1 2 3	COLLINS, MESEREAU, REDDOCK & Y Thomas A. Mesereau, Jr., State Bar Number 0 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	91182 SUPERIOR COURT OF CALIFORNIA COUNTY OF SANTA BARBARA			
4 5 6	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	GARY M. BLAIR, Executive Officer CARRIE L. WAGNER, Deputy 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	* to 6116/05 Court			
12	Attomeys for Defendant MICHAEL JOSEPH JACKSON	Order Order			
13 14 15	SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF SANTA BARBARA, COOK DIVISION				
16 17 18 19	THE PEOPLE OF THE STATE OF CALIFORNIA,) Plaintiffs,) vs.) MICHAEL JOSEPH JACKSON,)	Case No. 1133603 MR. JACKSON'S MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO COMPEL COMPLIANCE WITH SUBPOENA TO UCLA MEDICAL CENTER AND DECLARATION OF COUNSEL			
21 22 23	Defendant.	Honorable Rodney S. Melville Date: November 29, 2004 Time: 1:30 p.m. Dept: SM 2 RILAD UNDERSEAL & Source			
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28	MEMORANDUM OF POINTS AND AU	THORITIES IN SUPPORT OF MOTION TO COMPEL			

INTRODUCTION

Mr. Michael Jackson submits this Memorandum in Support of his Motion to Compel Compliance with Subpoena to UCLA Medical Center. Mr. Jackson's Motions based on the following grounds:

- (1) There is no physician-patient privilege in criminal proceedings, and the complaining witnesses' objection against UCLA Medical Center responding to Mr. Jackson's subpoena is with legal or factual support.
- (2) The complaining mother's medical records and condition is relevant because she claims physical injuries as a result of Mr. Jackson's conduct and she has placed in issue her physical and mental condition.
- (3) The complaining mother has waived claims of privacy by disclosing her medical condition when she submitted to the court a medical report concerning her condition signed by Dr. Carol Archie, and Mr. Jackson's right to a fair trial outweigh any privacy claim the complaining mother might assert.

A. Statement of the Case.

1. Mr. Jackson's Subpoena to UCLA for medical records.

On September 29, 2004, Mr. Jackson served a Subpoena Duces Tecum on the Custodian of Records for UCLA Medical Center. (Exhibit "A"). The subpoena sought all medical records for Janet Arvizo, Davellin Arvizo, Gavin Arvizo, and Star Arvizo who are all complaining witnesses in this case. The subpoena was based on the claims form the complaining witnesses that they suffered physical and psychological injury as a result of the conspiracy alleged in this case.

The subpoena was also, in part, based on the letter dated August 12, 2004, from Dr. Carol L. Archie of the UCLA Medical Center Department of Obstetrics and Gynecology. (Exhibit "B"). That letter to the prosecution was presented to this court on August 17, 2004, in order to obtain a delay in Janet Arvizo's testimony before this court, Dr. Archie stated:

"I am the obstetrician who cared for Ms. Jackson [Janet Arvizo] during her recent pregnancy and I performed her cesarean section on Because of the operative delivery I have placed the customary restraints on Ms. Jackson's [Janet Arvizo's] activities in order to foster a full recovery for Ms. Jackson [Janet Arvizo] and a healthy start for her baby boy's life. The

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27 28 restrictions will preclude Ms. Jackson [Janet Arvizo] from driving and prolonged sitting. Further Ms. Jackson may at times require narcotic containing pain medication which may make it difficult to concentrate and she is likely to remain sleep deprived due to the demands of exclusively breast feeding her son as she is being urged to do for his well being. It is my opinion that until she is medically cleared, Ms. Jackson [Janet Arvizo] should not attempt to participate in any activities related to the ongoing court case in which she will be a witness. Ms. Jackson [Janet Arvizo] will not be medically cleared to resume normal activities until September 23, 2004." (Exhibit "B").

This disclosure of the complaining mother's medical condition was of great importance in this case because the mother was on narcotic medications immediately before testifying in court on September 17, 2004. In addition, she suffered from a physical impairment that may have influenced her testimony at the September 17, 2004 hearing. Further, the doctor, with the complaining mother's consent, made a disclosure of her medical condition, which resulted in a waiver of all claims of physician patient privilege. Pennsylvania v. Ritchie, 480 U.S. 39 (1987); California Criminal Defense Practice, sec. 70.07[7][b] to [c], at70.66.4 to -.5 (2003 M. Millman, C. Sevilla & B. Tarlow ed.).

2. UCLA would not comply without a Notice of Consumer to complainants.

On October 13, 2004, UCLA Medical Center responded by writing a letter to Brian Oxman, counsel for Michael Jackson. Exhibit "C"). The letter was signed by Joe Simanek, University Counsel, and stated that UCLA objected to the subpoena because there was no Notice to Consumer as provided and a court order is required under Code of Civil Procedure section 1798.24. It also complained the date for production was incorrect. On October 14, 2004, Mr. Oxman spoke to Mr. Simanek and pointed out that the provisions of Code of Civil Procedure section 1798.24 do not apply to criminal proceedings, citing Pitches v. Superior Court, 11 Cal. 3d 531, 536 (1974) and Leake v. Superior Court, 87 Cal. App. 4th 675, 681 (2001). However, rather than create an unnecessary controversy, Mr. Jackson would serve an additional subpoena with a Notice to the complaining witnesses.

On October 25, 2004, Mr. Jackson issued and served a second Subpoena Duces Tecum to UCLA Medical Center, and served a Notice to Consumer on the interested parties. (Exhibit "D"). The subpoena sought the same records from the complaining witnesses based on the disclosure from Dr. Archie and the complaining witnesses claims they had suffered injury as a result of the enormous conspiracy in this case.

The Subpoena identified Dr. Archie and sought records regarding the complaining witnesses injuries and medical condition.

On October 28, 2004, the complaining witnesses, Janet Arvizo, and each of her children, Davellin Arvizo, Gavin Arvizo, Star Arvizo, and Baby Jackson born 7-27-04, served by mail an Objection by non-Party to Production of Records. The objection stated the grounds for the Objection were:

"(a) Violates physician patient privilege; (b) Violates constitutional right of privacy; and (c) Irrelevant to subject matter of action." (Exhibit "E").

