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1 2 3 1	COLLINS, MESEREAU, REDDOCK & Y Thomas A. Mesereau, Jr., State Bar Number of Susan C. Yu, State Bar Number 195640 1875 Century Park East, 7th Floor Los Angeles, CA 90067 Tel.: (310) 284-3120, Fax: (310) 284-3133	SUPERIOR COURT OF CALIFORNIA COUNTY OF SANTA BARBARA NOV 17 2004 GARY M. BLAIR, Executive Officer BY CATTLE & Wagner
4 5 6 7	SANGER & SWYSEN Attorneys at Law Robert M. Sanger, State Bar No. 058214 233 East Carrillo Street, Suite C Santa Barbara, CA 93101 Tel.: (805) 962-4887, Fax: (805) 963-7311	CARRIE L. WAGNER, Députy Clerk
8 9 10	OXMAN & JAROSCAK Brian Oxman, State Bar No. 072172 14126 East Rosecrans Santa Fe Springs, CA 90670 Tel.: (562) 921-5080, Fax: (562) 921-2298	Leliblo5 court order
11	Attomeys for Defendant MICHAEL JOSEPH JACKSON	
12	mjfacts.com mjfa	
13 14	SUPERIOR COURT O	OF THE STATE OF CALIFORNIA
15	FOR THE COUNTY OF SA	SANTA BARBARA, COOK DIVISION
16 17	THE PEOPLE OF TH <mark>E STATE</mark> OF CALIFORNIA,	Case No. 1133603
18	Plaintiffs,	MR. JACKSON'S OPPOSITION TO ROTHSTEIN & FELDMAN AND
19	vs.) ADLER'S MOTIONS TO QUASH) SUBPOENA AND MOTIONS FOR) PROTECTIVE ORDER
20	MICHAEL JOSEPH JACKSON,	Honorable Rodney S. Melville
2122	Defendant.	Date: November 22, 2004
23		Time: 1:30 p.m. Dept: SM 2
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MR. JACKSON'S OPPOSITION TO ROTHSTEIN & FELDMAN AND ADLER'S MOTIONS TO QUASH

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Mr. Michael Jackson submits this Memorandum in Opposition to the Motions to Quash Subpoena and for Protective Order filed by Feldman and Rothstein and C. Michael Adler. Mr. Jackson's Opposition is based on the following:

- (1) The Arvizos have waived their attorney-client privilege by Janet Arvizo signing a written waiver of privilege with the Subpoenaed Parties dated December 18, 2003, and by David Arvizo signing a written waiver that the Subpoenaed Parties reported to Judge Denner in Los Angeles on April 19, 2004;
- (2) Most of the subpoensed documents are not covered by any attorney-client privilege, and Suppoenaed Parties make no showing of privilege for trust account checks, which are by definition orders disclosed to third-party banks to pay funds and do not constitute confidential communications to a client;
- (3) The Subpoenaed Parties make no showing of overbreath or undue burden, and consumer notice requirements in civil cases are not applicable to criminal proceedings.

A. Statement of the Case.

1. Mr. Jackson's subpoenas to Feldman and Rothstein and C. Michael Adler.

On October 25, 2004, Mr. Michael Jackson, through his attorney Brian Oxman, issued and served two (2) Subpoenas Duces Tecum on Thomas David Rothstein and the Custodian of Records for Feldman and Rothstein. The first requested Mr. Rothstein to produce records on November 10, 2004. (Exhibit "A"). The second requested Mr. Rothstein to personally appear on January 31, 2005, as a witness and to produce records. (Exhibit "B"). On the same date, Mr. Jackson also issued (2) identical subpoenas to C. Michael Adler, and the Custodian of Records for C. Michael Adler. (Exhibits "C" and "D").

The documents sought by the subpoenas involved the case of Arvizo v. J.C. Penny, Inc., Los Angeles County Superior Court Case No. KC 027876. Attached as an exhibit to the subpoenas was a full waiver of attorney-client privilege signed by Janet Arvizo dated December 18, 2003. (Exhibit "E"). The

^{1.} Foldman and Rothstein and C. Michael Adler have filed two (2) separate Motions to Quash in this proceeding. However, each Motion is word-for-word identical and a carbon copy of the other. Rather than repeat the same arguments for word-processed duplicate motions, Mr. Jackson will address both motions in this Memorandum. All citations to the moving papers will be to the page number and lines of the Feldman and Rothstein Memorandum.

Subpoenaed Parties were the attorneys for the plaintiffs in that case, Janet Arvizo, and her children Gavin Arvizo and Star Arvizo. The documents sought by the subpoenas are relevant to this proceeding because they demonstrate the activities of the complaining witnesses during the time period they were allegedly with Michael Jackson, their concealment from Michael Jackson of the \$152,000.00 proceeds of that lawsuit in November, 2002, and the Arvizos' false representations to Michael Jackson that they had no money and needed money from Michael Jackson. In addition, they contain medical records that

On November 4, 2004, Mr. Oxman and Mr. Rothstein spoke on the telephone, and Mr. Oxman expressed an interest in limiting the number of documents requested by the subpoenas. Mr. Oxman stated he had already obtain most of the documents pursuant to a subpoena of the defendants in the Arvizo v. J.C. Penny case. Mr Oxman and Mr. Rothstein agreed to consider the matter and speak again in a few days.

2. Mr. Oxman offered to limit the document request to avoid duplication.

On November 8, 2004, Mr. Oxman once again spoke to Mr. Rothstein on the telephone. Mr. Rothstein stated that he felt the documents were all attorney-client privileged and he could not produce any of them. Mr. Oxman stated he was willing to avoid duplication and not require Mr. Rothstein to produce duplicative documents he already had. Mr. Rothstein replied he had to decline the invitation to even discuss the matter because a discussion would violate attorney-client privilege.

Mr. Oxman explained there was a full waiver of attorney-client privilege by Janet Arvizo which was attached as an exhibit to the subpoenas. (Exhibit "E"). Mr. Rothstein stated he was aware of the waiver, but there was no waiver from his other client, David Arvizo, and without a waiver from Mr. Arvizo he could not produce any documents. When Mr. Oxman suggested that Mr. Rothstein separate the documents he claimed related to Mr. Arvizo, Mr. Rothstein stated that the task was too burdensome and he declined to do so.

On November 9, 2004, Feldman and Rothstein, along with C. Michael Adler, filed a Motion to Quash and for a Protective Order claiming the documents sought are attorney-client privileged.

^{2.} Neither Subpoensed Party Feldman and Rothstein nor Adler have seen fit to provide a copy of the subpoenses to the court. Mr. Jackson has attached them so the court may see what this motion is all about.

Subpoenaed Parties claim that pursuant to Evidence Code sections 951-55, and Rule 3-100 of the California Rules of Professional Conduct, they must maintain as attorney-client privileged the documents in their possession belonging to Janet Arvizo, and her children Gavin Arvizo and Star Arvizo. (Rothstein Motion, p. 2, lines 3-6). Subpoenaed Party stated:

"Since the file is so intertwined, it is practically impossible to separate the privileged documents solely belonging to Ms. Arvizo from those solely belonging to Mr. Arvizo.

Consequently, F&R cannot release the file to anyone without the consent of both Mr. Arvizo and Ms. Arvizo or a court order." (Rothstein Memo, p. 3, lines 17-21)

However, the fact that it is difficult to separate privileged from non-privileged documents is not a reason to refuse production. The waiver made in this case dated December 18, 2003, (Exhibit "E"), applies to Janet Arvizo individually and as Guardian for her children. Mr. Jackson is entitled to both the privileged and the non-privileged documents, and therefore respectfully requests the Court to order the Subpoenaed Parties to comply.

3. Subpoenaed Parties have concealed Mr. Arvizo's waiver of privilege. Subpoenaed Parties state:

"In March of 2004, Mr. Arvizo subpocnaed the file for the purposes of a family law action in the matter of <u>Janet Arvizo v. David Arvizo</u>, Los Angeles Superior Court case number BD356568. Feldman & Rothstein objected to the subpoena and Mr. Arvizo filed a motion to compel production. The family law court denied Mr. Arvizo's motion on the grounds that the release of the file would violate the attorney-client privilege and work product privilege." (Rothstein Memo, p. 3, line 22-27).

While what has happened in another court between different parties does not affect this Court's determination of the issue, it is instructive to examine the pleading in the marital dissolution case because it demonstrates the deception Janet Arvizo practiced. The Opposition to the Motion to Compel filed by Feldman and Rothstein in that marital dissolution case stated:

"Mr. Arvizo signed a general release permitting F&R to release the file to anyone who may request it but the release was based on the oral promise by F&R that Ms. Arvizo would sign the same release. Ms. Arvizo has now refused to sign the release and therefore the release signed by

Mr. Arvizo is likely void or voidable by Mr. Arvizo. Ms. Arvizo has instructed F&R to not release any portion of the file to Mr. Arvizo." (Exhibit "F," 4-19-04 Opp. Mot. Compel, p. 2, lns 9-14; Decl. Tony S. Sadri, p. 5, lns 15-16).

Knowing that Mr. Arvizo signed a waiver, the Subpoenaed Parties have come to this Court concealing that fact. In addition, they know, Janet Arvizo has also signed a waiver dated December 18, 2003, because the waiver is attached to the Subpoena served on them. Instead of acknowledging that both parties have waived the privilege, they tell this Court:

"F&R would like nothing more than for Mr. Arvizo and Ms. Arvizo to agree to waive the privilege or to take custody of the file. But until such time, F&R has a legal and ethical duty to shoulder the burden of having to protect the privilege." (Memo, p. 4, lines 8-10).

Feldman and Rothstein have the legal and ethical duty to tell this Court the truth. Unfortunately, they have intentionally or negligently concealed from this Court the fact that David Arvizo has waived attorney-client privilege. Their statements to this Court are inexplicable in the face of the mutual waivers by all of the Arvizos. They have filed a motion before this Court that has no merit.

4. Janet Arvizo concealed her December 18, 2003, waiver in her April 16, 2004, opposition filed in the marital dissolution court.

Worse yet, Janet Arvizo concealed from both the marital dissolution judge, Judge Denner, and Feldman and Rothstein the fact that on December 18, 2003, only four (4) months prior to Judge Denner's ruling on the motion in the marital case, that she signed a written waiver of the attorney-client privilege regarding Feldman and Rothstein. (Exhibit "E"). Despite signing a waiver, "Ms. Arvizo has instructed Feldman and Rothstein to not release any portion of the file to Mr. Arvizo." (Exhibit "F," 4-19-04 Opp Mot. Compel, p. 2, lns 13-14; Decl. Tony S. Sadri, p. 5, lns 15-16). This concealment was inexcusable.

Not only did Janet Arvizo practice concealment, but also Deputy District Attorney Gerald McC. Franklin concealed the existence of the waiver from Judge Denner. Mr. Franklin filed a declaration under penalty of perjury in support of Janet Arvizo's Opposition to David Arvizo's Motion to Compel. (Exhibit "G," pp. 4-5). In that declaration, Mr. Franklin concealed from Judge Denner the fact Janet Arvizo had signed a waiver on December 18, 2003. While he may have excuses for his concealment, his conduct is highly questionable.

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The reason Judge Denner denied the motion was because no one saw fit to tell him the truth. Judge Denner's denial of that motion is not controlling on this Court under any circumstances. This court should not countenance the deception practiced against Judge Denner.

B. Basis for Opposition to Motions to Quash and for Protective Orders.

The Arvizos waived their attorney-client privilege when Janet Arvizo signed a written waiver of privilege with the Subpoenaed Parties dated December 18, 2003, and when David Arvizo signed a written waiver that the Subpoenaed Parties reported to Judge Denner in Los Angeles on April 19, 2004. Most of the subpoenaed documents are not covered by any attorney-client privilege and Subpoenaed Parties make no showing of privilege of trust account checks which are by definition orders disclosed to third party banks to pay funds and do not constitute confidential communications to a client. The Subpoenaed Parties make no showing of overbreath or undue burden, and consumer notice requirements in civil cases are not applicable to criminal proceedings. mjfacts.com

THE ARVIZOS HAVE WAIVED THEIR ATTORNEY-CLIENT PRIVILEGE AND MOST OF THE DOCUMENTS REQUESTED ARE NOT COVERED BY ANY PRIVILEGE

A. Most of the Documents Requested are not Covered by Any Privilege

1. Subpocnaed Parties make no showing of overbreath or undue burden.

Subpoenaed Parties state:

"The subpoena is seeking the complete file, settlement checks, and client-trust account information. Such a demand is overbroad and very burdensome. Since F&R represented all of the Arvizo complaints in the J.C. Penny case, attempting to separate the documents among the various complaints is impractical. The file is too intertwined." (Memo, p. 8, lines 7-11).

However, just saying the file is intertwined does not make it so, nor have the Subpoenaed Parties identified which documents are intertwined, why they cannot be separated, or what kind of burden would be placed on them to separate the documents. More important, this court has already ordered production of the J.C. Penny file from the defendant's attorneys in that case. The result is that Mr. Jackson and the District Attorney already have most of the file and are not in need of duplicative documents.

On November 8, 2004, Mr. Oxman telephoned Mr. Thomas Rothstein to avoid unnecessary burden and duplication. However, Mr. Rothstein was unwilling to discuss the matter because of what he claimed was an attorney-client privilege. This court should require the parties to "meet and confer" to avoid unnecessary duplication of previously obtained documents.

B. The subpoenas seek previously disclosed documents and those from third parties.

Subpoenaed Parties state that the entire client file involving the J.C. Penny case is privileged. They state:

"These documents are all confidential communications pursuant to Evidence Code sec. 952 because they contain communications made by the clients for the purposes of advancing their civil case against J.C. Penny." (Memo, p. 5, lines 1-5).

However, the client files contain not only publicly filed documents, which are not by any means privileged, but also interrogatories, depositions, and other discovery which by definition have been disclosed or come from third parties.

Judge Jefferson states:

"Not every writing or document in a client's possession becomes a confidential communication immune from disclosure merely because the client sends it to his or her lawyer. The lawyer-client privilege was primarily designed to protect oral communications and any writing that the client prepares in order to provide his or her lawyer with confidential information relevant to the purpose of the consultation. See In re Jordan (1972) 7 C3d 930, 103 CR 849. Writings or documents that may be prepared for a purpose other than furnishing counsel with confidential information. Any writing or documents in the client's possession that contain admissible evidence or discoverable matter do not become privileged by the client's transmitting them to counsel. See Holm v. Superior Court (1954) 42 C2d 500, 267 P2d 1025. Such documents or writings are created without the intent that they constitute a confidential communication and hence the client's transmittal of the documents or writings to counsel cannot change their nonconfidential character."

2 Jefferson's California Evidence Benchbook, sec. 40.17, at 304 (3d ed. 2004) (emphasis original). Subpoenaed Parties cite Mitchell v. Superior Court, 37 Cal. 3d 591 (1985), for the proposition that

attorney-client privilege covers the transmission of documents which are available to the public. (Memo, p.

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5, lines 5-7). However, public records sent to or gathered by an attorney are not subject to attorney client privilege. Green & Shinee v. Superior Court, 88 Cal. App. 4th 532, 536 (2001). More important, Mitchell. does not say what Subpoenaed Parties claims it says.

In Mitchell, more than one hundred plaintiffs brought an action for personal injuries against a chemical plant alleging the plant had contaminated the air and groundwater in the vicinity of their homes. Plaintiff Mitchell claimed emotional distress from the contamination and stated that conversations with her doctors and lawyers about the problem contributed to her distress. Defendant then propounded interrogatories asking about the content of the discussions with her attorneys. The trial court ruled the attorney-client privilege had been waived. The Supreme Court reversed, finding Mitchell never disclosed the content of her discussions with her attorneys and there had been no waiver, express or implied. Id. at 603, 609. The court found that the privilege covered transmission of public documents from the client or attorney because the fact of transmission "might very well reveal the transmitter's intended strategy." Id. at 600. However, where no strategy is revealed by the transmission, the public document itself does not obtain protection because it otherwise remains a public document.

Subpoenaed Parties have made no showing that any document they might have would disclose strategy. More important, their clients have waived the attorney-client privilege. Unlike the Mitchell case where there was no waiver, the waiver in this case is express and in writing.

3. Consumer notice requirements are not applicable to criminal proceedings.

Subpoenaed Parties claim Mr. Jackson has not given a "Notice to Consumer" as required by Code of Civil Procedure section 1985.3(a)(1) and (2). (Memo, p. 7, lines 23-25). However, the Code of Civil Procedure requirements for subpoenas does not apply in criminal matters. Pitches v. Superior Court, 11 Cal, 3d 531, 536 (1974). There is no requirement for a Notice to Consumer in criminal or quasi-criminal cases. Leake v. Superior Court, 87 Cal. App. 4th 675, 681 (2001).

B. The Arvizos Have Waived Attorney-Client Privilege to the Documents Mr. Jackson Seeks.

1. The case file in Arvizo v. J.C. Penny

Mr. Jackson's first request in his Subpoena Duces Tecum seeks:

"All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning the ARVIZO V. J.C. PENNY, INC., CASE Los Angeles County Superior Court Case No. KC 027876,

including but not limited to the entire correspondence file, discovery file, deposition file, legal file, incident reports, witness statements, photographs, doctors reports, medical reports, medical expenses, psychiatric reports, and all other documents associated with the case.

The Subpoenaed Parties do not enumerate which, if any, of these documents they might have.

Correspondence to or from third parties is not covered by attorney-client privilege. Depositions are from third parties or disclosed to third parties and are not attorney-client privileged. The legal file contains documents filed with the court and is not in any manner attorney-client privileged.

Witness statements from third parties are not privileged. <u>Trade Center Properties Superior Court</u>, 185 Cal. App. 2d 409, 411 (1960)(statements taken by attorney from witnesses, or other third parties, are not communications by client to attorney and not subject to attorney-client or work product privilege). The doctors' reports, medical expenses, and psychiatric reports have all been disclosed to third parties. When such documents are disclosed to third parties, the attorney-client and other privileges are lost. 2 Jefferson's California Evidence Benchbook, sec. 40.26, at 885 (3d ed. 2004). Disclosure of confidential communication to third party constitutes a waiver of an attorney-client privilege. Evidence Code sec. 912, 952. <u>Southern Cal. Gas Co. v. PUC</u>, 50 Cal. 3d 31, 40 (1990).

The ultimate fact here is that Janet Arvizo and David Arvizo have waived all claims of attorneyclient privilege. They cannot seek to block production of the documents, nor can the Subpoenaed Parties. The Court should order disclosure of these materials.

