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order*

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**MICHAEL JOSEPH JACKSON**

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

**DEC 10 2004**

GARY M. BLAIR, Executive Officer  
*By Carrie L. Wagner*  
CARRIE L. WAGNER, Deputy Clerk

**FILED UNDER SEAL**  
*W. S. Camacho*

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

THE PEOPLE OF THE STATE OF  
CALIFORNIA,

Plaintiffs,

vs.

MICHAEL JOSEPH JACKSON,  
Defendant.

Case No. 1133603

MR. JACKSON'S OPPOSITION TO  
OBJECTION BY LARRY R. FELDMAN  
TO SUBPOENA DUCES TECUM AND  
DECLARATION OF COUNSEL

Honorable Rodney S. Melville

Date: December 13, 2004  
Time: 1:30 p.m.  
Dept: SM 2

I.

**INTRODUCTION**

Mr. Michael Jackson, submits this Opposition to the Objection of Larry Feldman in Response to Subpoena Duces Tecum. Mr. Jackson's opposition is based on the following:

(1) The complaining witnesses waived all attorney-client privilege with Attorney Feldman by an express waiver to which Attorney Feldman testified on March 29, 2004, to the Grand Jury;

(2) Attorney Feldman testified as an expert witness before the Grand Jury and by giving such testimony with his client's knowledge, he not only disclosed confidential communications, but also waived all privileges regarding his testimony, including attorney-client privilege;

(3) Most of the documents Mr. Jackson's subpoena seeks are communications to third parties, and they are neither subject to an attorney-client nor work product privilege, and to the extent they seek privileged information, all privileges were waived.

**A. Statement of the Case.**

**1. Mr. Jackson's November 11, 2004, Subpoena Duces Tecum**

On November 11, 2004, Mr. Jackson served a Subpoena Duces Tecum on Attorney Larry Feldman. (Exhibit "A"). The Subpoena sought information concerning the complaining witnesses Janet Arvizo, and her children Davellin, Gavin, and Star, who were Attorney Feldman's former clients. It also sought information for Jay Jackson, who was never Attorney Feldman's client, and communications with numerous other individuals who were also never Attorney Feldman's clients. The subpoena stated that as to Attorney Feldman's clients, the Arvizo, the Subpoena sought information subject to the waiver of the attorney-client privilege he identified to the Grand Jury on March 29, 2004.

The subpoena stated:

"(11) As used herein, the term "WAIVER" means the waiver of attorney-client privilege relating to Janet Arvizo, and her children, Davellin Arvizo, Gavin Arvizo, and Star Arvizo to which you testified on March 29, 2004, before the Grand Jury for the County of Santa Barbara, State of California." (Exhibit "A," p. 23).

On December 7, 2004, Attorney Feldman filed an objection to the November 11, 2004, Subpoena, in which he claimed the subpoenaed material was attorney-client privileged. While it appears Attorney

1 Feldman has submitted some documents to the Court, it cannot be ascertained from his pleading what, if  
2 any, documents might have been produced. The subpoena requests documents that have no possibility of  
3 privilege, and Attorney Feldman has made no written response claiming privilege other than his motion.

4 **2. The Complaining Witnesses Waived Attorney-Client Privilege.**

5 Attorney Feldman has submitted a Privilege Log that identifies various documents he claims are  
6 privileged. The log identifies various letters to unidentified third persons, and there is no means to know  
7 who the third persons might be because they are not identified by position or relationship to the  
8 complaining witnesses. The Privilege Log is inadequate to determine if the documents are privileged.<sup>1</sup>

9 However, the adequacy of the Privilege Log would be an issue in this case only if there had been no  
10 waiver of the attorney-client privilege. The fact is there was and is a full waiver of the attorney-client  
11 privilege between Attorney Feldman and the complaining witnesses. That waiver was expressly made  
12 before the Grand Jury in this case on March 29, 2004. (See Exhibit "B").

13 Attorney Feldman testified under penalty of perjury:

14 "Q Okay. Did the subject of the conversations concern the Bashir tape?

15 "A That was part of the subject. You have a waiver, right?

16 "Q Yes, I do.

17 "A Okay. Yes.

18 "Q Janet Arvizo has waived the attorney-client privilege?

19 "A Right. Yes. The answer is yes." (Exhibit "B," GJ Tr. p. 66, ln 4-10).