3. Attempts to resolve the matter without success.

On November 16, 2004, Mr. Oxman spoke with Joe Simanek, and Mr. Simanek informed Mr. Oxman that UCLA would not respond to the subpoena because an Objection had been served on it by the complaining witnesses. Mr. Oxman explained to Mr. Simanek that civil discovery procedures did not apply to criminal cases and that Code of Civil Procedure sections 1798.24 and 1985 et seq. was not applicable to the matter. Mr. Simanek stated UCLA Medical Center would not respond to the subpoena without a court order.

Mr. Oxman also informed Mr. Simanek that under Evidence Code section 998, there was no physician-patient privilege in criminal proceedings, citing <u>People v. Combes</u>, 56 Cal. 2d 135, 149 (1961). Mr. Simanek stated he could not override UCLA's policies. He requested Mr. Oxman to file a motion to obtain a court order.

Mr. Oxman asked Mr. Simanek to identify the records UCLA had in its position so he could report to the court what was involved when he was required to bring a motion to compel. Mr. Simanek stated the only records UCLA had were of Janet Arvizo and Jett Arvizo, who was born UCLA had no records for any of the other individual identified in the subpoena.

4. The complaining mother placed her physical and mental condition in issue.

Mr. Jackson seeks Janet Arvizo's medical records because she has placed in issue her medical and mental condition in this proceeding. The complaining mother testified that her older son took a BB gun, deliberately aimed it at her, and shot her in the leg. (GJ Tr., p. 1209, lns 17-21). She claimed it was Michael Jackson's fault and a product of the trauma inflicted on her older boy. (Police Interview, 8-13-04, Exhibit "F," p. 13 ln 12 to p. 14, ln 7).

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In any other circumstance, the older son would have been charged with an assault with a deadly weapon. But here, Mr. Jackson is blamed for the actions of a violent and out of control youth. Mr. Jackson is entitled to all medical records of the complaining mother because she has placed her medical condition in issue in this case and blamed Mr. Jackson for her son's violent conduct.

The complaining mother cannot claim physical injuries that are Mr. Jackson's fault and then hide her medical records. The effort to conceal her medical records in and of itself is a warning sign there is something wrong with this prosecution. When the complaining mother accused Mr. Jackson of harming her son resulting in physical injury to her, she cannot thereafter try to hide her medical records that demonstrate the falsity of her claims.

5. Under Evidence Code section 998, There is No Physician-Patient Privilege in Criminal Proceedings

The effort to hide the complaining mother's medical records is all the more suspicious because there is no physician patient privilege in criminal matters. Evidence Code section 998 provides no such privilege exists before a criminal court. It is inexcusable for the complaining mother to come before this Court and assert either a right to privacy or a physician patient privilege for her medical records when no such privileges exist.

The assertion of this privilege is made on the mother's behalf by a witness who testified before the Grand Jury, Attorney Larry Feldman. Attorney. Feldman provided expert opinion testimony to the Grand Jury concerning legal issues surrounding this case. In addition to his conflicts of interest as both a witness and advocate in this case, he has decided to take up this Court's time with an objection that has no basis in law or fact.

The rule that there is no physician-patient privilege in criminal cases has existed for well over one hundred years. People v. Lane, 101 Cal. 513, 516 (1894). Attorney Feldman's claims in this case are another warning signal to this Court that something is wrong with this prosecution. The expert attorney before the Grand Jury, Mr. Feldman, has lost all ethical standards of avoiding conflicts of interest.

B. Basis for Motion to Compel Production of Documents.

There is no physician-patient privilege in criminal proceedings, and the complaining witnesses' objection against UCLA Medical Center responding to Mr. Jackson's subpoena is with legal or factual

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support. The complaining mother's medical records and condition is relevant because she claims physical injuries as a result of Mr. Jackson's conduct and she has placed in issue her physical and mental condition. The complaining mother has waived claims of privacy by disclosing her medical condition when she submitted to the court a medical report concerning her condition signed by Dr. Carol Archie, and Mr. Jackson's right to a fair trial outweigh any privacy claim the complaining mother might assert.

THE COURT SHOULD COMPEL PRODUCTION OF THE MEDICAL RECORDS BECAUSE THEY ARE RELEVANT AND NOT COVERED BY ANY PRIVILEGE

A. There is No Physician-Patient Privilege in Criminal Proceedings.

The complaining mother's claim of physician-patient privilege is without foundation. No such privilege exists in criminal cases. The objection is baseless.

The physician patient privilege did not exist at common law and is strictly controlled by statute. Kramer v. Policy Holders Life Ins. Assn, 5 Cal. App. 2d 38, 384 (1935). Evidence Code section 998 provides, "There is no privilege under this article in a criminal proceeding." It is a fundamental tenant of the physician patient privilege that it has no application in criminal proceedings. People v. Combes, 56 Cal. 2d 135, 149 (1961)(no individual may claim any privilege based on a physician-patient relationship in any criminal proceeding).

The rule that there is no physician patient privilege has long been the law in California. People v. Lane, 101 Cal. 513, 516 (1894); People v. West, 106 Cal. 89, 91 (1895). There is no doctor-patient privilege in criminal cases. People v. Ditson, 57 Cal. 2d 415, 448 (1962), cert. denied, 371 U.S. 852, cert. dismissed, 372 U.S. 933 (1963); People v. Gonzales, 182 Cal. App. 2d 276, 280 (1960); People v. Griffith, 146 Cal. 339 (1905); People v. Dutton, 62 Cal. App. 2d 862 (1944). "There is no physicianpatient privilege for any communication sought to be disclosed in a criminal action. Evid C sec. 998." 2 Jefferson's California Evidence Benchbook, sec. 37.22, at 827 (3d ed. 2004).

In People v. Combes, 56 Cal. 2d 135, 149 (1961), the court stated:

"There is no physician-patient privilege in criminal cases. (Code of Civil Procedure, section 1881, subdivision 4, provides for the privilege in civil cases only.) Testimony is admissible concerning

the results and findings of a physical examination of a defendant to which he has voluntarily submitted. (People v. Guiterez, 126 Cal.App. 526, 531.)"

The complaining witnesses have filed an objection that has no basis in law or fact. This Court should take note that the complaining witness have something to hide and they have filed this Objection for purposes of delay because they do not wish for this court to discover the nature or history of Janet Arvizo's medications. The plain fact is she has been and she has not been The records from UCLA will demonstrate both her and her

B. Mr. Jackson's Right to A Fair Trial Outweighs the Mother's Privacy Claims.

The complaining mother has testified about her medical condition and her mental state and accused Michael Jackson of injuring her. She offered a report from Dr. Archie saying she was on narcotics and physically unable to attend court on September 27, 2004. Mr. Jackson's interest in a fair trial far outweighs any of the mother's claims to privacy.