2. Payment of Money

Mr. Jackson's second request is for:

"All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning the payment of money or other consideration to COMPLAINANTS, including but not limited to the payment of settlement proceeds from the ARVIZO V. J.C. PENNY, INC., CASE to COMPLAINANTS or any of their REPRESENTATIVES, the deposit of settlement proceeds in any

^{2.} Mr. Jackson has requested the legal file because the documents maintained at the Pomona Court House where this matter was pending are incomplete. Documents have been removed by persons unknown, and the Clerk has informed Mr. Jackson's counsel that the news media has copied the file at least 50 different times, resulting in the loss of documents.

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bank or other financial institution (front and back of checks), bank statements reflecting the existence or whereabouts of the settlement proceeds, DOCUMENTS reflecting any blocked minor's account, accountings for the disbursement of settlement proceeds, and all cancelled checks (front and back) showing the disposition of such settlement to any person, business, or other entity."

Subpoenaed Parties claim that their trust account documents are attorney-client privileged. (Memo,

p. 5, lines 1-5). However, a communication from a third party to the attorney, such as a bank that sends a statement to an attorney, is not attorney-client privileged. Olende v. United States, 310 F.2d 795, 806 (9th Cir. 1954). Nor is a cancelled check attorney-client privileged because a check is an order to a third party payor, usually a bank, to pay the client, and involves no communication to the client. California Commercial Code sec. 3104(f).

Lawyers who maintain accounts for client as either checking or savings accounts are not covered by attorney client privilege, and the transactions in question are not clothed with privilege. U.S. v. Chin Lim Mow, 12 F.R.D. 433, 434 (D.C. Cal. 1952). Numerous courts have concluded that bank account records for a client are not covered by attorney-client privilege because they are disclosures from third parties and the checks are orders to third party banks to pay the attorney's client. Olende v. United States, 310 F.2d 795, 806 (9th Cir. 1954)(financial and bank transactions handled by attorney for client are not attorney-client privileged); Lowy v. C.I.R., 262 F.2d 809, 812 (2d Cir. 1959)(records from attorney engaged in business transaction with client are not subject to attorney-client privilege); In re Shapiro, 381 F. Supp. 21, 22 (N.D. Ill. 1974)(services of attorney in writing checks, disbursing funds, and maintaining an account are not subject to attorney-client privilege); United States v. Schmidt, 360 F. Supp. 339, 346-47 (M.D. Pa. 1973)(no attorney-client privilege attaches when attorney handles accounting, financial, and banking transactions for client); United States v. Culver, 224 F. Supp. 419, 434 (D. Md. 1963)(no accountant-client privilege exists at common law and attorney acting as accountant has no attorney-client privilege); In re Colton, 201 F. Supp. 13, 16 (S.D.N.Y. 1961) (communications from attorney to third parties such as tax returns, checks, and financial transactions not included in attorney-client privilege).

Mr. Jackson is entitled to the cancelled checks showing the disbursement of the \$152,000.00 in the J.C. Penny case. The Arvizos misrepresented to Mr. Jackson that they had no money and that they needed

his help. Their statements were false, and this evidence is essential for Mr. Jackson to demonstrate a concerted effort by the complaining witnesses to defraud and falsely accuse him.

3. Telephone calls.

Mr. Jackson's third request seeks:

"All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning any correspondence, communications, telephone calls, notes, or discussions between you or any of your REPRESENTATIVES, and any of the following persons:

- "(a) Janet Arvizo, aka Janet Ventura or Janet Jackson, date of birth social security
 - "(b) Davellin Arvizo, date of birth social security number
 - "(c) Gavin Arvizo, date of birth social security number
 - "(d) Star Arvizo, date of birth social security number
 - "(e) Jay Daniel Jackson, date of birth social security number

Subpoenaed Parties claim their telephone calls with these individuals are attorney-client privileged. However, no claim is made by any of the attorneys that Jay Jackson is their client. Further, there is a waiver of attorney-client privilege by Janet Arvizo, who is the Guardian for her children, and there is no longer any possibility of Subpoenaed Parties claiming attorney client privilege regarding the complaining mother and children. The claim that Subpoenaed Parties cannot separate telephone calls from Janet Arvizo and David Arvizo borders on the absurd, and before Subpoenaed Parties are permitted to make this kind of claim, they need to make a showing of what documents exist, why they are inseparable from David Arvizo, and why they cannot be redacted.

Given the fact that Subpoenaed Parties told Judge Denner in the marital dissolution court that David Arvizo waived his attorney client privilege, Subpoenaed Parties are playing fast and loose with the facts. The truth is there has been a full waiver by every party associated with the J.C. Penny case, and Subpoenaed Parties should be compelled to produce this information. Evidence Code sec. 912, 952; Los Angeles v. Superior Court, 170 Cal. App. 3d 744,755 (1985).

4. Contracts and agreement for payment of money.

Mr. Jackson's fourth request seeks:

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"All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning any contract, agreement, gift, payment (front and back of cancelled check), directions, instructions, or notifications between you or any of your REPRESENTATIVES, and any of the following persons:

- "(a) Janet Arvizo, aka Janet Ventura or Janet Jackson, date of birth social security number 1
 - "(b) Davellin Arvizo, date of birth social security number
 - "(c) Gavin Arvizo, date of birth cocial security number
 - "(d) Star Arvizo, date of birth control ocial security number
 - "(e) Jay Daniel Jackson, date of birth social security number

A client's name and fee agreements are not usually confidential communications within lawyerclient privilege. Wills v. Superior Court, 112 Cal. App. 3d 277, 291 (1980). If there is anything confidential in that Agreement, Subpoenaed Parties have made no showing. The payments made and expenditures on behalf of the client are not confidential because they by definition involve third party disclosures... 2 Jefferson's California Evidence Benchbook, sec. 40.26, at 885 (3d ed. 2004)(disclosure of a privileged communication waives all attorney-client privilege associated with the disclosure).

More important, there is a waiver by Janet Arvizo, and according to Subpoenaed Party's own statements to the marital dissolution court, Mr. Arvizo also waived the attorney-client privilege. (Exhibit "F," 4-19-04 Opp. Mot. Compel, p. 2, lns 9-12). Subpoenaed Parties claim of privilege is without merit and the court should require production of these materials.

5. Application for distribution from blocked accounts.

Mr. Jackson's fifth request seeks:

"All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning any application for distribution from a minor's blocked account relating to the proceeds of the ARVIZO V. J.C. PENNY, INC., CASE, including but not limited to petitions to court, correspondence with any person relating to such distributions; cancelled checks (front and back), bank statements for the minor's blocked account, and receipts for distributions from such blocked accounts.

Applications for distribution of money from a blocked bank account are by definition made to third parties and are disclosed to third parties, which results in waiver of attorncy client privilege. 2 Jefferson's

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III.

CONCLUSION

For the foregoing reasons, Mr. Michael Jackson requests that the Motion to Quash from Feldman and Rothstein, and Motion to Quash from Michael Adler be denied.

Dated: November 17, 2004

Respectfully submitted,

Thomas A. Mesereau, Jr. Susan Yu

COLLINS, MESEREAU, REDDOCK & YU

Robert M. Sanger SANGER & SWYSEN

Brian Oxman **OXMAN & JAROSCAK**

R. Brian Oxman

Attorneys for Defendant Mr. Michael Jackson

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DECLARATION OF BRIAN OXMAN

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I, Brian Oxman, declare and say:

- 1. I am an attorney at law admitted to practice before all the courts of the State of California and I am an attorney for Mr. Michael Jackson. I submit this declaration in opposition to the Motion to Quash and Motion for Protective Order filed by Feldman and Rothstein and C. Michael Adler.
- 2. On October 25, 2004, Mr. Michael Jackson, through his attorney Brian Oxman, issued and served two (2) Subpoenas Duces Tecum on Thomas David Rothstein and the Custodian of Records for Feldman and Rothstein. The first requested Mr. Rothstein to produce records on November 10, 2004. (Exhibit "A"). The second requested Mr. Rothstein to personally appear on January 31, 2005, as a witness and to produce records. (Exhibit "B"). On the same date, Mr. Jackson also issued (2) identical subpoenas to C. Michael Adler, and the Custodian of Records for C. Michael Adler. (Exhibits "C" and "D").
- 3. The documents sought by the subpoenas involved the case of Arvizo v. J.C. Penny, Inc., Los Angeles County Superior Court Case No. KC 027876. Attached as an exhibit to the subpoenas was a full waiver of attorney-client privilege signed by Janet Arvizo dated December 18, 2004. (Exhibit "E"). The Subpoenaed Parties were the attorneys for the plaintiffs in that case, Janet Arvizo, and her children Gavin Arvizo and Star Arvizo. The documents sought by the subpoenas are relevant to this proceeding because they demonstrate the activities of the complaining witnesses during the time period they were allegedly with Michael Jackson, their concealment from Michael Jackson of the \$152,000.00 proceeds of that lawsuit in November, 2002, and the Arvizos' false representations to Michael Jackson that they had no money and needed money from Michael Jackson. In addition, they contain medical records that show

4. On November 4, 2004, Mr. Rothstein and I spoke on the telephone, and I expressed an interest in limiting the number of documents requested by the subpoenas. I stated I had already obtain most of the documents pursuant to a subpoena of the defendants in the <u>Arvizo v. J.C. Penny</u> case. Mr. Rothstein and I agreed to consider the matter and speak again in a few days.

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5. On November 8, 2004, I once again spoke to Mr. Rothstein on the telephone. Mr. Rothstein
stated that he felt the documents were all attorney-client privileged and he could not produce any of them.
stated I was willing to avoid duplication and not require Mr. Rothstein to produce duplicative documents he
already had. Mr. Rothstein replied he had to decline the invitation to even discuss the matter because a
discussion would violate attorney-client privilege.

- 6. I explained there was a full waiver of attorney-client privilege by Janet Arvizo which was attached as an exhibit to the subpoenas. (Exhibit "E"). Mr. Rothstein stated he was aware of the waiver, but there was no waiver from his other client, David Arvizo, and without a waiver from Mr. Arvizo he could not produce any documents. When I suggested that Mr. Rothstein separate the documents he claimed related to Mr. Arvizo, Mr. Rothstein stated that the task was too burdensome and he declined to do so.
- 7. On November 9, 2004, Feldman and Rothstein, along with C. Michael Adler, filed a Motion to Quash and for a Protective Order claiming the documents sought are attorney-client privileged.

 Subpoenaed Parties claim that pursuant to Evidence Code sections 951-55, and Rule 3-100 of the California Rules of Professional Conduct, they must maintain as attorney-client privileged the documents in their possession belonging to Janet Arvizo, and her children Gavin Arvizo and Star Arvizo. (Rothstein Motion, p. 2, lines 3-6). Subpoenaed Party stated:

"Since the file is so intertwined, it is practically impossible to separate the privileged documents solely belonging to Ms. Arvizo from those solely belonging to Mr. Arvizo.

Consequently, F&R cannot release the file to anyone without the consent of both Mr. Arvizo and Ms. Arvizo or a court order." (Rothstein Memo, p. 3, lines 17-21)

- 8. However, the fact that it is difficult to separate privileged from non-privileged documents is not a reason to refuse production. The waiver made in this case dated December 18, 2003, (Exhibit "E"), applies to Janet Arvizo individually and as Guardian for her children. Mr. Jackson is entitled to both the privileged and the non-privileged documents, and therefore respectfully requests the Court to order the Subpoenaed Parties to comply.
 - 9. Subpoensed Parties state:

"In March of 2004, Mr. Arvizo subpoenaed the file for the purposes of a family law action in the matter of <u>Janet Arvizo v. David Arvizo</u>, Los Angeles Superior Court case number BD356568. Feldman & Rothstein objected to the subpoena and Mr. Arvizo filed a motion to compel production. The family law court denied Mr. Arvizo's motion on the grounds that the release of the file would violate the attorney-client privilege and work product privilege." (Rothstein Memo, p. 3, line 22-27).

10. While what has happened in another court between different parties does not affect this Court's determination of the issue, it is instructive to examine the pleading in the marital dissolution case because it demonstrates the deception Janet Arvizo practiced. The Opposition to the Motion to Compel filed by Feldman and Rothstein in that marital dissolution case stated:

"Mr. Arvizo signed a general release permitting F&R to release the file to anyone who may request it but the release was based on the oral promise by F&R that Ms. Arvizo would sign the same release. Ms. Arvizo has now refused to sign the release and therefore the release signed by Mr. Arvizo is likely void or voidable by Mr. Arvizo. Ms. Arvizo has instructed F&R to not release any portion of the file to Mr. Arvizo." (Exhibit "F," 4-19-04 Opp. Mot. Compel, p. 2, lns 9-14; Decl. Tony S. Sadri, p. 5, lns 15-16).

11. Knowing that Mr. Arvizo signed a waiver, the Subpoenaed Parties have come to this Court concealing that fact. In addition, they know, Janet Arvizo has also signed a waiver dated December 18, 2003, because the waiver is attached to the Subpoena served on them. Instead of acknowledging that both parties have waived the privilege, they tell this Court:

"F&R would like nothing more than for Mr. Arvizo and Ms. Arvizo to agree to waive the privilege or to take custody of the file. But until such time, F&R has a legal and ethical duty to shoulder the burden of having to protect the privilege." (Memo, p. 4, lines 8-10).

12. Feldman and Rothstein have the legal and ethical duty to tell this Court the truth.

Unfortunately, they have intentionally or negligently concealed from this Court the fact that David Arvizo has waived attorney-client privilege. Their statements to this Court are inexplicable in the face of the mutual waivers by all of the Arvizos. They have filed a motion before this Court that has no merit.

- 13. Worse yet, Janet Arvizo concealed from both the marital dissolution judge, Judge Denner, and Feldman and Rothstein the fact that on December 18, 2003, only four (4) months prior to Judge Denner's ruling on the motion in the marital case, that she signed a written waiver of the attorney-client privilege regarding Feldman and Rothstein. (Exhibit "E"). Despite signing a waiver, "Ms. Arvizo has instructed Feldman and Rothstein to not release any portion of the file to Mr. Arvizo." (Exhibit "F," 4-19-04 Opp Mot. Compel, p. 2, lns 13-14; Decl. Tony S. Sadri, p. 5, lns 15-16). This concealment was inexcusable.
- 14. Not only did Janet Arvizo practice concealment, but also Deputy District Attorney Gerald McC. Franklin concealed the existence of the waiver from Judge Denner. Mr. Franklin filed a declaration under penalty of perjury in support of Janet Arvizo's Opposition to David Arvizo's Motion to Compel. (Exhibit "G," pp. 4-5). In that declaration, Mr. Franklin concealed from Judge Denner the fact Janet Arvizo had signed a waiver on December 18, 2003. While he may have excuses for his concealment, his conduct is highly questionable.
- 15. The reason Judge Denner denied the motion was because no one saw fit to tell him the truth.

 Judge Denner's denial of that motion is not controlling on this Court under any circumstances. This court should not countenance the deception practiced against Judge Denner.

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

Executed this 17th day of November, at Santa Fe Springs, California.

R. Brian Oxman

























Exhibit "A"





9.00 i		
ATTOMEY OR PARTY WITHOUT ATTORNEY (Manual		··· FOR COURT USE ONLY
Thomas A. Mesereau 91182 1875 Century Park East, Suite 70 Los Angeles; CA 90067	Brian Oxman (310) 284-3120 00 14126 E. Rosecrans (562) 921-5058 Santa Fe Springs, CA	
ATTORNEY FOR (Manual Michael Joe Jack	90670 (son 4005.COM	mjfacts.com
Santa Barbara County Superior Co		
312 E. Cook Street (Santa Maria, CA 93454	Dept. SM-2: Judge Rodney Melville)	·
The People of the State o	f California v. Michael Jackson, et al.	oil à
SUBPENA (CRIMINAL OR JUVENIL	E)	CASE NUMBER: 1133603
DUCES TECUM THE PEOPLE OF THE STATE OF CAL		
YOU ARE ORDERED TO APPEAR UNLESS you make a special agree a. Date: November 10, 2004 b. Address: 312 E. Cook Street, D.	AS A WITNESS in this action at the date, time, a sment with the person named in item 3: Time: 9:00 a.m. Dept: SI ept. SM-2 (Judge Rodney Melville)	and place shown in the box below
Santa Maria, CA 9345	64	
2 AND YOU ARE		
a. ordered to appear in parson b. ordered to appear in a	i. person if you produce the records described in t	ha annonamine alichille ani-araname ad
	records in compliance with Evidence Code section	
	envelope (or other wrapper). Enclose your original	
	ha to the envelope or write on the envelope the ca	
	(the box above), (3) Place this first envelope in an	- · · · · · · · · · · · · · · · · · · ·
	n item 1. (4) Mail a copy of your declaration to the a	
	and to produce the records described in the accord	
	pualified witness and the production of the original abdivision (b) of section 1560, and sections 1561	
deemed sufficient complian		and 1902, Of the Language Code and lice of
	nal business records described in the accompany	rin <mark>g affidavi</mark> t available for inspection at your
business address by the a	tiomey's representative and to permit copying a	-
	ditions during normal business hours.	
IF YOU HAVE ANY QUESTIONS I THAT YOUR PRESENCE IS REQU TO APPEAR:	ABOUT THE TIME OR DATE FOR YOU TO APP MRED, CONTACT THE FOLLOWING PERSON E	EAR, OR IF YOU WANT TO BE CERTAIN REFORE THE DATE ON WHICH YOU ARE
a. Name: Brian Oxman	•	ne number: (562) 921-5058
 WITNESS FEES: You may be entitle item 3 AFTER your appearance. 	ed to witness fees, mileage, or both, in the discretio	n of the court. Contact the person named in
	A MAY BE PUNISHED BY A FINE, IMPRISONMEN	NT, OR BOTH. A WARRANT MAY
ISSUE FOR YOUR ARREST IF YOU	FAIL TO APPEAR	000
POR COURT USE ONLY Date: Oct	bober 25, 2004	1. Dum (Jun)
mifacts.com	(SIGN	IATURE OF PERSON ISSUING SLEEPENA
	***************************************	R. Brian Oxman
	Atto	mey for Michael J. Jackson
	(See reverse for proof of service)	(MILE)
Force Adopted by Rule 982 Judicial Council of California 952(b)(14) (Res. January 1, 1991)	SUBPENA (CRHNHAL OR JUVENILE)	Permit Code, § 1326 et and. Welfare and Institutions Code, §§ 341, 854, 1727

mifactEXHIBIT "A"

ATTACHMENT TO ITEM 2(b) Subpoena to Thomas David Rothstein and Custodian of Records, Feldman and Rothstein October 25, 2004

The items described in the following Affidavit to be produced pursuant to this subpoena are as follows:

- (1) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning the ARVIZO V. J.C. PENNY, INC., CASE Los Angeles County Superior Court Case No. KC 027876, including but not limited to the entire correspondence file, discovery file, deposition file, legal file, incident reports, witness statements, photographs, doctors reports, medical reports, medical expenses, psychiatric reports, and all other documents associated with the case.
- (2) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning the payment of money or other consideration to COMPLAINANTS, including but not limited to the payment of settlement proceeds from the ARVIZO V. J.C. PENNY, INC., CASE to COMPLAINANTS or any of their REPRESENTATIVES, the deposit of settlement proceeds in any bank or other financial institution (front and back of checks), bank statements reflecting the existence or whereabouts of the settlement proceeds, DOCUMENTS reflecting any blocked minor's account, accountings for the disbursement of settlement proceeds, and all cancelled checks (front and back) showing the disposition of such settlement to any person, business, or other entity.
- (3) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning any correspondence, communications, telephone calls, notes, or discussions between you or any of your REPRESENTATIVES, and any of the following persons:
- Jackson, date of birth social security number

 (b) Davellin Arvizo, date of birth social security number

 (c) Gavin Arvizo, date of birth social security number

 (d) Star Arvizo, date of birth social security number
- (4) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning any contract, agreement, gift, payment (front and back of cancelled check), directions, instructions, or notifications between you or any of your

REPRESENTATIVES, and any of the following persons:

(a) Janet Arvizo, aka Janet Ventura or Janet Jackson, date of birth social security number

(b) Davellin Arvizo, date of birth

(c) Gavin Arvizo, date of birth

Jay Daniel Jackson, date of birth.