20 Attorney Feldman went on to disclose to the Grand Jury extensive communications between himself  
21 and his client. He testified to conversations with his clients, conversations with Psychologist Stanley Katz,  
22 and conversations with the Department of Children and Family Services he had with Stanley Katz  
23 regarding the claims made by his clients. Attorney Feldman disclosed the full gambit of his conversations  
24

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25 <sup>1</sup> For example, the Privilege Log contains a series of letters to and from William Dickerman and  
26 third persons. The description is insufficient to determine if non-confidential material is included because  
27 Mr. Dickerman met with Janet Arvizo in the presence of Jamie Masada on February 21 and 25, 2003, right  
28 in the middle of the so-called false imprisonment. (Masada Testimony, GJ tr. pp. 305-09). Mr. Dickerman  
testified to the very same facts. (GJ Tr. pp. 609-610). The Log is insufficient to determine whether or not  
non-privileged material is contained within these documents.



1 with his client and waived all attorney-client privilege with the complaining witnesses. Jasmine Networks,  
2 Inc. v. Marvel Semiconductor, Inc., 117 Cal. App. 4<sup>th</sup> 794, 805 (2004)(once a confidential communication  
3 has been disclosed, the client can no longer claim the communication to be privileged).

4 **3. Attorney Feldman Testified as an Expert Witness.**

5 In addition to testifying under penalty of perjury there was a waiver of attorney-client privilege,  
6 Attorney Feldman testified as an expert witness. He gave opinions concerning his client's credibility, their  
7 motives, including lack of financial interests, and their state of mind in making the claims in this case. He  
8 was asked expert opinions and he gave them concerning the nature of his client's claims in this case.

9 Attorney Feldman testified:

10 "Q Let me conclude with this question to you. Since the charges have been filed against  
11 Mr. Jackson back in November, or December, actually, of 2002, there's been extensive media  
12 coverage. And some of that coverage is focused upon your client, Janet Arvizo and the family,  
13 correct?

14 "A Correct.

15 "Q And you've heard media reports, and especially from Mr. Geragos who represents  
16 Michael Jackson, making statements to the public that the mother, Janet Arvizo, is greedy and is  
17 after Mr. Jackson's money. I want to ask you a question.

18 "A All right.

19 "Q Based upon your professional experience and expertise as a litigator, and including  
20 your experience with the 1993 Michael Jackson lawsuit, and the information you gained from  
21 Dr. Katz, and the meetings you had with the mother and the children, do you have a  
22 professional opinion about the accuracy of that contention?

23 "A I do.

24 "Q And would you explain to the ladies and gentlemen of the Grand Jury what that is?

25 "A Well, as — to quote Mr. Geragos, it's a bald face lie. There is absolutely no truth to that.  
26 It is the most ridiculous statement in this entire matter. I could explain why if you want me to."  
27 (Exhibit "C," GJ Tr. p. 76, ln 7 to p. 77, ln 5)(emphasis added).  
28

1 Attorney Feldman provided an expert professional opinion concerning all of Mr. Jackson's  
2 contentions in this case regarding the Arvizo family. Yet, now when called upon to disclose the basis for  
3 which he gave his opinion to the Grand Jury, he claims an attorney-client privilege. The claim is not only  
4 disingenuous, but also incompetent.

5 **B. Basis for Opposition to Attorney Feldman's Objection.**

6 The complaining witnesses waived all attorney-client privilege with Attorney Feldman by an  
7 express waiver to which Attorney Feldman testified on March 29, 2004, to the Grand Jury. Attorney  
8 Feldman testified as an expert witness before the Grand Jury and by giving such testimony with his clients'  
9 knowledge, he not only disclosed confidential communications, but also waived all privileges regarding his  
10 testimony, including attorney-client privilege. Most of the documents Mr. Jackson's subpoena seeks are  
11 communications to third parties, and they are neither subject to an attorney-client nor work product  
12 privilege, and to the extent they seek privileged information, all privileges were waived.

13 **II.**

14 **THE COMPLAINING WITNESSES HAVE WAIVED ATTORNEY-CLIENT PRIVILEGE, AND**  
15 **ALL OF THE COMMUNICATIONS WITH ATTORNEY FELDMAN**  
16 **ARE SUBJECT TO DISCOVERY**

17 **A. The Complaining Witness Waived Attorney-Client Privilege.**

18 Objector states "the opponent of the claim of privilege has the burden of proof with respect to  
19 waiver of the privilege to establish that the communication was not confidential." (Objector's Memo, p. 2,  
20 lines 10-21). However, Objector has ignored the "waiver" of March 29, 2004, and wants to pretend it  
21 doesn't exist. Attorney Feldman testified to the Grand Jury there was a waiver of the attorney-client  
22 privilege between he and Ms. Arvizo.