The constitutional right to privacy is not absolute and is outweighed by rights to a fair trial. <u>Binder v. Superior Court</u>, 196 Cal. App. 3d 893, 900 (1987). Other state interests, such as facilitating the ascertainment of truth in a criminal proceeding, outweigh privacy rights. Board of <u>Trustees v. Superior Court</u>, 119 Cal. App. 3d 516, 524-25 (1981). In <u>Palay v. Superior Court</u>, 18 Cal. App. 4th 919, 933 (1993), the court stated:

"The constitutional right to privacy is not absolute. ([Jones v. Superior Court,] 119

Cal.App.3d at p. 550; Board of Medical Quality Assurance v, Gherardini, supra, 93 Cal.App.3d at p. 679.) It may be outweighed by supervening concerns. (Ibid.) The state has enough of an interest in discovering the truth in legal proceedings, that it may compel disclosure of confidential material.

(Jones v. Superior Court, supra, 119 Cal.App.3d at p. 550.) "[A]n individual's medical records may be relevant and material in the furtherance of this legitimate state purpose" (Board of Medical Quality Assurance v. Gherardini, supra, 93 Cal.App.3d at p. 679.) An "intrusion upon constitutionally protected areas of privacy requires a 'balancing of the juxtaposed rights, and the finding of a compelling state interest.' [Citations.]" (Jones v. Superior Court, supra, 119 Cal.App.3d at p. 550.)"

While complaining mother claims her medical records are irrelevant to this proceeding, she is the one who claims physical injuries because of Michael Jackson. It is improper for anyone to offer a doctor's report to a court of law stating they use narcotics and are unable to attend a hearing because of physical impairment, and then to attempt to hid the medical records. Mr. Jackson has a right to determine the veracity of not only the complaining mother, but also the physicians involved, and the court should compel production of the medical records.

C. The Mother's Medical Condition is Relevant because She has Placed her Medical Condition into Issue.

Not only has the complaining mother placed her physical and mental state in issue in this case, but also she submitted a medical report to the court. The complaining mother's medical conditions is a relevant issue of this case, as are the medications she is or is not taking, the narcotics she is ingesting, and her physical injuries attributable to Mr. Jackson. The mother has been prescribed and numerous other (See Motion for Medical Examination, and Mr. Jackson has the right to the medical records that demonstrate both her need for drugs and the drugs that have been prescribed to her because, according to Dr. Archie, they have affected her ability to testify in this case.

There is no physician-patient privilege as to a communication relevant to an issue concerning the condition of the patient if such issue has been tendered by the patient. Evidence Code sec. 996(a); Palay v. Superior Court, 18 Cal. App. 4th 919, 926 (1993). There is no privilege in any action in which a party tenders the issue of their own medical condition. 2 Jefferson's California Evidence Benchbook, sec 37.31, at 829 (3d ed. 2004), citing Evidence Coded section 996(d). Where the patient's condition is involved as an issue of the ease, even though the patient is not an actual party to the action, Evidence code section 996 provides the physician patient privilege is waived. 2 B. Witkin, California Evidence, Witnesses sec. 1196, at 1140 (3d ed. 1986).

In City & County of San Francisco v. Superior Court, 37 Cal.2d227, 232 (1951), the court stated: "The patient-litigant exception precludes one who has placed in issue his physical condition from invoking the privilege on the ground that disclosure of his condition would cause him humiliation. He cannot have his cake and eat it too."

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MR.	JACKSON'S MEMORANDUM IN SUPPORT	OF MOTION TO COMPEL

The complaining mother has tendered her medical condition by not only testifying to physical 1 injures from a violent assault on her by her own son which she claims was Michael Jackson's fault, but also 2 by having a physician tell the court she was unable to testify before this court due to physical impairment. 3 The complaining mother has waived all physician-patient privileges and claims of rights to privacy by 4 tendering the issue of her medical condition. The objection should be overruled. 5 Ш 6 CONCLUSION 7 For the foregoing reasons, Mr. Michael Jackson requests his Motion to Compel Compliance with 8 9 Subpoena be granted. COLLINS, MESEREAU, REDDOCK & YU 10 DATED: November 19, 2004 Thomas A. Mesereau, Jr. Susan C. Yu 11 SANGER & SWYSEN 12 Robert M. Sanger 13 OXMAN & JAROSCAR Brian Oxman 14 15 By: R. Brian Oxman 16 Attorneys for Mr. Michael Jackson 17 18 19 20 21 22 23 24 25 26 27 28 MR. JACKSON'S MEMORANDUM IN SUPPORT OF MOTION TO COMPEL

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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 Michael Jackson. I submit this declaration in support of Mr. Jackson's Motion to Compel Compliance with Subpoena to UCLA Medical Center.
- 2. On September 29, 2004, Mr. Jackson served a Subpoena Duces Tecum on the Custodian of Records for UCLA Medical Center. (Exhibit "A"). The subpoena sought all medical records for Janet Arvizo, Davellin Arvizo, Gavin Arvizo, and Star Arvizo who are all complaining witnesses in this case. The subpoena was based on the claims form the complaining witnesses that they suffered physical and psychological injury as a result of the conspiracy alleged in this case.
- 3. The subpoena was also, in part, based on the letter dated August 12, 2004, from Dr. Carol L. Archie of the UCLA Medical Center Department of Obstetrics and Gynecology. (Exhibit "B"). That letter to the prosecution was presented to this court on August 17, 2004, in order to obtain a delay in Janet Arvizo's testimony before this court, Dr. Archie stated:

"I am the obstetrician who cared for Ms. Jackson [Janet Arvizo] during her recent pregnancy and I performed her cesarean section on Because of the operative delivery I have placed the customary restraints on Ms. Jackson's [Janet Arvizo's] activities in order to foster a full recovery for Ms. Jackson [Janet Arvizo] and a healthy start for her baby boy's life. The restrictions will preclude Ms. Jackson [Janet Arvizo] from driving and prolonged sitting. Further Ms. Jackson may at times require narcotic containing pain medication which may make it difficult to concentrate and she is likely to remain sleep deprived due to the demands of exclusively breast feeding her son as she is being urged to do for his well being. It is my opinion that until she is medically cleared, Ms. Jackson [Janet Arvizo] should not attempt to participate in any activities related to the ongoing court case in which she will be a witness. Ms. Jackson [Janet Arvizo] will not be medically cleared to resume normal activities until September 23, 2004," (Exhibit "B").