(e)

social security number

- (6) "YOU" or "YOURS" refers to Thomas David Rothstein, and the Custodian of Records for Feldman & Rothstein, and all of its agents, representatives, employees, attorneys, or any person acting on his behalf.
- (7) As used herein, "PERSON" or "PERSONS" means any natural individual in any capacity whatsoever, and all entities of every description, including, but not limited to, associations, organizations (public or private), agencies, companies, partnerships, joint ventures, corporations, and trusts.
- (8) As used herein, "REPRESENTATIVE" or "REPRESENTATIVES" means any person (as defined herein) who acts, has at any time acted, or has purported to act, at the request of, for the benefit of, or on behalf of another, including, but not limited to, the parents, guardians, or agents of COMPLAINANT, businesses, partnership, corporation, in which they have an interest or association as reflected in YOUR records.
- (9) As used herein, the term "COMMUNICATION" is to be interpreted comprehensively, and means any instance in which information was exchanged between or among two or more persons, including any oral or written utterance, notation, or statement of any nature whatsoever, by and to whomsoever made, and all understanding or exchanges of information between or among two or more persons.
- (10) As used herein, the term "CORRESPONDENCE" means any handwritten, printed, typed, or otherwise recorded communication whatsoever between or among two or more persons, and includes, without limitation, memoranda, letters, notes, telegrams, telexes, facsimile transmissions, email records, and marginal notations or comments.
- (11) As used herein, the term "ARVIZO V. J.C. PENNY, INC., CASE" refers to the legal proceeding instituted in the Los Angeles County Superior Court entitled Janet Arvizo, David Arvizo, Gavin Arvizo, Star Arvizo, by and through their guardian Ad Litem v.J.C. Penny, Inc., Jessica Bentacourt, Gary Weidemann, and Dexter Mason, Los Angeles County Superior Court Case No. KC 027876,
- (12) As used herein, the term "WAIVER" means the written waiver of attorney-client privilege executed by Janet Arvizo on behalf of her self, and on behalf of Gavin Arvizo and Starr Arvizo as Guardian ad Litem, on December 18, 2003, a copy of which is attached as Exhibit "A," and the waiver of attorneyclient privilege Thomas David Rothstein made on January 28, 2004, by discussing the Arvizo v. J.C. PENNY, INC., CASE with Sheriff's investigators from the Santa Barbara County Sheriff's Office. DOCUMENTS TO BE PRODUCED:
- (1) All DOCUMENTS constituting, evidencing,
- concerning, discussing or mentioning the ARVIZO V. J.C. PENNY.

concerning, discussing or mentioning the ARVIZO V. J.C. PENNY, INC., CASE Los Angeles County Superior Court Case No. KC 027876, including but not limited to the entire correspondence file, discovery file, deposition file, legal file, incident reports, witness statements, photographs, doctors reports, medical reports, medical expenses, psychiatric reports, and all other documents associated with the case.

- (2) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning the payment of money or other consideration to COMPLAINANTS, including but not limited to the payment of settlement proceeds from the ARVIZO V. J.C. PENNY, INC., CASE to COMPLAINANTS or any of their REPRESENTATIVES, the deposit of settlement proceeds in any bank or other financial institution (front and back of checks), bank statements reflecting the existence or whereabouts of the settlement proceeds, DOCUMENTS reflecting any blocked minor's account, accountings for the disbursement of settlement proceeds, and all cancelled checks (front and back) showing the disposition of such settlement to any person, business, or other entity.
- (3) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning any correspondence, communications, telephone calls, notes, or discussions between you or any of your REPRESENTATIVES, and any of the following persons:
- (a) Janet Arvizo, aka Janet Ventura or Janet Jackson, date of birth social security number
 - (b) Davellin Arvizo, date of birth

social security number

(c) Gavin Arvizo, date of birth

social security number

(d) Star Arvizo, date of birth

social security number

(e) Jay Daniel Jackson, date of birth

social security number

- (4) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning any contract, agreement, gift, payment (front and back of cancelled check), directions, instructions, or notifications between you or any of your REPRESENTATIVES, and any of the following persons:
- (a) Janet Arvizo, aka Janet Ventura or Janet Jackson, date of birth social security number
 - (b) Davellin Arvizo, date of birth

social security number (c) Gavin Arvizo, date of birth

social security number

(d) Star Arvizo, date of birth social security number

(e) Jay Daniel Jackson, date of birth

- (5) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning any application for distribution from a minor's blocked account relating to the proceeds of the ARVIZO V. J.C. PENNY, INC., CASE, including but not limited to petitions to court, correspondence with any person relating to such distributions, cancelled checks (front and back), bank statements for the minor's blocked account, and receipts for distributions from such blocked accounts.
- (6) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning any contact, communications, meeting, discussion, or correspondence between you, or any of your REPRESENTATIVES, and any of the persons mentioned below, in which any of the COMPLAINANTS are mentioned or discussed:
 - (a) Gloria Allred
 - (b) William Dickerman
 - (c) Larry Feldman
 - (d) Carol Lieberman, M.D.
 - (e) any person form the Santa Barbara County District Attorney's office;
 - (f) any person from the Santa Barbara County Sheriff's Department;
 - (g) any person acting on behalf of any federal, state, county, or city agency, organization, or entity;
 - (h) Jamie Masada
 - (i) any person acting on behalf or for the benefit of any of the above-indicated persons.

Jay Daniel Jackson, date of birth

- (7) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning any statements, representations, claims, disclosures, receipts, invoices, or applications for benefits, request for legal services, made to you or any of your REPRESENTATIVES, by or from any of the COMPLAINANTS, who are:
- (a) Janet Arvizo, aka Janet Ventura or Janet Jackson, date of birth social security number
- (b) Davellin Arvizo, date of birth social security number

(c) Gavin Arvizo, date of birth;

social security number

(d) Star Arvizo, date of birth (social security number

(e)

social security number

- (8) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning any familial, kinship, blood, or other legal relationship between you and Larry R.
- 3. The above documents are material to the issues involved in the case by reason of the following facts:

Feldman, California State Bar No. 45126.

- A. The information sought will lead to witness, documents, and discoverable evidence that will show the claims made in the Pending Criminal Case in the Santa Barbara Superior Court are unfounded.
- B. The information sought by this subpoena will disclose motives, biases, and exaggerations on behalf of and engaged in by the various persons identified in the above requests who are witnesses in this proceeding:
- C. The information sought contains information regarding the background, motives, state of mind, character and reputation for veracity, and reports of COMPLAINANTS and the various persons identified in the above-requests who are witnesses in this proceeding;
- D. The requested documents and/or information contains the prior inconsistent statements, recollections, observations, and reactions of COMPLAINANTS to the events and circumstances which gave rise to the Pending Criminal Case in the Santa Barbara Superior Court;
- E. The requested materials constitute evidence of a financial motive for making false and inaccurate claims in this matter;
- 4. Good cause exists for the production of the above described matters and things by reason of the following facts:
- A. The subpoenaed party is the sole and exclusive source of all such information, and no other person, business, or other entity has possession or control of such information.
- B. The information requested by this Subpoena discloses the motive, intent, and conscious state of mind of persons making claims in the Santa Barbara Superior Court, along with persons directing, counseling and controlling the complainants in the Santa Barbara Superior Court action.
- C. No other source exists for such information because such disclosures were made only in the records of the subpoensed party, and the only person with such information is the subpoensed party.

WHEREFORE, request is made that the Subpoena Duces Tecum issue.

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

California.

R. Brian Oxman

Page 3

SHERIFF'S DEPARTMENT

Santa Barbara County
CONTINUATION SHEET

Case Number 03-5670

(A) LIST CONTINUATION. (B) DESCRIBE: PHYSICAL EVIDENCE, LOCATION FOLING & DISPOSITION. (C) NARRATIVE. (D) CASE DISPOSITION

1	WAIVER OF LAWYER-CLIENT PRIVILEGE and
2	CONSENT TO LIMITED DISCLOSURE OF PRIVILEGED COMMUNICATIONS
3	(Evid. Code, § 912)
4	I, JANET ARVIZO, say:
5	1. I am the mother of, and have legal custody of, my sons GAVIN ARVIZO,
6	
7	and my daughter DAVELLIN ARVIZO, whose date of birth is
8	
.9	2. On my own behalf and on behalf of one or more of my children, I have
10	consulted the following attorneys-at-law:
11	THOMAS DAVID ROTHSTEIN, SBN 77965
12	GEORGE OWEN FELD <mark>MAN, SB</mark> N 80025
13	WILLIAM DICKERMAN, SEN 76237 - JA
<u>[4</u>	C. MICHAEL ALDER, SBN 170381
15	LARRY ROBERT FELUMAN, SBN 45128
Ιó	3. I consulted one or more of those lawyers concerning an incident in which I,
i7 _.	Gavin and Star were detained by employees of J.C. Penney Company, and discussed
18:	the facts of that incident with them. A civil suit arising out of that incident was filed in
19	the Los Angeles Superior Court on July 22, 1999, captioned "Janet Arvizo, et al. vs.
20	J.C. Penney, Inc., et al., Case No. KC027876.
21	4. In the course of that lawsuit, my deposition and the depositions of each of
22	my two sons were taken.
23	5. From time to time between January 1, 2000 and the present date, I
4	consulted one or more of those lawyers concerning Michael Jackson's interaction with
25	me and my children, at Neverland Ranch in Santa Barbara County and elsewhere in
6	this and other states, and concerning the return of some furniture stored by or in the
	name of "Brad Miller" at "Dino's Storage" in North Hollywood (Los Angeles County),
	California.

WAIYER OF LAWYER-CLIENT PRIVILEGE AND CONSENT TO DISCLOSURE

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		Sheriff's	DEPARTMENT	
, b	age 4		bara County	Case Number
			TION SHEET	03-5670
(A) Lis	CONTINUATION.	(B) DESCRIBE: PHYSICAL EVIDENCE, LO	CATION FOUND & DISPOSITION. (C) I	NARRATIVE. (D) CASE DISPOSITION
1	6. 1	understand that written and	oral communications betw	veen me and my
2	children ar	d a lawyer who has agreed to	o provide legal advice to t	us and to represent us
3	and protec	t our interests, which commu	nications are intended by	me, my children and
4	that lawyer	to be made in confidence in	the course of that <mark>relatio</mark> r	nship, are privileged
5	from disclo	sure to any third party except	where reasonably neces	sary for the
6	transmissi	on of the information or the ac	complishment of the pur	pose for which the
7	lawyer is c	onsulted.	,	
8	7. 7	o the extent any lawyer I and	my children consulted co	oncerning any aspect
9	of my disp	ite with J.C. PENNEY, INC. a	ind/or concerning MICHA	EL JACKSON or
10	BRAD MIL	ER believes that my commu	nications and my children	's communications
11	with him or	her concerning any of those	matters are protected by	the "lawyer- <mark>clien</mark> t"
12	privilege ar	d that he or she must therefo	ore assert and claim the la	awyer-client privilege
/13	on rny beh	alf and on behalf of my childre	en, I HEREBY AUTHORIZ	ZE, FOR MYSELF
14	AND FOR	EACH OF MY MINOR CHILD	REN, êach and every one	e of those lawyers,
15	including th	e lawyers list <mark>ed</mark> by name abo	ve, to make full disclosur	e of those
16	communica	itions (inc <mark>luding tran</mark> scripts of	all depositions of me and	any one or more of
17	my children) to the Sheriff of Santa Barb	ara County and his duly-a	ppointed deputies
18	and investig	ators and to the District Attor	ney of Santa Barbara Co	unty and his duly-
19	appointed o	leputies and investigators, up	on the request of any of t	hem accompanied
20	by a signed	copy of this Waiver and Con	sent.	
21	DAT	ED: December 13 2003		
. 22				
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24			JANET ARVIZO	noifeata an-
25	racts.c	om mjfa	acts.com	mjracts.cor
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GARY M. BLAIR, Executive Officer CARLLE & WAS THE THINK IS

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

THE PEOPLE OF THE STATE OF CALIFORNIA,)

Plaintiff.

Case No.: 1133603

Protective Order Regarding Defendant's Subpoenas Duces Tecum

MICHAEL JACKSON.

Defendant

Good cause appearing, it is hereby ordered that the clerk of the court shall permit Defendant Michael Jackson, by and through his counsel, to subpoena materials without disclosing the nature of the subpoena, the person or items sought by the subpoena, or the response to the subpoena and any materials returned therewith.

It is further ordered, without limiting the generality of the foregoing, that:

1. The clerk of the court shall segregate and keep confidential and not disclose to the People any materials pertaining to the subpoena, including returns, documents, and other materials returned in response to said subpoena.

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- 2. The clerk of the court shall permit Coursel for the defendant to subpoena materials to the court on days and times at which the case Itself is not on calendar for other purposes.
- Persons or entities subpoensed by the defendant shall not disclose directly or indirectly to the People the fact that they have been subpoensed or the nature of the subpoens.
- Any appearance, objection, compliance, or other communication by a party subpoensed by the defendant shall be filed under seal.
- 5. Any hearings involving the materials pertaining to the subpoena, including returns, documents and other materials returned in response to the subpoena regarding compliance, privacy or other issues shall be held in camera.
- 6. This order does not affect the right of any party whose records are subpoensed to assert any applicable claims of privilege.
- 7. Subject to the resolution of any issues of privilege that may be asserted, the clerk of the court shall permit counsel for the defendant to inspect and copy the subpoenced materials.
 - 8. A copy of this order shall be served with each subpoena to which it pertains.

DATED: JUL 6 5 2004

RODNEY S. MELVILLE
Judge of the Superior Court

-2-

































ATICENEY OR PARTY WITHOUT ATTOR Thomas A. Mesereau 91 1875 Century Park East, Los Angeles, CA 90067	182 Brian Oxman Suite 700 14126 E. Rosecrans Santa Fe Springs, CA	(310) 284-3120 (562) 921-5058	FOR COURT USE ONLY
ATTORNEY FOR (Name): Michael	90670	com	
	h count, if any, and post office and smeat address:		
	perior Court, Santa Maria Division (Dept. SM-2: Judge Rodne	y Melville)	
The People of the	State of California v. Michael Jack	cson, et al.	<u></u>
SUBPENA (CRIMINAL OR J	NVENILE)		CASE NUMBER: 1133603
DUCES TECUM		10	
	OF CALIFORNIA, TO (NAME): as David Rothstein, and Custodien	of Bosoeds for Cold	man and Pathetein
1. YOU ARE ORDERED TO A UNLESS you make a special Date: January 31, 2005 b. Address: 312 E. Cook S	APPEAR AS A WITNESS in this action is a section in the person reason rea	on at the date, time, and in item 3: Dept.: SM	nd place shown in the box below
Santa Maria, (CA 93454		
declaration of custopy of the record Attach a copy of the record Attach a copy of the time, and place from the court at the contract of the custodian of the cu	opear in person if you produce the materian of records in compliance with the six in an envelope (or other wrapper). It is subpens to the envelope or write of mitem 1 (the box above). (3) Place the address in item 1. (4) Mail a copy of your person and to produce the records in person and to produce the records or other qualified witness and the proceed by subdivision (b) of section 1560 compliance with this subpens. The original business records describe by the attorney's representative and pours, conditions during normal business STIONS ABOUT THE TIME OR DATE IS REQUIRED, CONTACT THE FOLLY of the entitled to witness fees, mileage, or the entitled to witness fees, mileage, or the still the process of the entitled to witness fees, mileage, or the produce of the entitled to witness fees, mileage, or the produce of the entitled to witness fees, mileage, or the produce of the entitled to witness fees, mileage, or the produce of the entitled to witness fees, mileage, or the produce of the entitled to witness fees, mileage, or the produce of the entitled to witness fees, mileage, or the produce of the entitled to witness fees, mileage, or the produce of the entitled to witness fees, mileage, or the produce of the entitled to witness fees, mileage, or the produce of the entitled to witness fees, mileage, or the produce of the entitled to witness fees, mileage, or the produce of the entitled to witness fees, mileage, or the produce of the entitled to witness fees, mileage, or the produce of the entitled to witness fees, mileage, or the produce of the entitled to witness fees, mileage, or the produce of the entitled to witness fees, mileage, or the produce of the entitled to	Evidence Code section Enclose your original in the envelope the casts first envelope in an obur declaration to the addescribed in the accompanying and sections 1561 and secti	the accompanying affidavit and a complete its 1560, 1561, 1562, and 1271. (1) Place declaration with the records. Seal them. (2 se name and number, your name and date outer envelope, seal it, and mail it to the clerationey or party shown at the top of this formapanying affidavit. The personal attendance records is required by this subpena. The and 1562, of the Evidence Code will not be an affidavit available for inspection at your typur business address under reasonable EAR, OR IF YOU WANT TO BE CERTAIN EFORE THE DATE ON WHICH YOU ARE the number: (562) 921-5058
DICOGEDIENCE AE TUIC	CLIPPENA MAY DE BLINICUED DY A	ENE MODICONNEN	T OR ROTH A WARRANT MAY
	SUBPENA MAY BE PUNISHED BY A ST IF YOU FAIL TO APPEAR.	FINE, IMPRISORMEN	T, OR BOTH. A WARRANT MAT
FOR COURT USE ONLY	Date: October 25, 2004	(SIGN	ATURE OF PERSON ISSUING SUPENA)
			R, Brian Oxman
		Attor	THEY FOR PRINT NAME) THEY FOR MICHAEL J. Jackson
	(See reverse for p		(mr.s)
Fam. Advanta by D.A. con			District France
Form Adopted by Rule 982 Judicial Council of Casternia 982(e)(16) [Rev. Jenuery 1, 1991]	SUBP (CRIMINAL OR		Penel Code, § 1326 et ser Weifere end insilitations Code, §§ 341, 664, 172

EXHIBIT "B"

ATTACHMENT TO ITEM 2(c

Subpoena to Thomas David Rothstein and Custodian of Records.

