810-855-1700/805-882-4887**

4. WITNESS FEE: 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.

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

FOR COURT USE ONLY Date: July 13, 2006	 Robert M. Steyer DEPT. OF COURT CLERK Attorney For Defendant CIVIL
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Form Subpoena for Trial Use
 Approved by the Judicial Branch
 10/20/05/06, January 1, 2007

Subpoena
 (PERSONAL OR JUDICIAL)

Revised 1/05 of reg.
 Statute and Evidence Code, §§ 1581, 1582, 1583

www.courts.ca.gov

SHORT TITLE:

People v. Michael Joseph Jackson

CASE NUMBER:

1133603

PROOF OF SERVICE OF SUBPENA

1. I served this ☒ Subpena ☐ Subpena Duces Tecum and supporting affidavit by personally delivering a copy to the person served as follows:

a. Person served (name):

b. Address where served:

c. Date of delivery:

July 16, 2004

d. Time of delivery:

3:10 p.m. Sunday

2. I received this subpoena for service on (date): July 17, 2004

3. ☐ NON-SERVICE RETURN OF SUBPENA

a. ☐ After due search, careful inquiry, and diligent attempts at the dwelling house or usual place of abode or usual place of business, I have been unable to make personal delivery of this ☐ Subpena ☐ Subpena Duces Tecum in this county on the following persons (specify):

b. Reason:

- (1) ☐ Unknown at address.
 (2) ☐ Moved, forwarding address unknown.
 (3) ☐ No such address.

- (4) ☐ Out-of-county address.
 (5) ☐ Unable to serve by hearing date.
 (6) ☐ Other reasons (explanation required):

4. Person serving:

- a. ☐ Not a registered California process server.
 b. ☐ California sheriff, marshal, or constable.
 c. ☒ Registered California process server.
 d. ☐ Employee or independent contractor of a registered California process server.

e. ☐ Exempt from registration under Bus. & Prof. Code section 22350(b).

f. Name, address, and telephone number and, if applicable, county of registration and number:

Joseph Michael Volarich
 141 S. Lake Avenue, Suite 140
 Pasadena, California 91101
 626-844-3084

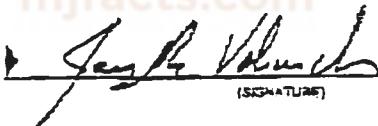
Los Angeles County License # 4715

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

(For California sheriff, marshal, or constable use only)
 I certify that the foregoing is true and correct.

Date: July 18, 2004

Date:


 (SIGNATURE)


 (SIGNATURE)

DECLARATION OF TIFFANY PAVELIC

I, Tiffany Pavelic, declare and say:

1. I am employed for at 1351 Cedar Court, Glendale, California 91207. I am a registered process service for the State of California, license number 4961.

2. On Friday, July 16, 2004, I went to the offices of William Dickerman located at 11355 West Olympic Boulevard, Suite 100, Los Angeles, California 90064, for the purpose of serving a subpoena. I was accompanied by my mother, Marija Pavelic. A copy of the document I took with me is attached as Exhibit "A." We arrived at the location at approximately 11:35 a.m.

3. Upon arriving, I spoke with the main receptionist. Her name was Julie Padilla. I asked for Mr. Dickerman, and she called his office telephone extension. She spoke to him and informed me that he was on the telephone. I waited for a few minutes, and then asked Ms. Padilla to call him again. She did so, and while on the telephone, she asked me what the reason was for which I wished to see Mr. Dickerman.

4. I informed Ms. Padilla I was there to serve a subpoena. After repeating this information to Mr. Dickerman concerning my purpose, Ms. Padilla told me it would be a few minutes before I could see him. I waited for approximately five (5) minutes, and a woman named Elaine Cook came into the reception room. She told me she was Mr. Dickerman's secretary and that Mr. Dickerman was out to lunch. She stated that it was in reality her who was on the telephone talking to Ms. Padilla.