4. This disclosure of the complaining mother's medical condition was of great importance in this case because the mother was on narcotic medications immediately before testifying in court on September

17, 2004. In addition, she suffered from a physical impairment that may have influenced her testimony at the September 17, 2004 hearing. Further, the doctor, with the complaining mother's consent, made a disclosure of her medical condition, which resulted in a waiver of all claims of physician patient privilege. Pennsylvania v. Ritchie, 480 U.S. 39 (1987); California Criminal Defense Practice, sec. 70.07[7][b] to [c], at70.66.4 to -.5 (2003 M. Millman, C. Sevilla & B. Tarlow ed.).

- 5. On October 13, 2004, UCLA Medical Center responded by writing a letter to Brian Oxman, counsel for Michael Jackson. Exhibit "C"). The letter was signed by Joe Simanek, University Counsel, and stated that UCLA objected to the subpoena because there was no Notice to Consumer as provided and a court order is required under Code of Civil Procedure section 1798.24. It also complained the date for production was incorrect. On October 14, 2004, Mr. Oxman spoke to Mr. Simanek and pointed out that the provisions of Code of Civil Procedure section 1798.24 do not apply to criminal proceedings, citing Pitches v. Superior Court, 11 Cal. 3d 531, 536 (1974) and Leake v. Superior Court, 87 Cal. App. 4th 675, 681 (2001). However, rather than create an unnecessary controversy, Mr. Jackson would serve an additional subpoena with a Notice to the complaining witnesses.
- 6. On October 25, 2004, Mr. Jackson issued and served a second Subpoena Duces Tecum to UCLA Medical Center, and served a Notice to Consumer on the interested parties. (Exhibit "D"). The subpoena sought the same records from the complaining witnesses based on the disclosure from Dr. Archie and the complaining witnesses claims they had suffered injury as a result of the enormous conspiracy in this case. The Subpoena identified Dr. Archie and sought records regarding the complaining witnesses injuries and medical condition.
- 7. On October 28, 2004, the complaining witnesses, Janet Arvizo, and each of her children,
 Davellin Arvizo, Gavin Arvizo, Star Arvizo, and Baby Jackson born served by mail an Objection
 by non-Party to Production of Records. The objection stated the grounds for the Objection were:
 - "(a) Violates physician patient privilege; (b) Violates constitutional right of privacy; and (c) Irrelevant to subject matter of action." (Exhibit "E").
- 8. On November 16, 2004, Mr. Oxman spoke with Joe Simanek, and Mr. Simanek informed Mr. Oxman that UCLA would not respond to the subpoena because an Objection had been served on it by the complaining witnesses. Mr. Oxman explained to Mr. Simanek that civil discovery procedures did not

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MR.	JACKSON'S MEMORANDUM IN SUPPORT OF MOTION TO COMPEL

Court and assert either a right to privacy or a physician patient privilege for her medical records when no such privileges exist.

- 15. The assertion of this privilege is made on the mother's behalf by a witness who testified before the Grand Jury, Attorney Larry Feldman. Attorney. Feldman provided expert opinion testimony to the Grand Jury concerning legal issues surrounding this case. In addition to his conflicts of interest as both a witness and advocate in this case, he has decided to take up this Court's time with an objection that has no basis in law or fact.
- 16. The rule that there is no physician-patient privilege in criminal cases has existed for well over one hundred years. People v. Lane, 101 Cal. 513, 516 (1894). Attorney Feldman's claims in this case are another warning signal to this Court that something is wrong with this prosecution. The expert attorney before the Grand Jury, Mr. Feldman, has lost all ethical standards of avoiding conflicts of interest.

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

Executed this 19th day of November, 2004, at Santa Fe Springs, California.

R. Brian Oxman

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ATTORNEY OR PARTY WITHOUT ATTOR	NEY (Name and Address):	TELEPHONE NO:	FOR COURT USE ONLY
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Los Angeles, CA 90067	Santa Fe Spri <mark>ngs, C</mark> A		
	90670		
ATTORNEY FOR (Named): Michael J			10
	court, if any, and post office and street address:	.com	mjfacts.com
	perior Court, Santa Maria Division	Mohalle	_
312 E. Cook Street Santa Maria, CA 93454	(Dept. SM-2: Judge Rodney	wervine)	
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UNLESS you make a speci	al agreement with the person named	in item 3:	
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a. ordered to appear it	n person.		
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TO APPEAR:	mjracts.com		acts.com
a. Name: Brian Oxman		b. Telephon	e number: (562) 921-5058
4. WITNESS FEES: You may b	e entitled to witness fees, mileage, or t	ooth, in the discretion	of the court. Contact the person named in
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ATTACHMENT TO ITEM 2(b, _. Subpoena to Custodian of Records, UCLA Medical Center September 29, 2004

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

- (1) All computerized chronological lists of the times, dates, places, reasons for treatment, and types of treatments received at any of your facilities for any of the COMPLAINANTS, who are:
- (a) Janet Arvizo, aka Janet Ventura or Janet Jackson, date of birth social security number
 - (b) <u>Davellin Ar</u>vizo, 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

 (f) Baby Jackson born

 Medical Center to Janet Arvizo (aka Janet Jackson and Janet

 Ventura) and Jay Daniel Jackson.
- (2) All DOCUMENTS constituting, evidencing, concerning, discussing, or mentioning baby Jackson born at the UCLA Medical Center, born to Janet Arvizo (aka Janet Jackson and Janet Ventura), who is identified as one of the COMPLAINANTS, and Jay Daniel Jackson, who is identified as one of the COMPLAINANTS, including all maternity records, pre-natal care records, post-natal care records, treatments, medications, payment records, and consultations.
- (3) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning 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
- (f) Baby Jackson born at UCLA Medical Center to Janet Arvizo (aka Janet Jackson and Janet Ventura) and Jay Daniel Jackson.
- (4) All DOCUMENTS constituting, evidencing, concerning, discussing, or mentioning medical care, examinations, diagnosis, outpatient services, monitoring, or treatment rendered to COMPLAINANTS, who are:
- (a) Janet Arvizo, aka Janet Ventura or Janet 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

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA BARBARA

PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

MICHAEL JACKSON,

Defendant.