23 Privileged information previously disclosed in a public forum may no longer be claimed privileged.  
24 Klang v. Shell Oil Co., 17 Cal. App. 3d 933, 938 (1971). Once privileged communications are disclosed  
25 with the consent of the holder, the holder can no longer claim the communication to be privileged. Jasmine  
26 Networks, Inc. v. Marvel Semiconductor, Inc., 117 Cal. App. 4th 794, 805 (2004). Even if the expert's  
27 communication is somehow protected, any privilege is lost once an expert or other privileged individual is  
28 called to testify and testifies at trial. Mitchell v. Superior Court, 37 Cal. 3d 591, 601 (1984).

1 Attorney Feldman testified about the conversations he had with the complaining witnesses  
2 concerning the Bashier taping of the children, the rights of the children regarding that television program,  
3 his conversations with Attorney William Dickerman, and the information he gained from his clients that  
4 lead him to send his clients to Psychologist Katz. (Tr. p. 66, ln 25 to p. 68, ln 15). He testified about all of  
5 his communications with the complaining witnesses. This was not a qualified waiver, but rather a full and  
6 complete waiver.

7 **B. No Qualified Waiver of Attorney-Client Privilege is Recognized in California.**

8 Attorney Feldman testified there was a waiver of attorney-client privilege. There was no  
9 qualification to that testimony. Under California law there cannot be any qualification because once the  
10 attorney-client privilege is waived, the waiver is complete as to all communications with an attorney.

11 In McKesson HBOC, Inc. v. Superior Court, 115 Cal. app. 4<sup>th</sup> 1229 (2004), the court rejected a  
12 selective waiver theory of attorney client privilege. Id. at 1241. In California, the attorney-client privilege  
13 is a legislative creation. Id. at 1236, citing Evidence Code sections 950-62. The courts have no power to  
14 expand or to recognize implied exceptions. Id., citing Wells Fargo Bank v. Superior Court, 22 Cal. 4<sup>th</sup> 201,  
15 206 (2000). The privilege should be narrowly construed because it prevents the admission of relevant and  
16 otherwise admissible evidence. Id. citing People v. Sinohui, 28 Cal. 4<sup>th</sup> 205, 212(2002). A selective  
17 waiver theory where a client can waive the privilege as to some but not all communications to his attorney  
18 is inconsistent with California statutory law that makes no such distinction. Id. at 1241.

19 In Roberts v. City of Palmdale, 5 Cal. 4<sup>th</sup> 363, 373 (1993), the court stated:

20 Our deference to the Legislature is particularly necessary when we are called upon to  
21 interpret the attorney-client privilege, because the Legislature has determined that evidentiary  
22 privileges shall be available only as defined by statute. (Evid. Code, § 911.) Courts may not add to  
23 the statutory privileges except as required by state or federal constitutional law (Valley Bank of  
24 Nevada v. Superior Court (1975) 15 Cal.3d 652, 656; see also Mitchell v. Superior Court (1984) 37  
25 Cal.3d 268, 274, fn. 3), nor may courts imply unwritten exceptions to existing statutory privileges.  
26 (Dickerson v. Superior Court (1982) 135 Cal.App.3d 93, 99 (refusing to imply a stockholder's  
27 exception to the attorney-client privilege between a corporate client and corporate counsel); see also  
28 Cal. Law Revision Com. com., West's Ann. Evid. Code, § 911, p. 488 (privilege "is one of the few



1 instances where the Evidence Code precludes the courts from elaborating upon the statutory  
2 scheme.")

3 When Attorney Feldman announced Janet Arvizo had waived the attorney-client privilege, it was  
4 not and could not be a selective waiver. It was a waiver that was knowingly and intentionally given. Mr.  
5 Jackson has the right to inquire into all subjects discussed between these individuals without regard to  
6 assertion of the attorney-client privilege.

7 **C. Attorney Feldman's Testimony as an Expert Waived Attorney Client Privilege.**

8 Attorney Feldman gave expert testimony concerning his communications with his clients. He  
9 testified to their motives, state of mind, and his conversations. He opined concerning their financial  
10 interests, statements regarding Michael Jackson's conduct, and the reasons he referred them to Psychologist  
11 Katz thereby waiving all claims of attorney-client privilege.

12 Once a party seeks to use an expert as a witness, then any material relied upon by that expert loses  
13 its confidentiality and is discoverable. Torres v. Municipal Court, 50 Cal. App. 3d 778, 784 (1975); Jones  
14 v. Superior Court, 58 Cal. 2d 56, 61 (1962); McMullen v. Superior Court, 6 Cal.App. 3d 224, 230 (1970).  
15 Any attorney-client privilege is lost once the an attorney turns expert and the expert is called to testify at  
16 trial. Mitchell v. Superior Court, 37 Cal. 3d 591, 601 (1984). During cross-examination, the opposing party  
17 is entitled to delve into all matters relied on or considered by the expert in reaching his conclusions. People  
18 v. Gurule, 28 Cal. 4<sup>th</sup> 557, 593 (2001); People v. Milner, 45 Cal.3d 227, 241 (1988).