5. I was shocked that Ms. Padilla would have mistaken Ms. Cook for Mr. Dickerman. I was shocked that the male voice that I could hear on the telephone turned out to be Ms. Cook. I knew instantly I was being told a fabrication.

6. My mother and I walked outside to call my employer. My employer instructed me to take a picture of the receptionist in order to establish that I had attempted service. When my mother and I walked back into the lobby, there was a man standing by Ms. Padilla. I approached him, and he said: "You got me."

DECLARATION OF TIFFANY PAVELIC

1 7. My mother asked the man if he was Mr. Dickerman. He stated "Well, maybe." Then
2 he thought about it for a while and he said, "Well sure." I handed the man the subpoena, and he
3 took it into his hand. I then took a photograph of Mr. Dickerman holding the subpoena, but the
4 photo does not show the actual subpoena that he is reading. We then departed.

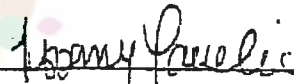
5 8. On July 19, 2004, at approximately 2:20 p.m., my mother and I returned to Mr.
6 Dickerman's office to serve a Subpoena Duces Tecum. A copy of the document is attached as
7 Exhibit "B." We went into the lobby area of Mr. Dickerman's office, spoke to Ms. Padilla, and
8 asked for Mr. Dickerman.

9 9. Ms. Padilla asked me to wait for a moment, and then dialed Mr. Dickerman's
10 telephone number. She stated to the person who answered: "Tiffany is here with a subpoena."
11 After speaking to the person who answered the telephone, Ms. Padilla asked me to wait and
12 someone will be right with you.

13 10. Within two (2) minutes, Ms. Cook appeared in the lobby. She stated: "Mr.
14 Dickerman is in court right now, and he will not be in the office today. " I asked her if she would
15 accept service of the subpoena and give it to Mr. Dickerman. Ms. Cook asked what it was I
16 wanted to serve. My mother, Marija, said it was a copy of a Subpoena. I then asked Ms. Cook if
17 she would accept service of the subpoena on behalf of Mr. Dickerman. Ms. Cook stated: "Yes I
18 will. I will give it to Mr. Dickerman." I handed the document to Ms. Cook at approximately
19 2:25 p.m., thanked her, and departed.

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

22 Executed this 26th day of July, 2004, at Glendale, California.

23
24 
25 Tiffany Pavelic

26
27
28
DECLARATION OF TIFFANY PAVELIC

SHORT TITLE: People v. Michael Joseph Jackson	CASE NUMBER: 1133603
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PROOF OF SERVICE OF SUBPENA

1. I served this ☐ Subpena ☒ Subpena Duces Tecum and supporting affidavit by personally delivering a copy to the person served as follows:

a. Person served (name):

Elaine Cook

b. Address where served:

11355 WEST OLYMPIC BLVD.
Suite 100 LA 90064

c. Date of delivery:

07/19/04

d. Time of delivery:

14:25 PM

2. I received this subpoena for service on (date): 7/19/04

3. ☐ NON-SERVICE RETURN OF SUBPENA

- a. ☐ After due search, careful inquiry, and diligent attempts at the dwelling house or usual place of abode or usual place of business, I have been unable to make personal delivery of this ☐ Subpena ☐ Subpena Duces Tecum in this county on the following persons (specify):

b. Reason:

- (1) ☐ Unknown address.
(2) ☐ Moved, forwarding address unknown.
(3) ☐ No such address.

- (4) ☐ Out-of-county address.
(5) ☐ Unable to serve by housing date.
(6) ☐ Other reasons (explanation required):

4. Person serving:

- a. ☐ Not a registered California process server.
b. ☐ California sheriff, marshal, or constable.
c. ☒ Registered California process server.
d. ☐ Employee or independent contractor of a registered California process server.

- e. ☐ Exempt from registration under Bus. & Prof. Code section 22950(b).
f. Name, address, and telephone number and, if applicable, county of registration and number.

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

Date:

7/19/04

Yusuf J. Jassal
(SIGNATURE)

(For California sheriff, marshal, or constable use only)
I certify that the foregoing is true and correct.