Case No. 1133603

DECLARATION AND APPLICATION FOR SUBPOENA DUCES TECUM

STATE OF CALIFORNIA, COUNTY OF SANTA BARBARA

- 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 October 14, 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.
- Witness the Custodian of Records for University of California at Los Angeles UCLA) Medical Center, has in his possession or control the following documents, objects, or other tangible things:

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,

APPLICATION FOR SUBPOENA

through detection devices into reasonably usable form. Any 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 processing 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 a

(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 the Custodian of Records of University of California at Los Angeles (UCLA) Medical Center, 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.

B. <u>DOCUMENTS TO BE PRODUCED</u>:

- (1) All computerized chronological lists of the times, dates, places, reasons for treatment, and types of treatments received at any of your facilities for any of the COMPLAINANTS, who are:
- (a) Janet Arvizo, aka Janet Ventura or Janet Jackson, date of birth social security number
- (b) <u>Davellin Ar</u>vizo, 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
- (f) Baby Jackson born and Jackson and Janet Medical Center to Janet Arvizo (aka Janet Jackson and Janet

- (2) All DOCUMENTS constituting, evidencing, concerning, discussing, or mentioning baby Jackson born at the UCLA Medical Center, born to Janet Arvizo (aka Janet Jackson and Janet Ventura), who is identified as one of the COMPLAINANTS, and Jay Daniel Jackson, who is identified as one of the COMPLAINANTS, including all maternity records, pre-natal care records, post-natal care records, treatments, medications, payment records, and consultations.
- (3) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning 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 <u>Daniel</u> Jackson, date of birth social security number
- (f) Baby Jackson born at UCLA Medical Center to Janet Arvizo (aka Janet Jackson and Janet Ventura) and Jay Daniel Jackson.
- (4) All DOCUMENTS constituting, evidencing, concerning, discussing, or mentioning medical care, examinations, diagnosis, outpatient services, monitoring, or treatment rendered to COMPLAINANTS, who are:
- (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 social security number
- (d) Star Arvizo, date of birth social security number
- (e) Jay Daniel Jackson, date of birth social security number
- (f) Baby Jackson born at UCLA Medical Center to Janet Arvizo (aka Janet Jackson and Janet Ventura) and Jay Daniel Jackson.
- (5) All DOCUMENTS constituting, evidencing, concerning, discussing, or mentioning the following for any of the COMPLAINANTS and Baby Jackson born at UCLA Medical Center to Janet Arvizo (aka Janet Jackson and Janet Ventura) and Jay Daniel Jackson:

- (a) medical records, questionnaires, doctors and nurses notes, prescribed or recommended medications, medical, psychiatric, or psychological records of history, diagnosis, treatment and prognosis, obstetrics reports and examinations, gynecology reports and examinations, and physical examination reports;
- (b) medical, psychiatric, or psychological records of history, diagnosis, treatment and prognosis, in patient care and treatment records, physical examination reports, counseling records, rehabilitation and physical therapy records, recommended rehabilitation, and prescribed aftercare;
- (c) images and reports for X-ray's, MRI's, CT Scan's, ultrasound's, IVP's, and all other medical imaging scans, slides, tests, films, electronic stored images, and reports relating to all such imaging;
- (d) results of diagnostic tests, laboratory tests, pathology slides, tissue samples, and reports regarding samples, slides, and tests;
- (e) work or school absentee excuses and records, medical, health, and psychological insurance information;
- (f) billing information, bills, statements of charges, records of payments, including source of payments, insurance billings, insurance claims, Medi-cal payments, insurance information and records, and insurance payment and reimbursement information;
- (g) prescribed or recommended medications, medical prescriptions, psychological prescriptions, re-fills on medications, prescription compliance records, and dose adjustment records.
- 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 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 subpoenaed party, and the only person with such information is the subpoenaed 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 29th day of September, at Los Angeles California.

R. Brian Oxman

SUPERIOR COURT OF THE COUNTY OF SAIN A THE SAIN

JUL 09 2007

GARY M. BLAIR, EXECUTIVE OFFISH CALLER WASHES DELINE OFFISH

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

THE PEOPLE OF THE STATE OF CALIFORNIA, Case No.: 1133603

Plaintiff, Protective Order Regarding Defendant's Subpoenas Duces Tecum

VS.

MICHAEL JACKSON, MICHAE

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:

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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Defendant.

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- 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.
- 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 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.

DATED: JUL US 2004

RODNEY S. MELVILLE
Judge of the Superior Court













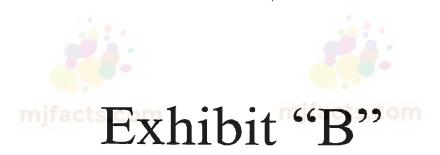
















UNIVERSITY OF CALIFORNIA, LOS ANGELES

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UCLA

SANTA BARRARA - SANTA CRUZ

UCLA MATERNITY ASSOCIATES

e-mall: ORGYN@mednetsiela.edu

PHONE: 310-784-7274

FAX: 310-794-7436

200 UCBA MEDICAL PLAZA, SUFFE 430 UPS ANCELES, CALIFORNIA 20093

A MIDWIFERY AND OBSTETRICAL PARTNERSKIP DAVID GEFFEN SCHOOL OF MEDICINE AT COLA

DEPARTMENT OF OBSTETRICS AND CANGLOLOGY

August 12, 2004

To: Ron Zonen

Senior Deputy District Attorney

Santa Barbara County

From: Carol L. Archie, M.D.

Associate Professor, Maternal Fetal Medicine David Geffen School of Medicine at UCLA

Re: Ms Janet Jackson

Dear Mr. Zonen.

I am the obstetrician who cared for Ms Jackson during her recent pregnancy and I performed her cesarcan section on Because of the operative delivery I have placed the customary restraints on Ms Jackson's activities in order to foster a full recovery for Ms Jackson and a healthy start for her baby boy's life. These restrictions will preclude Ms Jackson form driving and prolonged sitting. Further Ms Jackson may at times require narcotic containing pain medication which may make it difficult to concentrate and she is likely to remain sleep deprived due to the demands of exclusively breastfeeding her son as she is being urged to do for his wellbeing. It is my opinion that until she is medically cleared, Ms Jackson should not attempt to participate in any activities related to the ongoing court case in which she will be a witness. Ms Jackson will not be medically cleared to resume normal activities until September 23, 2004.

If you have any further questions, please feel free to call me at any time.

Cowof Anchio

Carol L. Archie, M.D.