Feldman and Rothstein

October 25, 2004

The items described in the following Affidavit to be produced pursuant to this subpoena are as follows:

- (1) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning the ARVIZO V. J.C. PENNY, INC., CASE Los Angeles County Superior Court Case No. KC 027876, including but not limited to the entire correspondence file, discovery file, deposition file, legal file, incident reports, witness statements, photographs, doctors reports, medical reports, medical expenses, psychiatric reports, and all other documents associated with the case.
- (2) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning the payment of money or other consideration to COMPLAINANTS, including but not limited to the payment of settlement proceeds from the ARVIZO V. J.C. PENNY, INC., CASE to COMPLAINANTS or any of their REPRESENTATIVES, the deposit of settlement proceeds in any bank or other financial institution (front and back of checks), bank statements reflecting the existence or whereabouts of the settlement proceeds, DOCUMENTS reflecting any blocked minor's account, accountings for the disbursement of settlement proceeds, and all cancelled checks (front and back) showing the disposition of such settlement to any person, business, or other entity.
- (3) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning any correspondence, communications, telephone calls, notes, or discussions between you or any of your REPRESENTATIVES, and any of the following persons:
- Jackson, date of birth social security number
 - (b) Davellin Arvizo, date of birth
- social security number (c) Gavin Arvizo, date of birth social security number
- (d) Star Arvizo, date of birth social security number
- (e) Jay Daniel Jackson, date of birth social security number
- (4) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning any contract, agreement, gift, payment (front and back of cancelled check), directions, instructions, or notifications between you or any of your REPRESENTATIVES, and any of the following persons:
- (a) Janet Arvizo, aka Janet Ventura or Janet Jackson, date of birth social security number
- (b) Davellin Arvizo, date of birth social security number
 - (c) Gavin Arvizo, date of birth 1

social security nu er (d) Star Arvizo, date of birth

social security number

(e) Jay Daniel Jackson, date of birth social security number

- (5) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning any application for distribution from a minor's blocked account relating to the proceeds of the ARVIZO V. J.C. PENNY, INC., CASE, including but not limited to petitions to court, correspondence with any person relating to such distributions, cancelled checks (front and back), bank statements for the minor's blocked account, and receipts for distributions from such blocked accounts.
- (6) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning any contact, communications, meeting, discussion, or correspondence between you, or any of your REPRESENTATIVES, and any of the persons mentioned below, in which any of the COMPLAINANTS are mentioned or discussed:
 - (a) Gloria Allred
 - (b) William Dickerman
 - (c) Larry Feldman
 - (d) Carol Lieberman, M.D.
 - (e) any person form the Santa Barbara County
 District Attorney's office;
 - (f) any person from the Santa Barbara County Sheriff's Department;
 - (g) any person acting on behalf of any federal, state, county, or city agency, organization, or entity;
 - (h) Jamie Masada
 - (i) any person acting on behalf or for the benefit of any of the above-indicated persons.
- (7) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning any statements, representations, claims, disclosures, receipts, invoices, or applications for benefits, request for legal services, made to you or any of your REPRESENTATIVES, by or from any of the COMPLAINANTS, who are:
- (a) Janet Arvizo, aka Janet Ventura or Janet Jackson, date of birth social security number
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(d) Star Arvizo, date of birth

social security number

(e) Jay Daniel Jackson, date of birth social security number

Collins, Mesereau, Reddock & Yu, LLP | 1875 Century Park East, 7th Floor | Los Angeles, CA 90067 | (310) 284-3120

Brian Oxman 072172 14126 E. Rosecrans Blvd. Santa Fe Springs, CA 90670 (562) 921-5058

Attorneys for defendant, Mr. Michael Jackson

mjfacts.com

Case No.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA BARBARA

PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

VS

MICHAEL JACKSON,

Defendant.

1133603

DECLARATION AND
APPLICATION
FOR SUBPOENA DUCES TECUM

STATE OF CALIFORNIA, COUNTY OF SANTA BARBARA

- 1. The undersigned states: That he is the attorney of record for defendant, Michael Jackson, in the above-entitled action and that this cause has been duly set for hearing on January 31, 2005, at 8:30 a.m. in Department SM-2 of the Santa Barbara Superior Court, located at 312 East Cook Street, Santa Maria. California 93454.
- 2. Witness Thomas David Rothstein, and the Custodian of Records for Feldman & Rothstein, has in his possession or control the following documents, objects, or other tangible things:

A. INSTRUCTIONS AND DEFINITIONS:

(1) As used herein, the term "DOCUMENT" or "DOCUMENTS" means any handwritten, recorded, typed, printed, pictorial, or graphic matter whatsoever, however produced or reproduced, and including without limitation, all "WRITINGS" as defined in California Evidence Code \$ 250. The term "DOCUMENT" or "DOCUMENTS" also includes any data compilation of any sort, whether stored magnetically, electronically, or otherwise, from which information can be obtained, translated, or, if necessary, through detection devices into reasonably usable form. Any

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APPLICATION FOR SUBPOENA

comment or notation appearing on any document, and not a part of the original text, is considered a separate document and any copy, draft, or preliminary form of any document is also considered a separate document.

- (2) As used herein, the term "DOCUMENT" is intended to include within its scope each and every "ORIGINAL" (as the term is defined in California Evidence Code Section 255), and each and every "DUPLICATE" (as the term is defined in Evidence Code Section 260), of each and every "WRITING" (as the term is defined in California Evidence Code § 250) described in the requests set forth below. All such documents are meant to referred to those DOCUMENTS which are within your possession and control, or subject to your possession or control.
- (3) As used herein, "ACCOUNT" shall include, but not be limited to, any bank account, saving account, certificate of deposit, share draft account, time deposit, money market account, trust accounts, Individual Retirement Account, 401K account, credit card account, revolving credit account, or other financial instrument or demand deposit. Where DOCUMENTS are requested concerning such ACCOUNTS, you shall produce all records of monthly statements, cancelled checks, deposit checks and drafts, deposit records and receipts, wire transfers, wire deposits, automatic withdrawals or deposits, monthly charges, interest payments, and fees.
- (4) As used herein, the "COMPLAINANTS" refers to

 (a) Janet Arvizo, aka Janet Ventura or Janet

 Jackson, date of birth social security number
- (b) Davellin Arvizo, date of birth social security number
- (c) Gavin Arvizo, date of birth
- social security number
- (d) Star Arvizo, date of birth social security number
- (e) Jay Daniel Jackson, date of birth social security number

or any person who is their representative, agent, or acting on their behalf, including their partners, corporations, or business entities where they have a property or ownership interest. The term "COMPLAINANTS" refers to all the individuals mentioned in this paragraph individually, whether or not the names of the others persons identified in this paragraph appear or are mentioned in the DOCUMENT. The term "COMPLAINANTS" also include present and former attorneys, agents, representatives, and any other persons acting on behalf of COMPLAINANT.

(5) As used herein, the "COMPLAINT" refers to the reports, claims, or allegations made by the COMPLAINANTS regarding Mr. Michael Jackson, which are stated in the Indictment in the case of People v. Michael Jackson, SBSC Case No. 1133603.

- (6) "YOU" or "YOURS" refers to Thomas David
 Rothstein, and the Custodian of Records for Feldman & Rothstein,
 and all of its agents, representatives, employees, attorneys, or
 any person acting on his behalf.
- (7) As used herein, "PERSON" or "PERSONS" means any natural individual in any capacity whatsoever, and all entities of every description, including, but not limited to, associations, organizations (public or private), agencies, companies, partnerships, joint ventures, corporations, and trusts.
- (8) As used herein, "REPRESENTATIVE" or "REPRESENTATIVES" means any person (as defined herein) who acts, has at any time acted, or has purported to act, at the request of, for the benefit of, or on behalf of another, including, but not limited to, the parents, guardians, or agents of COMPLAINANT, businesses, partnership, corporation, in which they have an interest or association as reflected in YOUR records.
- (9) As used herein, the term "COMMUNICATION" is to be interpreted comprehensively, and means any instance in which information was exchanged between or among two or more persons, including any oral or written utterance, notation, or statement of any nature whatsoever, by and to whomsoever made, and all understanding or exchanges of information between or among two or more persons.
- (10) As used herein, the term "CORRESPONDENCE" means any handwritten, printed, typed, or otherwise recorded communication whatsoever between or among two or more persons, and includes, without limitation, memoranda, letters, notes, telegrams, telexes, facsimile transmissions, email records, and marginal notations or comments.
- (11) As used herein, the term "ARVIZO V. J.C. PENNY, INC., CASE" refers to the legal proceeding instituted in the Los Angeles County Superior Court entitled Janet Arvizo, David Arvizo, Gavin Arvizo, Star Arvizo, by and through their guardian Ad Litem v.J.C. Penny, Inc., Jessica Bentacourt, Gary Weidemann, and Dexter Mason, Los Angeles County Superior Court Case No. KC 027876,
- (12) As used herein, the term "WAIVER" means the written waiver of attorney-client privilege executed by Janet Arvizo on behalf of her self, and on behalf of Gavin Arvizo and Starr Arvizo as Guardian ad Litem, on December 18, 2003, a copy of which is attached as Exhibit "A," and the waiver of attorney-client privilege Thomas David Rothstein made on January 28, 2004, by discussing the Arvizo v. J.C. PENNY, INC., CASE with Sheriff's investigators from the Santa Barbara County Sheriff's Office.

B. DOCUMENTS TO BE PRODUCED:

(1) All DOCUMENTS constituting, evidencing,

concerning, discussing or mentioning the ARVIZO V. J.C. PENNY, INC., CASE Los Angeles County Superior Court Case No. KC 027876, including but not limited to the entire correspondence file, discovery file, deposition file, legal file, incident reports, witness statements, photographs, doctors reports, medical reports, medical expenses, psychiatric reports, and all other documents associated with the case.

- (2) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning the payment of money or other consideration to COMPLAINANTS, including but not limited to the payment of settlement proceeds from the ARVIZO V. J.C. PENNY, INC., CASE to COMPLAINANTS or any of their REPRESENTATIVES, the deposit of settlement proceeds in any bank or other financial institution (front and back of checks), bank statements reflecting the existence or whereabouts of the settlement proceeds, DOCUMENTS reflecting any blocked minor's account, accountings for the disbursement of settlement proceeds, and all cancelled checks (front and back) showing the disposition of such settlement to any person, business, or other entity.
- (3) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning any correspondence, communications, telephone calls, notes, or discussions between you or any of your REPRESENTATIVES, and any of the following persons:
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- (b) Davellin Arvizo, date of birth social security number
- (c) Gavin Arvizo, date of birth
- social security number (d) Star Arvizo, date of birth
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- social security numbers

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 - (a) Gloria Allred
 - (b) William Dickerman
 - (c) Larry Feldman
 - (d) Carol Lieberman, M.D.
 - (e) any person form the Santa Barbana County District Attorney's office;
 - (f) any person from the Santa Barbara County Sheriff's Department;
 - (g) any person acting on behalf of any federal, state, county, or city agency, organization, or entity;
 - (h) Jamie Masada
 - (i) any person acting on behalf or for the benefit of any of the above-indicated persons.
 - (7) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning any statements, representations, claims, disclosures, receipts, invoices, or applications for benefits, request for legal services, made to you or any of your REPRESENTATIVES, by or from any of the COMPLAINANTS, who are:
 - (a) Janet Arvizo, aka Janet Ventura or Janet Jackson, date of birth social security number
 - (b) Davellin Arvizo, date of birth social security number
 - (c) Gavin Arvizo, date of birth
 - social security number
 - (d) Star Arvizo, date of birth (
 - (e) Jay Daniel Jackson, date of birth
 - (8) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning any familial, kinship, blood, or other legal relationship between you and Larry R. Feldman, California State Bar No. 45126.
 - ?. The above documents are material to the issues involved in the case by reason of the following facts:

- A. The information sought will lead to witness, signments, and discoverable evidence that will show the claims made in the Pending Criminal Case in the Santa Barbara Superior Court are unfounded.
 - B. The information sought by this subpoens will disclose motives, biases, and exaggerations on behalf of and engaged in by the various persons identified in the above requests who are witnesses in this proceeding:
 - C. The information sought contains information regarding the background, motives, state of mind, character and reputation for veracity, and reports of COMPLAINANTS and the various persons identified in the above-requests who are witnesses in this proceeding;
 - D. The requested documents and/or information contains the prior inconsistent statements, recollections, observations, and reactions of COMPLAINANTS to the events and circumstances which gave rise to the Pending Criminal Case in the Santa Barbara Superior Court;
 - E. The requested materials constitute evidence of a financial motive for making false and inaccurate claims in this matter;
 - 4. Good cause exists for the production of the above described matters and things by reason of the following facts:
 - A. The subpoensed party is the sole and exclusive someter of all such information, and no other person, business, or other entity has possession or control of such information.
 - discloses the motive, intent, and conscious state of mind of persons making claims in the Santa Barbara Superior Court, along with persons directing, counseling and controlling the complainants in the Santa Barbara Superior Court action.
 - C. No other source exists for such information because such disclosures were made only in the records of the subpoensed party, and the only person with such information is the subpoensed party.

issue: WHEREFORE, request is made that the Subpoena Duces Tecum

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

Executed this 25th day of October, at California.

applos Rigelies,

mitacts.com

R. Brian Oxman

SHERIFF'S DEPARTMENT

Santa Barbara County

CONTINUATION SHEET

Case Number

03-5670

(A) LIST CONTINUATION. (B) DESCRIBET PHYSICAL EVIDENCE, LOCATION FOLING & DISPOSITION. (C) NARRATIVE. (D) CASE DISPOSITION

WAIVER OF LAWYER-CLIENT PRIVILEGE and

CONSENT TO LIMITED DISCLOSURE OF PRIVILEGED COMMUNICATIONS

(Evid. Code, § 912)

I, JANET ARVIZO, say:

Page 3

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1. I am the mother of, and have legal custody of, my sons GAVIN ARVIZO, whose date of birth is

7 and my daughter DAVELLIN ARVIZO, whose date of birth is

2. On my own behalf and on behalf of one or more of my children, I have

consulted the following attorneys-at-law:

THOMAS DAVID ROTHSTEIN, SBN 77965

12 GEORGE OWEN FELDMAN, SBN 80025

13 WILLIAM DICKERMAN, SBN 78237 POT

14 C. MICHAEL ALDER, SBN 170381

15 LARRY ROBERT FELOMAN, SBN 45128

- .16 3. I consulted one or more of those lawyers concerning an incident in which I.
- 17 Gavin and Star were detained by employees of J.C. Penney Company, and discussed
- 18 the facts of that incident with them. A civil suit arising out of that incident was filed in
- ily line Los Angeles Superior Court on July 22, 1999, captioned "Janet Arvizo, et al. vs.
- 20 J.C. Penney, Inc., et al.," Case No. KC027876.
- 4. In the course of that lawsuit, my deposition and the depositions of each of
- 22 my two sons were taken.
- 5. From time to time between January 1, 2000 and the present date, I
- 24 consulted one or more of those lawyers concerning Michael Jackson's interaction with
- 25 mc and my children, at Neverland Ranch in Santa Barbara County and elsewhere in
- 26 this and other states, and concerning the return of some furniture stored by or in the
- 27 name of "Brad Miller" at "Dino's Storage" in North Hollywood (Los Angeles County),
- 28 California.

WAIVER OF LAWYER-CLIENT PRIVILEGE AND CONSENT TO DISCLOSURE

	S. ERIFF'S DEPARTMEN	
Page 4	Santa B <mark>arbar</mark> a County	Case Number
	CONTINUATION SHEET	03-5670
(A) LIST CONTINUATION.	(B) DESCRIBE: PHYSICAL EVIDENCE, LOCATION FOUND & DISPOSITION. (C) NARRATIVE	. (D) Case Disposition

1	6. I understand that written and oral communications between me and my
2	children and a lawyer who has agreed to provide legal advice to us and to represent us
3	and protect our interests, which communications are intended by me, my children and
4	that lawyer to be made in confidence in the course of that relationship, are privileged
5	from disclosure to any third party except where reasonably necessary for the
6	transmission of the information or the accomplishment of the purpose for which the
7	lawyer is consulted.
8	7. To the extent any lawyer I and my children consulted concerning any aspect
9	of my dispute with J.C. PENNEY, INC. and/or concerning MICHAEL JACKSON or
10	BRAD MILLER believes that my communications and my children's communications
11	with him or her concerning any of those matters are protected by the "lawyer-client"
12	privilege and that he or she must therefore assert and claim the lawyer-client privilege
13	on my behalf and on behalf of my children, I HEREBY AUTHORIZE, FOR MYSELF
14	AND FOR EACH OF MY MINOR CHILDREN, each and every one of those lawyers,
15	including the lawyers listed by name above, to make full disclosure of those
16	communications (including transcripts of all depositions of me and any one or more of
7	my children) to the Sheriff of Santa Barbara County and his duly-appointed deputies
18	and investigators and to the District Attorney of Santa Barbara County and his duly-
19	appointed deputies and investigators, upon the request of any of them accompanied
20	by a signed copy of this Waiver and Consent.
21	DATED: December 18, 2003
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GARY M. BLAIR, Executive Officer arred where new

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

THE PEOPLE OF THE STATE OF CALIFORNIA,)

Plaintiff.

