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6 ABC, Inc.; Cable News Network LP, LLLP;  
The Associated Press; *Los Angeles Times*; The  
7 New York Times Company; and *USA Today*

SEP 16 2004  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SANTA BARBARA

SEP 16 2004

GARY M. BLANT, Executive Officer  
CARRIE [Signature]  
CARRIE [Signature]

8  
9 SUPERIOR COURT, STATE OF CALIFORNIA  
10 FOR THE COUNTY OF SANTA BARBARA

11  
12 THE PEOPLE OF THE STATE OF  
13 CALIFORNIA,

14 Plaintiff,

15 vs.

16 MICHAEL JOE JACKSON,

17 Defendant.

Case No.: 1133603

18 **ACCESS PROPONENTS' OPPOSITION TO**  
**MOTIONS TO FILE SEARCH WARRANTS**  
**AND OTHER DOCUMENTS UNDER SEAL**  
**THAT HAVE BEEN FILED SINCE THEIR**  
**LAST OPPOSITION TO THE PARTIES'**  
**MOTIONS TO FILE UNDER SEAL**

19 Date: Thursday, September 16, 2004

20 Time: 8:30 a.m.

21 Place: Department SM-2,  
22 Judge Rodney S. Melville

23 [VIA FACSIMILE]

24  
25 The Access Proponents, a group of media organizations,<sup>1</sup> respectfully file this opposition to  
26 any and all motions to file search warrants and other documents under seal that have been filed since  
27 the Access Proponents filed their last opposition to the parties' motions to file under seal, which was

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1 NBC Universal, Inc.; CBS Broadcasting Inc.; Fox News Network L.L.C.; ABC, Inc.; Cable News  
Network LP, LLLP; The Associated Press; *Los Angeles Times*; The New York Times Company;  
and *USA Today*.

1 filed on August 11, 2004.<sup>2</sup> The Access Proponents have previously briefed to this Court the federal  
2 and California authority that establishes a strong presumption against sealing such judicial records,  
3 and the parties' latest submissions once again fail to overcome that presumption. *See generally NBC*  
4 *Subsidiary (KNBC-TV), Inc. v. Superior Court*, 20 Cal. 4th 1178 (1999).<sup>3</sup> The Access Proponents  
5 hereby incorporate their prior arguments by reference and request that the Court unseal, to the

6  
7 2 Opposition to Motions to File Under Seal That Have Been Filed Since the July 27, 2004 Hearing  
8 (filed August 11, 2004)

9 3 *See, e.g.*, Notice of Motion and Motion, Filed by the Access Proponents; Seeking to Unseal  
10 Certain Court Records Related to Search Warrant #884686 (filed Jan. 7, 2004); Opposition of the  
11 Access Proponents to Plaintiff's Request for Protective Order (filed Jan. 12, 2004); Reply of the  
12 Access Proponents to Defendant's Opposition to the Access Proponents' Motion to Unseal  
13 Certain Court Records Related to Search Warrant #884686 (filed Jan. 13, 2004); Opposition of  
14 the Access Proponents to Plaintiff's Motions to Seal Certain Search Warrants and Related  
15 Documents, as Well as Certain Items to be Lodged by the Sheriff with the Court (filed Feb. 6,  
16 2004); Opposition of the Access Proponents to Plaintiff's Motion to Seal Computer Hard-Drives  
17 Search Warrants and Related Documents (filed Feb. 9, 2004); Opposition of the Access  
18 Proponents to Plaintiff's Motion to Seal Search Warrant No. SW 4912 and Its Related Documents  
19 (filed Feb. 11, 2004); Opposition of the Access Proponents to Plaintiff's Motion to Seal Search  
20 Warrant No. SW 4915 and Its Related Documents (filed Feb. 11, 2004); Opposition of the Access  
21 Proponents to Plaintiff's and Defendant's Motions to Seal Briefs re Attorney-Client and  
22 Attorney-Work-Product Privileges (filed Feb. 13, 2004); Response of the Access Proponents to  
23 Defendant's Consolidated Response Re Computer Hard-Drives Search Warrant, Seven Telephone  
24 Service Providers Search Warrants, and Search Warrant No. SW 4912 (filed Feb. 13, 2004);  
25 Objections of the Access Proponents To the Sealing or Conditional Sealing of: (1) The People's  
26 Application for an Order To Show Cause re Contempt; and (2) Documents and Records Related  
27 to the Additional Search Warrants Referred to in the Court's March 24, 2004 Order (filed March  
28 26, 2004); Opposition of the Access Proponents to Motion for Order Directing that Search  
Warrant Nos. SW 4977 and 4977A, Their Supporting Affidavits and Any Return be Filed and  
Maintained Under Conditional Seal Until Further Court Order (filed April 26, 2004); Access  
Proponents' Notice of Motion and Motion to Unseal Grand Jury Indictment (filed May 18, 2004);  
Access Proponents' Notice of Motion and Motion to Unseal Transcripts of Grand Jury  
Proceedings (filed May 18, 2004); Opposition to Motions to File Under Seal and Objections to  
Procedure for Sealing Records, Including Docket Sheets, and Holding Ex Parte Hearings (filed  
June 21, 2004); Supplement to Opposition to Motions to File Under Seal and Objections to  
Procedure for Sealing Records, Including Docket Sheets, and Holding Ex Parte Hearings (filed  
June 23, 2004); Oppositions to Motions to File Under Seal Filed Since the June 25, 2004 Hearing  
(filed July 6, 2004); Opposition to Motions to File Under Seal That Have Been Filed Since the  
July 27, 2004 Hearing (filed August 11, 2004); Access Proponents' Notice of Motion and Motion  
Requesting Contemporaneous Access to Videotapes Played in Open Court and for Public Release  
of Such Videotapes and Other Exhibits Introduced as Evidence at Ongoing Hearings that Began  
on July 27 and August 16, 2004 (filed August 23, 2004).