310 794-5238

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THE REGENTS OF THE UNIVERSITY OF CALIFORNIA OFFICE OF THE GENERAL COUNSEL



1111 Franklin Street, 8th Floor • Oakland, California 94607-5200 • (510) 987-9800 • FAX (510) 987-9757

James E. Holat General Counsel Writer's direct line: (510) 987 9733 E-mail: joc.simanek@ucop.edu

October 13, 2004

VIA FACSIMILE

Thomas Mesereau, Jr., Esq. 1875 Century Park East, Suite 700 Los Angeles, CA 90067

Brian Oxman, Esq. 14126 E. Rosecrans Santa Fe Springs, CA 90670

Re: People v Michael Jackson, et al.

Dear Sirs:

I am writing in regard to the subpoena issued by your offices in the above-referenced matter, seeking records from the University of California, Los Angeles Medical Center ("UCLA").

Ms. Chase from my office has called Mr. Oxman several times last week, and I called Mr. Mesereau yesterday. We wanted to discuss the issues detailed below to discuss scheduling a hearing if the matter needs to be briefed for the court.

UCLA is unable to respond to your subpoena for several reasons. The subpoena appears to be facially invalid in that it was issued on September 29, 2004, seeking delivery of the records to the court for July 26, 2004, more than two months prior. Second, the protective order fails to comply with the requirements of the Health Insurance Portability and Accountability Act, 45 C.F.R. section 164.512(e)(1)(A)&(B).

Furthermore, under Civil Code section 1798.24(k), UCLA may not "disclose any personal information in a manner that would link the information disclosed to the individual to whom it pertains unless the disclosure of the information is . . . [t]o any person pursuant to a subpoena, court order, or other compulsory legal process if, before the disclosure, the agency reasonably attempts to notify the individual to whom the record pertains, and if the notification is not

Thomas Mesersau, Jr., Esq. Brian Oxman, Esq. October 13, 2004
Page 2

The existing protective order is unclear whether UCLA is prohibited from notifying the patients of your subpoena seeking their health care records. UCLA is unable to determine whether the court's limitation that "[p]ersons 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" prohibits notice to the patients because they may in turn advise the District Attorney of defendant's subpoena.

Depending upon clarification by the court as to the intent of its order, UCLA may be prohibited from notifying the patients of the pending subpoens. As detailed above, UCLA may only comply with a qualified protective order that is compliant with the Health Insurance Portability and Accountability Act, and the existing order does not meet this Act's requirements. As noted in California Criminal Discovery (2003, 3rd Ed.) by Pipes and Gagen, pg. 582, § 9:13,:

"[E]ven though California statutes do not require a party issuing or seeking the issuance of a subpoena duces tecum for protected health care information to notify the person whose information is sought by subpoena, health care providers are required by federal law to refuse to comply with a subpoena duces tecum for a judicial or administrative proceeding which either has not been preceded by reasonable efforts to notify the person that his or her records are being subpoenaed, or which is not accompanied by reasonable efforts to secure a qualified protective order."

UCLA has a number of other substantive concerns regarding the disclosure of the requested records, but they are dependent upon whether it is prohibited from notifying the patients of the subpoena for the patients' health care records. If you believe that the court's protective order prevents notification to the patients of the subpoena, UCLA will make an objection to the release of the requested records. As I am sure you know, a non-party need not file a motion to quash, but merely needs to pose an objection. Monarch Healthcare v. Superior Court, (2000) 8 Cal.App. 4th 1282, 93 Cal.Rptr. 619. For the foregoing reasons, UCLA is unable to provide the requested records. Would you please contact me to facilitate the handling of this matter to minimize any disruption to the pending legal action.

Cordially.

Joe Šimanek

University Counsel

cc: M.M. Chase

125035.1

Only limited state entities, including the University of California, are subject to the requirements of Civil Code section 1798.24(k) of the Information Practices Act.





























Date: MITACTS COM

(TYPE OR PRINT NAME)

(Proof of service on reverse)

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Form Adopted for Mandetory Use Judicial Council of California 982(a)(16.5) [Rev. January 1, 2000]

NOTICE TO CONSUMER OR EMPLOYEE AND OBJECTION (Code Civ. Proc., §§ 1985.3, 1985.6)

Code of Civil Procedure, 66 1985 3, 1985 6, 2020

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PLAINTIFF/PETITIONER: People of the State of California DEFENDANT/RESPONDENT: Michael Joseph Jackson	CASE NUMBER: 1133603
PROOF OF SERVICE OF NOTICE TO CONSUMER OR I (Code Civ. Proc., §§ 1985.3, 198	25.6)
Personal Service	••
 At the time of service I was at least 18 years of age and not a party to this leg 	
I served a copy of the Notice to Consumer or Employee and Objection as follows:	
a. Personal service. I personally delivered the Notice to Consumer or E	imployee and Objection as follows:
(1) Name of person served:	(3) Date served:
(2) Address where served;	(4) Time served:
 b. Wail. I deposited the Notice to Consumer or Employee and Objection with postage fully prepaid. The envelope was addressed as follows: (1) Name of person served: Janet Arvizo, Davellin Arvizo, Ga (2) Address: Arvizo, Star Arvizo, Jay Jackson, Baby Jackson 	vin (3) Date of mailing: October 25, 2004 ckson (4) Place of mailing (city and state):
(5) I am a resident of or employed in the county where the Notice to C. c. My residence or business address is (specify): 14126 E. Rosecrans Bly	onsumer or Employee and Objection was mailed. vd. Santa Fe Springs, CA 90670
d. My phone number is (specify): (562) 921-5058	
I declare under penalty of perjury under the laws of the State of California that the	foregoing is true and correct.
Date: October 25, 2004	
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Stephen Distaso	Man) X/(Mar)
(TYPE OR PRINT NAME OF PERSON WHO SERVED)	(SIGNATURE OF PERSON WHO SERVED)
 At the time of service I was at least 18 years of age and not a party to this leg I served a copy of the Objection to Production of Records as follows (complete 	
a. ON THE REQUESTING PARTY	45
(1) Personal service. I personally delivered the Objection to Production	
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(2) Mail. I deposited the Objection to Production of Records in the Uni	ited States mail, in a sealed envelope with postage
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(i) Name of person served:	(iii) Date of mailing: (iv) Place of mailing (city and state):
(ii) Address:	(IV) Place of mailing (city and state):
(v) I am a resident of or employed in the county where the Objection b. ON THE WITNESS	on to Production of Records was mailed.
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(ii) Address where served:	(iv) Time served:
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(ii) Address:	(iv) Place of mailing (city and state):
 (v) I am a resident of or employed in the county where the Objection 	on to Production of Records was mailed.
3. My residence or business address is (specify):	
4. My phone number is (specify):	n mifacts.com
declare under penalty of perjury under the laws of the State of California that the	foregoing is true and correct.
Date:	
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TYPE AD DOME NAME AS DECORAN MAIN SEDIMENT	(SIGNATURE OF PERSON WHO SERVED)
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982(a)(15.5) [Rev. January 1, 2000]