MICHAEL JACKSON,

Defendant.

Case No.: 1133603

Protective Order Regarding Defendant's Subpoenas Duces Tecum

Good cause appearing, it is hereby ordered that the clerk of the court shall permit Defendant Michael Jackson, by and through his counsel, to subpoena materials without disclosing the nature of the subpoena, the person or items sought by the subpoena, or the response to the subpoena and any materials returned therewith.

It is further ordered, without limiting the generality of the foregoing, that:

1. The clerk of the court shall segregate and keep confidential and not disclose to the People any materials pertaining to the subpoena, including returns, documents, and other materials returned in response to said subpoena.

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- ... 2. The clerk of the court shall permit Counsel for the defendant to subpoens materials to the court on days and times at which the case itself is not on calendar for other purposes.
- 3. Persons or entitles subpoenaed by the defendant shall not disclose directly or indirectly to the People the fact that they have been subpoenaed or the nature of the subpoena.
- Any appearance, objection, compliance, or other communication by a party subposnaed by the defendant shall be filed under seal.
- 5. Any hearings involving the materials pertaining to the subpoena, including returns, documents and other materials returned in response to the subpoena regarding compliance, privacy or other issues shall be held in camera.
- 6. This order does not affect the right of any party whose records are subpoensed to assert any applicable claims of privilege.
- 7. Subject to the resolution of any issues of privilege that may be asserted, the clerk of the court shall permit counsel for the defendant to inspect and copy the subpoenaed materials.
 - 8. A copy of this order shall be served with each subpoena to which it pertains.

ATED: 101 0 9 2004

Judge of the Superior Court

889/ -946

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Exhibit "C"



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Thomas A. Mesereau 91182 1875 Century Park East, Sui Los Angeles, CA 90067		(,	
ATTORNEY FOR (Name: Michael Joe			·
Santa Barbara County Superior 312 E. Cook Street Santa Maria, CA 93454 The People of the Street		ay Melville)	
SUBPENA (CRIMINAL OR JUVI	DVILE)		CASE MUNICIPE: 1133603
1. YOU ARE ORDERED TO APPI	David Rothstein, and Custodia	on at the date, time, a	man and Rothstein nd place shown in the box below
a. Date: November 10, 2004 b. Address: 312 E. Cook Stree Santa Maria, CA 9	Time: 9:00 a. et, Dept. SM-2 (Judge Rodne) 93454		-2 Div.: Room:
declaration of custodial copy of the records in Attach a copyof this sutime, and place from its of the court at the address or ordered to eppear in procedure authorized in deemed sufficient componed to make the obusiness address by a normal business hours. 3. IF YOU HAVE ANY QUESTIO THAT YOUR PRESENCE IS RETO APPEAR: a. Name: Brian Oxman	r in person if you produce the in of records in compliance with an envelope (or other wrapper), ubpana to the envelope or write earn 1 (the box above). (3) Place these in item 1. (4) Mail a copy of yourson and to produce the records her qualified witness and the proby subdivision (b) of section 156 pliance with this subpena, original business records describe attorney's representative and conditions during normal business. Conditions during normal business. ABOUT THE TIME OR DATEQUIRED, CONTACT THE FOR	Evidence Code section. Enclose your original on the envelope the caraisfirst envelope in an object the exemple of the economic of the original to the economic of the original to, and sections 1561 and sections	the accompanying affidavit and a completed is 1560, 1561, 1562, and 1271. (1) Place is declaration with the records. Seel them. (2 se name and number, your name and date, outer envelope, seel it, and mail it to the clerk torney or party shown at the top of this form, ipanying affidavit. The personal attendance records is required by this subpena. The and 1562, of the Evidence Code will not be and 1562, of the Evidence Code will not be and 1562, of the Evidence Code will not be and 1562. OR IF YOU WANT TO BE CERTAIN EFORE THE DATE ON WHICH YOU ARE a number: (562) 921-5058
ISSUE FOR YOUR ARREST IF			T, OR BOTH. A WARRANT MAY
	(See neverse for		R. Brian Oxman (TYPECK PRINT MANE) ney for Michael J. Jackson (TITLE)
Form Actorial by Rule 982 Judicial Council of Customia activist in Res. Jamestry 1, 1991	SUBP (CRIMINAL OR		Pernd Code, § 1320 et eus. Weltere end kusteatore Code, §§ 341, 804, 1727

EXHIBIT "C"

ATTACHMENT TO ITEM 2(b) g,

Subpoena to Thomas David Rothstein and Custodian of Records,

Feldman and Rothstein

October 25, 2004

The items described in the following Affidavit to be produced pursuant to this subpoena are as follows:

- (1) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning the ARVIZO V. J.C. PENNY, INC., CASE Los Angeles County Superior Court Case No. KC 027876, including but not limited to the entire correspondence file, discovery file, deposition file, legal file, incident reports, witness statements, photographs, doctors reports, medical reports, medical expenses, psychiatric reports, and all other documents associated with the case.
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- social security number
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social security ni er

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 - (c) Larry Feldman
 - (d) Carol Lieberman, M.D.
 - (e) any person form the Santa Barbara County District Attorney's office;
 - (f) any person from the Santa Barbara County Sheriff's Department;
 - (g) any person acting on behalf of any federal, state, county, or city agency, organization, or entity;
 - (h) Jamie Masada
 - (i) any person acting on behalf or for the benefit of any of the above-indicated persons.
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- social security number (e) Jay Daniel Jackson, date of birth
- social security number

Collins, Mesereau, Reddock & Yu, LLP | 1875 Century Park East, 7th Floor | Los Angeles, CA 90067 | (310) 284-3120

Brian Oxman 072172 14126 E. Rosecrans Blvd. Santa Fe Springs, CA 90670 (562) 921-5058

Attorneys for defendant, Mr. Michael Jackson

mjfacts.com

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA BARBARA

PEOPLE OF THE STATE OF CALIFORNIA,

Case No. 1133603

Plaintiff.

VS

MICHAEL JACKSON,

Defendant.

DECLARATION AND
APPLICATION
FOR SUBPOENA DUCES TECUM

STATE OF CALIFORNIA, COUNTY OF SANTA BARBARA

- 1. The undersigned states: That he is the attorney of record for defendant, Michael Jackson, in the above-entitled action and that this cause has been duly set for hearing on November 10, 2004, at 8:30 a.m. in Department SM-2 of the Santa Barbara Superior Court, located at 312 East Cook Street, Santa Maria, California 93454.
- 2. Witness Thomas David Rothstein, and the Custodian of Records for Feldman & Rothstein, has in his possession or control the following documents, objects, or other tangible things:

A. INSTRUCTIONS AND DEFINITIONS:

(1) As used herein, the term "DOCUMENT" or "DOCUMENTS" means any handwritten, recorded, typed, printed, pictorial, or graphic matter whatsoever, however produced or reproduced, and including without limitation, all "WRITINGS" as defined in California Evidence Code \$ 250. The term "DOCUMENT" or "DOCUMENTS" also includes any data compilation of any sort, whether stored magnetically, electronically, or otherwise, from which information can be obtained, translated, or, if necessary, through detection devices into reasonably usable form. Any

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comment or notation appearing on any document, and not a part of the original text, is considered a separate document and any copy, draft, or preliminary form of any document is also considered a separate document.

- (2) As used herein, the term "DOCUMENT" is intended to include within its scope each and every "ORIGINAL" (as the term is defined in California Evidence Code Section 255), and each and every "DUPLICATE" (as the term is defined in Evidence Code Section 260), of each and every "WRITING" (as the term is defined in California Evidence Code § 250) described in the requests set forth below. All such documents are meant to referred to those DOCUMENTS which are within your possession and control, or subject to your possession or control.
- (3) As used herein, "ACCOUNT" shall include, but not be limited to, any bank account, saving account, certificate of deposit, share draft account, time deposit, money market account, trust accounts, Individual Retirement Account, 401K account, credit card account, revolving credit account, or other financial instrument or demand deposit. Where DOCUMENTS are requested concerning such ACCOUNTS, you shall produce all records of monthly statements, cancelled checks, deposit checks and drafts, deposit records and receipts, wire transfers, wire deposits, automatic withdrawals or deposits, monthly charges, interest payments, and fees.
- (4) As used herein, the "COMPLAINANTS" refers to

 (a) Janet Arvizo, aka Janet Ventura or Janet

 Jackson, date of birth social security number
 - (b) Davellin Arvizo, date of birth
- social security number (c) Gavin Arvizo, date of birth
- social security number (d) Star Arvizo, date of birth
- social security number

 (e) Jay Daniel Jackson, date of birth
 social security number
- or any person who is their representative, agent, or acting on their behalf, including their partners, corporations, or business entities where they have a property or ownership interest. The term "COMPLAINANTS" refers to all the individuals mentioned in this paragraph individually, whether or not the names of the others persons identified in this paragraph appear or are mentioned in the DOCUMENT. The term "COMPLAINANTS" also include present and former attorneys, agents, representatives, and any other persons acting on behalf of COMPLAINANT.
- (5) As used herein, the "COMPLAINT" refers to the reports, claims, or allegations made by the COMPLAINANTS regarding Mr. Michael Jackson, which are stated in the Indictment in the case of People v. Michael Jackson, SBSC Case No. 1133603.

- (6) "YOU" or "YOURS" refers to Thomas David Rothstein, and the Custodian of Records for Feldman & Rothstein, and all of its agents, representatives, employees, attorneys, or any person acting on his behalf.
- As used herein, "PERSON" or "PERSONS" means any natural individual in any capacity whatsoever, and all entities of every description, including, but not limited to, associations, organizations (public or private), agencies, companies, partnerships, joint ventures, corporations, and trusts.
- (8) As used herein, "REPRESENTATIVE" or "REPRESENTATIVES" means any person (as defined herein) who acts, has at any time acted, or has purported to act, at the request of, for the benefit of, or on behalf of another, including, but not limited to, the parents, quardians, or agents of COMPLAINANT, businesses, partnership, corporation, in which they have an interest or association as reflected in YOUR records.
- As used herein, the term "COMMUNICATION" is to be interpreted comprehensively, and means any instance in which information was exchanged between or among two or more persons, including any oral or written utterance, notation, or statement of any nature whatsoever, by and to whomsoever made, and all understanding or exchanges of information between or among two or more persons.
- (10) As used herein, the term "CORRESPONDENCE" means any handwritten, printed, typed, or otherwise recorded communication whatsoever between or among two or more persons, and includes, without limitation, memoranda, letters, notes, telegrams, telexes, facsimile transmissions, email records, and marginal notations or comments.
- (11) As used herein, the term "ARVIZO V. J.C. PENNY, INC., CASE" refers to the legal proceeding instituted in the Los Angeles County Superior Court entitled Janet Arvizo, David Arvizo, Gavin Arvizo, Star Arvizo, by and through their guardian Ad Litem v.J.C. Penny, Inc., Jessica Bentacourt, Gary Weidemann, and Dexter Mason, Los Angeles County Superior Court Case No. KC 027876,
- (12) As used herein, the term "WAIVER" means the written waiver of attorney-client privilege executed by Janet Arvizo on behalf of her self, and on behalf of Gavin Arvizo and Starr Arvizo as Guardian ad Litem, on December 18, 2003, a copy of which is attached as Exhibit "A," and the waiver of attorneyclient privilege Thomas David Rothstein made on January 28, 2004, by discussing the Arvizo v. J.C. PENNY, INC., CASE with Sheriff's investigators from the Santa Barbara County Sheriff's Office.
 - B. <u>DOCUMENTS TO BE PRODUCED</u>:
- All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning the ARVIZO V. J.C. PENNY,

concerning, discussing or mentioning the ARVIZO V. J.C. PENNY, INC., CASE Los Angeles County Superior Court Case No. KC 027876, including but not limited to the entire correspondence file, discovery file, deposition file, legal file, incident reports, witness statements, photographs, doctors reports, medical reports, medical expenses, psychiatric reports, and all other documents associated with the case.

- concerning, discussing or mentioning the payment of money or other consideration to COMPLAINANTS, including but not limited to the payment of settlement proceeds from the ARVIZO V. J.C. PENNY, INC., CASE to COMPLAINANTS or any of their REPRESENTATIVES, the deposit of settlement proceeds in any bank or other financial institution (front and back of checks), bank statements reflecting the existence or whereabouts of the settlement proceeds, DOCUMENTS reflecting any blocked minor's account, accountings for the disbursement of settlement proceeds, and all cancelled checks (front and back) showing the disposition of such settlement to any person, business, or other entity.
- (3) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning any correspondence, communications, telephone calls, notes, or discussions between you or any of your REPRESENTATIVES, and any of the following persons:
- (a) Janet Arvizo, aka Janet Ventura or Janet Jackson, date of birth social security number
- (b) Davellin Arvizo, date of birth social security number
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- social security number
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- social security number (d) Star Arvizo, date of birth
- social security number (e) Jay Daniel Jackson, date of birth social security number



- (5) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning any application for distribution from a minor's blocked account relating to the proceeds of the ARVIZO V. J.C. PENNY, INC., CASE, including but not limited to petitions to court, correspondence with any person relating to such distributions, cancelled checks (front and back), bank statements for the minor's blocked account, and receipts for distributions from such blocked accounts.
- (6) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning any contact, communications, meeting, discussion, or correspondence between you, or any of your REPRESENTATIVES, and any of the persons mentioned below, in which any of the COMPLAINANTS are mentioned or discussed:
 - (a) Gloria Allred
 - (b) William Dickerman
 - (c) Larry Feldman
 - (d) Carol Lieberman, M.D.
 - (e) any person form the Santa Barbara County District Attorney's office;
 - (f) any person from the Santa Barbara County
 Sheriff's Department;
 - (g) any person acting on behalf of any federal, state, county, or city agency, organization, or entity;
 - (h) Jamie Masada
 - (i) any person acting on behalf or for the benefit of any of the above-indicated persons.
- (7) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning any statements, representations, claims, disclosures, receipts, invoices, or applications for benefits, request for legal services, made to you or any of your REPRESENTATIVES, by or from any of the COMPLAINANTS, who are:
- (a) Janet Arvizo, aka Janet Ventura or Janet Jackson, date of birth social security number
- (b) Davellin Arvizo, date of birth social security number

(c) Gavin Arvizo, date of birth

social security number (d) Star Arvizo, date of birth

social security number

(e) Jay Daniel Jackson, date of birth social security number

- (8) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning any familial, kinship, blood, or other legal relationship between you and Larry R. Feldman, California State Bar No. 45126.
- 3. The above documents are material to the issues involved in the case by reason of the following facts:

- A. The information sought will lead to witness, documents, and discoverable evidence that will show the claims made in the Pending Criminal Case in the Santa Barbara Superior Court are unfounded.
- B. The information sought by this subpoena will disclose motives, biases, and exaggerations on behalf of and engaged in by the various persons identified in the above requests who are witnesses in this proceeding;
- C. The information sought contains information regarding the background, motives, state of mind, character and reputation for veracity, and reports of COMPLAINANTS and the various persons identified in the above-requests who are witnesses in this proceeding;
- D. The requested documents and/or information contains the prior inconsistent statements, recollections, observations, and reactions of COMPLAINANTS to the events and circumstances which gave rise to the Pending Criminal Case in the Santa Barbara Superior Court;
- E. The requested materials constitute evidence of a linancial motive for making false and inaccurate claims in this matter:
- 4. Good cause exists for the production of the above described matters and things by reason of the following facts:
- A. The subposenced party is the sole and exclusive source of all such information, and no other person, business, or other entity has possession or control of such information.
- B. The information requested by this Subpoena discloses the motive, intent, and conscious state of mind of persons making claims in the Santa Barbara Superior Court, along with persons directing, counseling and controlling the complainants in the Santa Barbara Superior Court action.
- C. No other source exists for such information because such disclosures were made only in the records of the subpoensed party, and the only person with such information is the subpoensed party.

WHEREFORE, request is made that the Subpoena Duces Tecum issue.

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

Executed this 25th day of October, at for California.

R. Brian Oxman

Page 3

SHERIFF'S DEPARTMENT

Santa Barbara County
CONTINUATION SHEET

03-5670

(A) LIST CONTINUATION. (B) DESCRIBE: PHYSICAL EVIDENCE, LOCATION FOUND & DISPOSITION. (C) NARRATIVE. (D) CASE DISPOSITION

ı	WAIVER OF LAWYER-CLIEN! PRIVILEGE and
, 2	CONSENT TO LIMITED DISCLOSURE OF PRIVILEGED COMMUNICATIONS
3	(Evid. Code, § 912)
4	I, JANET ARVIZO, say:
,5	1. I am the mother of, and have legal custody of, my sons GAVIN ARVIZO,
6	whose date of birth is STAR ARVIZO, whose date of birth is
7	and my daughter DAVELLIN ARVIZO, whose date of birth is
8	
·9	2. On my own behalf and on behalf of one or more of my children, I have
10	consulted the following attorneys-at-law:
11	THOMAS DAVID ROTHSTEIN, SBN 77965
12	GEORGE OWEN FELDMAN, SBN 80025
13	WILLIAM DICKERMAN, SBN 76237 JO
14	C. MICHAEL ALDER, SBN 170381
15	LARRY ROBERT FELDMAN, SBN 45128
16	3. I consulted one or more of those lawyers concerning an incident in which I,
17	Gavin and Star were detained by employees of J.C. Penney Company, and discussed
18	the facts of that inc <mark>ident with</mark> them. A civil suit arising out of that incident was filed in
19	the Los Angeles Superior Court on July 22, 1899, captioned "Janet Arvizo, et al. vs.
20	J.C. Penney, Inc., et al.," Case No. KC027876.
<u>21</u>	4. In the course of that lawsuit, my deposition and the depositions of each of
22	my two sons were taken.
23	5. From time to time between January 1, 2000 and the present date, I
24	consulted one or more of those lawyers concerning Michael Jackson's interaction with
25	me and my children, at Neverland Ranch in Santa Barbara County and elsewhere in
26	this and other states, and concerning the return of some furniture stored by or in the
	name of "Brad Miller" at "Dino's Storage" in North Hollywood (Los Angeles County),
	California.