1 maximum extent possible, any and all search warrants (including search warrants SW 5110-5128)  
2 and other documents filed under seal since the Access Proponents filed their last opposition to the  
3 parties' motions to seal such documents on August 11, 2004. The First Amendment to the  
4 United States Constitution, the California Constitution, Rule 243.1 of the California Rules of Court,  
5 and the common law dictate that abstract notions of the Defendant's fair trial right cannot be invoked  
6 to create a presumption of secrecy. The materials currently under seal, therefore, must be disclosed  
7 and open to the public.

8  
9 DATED: September 10, 2004

Respectfully submitted,

10 GIBSON, DUNN & CRUTCHER LLP

Theodore J. Boutrous, Jr.

11 Michael H. Dore

12 By:



13 Theodore J. Boutrous, Jr.

14 Attorneys for NBC Universal, Inc.;  
15 CBS Broadcasting Inc.; Fox News Network L.L.C.;  
16 ABC, Inc.; Cable News Network LP, LLLP;  
17 The Associated Press; *Los Angeles Times*; The New  
18 York Times Company; and *USA Today*

**CERTIFICATE OF SERVICE  
BY FAX AND REGULAR MAIL**

I, Jess Fernandez, hereby certify as follows:

I am employed in the County of Los Angeles, State of California; I am over the age of eighteen years and am not a party to this action; my business address is Gibson, Dunn & Crutcher LLP, 333 South Grand Avenue, Los Angeles, California 90071, in said County and State; I am employed in the office of Michael H. Dore, a member of the bar of this Court, and at his direction, on September 10, 2004, I served the following:

**ACCESS PROPONENTS' OPPOSITION TO MOTIONS TO FILE SEARCH WARRANTS  
AND OTHER DOCUMENTS UNDER SEAL THAT HAVE BEEN FILED SINCE THEIR  
LAST OPPOSITION TO THE PARTIES' MOTIONS TO FILE UNDER SEAL**

on the interested parties in this action, by the following means of service:

- BY MAIL:** I placed a true copy in a sealed envelope addressed as indicated below, on the above-mentioned date. I am familiar with the firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

|   |   |
|---|---|
| Thomas W. Sneddon<br>District Attorney<br>Santa Barbara County<br>1105 Santa Barbara Street<br>Santa Barbara, CA 93101-2007<br>Attorneys for Plaintiffs                 | Tel.: (805) 568-2300<br>Fax: (805) 568-2398 |
| Thomas A. Mesereau, Jr.<br>Collins, Mesereau, Reddock & Yu LLP<br>1875 Century Park East, 7th Floor<br>Los Angeles, CA 90067<br>Attorneys for Defendant Michael Jackson | Tel.: (310) 284-3120<br>Fax:                |
| Robert Sanger<br>Sanger & Swysen, Lawyers<br>233 E. Carrillo Street, Suite C<br>Santa Barbara, CA 93001<br>Co-Counsel for Defendant Michael Jackson                     | Tel.: (805) 962-4887<br>Fax: (805) 963-7311 |

1  **BY FACSIMILE:** From facsimile number (213) 229-7520, I caused each such document to  
2 be transmitted by facsimile machine, to the parties and numbers indicated below. No error  
3 was reported by the machine.

|  |   |
|--|---|
| 4 Thomas W. Sneddon<br>5 District Attorney<br>6 Santa Barbara County<br>7 1105 Santa Barbara Street<br>8 Santa Barbara, CA 93101-2007<br>9 Attorneys for Plaintiffs                    | Tel.: (805) 568-2300<br>Fax: (805) 568-2398 |
| 10 Thomas A. Mesereau, Jr.<br>11 Collins, Mesereau, Reddock & Yu LLP<br>12 1875 Century Park East, 7th Floor<br>13 Los Angeles, CA 90067<br>14 Attorneys for Defendant Michael Jackson | Tel.: (310) 284-3120<br>Fax:                |
| 15 Robert Sanger<br>16 Sanger & Swysen, Lawyers<br>17 233 E. Carrillo Street, Suite C<br>18 Santa Barbara, CA 93001<br>19 Co-Counsel for Defendant Michael Jackson                     | Tel.: (805) 962-4887<br>Fax: (805) 963-7311 |

20  I am employed in the office of Michael H. Dore, a member of the bar of this court, and that the  
21 foregoing document(s) was/were printed on recycled paper.

22  (STATE) I declare under penalty of perjury under the laws of the State of California that  
23 the foregoing is true and correct.

24  (FEDERAL) I declare under penalty of perjury that the foregoing is true and correct.

25 I certify under penalty of perjury that the foregoing is true and correct, that the foregoing  
26 document(s), and all copies made from same, were printed on recycled paper, and that this Certificate  
27 of Service was executed by me on September 10, 2004, at Los Angeles, California.

28   
Jess Fernandez

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