Date:

(SIGNATURE)

PROOF OF SERVICE

I, the undersigned declare:

I am over the age of 18 years and not a party to the within action. I am employed in the County of Santa Barbara. My business address is 233 East Carrillo Street, Suite C, Santa Barbara, California, 93101.

On July 26, 2004, I served the foregoing document **OPPOSITION TO PLAINTIFF'S MOTION TO QUASH SUBPOENAS ISSUED TO [REDACTED] WILLIAM DICKERMAN AND STAN KATZ; MEMORANDUM OF POINTS AND AUTHORITIES; DECLARATIONS OF ROBERT M. SANGER, NICOLE PAVELIC, TIFFANY PAVELIC, AND MICHAEL VOLARICH** on the interested parties in this action by depositing a true copy thereof as follows:

Tom Sneddon
Gerald Franklin
Ron Zonen
Gordon Auchincloss
District Attorney
1105 Santa Barbara Street
Santa Barbara, CA 93101
568-2398

- ____ BY U.S. MAIL - I am readily familiar with the firm's practice for collection of mail and processing of correspondence for mailing with the United States Postal Service. Such correspondence is deposited daily with the United States Postal Service in a sealed envelope with postage thereon fully prepaid and deposited during the ordinary course of business. Service made pursuant to this paragraph, upon motion of a party, shall be presumed invalid if the postal cancellation date or postage meter date on the envelope is more than one day after the date of deposit.
- X BY FACSIMILE - I caused the above-referenced document(s) to be transmitted viz facsimile to the interested parties at
- X BY HAND - I caused the document to be hand delivered to the interested parties at the address above.
- X STATE - I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed July 26, 2004, at Santa Barbara, California.


Carol Dowling

PROOF OF SERVICE

1013A(1)(3), 1013(c) CCP

STATE OF CALIFORNIA, COUNTY OF SANTA BARBARA:

I am a citizen of the United States of America and a resident of the county aforesaid. I am employed by the County of Santa Barbara, State of California. I am over the age of 18 and not a party to the within action. My business address is 312-H East Cook Street, Santa Maria, California.

On SEPTEMBER 7, 20 04, I served a copy of the attached FINDINGS AND ORDER RE OPPOSITION TO MOTION TO QUASH CERTAIN SUBPOENAS AND ORDER FOR RELEASE OF RELEASE OF REDACTED DOCUMENT addressed as follows:

THOMAS W. SNEDDON, DISTRICT ATTORNEY
DISTRICT ATTORNEY'S OFFICE
1105 SANTA BARBARA STREET
SANTA BARBARA, CA 93101

THOMAS A. MESEREAU, JR.
COLLINS, MESEREAU, REDDOCK & YU, LLP
1875 CENTURY PARK EAST, 7TH FLOOR
LOS ANGELES, CA 90067

X FAX

By faxing true copies thereof to the receiving fax numbers of: 805-568-2398 (DISTRICT ATTORNEY): 310-861-1007 (THOMAS A. MESEREAU, JR). Said transmission was reported complete and without error. Pursuant to California Rules of Court 2005(i), a transmission report was properly issued by the transmitting facsimile machine and is attached hereto.

___ MAIL

By placing true copies thereof enclosed in a sealed envelope with postage fully prepaid, in the United States Postal Service mail box in the City of Santa Maria, County of Santa Barbara, addressed as above. That there is delivery service by the United States Postal Service at the place so addressed or that there is a regular communication by mail between the place of mailing and the place so addressed.

___ PERSONAL SERVICE

By leaving a true copy thereof at their office with their clerk therein or the person having charge thereof.

___ EXPRESS MAIL

By depositing such envelope in a post office, mailbox, subpost office, substation, mail chute, or other like facility regularly maintained by the United States Postal Service for receipt of Express Mail, in a sealed envelope, with express mail postage paid.

I certify under penalty of perjury that the foregoing is true and correct. Executed this 7TH day of SEPTEMBER, 20 04, at Santa Maria, California.

Carrie L. Wagner
CARRIE L. WAGNER