	Sheriff's DEPARTMEN	
Page 4	Santa Barbara County	Case Number
	CONTINUATION SHEET	03-5670
(A) LIST CONTINUATION.	(B) DESCRIBE: PHYSICAL EVIDENCE, LOCATION FOUND & DISPOSITION. (C) NARRATIVE	E. (D) CASE DISPOSITION

6. I understand that written and oral communications between me and my 2 children and a lawyer who has agreed to provide legal advice to us and to represent us and protect our interests, which communications are intended by me, my children and 4 that lawyer to be made in confidence in the course of that relationship, are privileged from disclosure to any third party except where reasonably necessary for the transmission of the information or the accomplishment of the purpose for which the lawyer is consulted. 7. To the extent any lawyer I and my children consulted concerning any aspect of my dispute with J.C. PENNEY, INC. and/or concerning MICHAEL JACKSON or BRAD MILLER believes that my communications and my children's communications with him or her concerning any of those matters are protected by the "lawyer-client" privilege and that he or she must therefore assert and claim the lawyer-client privilege 13 on my behalf and on behalf of my children, I HEREBY AUTHORIZE, FOR MYSELF 14 AND FOR EACH OF MY MINOR CHILDREN, each and every one of those lawyers. including the lawyers listed by name above, to make full disclosure of those 16 communications (including transcripts of all depositions of me and any one or more of my children) to the Sheriff of Santa Barbara County and his duly-appointed deputies 18 and investigators and to the District Attorney of Santa Barbara County and his dulyappointed deputies and investigators, upon the request of any of them accompanied 20 by a signed copy of this Waiver and Consent. 21 DATED: December 12 2003 22 23 25 26 27 28

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MICHAEL JACKSON,

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GARY M. BLAIR, EXECUTIVE DIFFUR 4 CANCEL WAS TOURS DESTREE CARRIEL WAS TOURS DESTREE

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

THE PEOPLE OF THE STATE OF CALIFORNIA,)

Plaintiff,

Case No.: 1133603

Protective Order Regarding Defendant's Subpoenas Duces Tecum

Defendant

Good cause appearing, it is hereby ordered that the clerk of the court shall permit Defendant Michael Jackson, by and through his counsel, to subpoen a materials without disclosing the nature of the subpoena, the person or items sought by the subpoena, or the response to the subpoena and any materials returned therewith.

It is further ordered, without limiting the generality of the foregoing, that:

1. The clerk of the court shall segregate and keep confidential and not disclose to the People any materials pertaining to the subpoena, including returns, documents, and other materials returned in response to said subpoena.



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- 2. The derk of the court shall permit Counsel for the defendant to subpoena materials to the court on days and times at which the case itself is not on calendar for other purposes.
- 3. Persons or entities subpoenaed by the defendant shall not disclose directly or indirectly to the People the fact that they have been subpoenaed or the nature of the subpoena,
- 4. Any appearance, objection, compliance, or other communication by a party subpoenaed by the defendant shall be filed under seal.
- 5. Any hearings involving the materials pertaining to the subpoena, including returns, documents and other materials returned in response to the subpoena regarding compliance, privacy or other issues shall be held in camera.
- 6. This order does not affect the right of any party whose records are subpoenzed to assert any applicable claims of privilege.
- Subject to the resolution of any issues of privilege that may be asserted, the clerk of the court shall permit counsel for the defendant to inspect and copy the subpoensed materials.
 - 8. A copy of this order shall be served with each subpoena to which it pertains.

DATED:

Judge of the Superior Court























Exhibit "D"





ATTORNEY OR PARTY WITHOUT ATTORNEY (NAME OF	(Adzota): TELEPHO	NE NO.; FOR COURT USE ONLY
_ Thomas A. Mesereau 91182	Brian Oxman (310) 28	34-3120
1875 Century Park East, Suite 700	14126 E. Ros <mark>ecrans</mark> (562) 93	21-5058
Los Angeles, CA 90067	Santa Fe Springs, CA	
maifeanta anno	90670	mifacts com
ATTORNEY FOR Manual Michael Joe Jacks	on	injiacts.com
breast trainer of court, justicial district or branch court, if any, a	nd pend office and person address;	
Santa Barbara County Superior Cou	ırt, Santa Maria Division	
312 E. Cook Street (D	ept. SM-2: Judge Rodney Melville)	
Santa Maria, CA 93454		
Villaud coss:		0,0 🖁 0
The People of the State of	California v. Michael Jackson, et al.	
SUBPENA (CRIMINAL OR JUVENILE)		CASE NUMBER:
		1133603
DUCES TECUM		
THE PEOPLE OF THE STATE OF CALIF	CONIA TO (NAME)	mitacts.com
	•	For Foldman and Dethatein
	Rothstein, and Custodian of Records	
		e, time, and place shown in the box below
UNLESS you make a special agreen	ent with the person named in item 3:	
	Pin-yill	
a. Date: January 31, 2005		Dept.: SM-2 Div.; Room:
b. Address: 312 E. Cook Street, De		
Santa Maria, CA 93454		
2. AND YOU ARE		
a. crdered to appear in person.		
b. not required to appear in pe	arson if you produce the records descr	ibed in the accompanying affidavit and a completed
		de sections 1560, 1561, 1562, and 1271. (1) Place a
	•	r original declaration with the records. Seal them. (2)
	* * *	· ·
	· · · · · · · · · · · · · · · · · · ·	pe the case name and number, your name end date,
		pe in an outer envelope, seal it, and mail it to the clerk
		n to the attorney or party shown at the top of this form.
c' ouque q to abbeat in betsour	and to produce the records described in	the accompanying affidavit. The personal attendance
of the custodian or other qu	alified witness and the production of the	ne original records is required by this subpena. The
procedure authorized by sub	idiv <mark>ision (b</mark>) of section 1560, and sectio	ns 1561 and 15 <mark>62, of the Evidence Code will not be</mark>
deemed sufficient compliance	with this subpena.	
ordered to make the origina	d business records described in the ad	companying affidavit available for inspection at your
		opying at your business address under reasonable
and the second s	itions during normal business hours.	opying at your pastions dodiess ands. Josephoon
		TO APPEAR, OR IF YOU WANT TO BE CERTAIN
		RSON BEFORE THE DATE ON WHICH YOU ARE
TO APPEAR:	RED, CONTACT THE POLICEMING PE	ASON BEFORE THE DATE ON WHICH TOO ARE
e. Name: Brian Oxman		Telephone number: (562) 921-5058
		• •
4. WITHESS FEES: You may be entitled	l 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, IMPRI	SONMENT, OR BOTH. A WARRANT MAY
ISSUE FOR YOUR ARREST IF YOU	FAIL TO APPEAR.	
FOR COURT USE ONLY		
Date: Octo	ber 25, 2004	1. Venas Much
mifacts.com	mifact	(SIGNATURE OF PERSON ISSUING SUPPENA)
mjraccore		(SIGNATURE OF PERSON ISSUING SUITERING)
	**********	R. Brian Oxman
1		(TYPE OR PRINT NAME)
		Attorney for Michael J. Jackson
	(See reverse for proof of service	ae) (mile)
Form Actopled by Rule 982 Judicial Council of Cellionia	SUBPENA (CONTINAL OS (INTENT E)	Penel Code, § 1325 et mq. Westere and Inathi/Sont Code, § 341, 864, 1727
	(CRIMINAL OR JUVENILE)	The state of the s
982(a)(16) [Rev. January 1, 1991]	(0)411110-2-01(00)41111111)	

mifac EXHIBIT "P"

Subpoena to Thomas David Kothstein and Custodian of Kecords,
Feldman and Rothstein
October 25, 2004

The items described in the following Affidavit to be produced pursuant to this subpoena are as follows:

- (1) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning the ARVIZO V. J.C. PENNY, INC., CASE Los Angeles County Superior Court Case No. KC 027876, including but not limited to the entire correspondence file, discovery file, deposition file, legal file, incident reports, witness statements, photographs, doctors reports, medical reports, medical expenses, psychiatric reports, and all other documents associated with the case.
- (2) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning the payment of money or other consideration to COMPLAINANTS, including but not limited to the payment of settlement proceeds from the ARVIZO V. J.C. PENNY, INC., CASE to COMPLAINANTS or any of their REPRESENTATIVES, the deposit of settlement proceeds in any bank or other financial institution (front and back of checks), bank statements reflecting the existence or whereabouts of the settlement proceeds, DOCUMENTS reflecting any blocked minor's account, accountings for the disbursement of settlement proceeds, and all cancelled checks (front and back) showing the disposition of such settlement to any person, business, or other entity.
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social security number

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social security number

- (5) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning any application for distribution from a minor's blocked account relating to the proceeds of the ARVIZO V. J.C. PENNY, INC., CASE, including but not limited to petitions to court, correspondence with any person relating to such distributions, cancelled checks (front and back), bank statements for the minor's blocked account, and receipts for distributions from such blocked accounts.
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 - (c) Larry Feldman
 - (d) Carol Lieberman, M.D.
 - (e) any person form the Santa Barbara County District Attorney's office;
 - (f) any person from the Santa Barbara County Sheriff's Department;
 - (g) any person acting on behalf of any federal, state, county, or city agency, organization, or entity;
 - (h) Jamie Masada
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social security number (d) Star Arvizo, date of birth

social security number (e) Jay Daniel Jackson, date of birth

social security number

Collins, Mesereau, Reddock & Yu, LLP | 1875 Century Park East, 7th Floor | Los Angeles, CA 90067 | (310) 284-3120

Brian Oxman 072172 14126 E. Rosecrans Blvd. Santa Fe Springs, CA 90670 (562) 921-5058

Attorneys for defendant, Mr. Michael Jackson

mjfacts.com

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA BARBARA

PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

Case No. 1133603

VS

MICHAEL JACKSON,

Defendant.

DECLARATION AND
APPLICATION
FOR SUBPOENA DUCES TECUM

STATE OF CALIFORNIA, COUNTY OF SANTA BARBARA

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- Gavin Arvizo, date of birth (C)
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- social security number
- Jay Daniel Jackson, date of birth (e) social security number

or any person who is their representative, agent, or acting on their behalf, including their partners, corporations, or business entities where they have a property or ownership interest. The term "COMPLAINANTS" refers to all the individuals mentioned in this paragraph individually, whether or not the names of the others persons identified in this paragraph appear or are mentioned in the DOCUMENT. The term "COMPLAINANTS" also include present and former attorneys, agents, representatives, and any other persons acting on behalf of COMPLAINANT.

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 any person acting on his behalf.
- (7) As used herein, "PERSON" or "PERSONS" means any natural individual in any capacity whatsoever, and all entities of every description, including, but not limited to, associations, organizations (public or private), agencies, companies, partnerships, joint ventures, corporations, and trusts.
- (8) As used herein, "REPRESENTATIVE" or "REPRESENTATIVES" means any person (as defined herein) who acts, has at any time acted, or has purported to act, at the request of, for the benefit of, or on behalf of another, including, but not limited to, the parents, guardians, or agents of COMPLAINANT, businesses, partnership, corporation, in which they have an interest or association as reflected in YOUR records.
- (9) As used herein, the term "COMMUNICATION" is to be interpreted comprehensively, and means any instance in which information was exchanged between or among two or more persons, including any oral or written utterance, notation, or statement of any nature whatsoever, by and to whomsoever made, and all understanding or exchanges of information between or among two or more persons.
- (10) As used herein, the term "CORRESPONDENCE" means any handwritten, printed, typed, or otherwise recorded communication whatsoever between or among two or more persons, and includes, without limitation, memoranda, letters, notes, telegrams, telexes, facsimile transmissions, email records, and marginal notations or comments.
- (11) As used herein, the term "ARVIZO V. J.C. PENNY, INC., CASE" refers to the legal proceeding instituted in the Los Angeles County Superior Court entitled Janet Arvizo, David Arvizo, Gavin Arvizo, Star Arvizo, by and through their guardian Ad Litem v.J.C. Penny, Inc., Jessica Bentacourt, Gary Weidemann, and Dexter Mason, Los Angeles County Superior Court Case No. KC 027876,
- (12) As used herein, the term "WAIVER" means the written waiver of attorney-client privilege executed by Janet Arvizo on behalf of her self, and on behalf of Gavin Arvizo and Starr Arvizo as Guardian ad Litem, on December 18, 2003, a copy of which is attached as Exhibit "A," and the waiver of attorney-client privilege Thomas David Rothstein made on January 28, 2004, by discussing the Arvizo v. J.C. PENNY, INC., CASE with Sheriff's investigators from the Santa Barbara County Sheriff's Office.

B. DOCUMENTS TO BE PRODUCED:

(1) All DOCUMENTS constituting, evidencing,

concerning, discussing or mentioning the ARVIZO V. J.C. PENNY, INC., CASE Los Angeles County Superior Court Case No. KC 027876, including but not limited to the entire correspondence file, discovery file, deposition file, legal file, incident reports, witness statements, photographs, doctors reports, medical reports, medical expenses, psychiatric reports, and all other documents associated with the case.

- (2) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning the payment of money or other consideration to COMPLAINANTS, including but not limited to the payment of settlement proceeds from the ARVIZO V. J.C. PENNY, INC., CASE to COMPLAINANTS or any of their REPRESENTATIVES, the deposit of settlement proceeds in any bank or other financial institution (front and back of checks), bank statements reflecting the existence or whereabouts of the settlement proceeds, DOCUMENTS reflecting any blocked minor's account, accountings for the disbursement of settlement proceeds, and all cancelled checks (front and back) showing the disposition of such settlement to any person, business, or other entity.
- (3) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning any correspondence, communications, telephone calls, notes, or discussions between you or any of your REPRESENTATIVES, and any of the following persons:
- (a) Janet Arvizo, aka Janet Ventura or Janet Jackson, date of birth social security number
 - (b) Davellin Arvizo, date of birth

social security number (c) Gavin Arvizo, date of birth

social security number

(d) Star Arvizo, date of birth

social security number

- (e) Jay Daniel Jackson, date of birth social security number
- (4) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning any contract, agreement, gift, payment (front and back of cancelled check), directions, instructions, or notifications between you or any of your REPRESENTATIVES, and any of the following persons:
- (a) Janet Arvizo, aka Janet Ventura or Janet Jackson, date of birth social security number
- (b) Davellin Arvizo, date of birth (social security number

(c) Gavin Arvizo, date of birth

social security number

(d) Star Arvizo, date of birth social security number

(e) Jay Daniel Jackson, date of birth social security number

- All DOCUMENTS constituting, evidencing, (5) concerning, discussing or mentioning any application for distribution from a minor's blocked account relating to the proceeds of the ARVIZO V. J.C. PENNY, INC., CASE, including but not limited to petitions to court, correspondence with any person relating to such distributions, cancelled checks (front and back), bank statements for the minor's blocked account, and receipts for distributions from such blocked accounts.
- (6) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning any contact, communications, meeting, discussion, or correspondence between you, or any of your REPRESENTATIVES, and any of the persons mentioned below, in which any of the COMPLAINANTS are mentioned or discussed:
 - (a) Gloria Allred
 - (b) William Dickerman
 - (c) Larry Feldman
 - (d) Carol Lieberman, M.D.
 - (e) any person form the Santa Barbara County District Attorney's office;
 - (f) any person from the Santa Barbara County Sheriff's Department:
 - (g) any person acting on behalf of any federal, state, county, or city agency, organization, or entity;
 - (h) Jamie Masada
 - (i) any person acting on behalf or for the benefit of any of the above-indicated persons.
- (7) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning any statements, representations, claims, disclosures, receipts, invoices, or applications for benefits, request for legal services, made to you or any of your REPRESENTATIVES, by or from any of the COMPLAINANTS, who are:
- Janet Arvizo, aka Janet Ventura or Janet. (a)social security number 🚛 Lackson, date of birth.
 - Davellin Arvizo, date of birth (b)

social security number

Gavin Arvizo, date of birth (c)

social security number, Star Arvizo, date of birth (d)

social security number Jay Daniel Jackson, date of birth (e) social security number

- (8) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning any familial, kinship, blood, or other legal relationship between you and Larry R. Feldman, California State Bar No. 45126.
- 3. The above documents are material to the issues involved in the case by reason of the following facts:

- A. The information sought will lead to witness, documents, and discoverable evidence that will show the claims made in the Pending Criminal Case in the Santa Barbara Superior Court are unfounded.
 - B. The information sought by this subpoena will disclose motives, biases, and exaggerations on behalf of and engaged in by the various persons identified in the above requests who are witnesses in this proceeding;
 - C. The information sought contains information regarding the background, motives, state of mind, character and reputation for veracity, and reports of COMPLAINANTS and the various persons identified in the above-requests who are witnesses in this proceeding;
 - D. The requested documents and/or information contains the prior inconsistent statements, recollections, observations, and reactions of COMPLAINANTS to the events and circumstances which gave rise to the Pending Criminal Case in the Santa Barbara Superior Court;
 - E. The requested materials constitute evidence of a financial motive for making false and inaccurate claims in this matter;
 - 4. Good cause exists for the production of the above described matters and things by reason of the following facts:
 - A. The subpoensed party is the sole and exclusive source of all such information, and no other person, business, or other entity has possession or control of such information.
 - B. The information requested by this Subpoena discloses the motive, intent, and conscious state of mind of persons making claims in the Santa Barbara Superior Court, along with persons directing, counseling and controlling the complainants in the Santa Barbara Superior Court action.
 - C. No other source exists for such information because such disclosures were made only in the records of the subpoensed party, and the only person with such information is the subpoensed party.

WHEREFORE, request is made that the Subpoena Duces Tecum issue.

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

Executed this 25th day of October, aclos California.

R. Brian Oxman

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Santa Barbara County

CONTINUATION SHEET

Case Number 03-5670

(A) LIST CONTINUATION. (B) DESCRIBE: PHYSICAL EVIDENCE, LOCATION FOUND & DISPOSITION. (C) NARRATIVE. (D) CASE DISPOSITION

٠.	1	WAIVER OF LAWYER-CLIENT PRIVILEGE and
•	2.	CONSENT TO LIMITED DISCLOSURE OF PRIVILEGED COMMUNICATIONS
	3	(Evid. Code, § 912)
	4	I. JANET ARVIZO, say:
	5.	1. I am the mother of, and have legal custody of, my sons GAVIN ARVIZO,
	6	whose date of birth is STAR ARVIZO, whose date of birth is
	7	and my daughter DAVELLIN ARVIZO, whose date of birth is
	8	
	9	2. On my own behalf and on behalf of one or more of my children, I have
1	10	consulted the following attorneys-at-law:
1	1	THOMAS DAVID ROTHS <mark>TEIN, SBN</mark> 77965
3	12	GEORGE OWEN FELDMAN, SBN 80025
1	13	WILLIAM DICKERMAN, SEN 76237 - 7
1	14	C. MICHAEL ALDER, SBN 170381
3	15	LARRY ROBERT FELDMAN, SBN 43128
]	16	3. I consulted one or more of those lawyers concerning an incident in which I,
1	17	Gavin and Star were detained by employees of J.C. Penney Company, and discussed
1	8	the facts of that incident with them. A civil suit arising out of that incident was filed in
1	19	the Los Angeles Superior Court on July 22, 1999, captioned "Janet Arvizo, et al. vs.
. 2	20	J.C. Penney, Inc., et al.," Case No. KC027876.
2	21	4. In the course of that lawsuit, my deposition and the depositions of each of
2	22	rny two sons were taken.
3	23	5. From time to time between January 1, 2000 and the present date, i
.2	24	consulted one or more of those lawyers concerning Michael Jackson's interaction with
7	25 .	me and my children, at Neverland Ranch in Santa Barbara County and elsewhere in
7	26	this and other states, and concerning the return of some furniture stored by or in the
2	27	name of "Brad Miller" at "Dino's Storage" in North Hollywood (Los Angeles County),
7	28	California.

