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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

EXPARTE APPLICATION TO FILE UNDER  
SEAL AND IN CAMERA

Honorable Rodney S. Melville

Date: December 22, 2004

Time: 8:30 p.m.

Dept: SM 2

**FILED UNDER SEAL**  
*in camera*

29 TO THE CLERK OF THE ABOVE ENTITLED COURT:

30 Defendant requests that the Court issue an order that the accompanying Mr. Jackson's  
31 Supplemental Memorandum re: Waiver of Attorney-Client Privilege for Feldman and Rothstein and  
32

EX PARTE APPLICATION TO FILE UNDER SEAL

**FILED**  
SUPERIOR COURT of CALIFORNIA  
COUNTY of SANTA BARBARA

DEC 03 2004

GARY M. BLAIR, Executive Officer

*Carrie L. Wagner*  
CARRIE L. WAGNER, Deputy Clerk

*\* Unsealed pursuant  
to 11/16/05 Court  
order*

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

6 In addition, Subpoenaed Parties have filed their motions for In Camera review. Mr. Jackson  
7 submits this Opposition also for In Camera Review and not for public filing.

8 .  
9 Dated: December 3, 2004

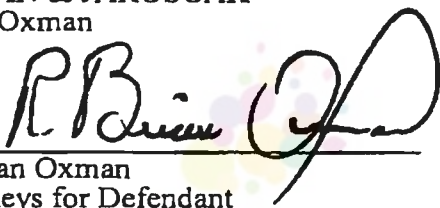
10 Respectfully submitted,

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

13 SANGER & SWYSEN  
14 Robert M. Sanger

15 OXMAN & JAROSCAK  
16 Brian Oxman

17 By:

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19 \_\_\_\_\_  
20 R. Brian Oxman

21 Attorneys for Defendant  
22 MICHAEL JOSEPH JACKSON

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  
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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 Supplemental Memorandum  
8 re: Waiver of Attorney-Client Privilege for Feldman and Rothstein and accompanying documents  
9 be filed under sea and In Camera.

10 Dated: December 3, 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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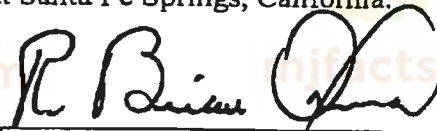
EX PARTE APPLICATION TO FILE UNDER SEAL

1 DECLARATION OF BRIAN OXMAN

2  
3 I, Brian Oxman, declare:

- 4 1. I am an attorney at law duly licensed to practice law in the courts of the State of  
5 California, and an attorney for Michael Jackson.
- 6 2. It is necessary that the accompanying Mr. Jackson's Supplemental Memorandum re:  
7 Waiver of Attorney Client Privilege for Feldman and Rothstein, and accompanying  
8 documents be filed under seal in order to protect the overriding interests of Mr. Jackson's  
9 rights to due process and a fair trial, as well as to prevent the disclosure of witnesses,  
10 potential witnesses and potential evidence.

11 I declare under penalty of perjury that the foregoing is true and correct and that this  
12 declaration was executed this 3<sup>rd</sup> day of December, 2004 at Santa Fe Springs, California.

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14   
15 R. Brian Oxman

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EX PARTE APPLICATION TO FILE UNDER SEAL