NOTICE TO CONSUMER OR EMPLOYEE AND OBJECTION (Code Civ. Proc., §§ 1985.3, 1985.6)

Page two



ATTORNEY OR PARTY WITHOUT A Thomas A. Mesereau 1875 Century Park E: Los Angeles, CA 900 ATTORNEY FOR (Married): Micha Insert name of court, judicial district or Santa Barbara County 312 E. Cook Street Santa Maria, CA 93454 Title of case: The People of	o, Jr. 91182 E ast, Suite 700 1 67 S sel Joe Jackson reach court I any, and pea Superior Court, S (Dept.	Brian Oxman 14126 East Rosecrans Santa Fe Springs, CA 90670		FOR C	COURT USE ONLY
SUBPENA (CRIMINAL OF DUCES TECUM) THE PEOPLE OF THE STATEMENT OF T	ATE OF CALIFORI CL O APPEAR AS A	ustodian of Records, U	at the date, time, a		1133603 In the box below
		Time: 9:00 a.m. BM-2 (Judge Rodney M	Dept: SN elville)	1-2 Div.:	Room:
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a. Name: Brian Oxma	nay be entitled to v	witness fees, mileage, or t	•	ne number: (56 n of the court. C	2) 921-5058 Contact the person named in
DISOBEDIENCE OF THE ISSUE FOR YOUR ARE		9	(SIGN	ATURE OF PERSON I R. Brian C (TYPE OR PRIM THEY FOR Micha (TITLE)	SSUING SUPENA) DXTTIANTE IT NAME) BEI J. Jackson
Form Adopted by Rule 982 Judicial Council of California 982(a)(16) [Rev. January 1, 1991)		SUBPEN (CRIMINAL OR JU		West	Penai Code, § 1326 et aeq. are and institutions Code, §§ 341, 654, 1727 IWWW.aCCESSIZW.COM

ATTACHMENT TO ITEM 2(b) Subpoena to Custodian of Records, UCLA Medical Center October 25, 2004

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

- (1) All computerized chronological lists of the times, dates, places, reasons for treatment, and types of treatments received at any of your facilities for 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
- (f) Baby Jackson born at UCLA Medical Center to Janet Arvizo (aka Janet Jackson and Janet Ventura) and Jay Daniel Jackson.
- (2) All DOCUMENTS constituting, evidencing, concerning, discussing, or mentioning baby Jackson born at the UCLA Medical Center, born to Janet Arvizo (aka Janet Jackson and Janet Ventura), who is identified as one of the COMPLAINANTS, and Jay Daniel Jackson, who is identified as one of the COMPLAINANTS, including all maternity records, pre-natal care records, post-natal care records, treatments, medications, payment records, and consultations.
- (3) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning 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) Cavin 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
- (f) Baby Jackson born at UCLA Medical Center to Janet Arvizo (aka Janet Jackson and Janet Ventura) and Jay Daniel Jackson.
- (4) All DOCUMENTS constituting, evidencing, concerning, discussing, or mentioning medical care, examinations, diagnosis, outpatient services, monitoring, or treatment rendered to 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

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

(c)

(f) Baby Jackson born at UCLA Medical Center to Janet Arvizo (aka Janet Jackson and Janet Ventura) and Jay Daniel Jackson.

- (5) All DOCUMENTS constituting, evidencing, concerning, discussing, or mentioning the following for any of the COMPLAINANTS and Baby Jackson born at UCLA Medical Center to Janet Arvizo (aka Janet Jackson and Janet Ventura) and Jay Daniel Jackson:
- (a) medical records, questionnaires, doctors and nurses notes, prescribed or recommended medications, medical, psychiatric, or psychological records of history, diagnosis, treatment and prognosis, obstetrics reports and examinations, gynecology reports and examinations, and physical examination reports;
- (b) medical, psychiatric, or psychological records of history, diagnosis, treatment and prognosis, in patient care and treatment records, physical examination reports, counseling records, rehabilitation and physical therapy records, recommended rehabilitation, and prescribed aftercare;
- (c) images and reports for X-ray's, MRI's, CT Scan's, ultrasound's, IVP's, and all other medical imaging scans, slides, tests, films, electronic stored images, and reports relating to all such imaging;
- (d) results of diagnostic tests, laboratory tests, pathology slides, tissue samples, and reports regarding samples, slides, and tests;
- (e) work or school absentee excuses and records, medical, health, and psychological insurance information;
- (f) billing information, bills, statements of charges, records of payments, including source of payments, insurance billings, insurance claims, Medi-cal payments, insurance information and records, and insurance payment and reimbursement information;
- (g) prescribed or recommended medications, medical prescriptions, psychological prescriptions, re-fills on medications, prescription compliance, and dose adjustment records
- (h) all medical records, notes, reports, correspondence, communications, prescriptions, and the complete medical chart of Dr. Carol L. Archie regarding Baby Jackson or any COMPLAINANT.

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

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA BARBARA

PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

VS

MICHAEL JACKSON,

Defendant.

DECLARATION AND APPLICATION

FOR SUBPOENA DUCES TECUM

Case No. 1133603

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 the Custodian of Records for University of California at Los Angeles UCLA) Medical Center, has in his possession or control the following documents, objects, or other tangible things:

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,

APPLICATION FOR SUBPOENA

through detection devices into reasonably usable form. Any 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

er (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 the Custodian of Records of University of California at Los Angeles (UCLA) Medical Center, 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.