WAIVER OF LAWYER-CLIENT PRIVILEGE AND CONSENT TO DISCLOSURE

0971



Page 4	Santa Barbara County	Case Number
milio oba	CONTINUATION SHEET	03-5670
(A) LIST CONTINUATION.	(B) DESCRIBE: PHYSICAL EVIDENCE, LOCATION FOUND & DISPOSITION. (C) NARRATIVE	E. (D) CASE DISPOSITON

- 6. I understand that written and oral communications between me and my
- 2 children and a lawyer who has agreed to provide legal advice to us and to represent us
- 3 and protect our interests, which communications are intended by me, my children and
- 4 that lawyer to be made in confidence in the course of that relationship, are privileged
- 5 from disclosure to any third party except where reasonably necessary for the
- 6 transmission of the information or the accomplishment of the purpose for which the
- 7 lawyer is consulted.
- To the extent any lawyer I and my children consulted concerning any aspect
- 9 of my dispute with J.C. PENNEY, INC. and/or concerning MICHAEL JACKSON or
- 10 BRAD MILLER believes that my communications and my children's communications
- 11 with him or her concerning any of those matters are protected by the "lawyer-client"
- 12 privilege and that he or she must therefore assert and claim the lawyer-client privilege
- 13 on my behalf and on behalf of my children, I HEREBY AUTHORIZE, FOR MYSELF
- 14 AND FOR EACH OF MY MINOR CHILDREN, each and every one of those lawyers,
- 15 including the lawyers listed by name above, to make full disclosure of those
- 16 communications (including transcripts of all depositions of me and any one or more of
- 17 my children) to the Sheriff of Santa Barbara County and his duly-appointed deputies
- 18 and investigators and to the District Attorney of Santa Barbara County and his duly-
- 19 appointed deputies and investigators, upon the request of any of them accompanied
- 20 by a signed copy of this Waiver and Consent.

21 DATED: December 1/2, 2003

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GARY M. BLAIR, Executive Officer CARRIE : WACHER THEY SHE

RIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF SANTA BARBARA

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff,

Case No.: 1133603

Protective Order Regarding Defendant's Subpoenas Duces Tecum

MICHAEL JACKSON,

Defendant.

Good cause appearing, it is hereby ordered that the clerk of the court shall permit Defendant Michael Jackson, by and through his counsel, to subpoen a materials without disclosing the nature of the subpoena, the person or items sought by the subpoena, or the response to the subpoena and any materials returned therewith.

It is further ordered, without limiting the generality of the foregoing, that:

1. The clerk of the court shall segregate and keep confidential and not disclose to the People any materials pertaining to the subpoena, including returns, documents, and other materials returned in response to said subpoena.

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- 2. The clerk of the court shall permit Counsel for the defendant to subpoena materials to the court on days and times at which the case itself is not on calendar for other purposes.
- 3. Persons or entities subpoensed by the defendant shall not disclose directly or indirectly to the People the fact that they have been subpoenaed or the nature of the subpoena.
- 4. Any appearance, objection, compliance, or other communication by a party subpoenaed by the defendant shall be filed under seal.
- 5. Any hearings involving the materials pertaining to the subpoena, including returns, documents and other materials returned in response to the subpoena regarding compliance, privacy or other issues shall be held in camera.
- 6. This order does not affect the right of any party whose records are subpoensed to assert any applicable claims of privilege.
- 7. Subject to the resolution of any issues of privilege that may be asserted, the cierk of the court shall permit counsel for the defendant to inspect and copy the subpoenaed materials.
 - 8. A copy of this order shall be served with each subpoena to which it pertains.

JUI G & ZOEA DATED: _

Judge of the Superior Court

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SHERIFF'S DEPARTMENT

Page 3 Santa Barbara County

CONTINUATION SHEET

Case Number 03-5670

(A) LIST CONTINUATION. (B) DESCRIBE: PHYSICAL EVIDENCE, LOCATION FOUND & DISPOSITION. (C) NARRATIVE. (D) CASE DISPOSITION

. 1	WAIVER OF LAWYER-CLIENT PRIVILEGE and
2	CONSENT TO LIMITED DISCLOSURE OF PRIVILEGED COMMUNICATIONS
3	(Evid. Code, § 912)
. 4	
5	1. I am the mother of, and have legal custody of, my sons GAVIN ARVIZO,
. 6	whose date of birth is
. 7	and my daughter DAVELLIN ARVIZO, whose date of birth is
. 8	
.9	2. On my own behalf and on behalf of one or more of my children, I have
10	consulted the following attorneys-at-law:
11	THOMAS DAVID ROTHSTEIN, SBN 77965
12	GEORGE OWEN FELDMAN, SBN 80025
13	WILLIAM DICKERMAN, SBN 78237 JO
14	C. MICHAEL ALDER; SBN 170381
15	LARRY ROBERT FELDMAN, SBN 45128
16	3. I consulted one or more of those lawyers concerning an incident in which I,
17	Gavin and Star were detained by employees of J.C. Penney Company, and discussed
18	the facts of that incident with them. A civil suit arising out of that incident was filed in
19	the Los Angeles Superior Court on July 22, 1899, captioned "Janet Arvizo, et al. vs.
20	J.C. Penney, Inc., et al., "Case No. KC027876.
21	4. In the course of that lawsuit, my deposition and the depositions of each of
22	my two sons were taken.
23	5. From time to time between January 1, 2000 and the present date, I
24	consulted one or more of those lawyers concerning Michael Jackson's interaction with
25	me and my children, at Neverland Ranch in Santa Barbara County and elsewhere in
26	this and other states, and concerning the return of some furniture stored by or in the
27	name of "Brad Miller" at "Dino's Storage" in North Hollywood (Los Angeles County).
20	Calls - :

WAIVER OF LAWYER-CLIENT PRIVILEGE AND CONSENT TO DISCLOSURE

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EXHIBIT "E"

FRUM

Page 4 Santa Barbara County

CONTINUATION SHEET

Case Number 03-5670

(A) LIST CONTINUATION. (B) DESCRIBE: PHYSICAL EVIDENCE, LOCATION FOUND & DISPOSITION. (C) NARRATIVE. (D) CASE DISPOSITION

- 6. I understand that written and oral communications between me and my
- 2 children and a lawyer who has agreed to provide legal advice to us and to represent us
- 3 and protect our interests, which communications are intended by me, my children and
- 4 that lawyer to be made in confidence in the course of that relationship, are privileged
- 5 from disclosure to any third party except where reasonably necessary for the
- 6 transmission of the information or the accomplishment of the purpose for which the
- 7 lawyer is consulted.
- To the extent any lawyer I and my children consulted concerning any aspect
- 9 of my dispute with J.C. PENNEY, INC. and/or concerning MICHAEL JACKSON or
- 10 BRAD MILLER believes that my communications and my children's communications
- 11 with him or her concerning any of those matters are protected by the "lawyer-client"
- 12 privilege and that he or she must therefore assert and claim the lawyer-client privilege
- 13 on my benaff and on behalf of my children, I HEREBY AUTHORIZE, FOR MYSELF
- 14 AND FOR EACH OF MY MINOR CHILDREN, each and every one of those lawyers,
- 15 including the lawyers listed by name above, to make full disclosure of those
- 16 communications (including transcripts of all depositions of me and any one or more of
- 17 my children) to the Sheriff of Santa Barbara County and his duly-appointed deputies
- 18 and investigators and to the District Attorney of Santa Barbara County and his duly-
- 19 appointed deputies and investigators, upon the request of any of them accompanied
- 20 by a signed copy of this Waiver and Consent.

21 DATED: December 16 , 2003

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Exhibit "F"







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Tony S. Sadri [CBN 185418] FELDMAN & ROTHSTEIN

790 East Colorado Boulevard, Suite 800

Pasadena, California 91101 Telephone: (626) 578-7188 Facsimile: (626) 578-1293

Pro Per

LOS ANGELES SUPERIOR COURT APR 1 9 7004 LABRY, DEPUTY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

CENTRAL

UNLIMITED CIVIL CASE

JANET ARVIZO,

Petitioner,

14 VS.

DAVID ARVIZO

Respondent.

Case No.: BD 356568

FELDMAN & ROTHSTEIN'S OPPOSITION TO MOTION TO COMPEL PRODUCTION OF SUBPOENAED DEPOSITION TESTIMONY; MEMORANDUM OF POINTS & AUTHORITIES; DECLARATION OF TONY S. SADRI

Date: April 28,1 2004

Time: 8:30 a.m.

Dept.: 43

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STATEMENT OF FACTS

Moving Party David Arvizo (hereinafter "Mr. Arvizo") has subpoenzed nearly if not the complete file of the Arvizo family in a case entitled Arvizo, et al. v. J.C. Penny Inc., et al. Los Angeles County Superior Court Case No.: KC027876. Feldman & Rothstein (hereinafter "F & R") and Law Offices of Michael Alder represented Mr. Arvizo, Ms. Arvizo, and their minor

FELDMAN & ROTHSTEIN'S OPPOSITION TO MOTION TO COMPEL PRODUCTION OF SUBPOENAED

EXHSUSDE "F"

children Gavin and Star Arvizo in the case against J.C. Penny, et al. The case settled. F & R is in possession of the original file.

F & R has received conflicting instructions from its former clients Mr. Arvizo and Ms. Arvizo and requests that the court determine the obligations of F &R with respect to the release of the file to Mr. Arvizo and Ms. Arvizo. Mr. Arvizo and Ms. Arvizo are currently engaged in child custody and visitation litigation and are adverse parties to one another. The District Attorney of Santa Barbara, Tom Sneddon, has also requested the file but has not subpoenzed it.

Mr. Arvizo signed a general release permitting F & R to release the file to anyone who may request it but the release was based on the oral promise by F & R that Ms. Arvizo would sign the same release. Ms. Arvizo has now refused to sign the release and therefore the release signed by Mr. Arvizo is likely void or voidable by Mr. Arvizo. Ms. Arvizo has instructed F & R to not release any portion of the file to Mr. Arvizo.

F&R has no interest in the outcome of the child custody litigation. F&R wishes to discharge its duties pursuant to the law. But the research F&R has conducted, including discussions with the State Bar of California Ethics Hotline, has not provided any clear answers as to F&R's duties. The instructions from the parties have been conflicting. F&R objected to Mr. Arvizo's deposition subpoena in order to protect the interests of its former clients and to bring the matter before the Court for resolution. F&R respectfully requests that the Court interplead the file and take possession of the entire original file.

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MEMORANDUM OF POINTS & AUTHORITIES

INTERPLEADER IS THE PROPER REMEDY WHEN TWO OR MORE PERSONS ASSERT CONFLICTING CLAIMS FOR THE SAME PROPERTY

Interpleader is the procedure used whenever "double or multiple claims are asserted...

by two or more persons... such that they may expose (the person against whom the claims are asserted)... to double or multiple liability." Code of Civ. Proc. §386(b).

In the case at bar, both Mr. Arvizo and Ms. Arvizo, who are adverse parties, are requesting the file. F & R owes a duty to both parties to protect the attorney-client privilege. If the entire file is produced, it would necessarily involve disclosure of attorney-client privileged information. It is impractical if not impossible for F & R to separate the portions of the file that only relate to Mr. Arvizo and those that only relate to Ms. Arvizo. Most of the privileged information regarding Mr. Arvizo is inexorably intertwined with information regarding Ms. Arvizo. Therefore, in the absence of an agreement between Mr. Arvizo and Ms. Arvizo, it would be in the best interest of both parties if the Court interplead the file and took possession of it.

B. MR. ARVIZO IS REQUESTING DOCUMENTS THAT ARE PROTECTED BY THE ATTORNEY-CLIENT PRIVILEGE AND ATTORNEY WORK PRODUCT PRIVILEGE

Mr. Arvizo's motion states that only deposition transcripts are being requested. This is incorrect. The subpocna is for "any and all pertinent items, documents, court transcripts for depositions, statements, medical records, notes relating to the case entitled . . ." These

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requested records are very difficult to separate with respect to which records belong to Mr.

Arvizo and which records belong to Ms. Arvizo. The subpoena would require F & R to disclose information that is protected by the attorney-client privilege as it relates to Ms. Arvizo and the minor children. It also requests documents that are protected by the attorney work product privilege. Furthermore, the portion of the subpoena that seeks "any and all pertinent items" places an undue burden on F &R to determine which portions of the file are "pertinent."

The subpoena also does not reasonably particularize the documents to be produced. The request is vague, ambiguous and overbroad. Counsel for Mr. Arvizo has indicated that he would limit the subpoena to only deposition transcripts but to date this has not been done.

III.

CONCLUSION

F & R respectfully request that the Court interplead the entire original file and take possession of it. In the alternative, F & R requests an Order from the Court stating the portions of the file, if any, that are to be produced to Mr. Arvizo and if the same can be produced to Ms. Arvizo.

Dated: April 15, 2003

FELDMAN & ROTHSTEIN

TONY S. SADRI Attorneys for plaintiff

FELDMAN & ROTHSTEIN'S OPPOSITION TO MOTION TO COMPEL PRODUCTION OF SUBPOENAED

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DECLARATION OF TONY S. SADRI

In Support of Opposition to Motion to Compel Subpoensed Documents

- I am an Attorney at Law, duly licensed to practice before all of the courts of California. I am an associate attorney at Feldman & Rothstein. I know the following to be true of my own personal knowledge and if called as a witness I would and could competently testify thereto. If called upon to testify to the matters hereinafter related, I could and would competently do so based upon my review of the litigation filed herein and my personal participation as one of the attorneys of record herein.
- 2. Feldman & Rothstein and the Law Offices of Michael Alder represented Mr. Arvizo, Ms. Arvizo, and their two minor children Gavin and Star Arvizo in the case against J.C. Penny, et al. The case settled. F & R is in possession of the original file.
- 3. Both Mr. Arvizo and Ms. Arvizo have requested the file. Ms. Arvizo has instructed Feldman & Rothstein to not release any portion of the file to Mr. Arvizo.
- 4. Feldman & Rothstein wants to avoid inadvertently violating the attorney-client privilege. Due to conflicting demands and instructions by Mr. Arvizo and Ms. Arvizo it would be in the best interest of all parties if the Court interplead the original file.
- 5. Feldman & Rothstein has not interest in the outcome of the current litigation between Mr. Arvizo and Ms. Arvizo and wishes to discharge its duties to its former clients pursuant to applicable law.

I declare under penalty of perjury that the foregoing is true and correct. Executed at Pasadena, California on this 15th day of April, 2004.

TONY S. SADRI, Declarant

FELDMAN & ROTHSTEIN'S OPPOSITION TO MOTION TO COMPEL PRODUCTION OF SUBPOENAED

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PROOF OF SERVICE

I am employed in the County of Los Angeles, California. I am over the age of 18 years and not a party to the within action. My address is 790 E. Colorado Blvd. Suite 800, Pasadena, CA 91101.

I am readily familiar with my office's business practice for collection and processing of correspondence for mailing with the United States Postal Service.

On April 19, 2004, following ordinary business practice, I served the foregoing document described as:

FELDMAN & ROTHSTEIN'S OPPOSITION TO MOTION TO COMPEL PRODUCTION OF SUBPOENAED DEPOSITION TESTIMONY; MEMORANDUM OF POINTS & AUTHORITIES; DECLARATION OF TONY S. SADRI

on the interested parties in this action, by placing on that date at my place of business, a true copy thereof, enclosed in a sealed envelope, for collection and mailing with the United States Postal Service where it would be deposited with the United States Postal Service that same day in the ordinary course of business, addressed as follows:

PLEASE SEE ATTACHED SERVICE LIST

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on April 19, 2004, at Pasadena, California.

