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18 Attorneys for Defendant
19 **MICHAEL JOSEPH JACKSON**

20 SUPERIOR COURT OF THE STATE OF CALIFORNIA
21 FOR THE COUNTY OF SANTA BARBARA, COOK DIVISION

22 THE PEOPLE OF THE STATE OF
23 CALIFORNIA,

24 Plaintiffs,

25 vs.

26 MICHAEL JOSEPH JACKSON,

27 Defendant.

28 Case No. 1133603

EX PARTE APPLICATION TO FILE UNDER
SEAL AND IN CAMERA

Honorable Rodney S. Melville

Date: November 29, 2004

Time: 1:30 p.m.

Dept: SM 2

FILED UNDER SEAL
[Signature]

TO THE CLERK OF THE ABOVE ENTITLED COURT:

Defendant requests that the Court issue an order that the accompanying Mr. Jackson's Motion to Compel Compliance with Subpoena to UCLA Medical Center, and accompanying documents, be

EX PARTE APPLICATION TO FILE UNDER SEAL

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA BARBARA

NOV 29 2004

GARY M. BLAIR, Executive Officer
[Signature]
CARRIE L WAGNER Deputy Clerk

** Unsealed
pursuant to
6/16/05 court order*

1 filed under seal and for such other such further relief as the Court may deem just and proper. This
2 request is based on the overriding interests of Mr. Jackson's rights to due process and a fair trial
3 under the Fifth, Sixth and Fourteenth Amendments to the United States Constitution and Article I,
4 Sections 1, 7, and 15 of the California Constitution.

5 In addition, Subpeaned Parties have filed their motions for In Camera review. Mr. Jackson
6 submit this Opposition also for In Camera Review and not for public filing.

7
8 Dated: November 19, 2004

9 Respectfully submitted,

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

12 SANGER & SWYSEN
13 Robert M. Sanger

14 OXMAN & JAROSCAK
15 Brian Oxman

16 By:

17 
18 R. Brian Oxman
19 Attorneys for Defendant
20 MICHAEL JOSEPH JACKSON

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EX PARTE APPLICATION TO FILE UNDER SEAL

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I.**

3 **THE COURT HAS THE AUTHORITY TO ORDER THAT**
4 **A RECORD BE FILED UNDER SEAL**

5 Pursuant to California Rule of Court 243.1(d), the Court has the authority to order a
6 record be filed under seal if it expressly finds that:

- 7 1. There exists an overriding interest that overcomes the right of public access to the
8 record;
9 2. The overriding interest supports sealing the record;
10 3. A substantial probability exists that the overriding interest will be prejudiced if the
11 record is not sealed;
12 4. The proposed sealing is narrowly tailored; and
13 5. No less restrictive means exist to achieve the overriding interest.

14 (California Rule of Court 243.1(d).)

15 **II.**

16 **OVERRIDING INTERESTS EXIST THAT MEETS THE ABOVE CRITERIA FOR**
17 **SEALING A RECORD**

18 It is necessary to seal the record pursuant to California Rule of Court 243.1(d) based on
19 the overriding interests of Mr. Jackson's rights to due process and a fair trial under the Fifth,
20 Sixth and Fourteenth Amendments to the United States Constitution and Article I, Sections 1, 7,
21 and 15 of the California Constitution.

22 An inspection of the documents will reveal that they disclose the testimony of witnesses
23 or potential witnesses and disclose possible evidence, the admissibility of which, is yet to be
24 determined.

25 The overriding interests of Mr. Jackson's rights to a fair trial and due process would be
26 compromised if the accompanying document is not filed under seal. A person accused of a crime
27 is entitled to due process and a fair trial under the Fifth, Sixth and Fourteenth Amendments to the
28

EX PARTE APPLICATION TO FILE UNDER SEAL

1 United States Constitution and Article I, Sections 1, 7, and 15 of the California Constitution.

2 Material contained the accompanying document pertains to evidence and the testimony of
3 witnesses that, if made public, would compromise Mr. Jackson's these rights and would result in
4 prejudice to Mr. Jackson. In order to protect these overriding interests, it is necessary that the
5 accompanying document be filed under seal.

6 **CONCLUSION**

7 For the foregoing reasons, Mr. Michael Jackson requests his Opposition to Motion to
8 Quash and for Protective Order re: Feldman and Rothstein and C. Michael Adler Subpoenas and
9 accompanying documents be filed under seal.

10 Dated: November 19, 2004

11 COLLINS, MESEREAU, REDDOCK & YU
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17 By:

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19 R. Brian Oxman
20 Attorneys for
21 MICHAEL JOSEPH JACKSON

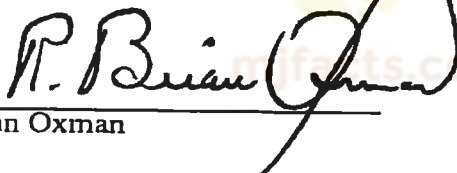
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EX PARTE APPLICATION TO FILE UNDER SEAL

DECLARATION OF BRIAN OXMAN

I, Brian Oxman, declare:

1. I am an attorney at law duly licensed to practice law in the courts of the State of California, and an attorney for Michael Jackson.
2. It is necessary that the accompanying Mr. Jackson's Motion to Compel Compliance with Subpoena to UCLA Medical Center and accompanying documents be filed under seal in order to protect the overriding interests of Mr. Jackson's rights to due process and a fair trial, as well as to prevent the disclosure of witnesses, potential witnesses and potential evidence.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed this 19th day of November, 2004 at Santa Fe Springs, California.


R. Brian Oxman

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