B. DOCUMENTS TO BE PRODUCED:

(1) All computerized chronological lists of the times, dates, places, reasons for treatment, and types of treatments received at any of your facilities for 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 Danier Jackson, date of birth

social security number

(f) Baby Jackson born

(at UCLA

- (2) All DOCUMENTS constituting, evidencing, concerning, discussing, or mentioning baby Jackson born at the UCLA Medical Center, born to Janet Arvizo (aka Janet Jackson and Janet Ventura), who is identified as one of the COMPLAINANTS, and Jay Daniel Jackson, who is identified as one of the COMPLAINANTS, including all maternity records, pre-natal care records, post-natal care records, treatments, medications, payment records, and consultations.
- (3) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning 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 Danier Jackson, date of birth
- social security number

 (f) Baby Jackson porn

 Medical Center to Janet Arvizo (aka Janet Jackson and Janet

 Ventura) and Jay Daniel Jackson.
- (4) All DOCUMENTS constituting, evidencing, concerning, discussing, or mentioning medical care, examinations, diagnosis, outpatient services, monitoring, or treatment rendered to 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
- (f) Baby Jackson born at UCLA Medical Center to Janet Arvizo (aka Janet Jackson and Janet Ventura) and Jay Daniel Jackson.
- (5) All DOCUMENTS constituting, evidencing, concerning, discussing, or mentioning the following for any of the COMPLAINANTS and Baby Jackson born at UCLA Medical Center to Janet Arvizo (aka Janet Jackson and Janet Ventura) and Jay Daniel Jackson:

- (a) medical records, questionnaires, doctors and nurses notes, prescribed or recommended medications, medical, psychiatric, or psychological records of history, diagnosis, treatment and prognosis, obstetrics reports and examinations, gynecology reports and examinations, and physical examination reports;
- (b) medical, psychiatric, or psychological records of history, diagnosis, treatment and prognosis, in patient care and treatment records, physical examination reports, counseling records, rehabilitation and physical therapy records, recommended rehabilitation, and prescribed aftercare;
- (c) images and reports for X-ray's, MRI's, CT Scan's, ultrasound's, IVP's, and all other medical imaging scans, slides, tests, films, electronic stored images, and reports relating to all such imaging;
- (d) results of diagnostic tests, laboratory tests, pathology slides, tissue samples, and reports regarding samples, slides, and tests;
- (e) work or school absentee excuses and records, medical, health, and psychological insurance information;
- (f) billing information, bills, statements of charges, records of payments, including source of payments, insurance billings, insurance claims, Medi-cal payments, insurance information and records, and insurance payment and reimbursement information;
- (g) prescribed or recommended medications, medical prescriptions, psychological prescriptions, re-fills on medications, prescription compliance, and dose adjustment records
- (h) all medical records, notes, reports, correspondence, communications, prescriptions, and the complete medical chart of Carol L. Archie regarding Baby Jackson or any COMPLAINANT.
- 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

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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 subpoenaed party, and the only person with such information is the subpoenaed 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 25h day of October, at Los Angeles, California.

R. Brian Oxman

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JUL 0.9 2021

GARY M. BLAIR, Executive Officer CARRIEL WAGNET THAT HE

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

THE PEOPLE OF THE STATE OF CALIFORNIA,) Case No.: 1133603 Plaintiff,

Protective Order Regarding Defendant's Subpoenas Duces Tecum

MICHAEL JACKSON,

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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 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.
- 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.
- 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 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.

DATED: JUL U 9 2004

RODNEY S. MELVILLE
Judge of the Superior Court

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things so they can, you know -- that's what I did. They were out of school all that time, so me and Jay put them in the JEI Learning Center to bring them back up to speed.

I barely was able to return the kids back into their Naval Sea Program.

Prior to this, Gavin was so excited into entering the rifle team and that put a halt to it, and now he's not even in the rifle team which meant so much to him. And so barely in June was I able to return him into that.

Because mentally he was not -- I don't know. A lot of things happened to Gavin and Star like different. Different behavior. For example, me being shot at.

That's --

- Q You were shot at?
- A Yes.
- Q By who?
- A By Gavin.
- Q Oh, okay.
- A I have -- now my legs are shaven. Right there.
- Q With what? With a BB?
- A With a BB gun. Like it got -- he -- he -- like angry for no reason. For no cause. For no -- and -- and Star, like clinging for no reason, you know.
 - Q This was a longtime ago?
- A Yeah, this is after coming back from Neverland.

 A lot of like strange things. Nightmares and just --

1	Q Okay. Th <mark>e kid</mark> s were
2	A Yeah.
3	Q This was after your very last visit there
4	A Yes.
5	Q that this occurred?
6	A This was after being, you know, after being
7	taken <mark>away from Neverland. So so</mark> .
. 8	Q Which brings me to my next question.
ġ	A Okay. But
10	Q Now, we answered the storage question. Why
11	with the why did you return to after you guys
12	escaped
13	A Wait. Wait a minute. I just this is very
14	important, okay.
15	So when they I didn't want to go to to
16 ·	Brazil, as they wanted me and the kids to go.
17	Q Uh-huh.
18	A And I and I told them, "You know what, I
19	don't wa <mark>nt to</mark> move, just leave my things there, it's
20	okay, just let it be." You know.
21	And I even had Jay pay my rent.
22	Q Uh-huh.
23	A And so he went and paid my rent.
24	Okay. So they wanted me to sign a paper that
25	said that I was want to move. I told them, "I'm not
26	signing anything."
27	So when Geragos when I was demanding for my
28	things, I wanted to know where there were, who moved my

PROOF OF SERVICE

STATE OF CALIFORNIA

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 1999 Avenue of the Stars, Suite 1700, Los Angeles, California 90067.

On October 28, 2004, I served the following documents described as:

OBJECTION BY NON-PARTY TO PRODUCTION OF RECORDS

by placing a true copy of the above entitled document in a sealed envelope addressed as follows:

SEE ATTACHED SERVICE LIST

	by FAX
X	by U.S. MAIL (I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. Postal Service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.)
	by FEDERAL EXPRESS (by causing such envelope to be delivered to the office of the addressee by overnight delivery via Federal Express or by other similar overnight delivery service.)
OR	
	by PERSONAL SERVICE by personally delivering such envelope to the addressee. by causing such envelope to be delivered by messenger to the office of the addressee.
<u>X</u>	(State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.
	(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.
Execut	red on October 28, 2004, at Los Angeles, California
Da	wid Mandis Mande
	Name S.COM Mifacts.com Signature Mifacts.cor

SERVICE LIST

Thomas A. Mesereau, Jr. 1875 Century Park East, Suite 700 Los Angeles, CA 90067

Brian Oxman 14126 E. Rosecrans Santa Fe Springs, CA 90670

UCLA Medical Center Custodian of Records 10833 Le Conte Avenue Los Angeles, CA 90095

