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NATHALIE MALKOUN

mjfacts.com



























Exhibit "G"





		- FL-320
ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, sine bar number, and	address):	FOR COURT USE ONLY
Sandra Segal Polin, State Bar No. 82665		161-
Felicia R. Meyers, State Bar No. 170342		mjfacts.com
Polin & Hall, A Professional Corporation		
1620 26th Street, Suite 2080 North		FILED
Santa Monica, California 90404	(240) 440 0044	
	FAX NO.: (310) 449-0014	LOS ANGELES SUPERIOR COURT
ATTORNEY FOR INSMIT Petitioner, Janet Arvizo	LOCANCELES	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF	LOS ANGELES	APR 1 6 2004
STREET ADDRESS: 111 NORTH HILL Street MAILING ADDRESS: 111 NORTH HILL Street		101101 4 61 40000 01 0000
		JOHNA. CLAHKE, CLERK
CITY AND ZIP CODE: LOS Angeles, CA 90012 BRANCH NAME: Central District		
PETITIONER/PLAINTIFF: JANET ARVIZO		et a gook; deputy
PETITIONER POUNTIFF: SAINET ARVIEO		CCS.COIII
DECOMPOSITION DAVID ADVIZO		}
RESPONDENT/DEFENDANT: DAVID ARVIZO		1
RESPONSIVE DECLARATION TO GROS		CASE NUMBER:
TOR NOTICE OF MOTI	ON TO COMPEL PRODUCTI	PN OF DOCUMENTS
HEARING DATE:	DEPARTMENT OR ROOM:	BD 356 568
April 28, 2004 8:45 a.i	n. 43	33 000 000
1 CHILD CUSTODY		
a. I consent to the order requested.		
b. I do not consent to the order request	ed but I consent to the following of	order:
2. CHILD VISITATION		
a I consent to the order requested.		
b. ido not consent to the order request	ed but I consent to the following o	order:
OUT OUT DOUBLE		
3. CHILD SUPPORT		
a I consent to the order requested.		
b I consent to guideline support.		facto com
c. I do not consent to the order reques	ted, but I consent to the following	order:
(1) Guideline		
(2) Other (specify):		•
•		·
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4. SPOUSAL SUPPORT		·
a. I consent to the order requested.		
b, ldp not consent to the order request	ed.	
c. I consent to the following order:		
5. ATTORNEY FEES AND COSTS		
a. l consent to the order requested.		•
b. I do not consent to the order request	leđ.	
c. i consent to the following order.		
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PETITIONER/PLAINTIFF: JANET ARVIZO		CASE NUMBER:	
RESPONDENT/DEFENDANT: DAVID ARVIZO		BD 356 568	
PROPERTY RESTRAINT a. I consent to the order requested. b. I do not consent to the order requested. c. I consent to the following order:	acts.com	Side:	
PROPERTY CONTROL a. I consent to the order requested. b. I do not consent to the order requested, c. I consent to the following order:	mj		
B. X OTHER RELIEF a. I consent to the order requested. b. X I do not consent to the order requested. c. X I consent to the following order: (See A	Attachment 8)	mjfa	
SUPPORTING INFORMATION Contained in the attached declaration. of (Authorities	Gerald McC. Franklin	and Memorandum of Po	oints and
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NOTE: To respond to a request for domestic violence rest Prevention) (form DV-100) you must use the Answer to To DV-120).			
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I declare under penalty of perjury under the laws of the State Date: April 16, 2004	e of California that the fore	going is true and correct.	
SANDRA SEGAL POLIN		111	
(TYPE OR PRINT NAME)		(STENATION OF DECLARANT)	

FL-320 [Rev. January 1, 2003]

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ATTACHMENT 8 TO PETITIONER'S RESPONSIVE DECLARATION TO RESPONDENT'S MOTION TO COMPEL PRODUCTION OF DOCUMENTS OTHER RELIEF:

I consent to the following order:

- That the Court deny Respondent's Motion to Compel the production of the litigation file in the case entitled Arvizo, et al. vs. JC Penney, Inc., et al.
- In the alternative, if the Court is not inclined to deny said motion, that the Court stay the production of any part of the subpoenaed records pending a verdict on all counts in the case entitled The State of California v. Michael Jackson, Case No. 1133603.
- 3. In the alternative, if the Court is not inclined to deny said motion, that the Court review the contents of the litigation file in camera to determine what portions, if any, are relevant to this case and should be disclosed.

DECLARATION OF GERALD McC. FRANKLIN

- 2 I, GERALD McC. FRANKLIN, say:
- 1. I am a lawyer. I am admitted to practice in all the courts of this state. I have
- 4 been employed as a deputy of the Santa Barbara County District Attorney for 29 years.
- 5 I am one of the prosecutors assigned to the Michael Joe Jackson matter, Santa Barbara
- 6 Superior Court Case No. 1133603. I have personal knowledge of the following facts and
- 7 if called as a witness, I could and would competently testify thereto, except for matters
- 8. stated upon my information and belief.
- 9 2. I was in Judge Melville's courtroom in Santa Maria on Friday, April 2, 2004 in
- 10 connection with further proceedings in that matter when Attorney James La Chance, a
- 11 lawyer in the firm of Kirtland & Packard LLP in El Segundo. California appeared as the
- 12 custodian of certain records of his firm relating to Arvizo, et al. vs. JC Penney Inc., et al.,
- 13 Los Angeles Superior Court Case No. KC027876, which had been subpoenaed on behalf
- 14 of the defense in the Jackson matter by the law firm of Geragos & Geragos, counsel for
- 15 Defendant Jackson.
- 3. Attorney La Chance carried two "banker boxes" of documents into the courtroom
- 17 with him and informed the court the contents were some of the records subpoensed by
- 18 the Geragos firm. He stated he felt uncomfortable turning over other, "more sensitive"
- 19 documents in obedience to the subpoena without a court order to do so. The court
- 20 directed Attorney La Chance to submit an order for the court's review, and indicated that
- 2] an appropriate order would be signed by the court. Mr. La Chance said he would comply
- 22 promptly.
- 23 4. Attorney La Chance informed the court and counsel that the only documents
- 24 that would not be provided by Kirtland & Packard LLP in obedience to the subpoena were
- 25 documents coming within the attorney-client privilege.
- 5. On or about April 7, 2004, the office of the Santa Barbara District Attorney later
- 27 received, by mail, a copy of a "[Proposed] Order Re Production Of Documents Pursuant
- 28 To Application For Subpoena Duces Tecum," attached to which was a copy of the

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1 subpoena duces tecum and supporting declaration executed by Geragos & Geragos on

2 March 17, 2004 and directed to "Michelle M. Moyer, Kirtland & Packard." A true copy of

3 those documents is appended to this declaration as Exhibit "A."

6. I am informed that Judge Melville has not yet signed the order delivered to him.

5 I believe, and thereupon allege, that Judge Melville intends to sign the order because

6 there was no opposition to the production of the documents to the Geragos firm or by the

7 People.

8 I declare that the foregoing is true, except as to matters stated upon my information

or belief, and as to such matters I believe it to be true. I execute this declaration at Santa

10 Barbara, California on April 15, 2004.

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MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF PETITIONER'S RESPONSIVE DECLARATION TO RESPONDENT'S MOTION TO COMPEL PRODUCTION OF DOCUMENTS

Respondent's motion to compel the production the litigation file in the unrelated civil action filed in or about 1998 entitled *Arvizo*, et al. vs. J.C. Penney, Inc., et al., should be denied for at least the following reasons: (1) that case is not relevant to any issue before this court; and, (2) the J.C. Penney litigation file was recently subpoenaed by the defense in the case, *The State of California v. Michael Jackson*, Case No. 1133603 ("Michael Jackson criminal case"). As potential evidence in the Michael Jackson criminal trial, the contents of the litigation file are covered by the criminal gag order. At minimum, the production of records should be stayed pending the verdict in the Michael Jackson criminal case so as to the prevent the disclosure of this information to the public by way of the dissolution action. In the alternative, if the court finds some tangential relevance and declines to deny the motion or to stay its production, the court should review the file in camera to determine what portions of the file, if any, are relevant and should be disclosed.

Respondent's motion to compel is also hopelessly unclear. Respondent claims in his moving papers that he is only seeking Petitioner's deposition testimony and that he reissued a subpoena in this regard. However, he does not attach the reissued subpoena. The only subpoena attached to the motion seeks the production of "depositions, statements, medical records, notes", etc., relating to the civil action entitled Janet Arvizo; David Arvizo, et al., v. J. C. Penny, Inc., et al., Los Angeles Superior Court Case No. KC 027876 ("J. C. Penny case"). Respondent's attorney refers to exhibits in his declaration that do not support his statements. Petitioner contends that Respondent's motion should be denied on the additional ground that Respondent failed to give proper notice of which subpoena he is seeking to enforce.

Petitioner requests that the Court take judicial notice of the civil action, and particularly that the parties to the action included the three children of Petitioner and

POLIN'S HALL, APC 1626/26TH ST Suite 2016/Horld Suite 2016/Horld SANTA MONICA CALIFORNIA 20404 (218) 449–1990

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Respondent.

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As to relevancy, Respondent's Order to Show Cause is scheduled for hearing on May 3, 2004. Respondent is seeking to modify this Court's domestic violence restraining orders issued against Respondent on November 6, 2001. In addition to the domestic violence restraining orders, Respondent has two criminal convictions against him for child and spousal abuse. Respondent is also seeking to modify custody, visitation and child and spousal support. Respondent claims in his motion that he "believes" Petitioner testified in the J.C. Penney case that there was no "continuous" child or spousal abuse by Respondent. Petitioner's deposition testimony preceded both this Court's November 6, 2001 domestic violence restraining orders and his two criminal convictions for abuse. Even if Petitioner denied abuse in the past, it does not mean that the abuse did not occur, nor does it have any bearing on the two criminal restraining orders and one family law restraining order against Respondent for abuse. It is time for Respondent to focus on his actions and rehabilitation and not on Petitioner and events that occurred years ago.

On April 7, 2004, this Court stayed Petitioner's deposition until there is a verdict on all counts in the Michael Jackson criminal action. At minimum, for the same reasons, the Court should do the same with the subpoena which is at issue in the within motion. As set forth in the accompanying declaration of District Attorney, Gerald McC. Franklin, the defense has already subpoenaed the J.C. Penney litigation file and two boxes of documents have already been produced. Once the Judge in the criminal action signs the proposed order attached as Exhibit "A" to Mr. Franklin's declaration, the remainder of the file will be produced, with the exception of documents coming within the attorney client privilege. Petitioner believes that Respondent's interest in this case stems only from his desire to exploit the publicity surrounding the criminal case. Both Respondent and his attorney are witnesses in the Michael Jackson case and have already testified before the grand jury. They are also expected to testify at trial and are, therefore, covered by the gag order. They should not be allowed, through the back door, to obtain the J.C. Penny

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file in this case only so that they can either disclose the contents of the file in court records or in interviews with the press. This would in effect allow Respondent and his attorney to side step the gag order and potentially prejudice the ability of all parties to obtain a fair hearing in the criminal action.

Pursuant to C.C.P. §1987.1, the court may fashion an order to protect the party from unreasonable or oppressive demands, including unreasonable violations of privacy or oppressive demands. Respondent's subpoena constitutes textbook harassment and Petitioner requests that Respondent's motion be denied. At minimum, the court should consider Petitioner's requests for alternative relief as set forth in Attachment 8.

Respectfully submitted,

DATED: April 16, 2004 POLIN & HAL OFESSIONAL CORP.

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Attomeys for Petitioner, Janet Arvizo

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MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF PETIT

James T. La Chance - State Bar No. 105907 KIRTLAND & PACKARD LLP 2361 Rosecrans Avenue Fourth Floor El Segundo, California 90245 Telephone: (310) 536-1000 Facsimile: (310) 536-1001

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

PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiffs,

Assigned to Hon. Rodney Melville

Dept. 2

MICHAEL JACKSON,

Pefendant.

Proposed or Documents Pursuant to

APPLICATION FOR SUBPOENA DUCES

TECUM

Date: April 2, 2004
Time: 8:30 a.m.
Department: 2

On April 2, 2004 in Department 2 of the above-entitled court, Mr. James T. La Chance of the Law Offices of Kirtland & Packard LLP appeared pursuant to the attached application for subpoena duces tecum issued by Mark J. Geragos, representing defendant/respondent Michael Jackson. Mr. La Chance appeared with four boxes of materials from his law firm's litigation file in the case known as Arvizo v. J.C. Penny, et al., Case No. KC027876. Mr. La Chance represented to the court that two boxes contained materials including discovery, deposition transcripts, pleadings and other materials which were responsive to the subpoena, while the remaining two boxes of documents contained more sensitive materials, including medical records, psychiatric records, school records, employment records and depositions related to those records.

DANNIT.

Mr. La Chance further represented that he did not feel it was appropriate to produce the latter two boxes of records without a court order given the sensitive nature of the materials contained therein.

After hearing argument from the parties, the court ordered the production of all four boxes of documents, which constitute the entirety of Kirtland & Packard LLP's litigation file except for documents falling within the attorney-client and attorney work product privileges. Copying of the documents is to be completed in the following manner. The two boxes of documents produced in court on April 2, 2004 have already been turned over to Mr. Geragos. Mr. Geragos will make copies of those two boxes for the prosecution. The remaining two boxes of documents will be copied by Kirtland & Packard LLP and made available for pickup by Mr. Geragos' office and by the prosecution during the week of April 5, 2004.

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The Honorable Rodney Melville Judge of the Superior Court

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ATTORNEY OR PARTY WITHOUT ATTORNEY JAMES and ASSYSTAL TELEPHONE NO. MARK J. GERAGOS (108325) 213-625-3900 GERAGOS & GERAGOS 350 S. GRAND AVE 39TH FLOOR LOS ANGELES, CA 90071 BAR NO.: 108325 MICHAEL JACKSON HAME OF COURT SANTA BARBARA COUNTY SUPERIOR COURT STREET ADDRESS: 312-C EAST COOK STREET MILING ACCRESS P.O. BOX 5369 CITY MID ZP CODE: SANTA MARIA, CA 93456 SANTA MARIA PEOPLE OF THE STATE OF CALIFORNIA PLAINTIFF/PETITIONER: MICHAEL JACKSON DEFENDANT/RESPONDENT: CARE MARKE DECLARATION APPLICATION FOR SUBPENA DUCES TECUM 133603

The undersigned hereby applies for a subpena duces tecum and declares:

1. That of this matter has been set for (date): April 2, 2004

in Dept. No.: 2

of the

2. (Name): MICHELLE M. MOYER, KIRTLAND & PACKARD
has in his or her possession or under his or her control the following (specify exact documents, metters, and things to be
produced): YOUR FILE FROM THE CASE ENTITLED ARVIZO, ET AL vs. JC PENNY INC., ET
AL., LASC CASE NUMBER KC027876, SUCH DOCUMENTS ARE TO INCLUDE, BUT ARE NOT
LIMITED TO, VIDEOTAPED DEPOSITIONS, TRANSCRIBED DEPOSITIONS, WRITTEN
RESPONSES TO DISCOVERY REQUESTS, DOCUMENTS PRODUCED IN RESPONSE TO
DISCOVERY REQEUSTS, STATEMENTS MADE BY PARTIES AND WITNESSES TO THE
ACTION, AND ALL VERIFICATIONS AND DECLARATIONS TO DISCOVERY REQEUSTS.

3. The above are material to the issues in the case as follows (set forth facts fully detailing meteriality):

THE DOCUMENTS SOUGHT ARE NECESSARY FOR THE EXAMINATION AND CROSS-EXAMINATION OF POTENTIAL MATERIAL WITNESSES, AND ARE NECESSARY FOR THE PROPER AND ADEQUATE DEFENSE OF THE DEFENDANT IN THE PENDING ACTION.

4. Good cause exists for the production of the above documents, matters, and things as follows:

THE DOCUMENTS SOUGHT ARE SOLELY IN THE POSSESSION OF THE ABOVE-NAMED CUSTODIAN AND ARE NOT AVAILABLE OTHERWISE.

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

Date: March 17, 2004

MARK J. GERAGOS

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DECLARATION
APPLICATION FOR SUBPENA DUCES TECUM

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Team parts of court, policy service	S (108325) AGOS E. A 90071 ICHAEL JACKSON COUNTY SUPERIOR O	213-625-3	mifacts.co	mjfacts.com
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a. Date: April 2, 200 b. Address: 312-C E	rent with the person named I 4 Time: 8:3 AST COOK STREET MARIA, CA 93456		pt.: 2 DN	: Room: Om
of custodian of records in an en of this subpons from item 1 (the at the address is ordered to appead the custodian dure authorized sufficient compiled.	ppear in person if you produce to records in compliance with Evil relops (or other wrapper). End to the envelope or write on the i box above). (3) Place this firm item 1. (4) Mail a copy of you ar in person and to produce the or other qualified witness and to by subdivision (b) of section 1 ance with this subpense. the original business records of momey's representative and to hours.	dence Code sections 15th dots your original declarate envelope the case name at envelope the case name of declaration to the attorner records described in the production of the origination of the original factors of the confidence of the confidence of the original factors of the original facto	30, 1581, 1582, and alten with the records and number, your renvelope, seel it, and eay or party shown all accompanying affidiate records is required 1582, of the Evidying affidavit available usiness under response	evit. The personal attendance and by this subpens. The proce- fence Code will not be deemed to inspection at your business.
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PROOF OF SERVICE STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I, the undersigned, am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 2361 Rosecrans Avenue, Fourth Floor, El Segundo, California 90245. I am "readily familiar" with my employer's practice of collection and processing of correspondence and documents for mailing with the United States Postal Service, mailing via overnight delivery, transmission by facsimile machine, and delivery by hand.

On April 6, 2004, I served a copy of each of the documents listed below by placing said copies for processing as indicated herein:

U.S. MAIL: The correspondence or documents were placed in sealed, labeled envelopes with postage thereon fully prepaid on the above date and placed for collection and mailing at my place of business to be deposited with the U.S. Postal Service at El Segundo, California on this same date in the ordinary course of business.

PERSONS OR PARTIES SERVED:

Thomas Sneddon, District Attorney
Gerald McC. Franklin, Deputy District Attorney
Office of the District Attorney
1105 Santa Barbara Street
Santa Barbara, CA 93101

Mark J. Geragos, Esq.
Geragos & Geragos
350 S. Grand Avenue, 39th Floor
Los Angeles, California 90071-3480

- (1) (State) I certify (or declare) under penalty of perjury that the foregoing is true and correct and that this declaration was executed on April 6, 2004.
- () (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Rebecca Thames, Declarant

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PROOF OF SERVICE

STATE OF CALIFORNIA

)) ss.

COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 1620 26th Street, Suite 2080 North, Santa Monica, California 90404.

On April 16, 2004, I served the document described as PETITIONER'S RESPONSIVE DECLARATION TO RESPONDENT'S MOTION TO COMPEL PRODUCTION OF DOCUMENTS on the interested parties in this action by placing a true copy thereof enclosed in sealed envelope(s) addressed as follows:

H. Russell Halpern, Esq. Halpern & Halpern 18663 Ventura Boulevard, Suite 205 Tarzana, CA 91365

Gerald McC. Franklin, Esq.
Santa Barbara District Attorney's Office
County Courthouse
1105 Santa Barbara Street
Santa Barbara, CA 93101

Tony S. Sadri, Esq.
Feldman & Rothstein
790 East Colorado Boulevard, Suite 800
Pasadena, CA 91101

	<u>(·</u>	BY MAIL: I deposited such envelope in the mail at Santa Monica, California.
		The envelope was mailed with postage thereon fully prepaid. 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 thereon fully prepaid at Santa Monica, California
		in the ordinary course of business. I am aware that on motion of the party
		served, service is presumed invalid if the postal cancellation date or postage
		meter date is more than one day after date of deposit for mailing in affidavit.

BY FACSIMILE: I caused the above-referenced document to be transmitted by facsimile transmission on _____, to the offices of the addressee to the facsimile machine number indicated above.

BY PERSONAL SERVICE: I delivered such envelope by hand to the offices of the addressee.

X (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on April 16, 2004, at Santa Monica, California.

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OLIN & BALL, APC 1520 26TH ST SRICE 2036 North SANTA MONICA CALIFORNIA 90444

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