19 The prosecution procured an indictment in this case based on the expert testimony of an attorney  
20 who gave his full expert legal opinions concerning his clients based upon all of his communications with  
21 his clients. Now that the prosecution and Attorney Feldman must account for their "gamesmanship," they  
22 wish to pretend it didn't happen. However, it did happen, and they cannot alter the fact the attorney-client  
23 privilege was waived.

24 ////

25  
26 **III.**

27 **MR. JACKSON'S SUBPOENA SEES INFORMATION THAT IS NOT SUBJECT TO ANY**  
28 **ATTORNEY CLIENT PRIVILEGE**

1       **A. Objector Failed to Submit to the Court the Subpoena in Question.**

2       Noticeably missing from Objector's memorandum is a copy of the subpoena to which the objection  
3       pertains. This court cannot assess the nature or quality of the objection without examining the subpoena,  
4       and Objector's failure to provide the court with a copy of the document is irresponsible. The assertion of  
5       an attorney-client privilege in a vacuum is not only impossible, but also designed to mislead the court.

6       **B. The Court Should Require Production of Each of Mr. Jackson's Requests.**

7               **1. Communications with the complaining witnesses.**

8       Mr. Jackson's first request seeks:

9               "All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning the  
10       COMPLAINT, and/ or COMPLAINANTS or any of them, to which your WAIVER applies."

11       The waiver applies to all of Attorney Feldman's work product. While the privilege log identifies  
12       items such a internal memorandum to attorneys as work product, a waiver of attorney-client privilege  
13       constitutes a waiver of the attorney's work product. All of Attorney Feldman's claimed privileged and  
14       work product materials are subject to Mr. Jackson's subpoena, and the court should require their disclosure.

15               **2. Expenditures to third parties.**

16       Mr. Jackson's second request seeks:

17               "All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning the  
18       payment of money (front and back of any cancelled check), costs, expenses, gift, credit card  
19       transactions, or other consideration to COMPLAINANTS, including but not limited to the  
20       advancement of costs or expenses by YOU, purchase of any items of personal or real property for  
21       COMPLAINANTS' benefit, the provision of services for COMPLAINANTS' benefit, or other  
22       economic benefits you have conferred on COMPLAINANTS or their REPRESENTATIVES."

23       Attorney Feldman makes no claim of attorney-client privilege for his expenditures and costs  
24       because such documents are not privileged. Instead, he ignores the request and makes no response.  
25       Because no objection was made, nor could one be made, the court should compel disclosure of all such  
26       documents.

27       A communication from a third party to or from an attorney, such as a bank that sends a statement to  
28       an attorney, is not attorney-client privileged. Olende v. United States, 310 F.2d 795, 806 (9<sup>th</sup> Cir. 1954).



1 Nor is a cancelled check attorney-client privileged because a check is an order to a third party payor,  
2 usually a bank, to pay the client, and involves no communication to the client. California Commercial  
3 Code sec. 3104(f). No privilege exists as to documents showing a financial expenditure for a client with a  
4 third party.

5 Lawyers who maintain accounts for client as either checking or savings accounts are not covered by  
6 attorney client privilege, and the transactions in question are not clothed with privilege. U.S. v. Chin Lim  
7 Mow, 12 F.R.D. 433, 434 (D.C. Cal. 1952). Numerous courts have concluded that bank account records for  
8 a client are not covered by attorney-client privilege because they are disclosures from third parties and the  
9 checks are orders to third party banks to pay the attorney's client. Olende v. United States, 310 F.2d 795,  
10 806 (9<sup>th</sup> Cir. 1954)(financial and bank transactions handled by attorney for client are not attorney-client  
11 privileged); Lowy v. C.I.R., 262 F.2d 809, 812 (2d Cir. 1959)(records from attorney engaged in business  
12 transaction with client are not subject to attorney-client privilege); In re Shapiro, 381 F. Supp. 21, 22 (N.D.  
13 Ill. 1974)(services of attorney in writing checks, disbursing funds, and maintaining an account are not  
14 subject to attorney-client privilege); United States v. Schmidt, 360 F. Supp. 339, 346-47 (M.D. Pa.  
15 1973)(no attorney-client privilege attaches when attorney handles accounting, financial, and banking  
16 transactions for client); United States v. Culver, 224 F. Supp. 419, 434 (D. Md. 1963)(no accountant-client  
17 privilege exists at common law and attorney acting as accountant has no attorney-client privilege); In re  
18 Colton, 201 F. Supp. 13, 16 (S.D.N.Y. 1961) (communications from attorney to third parties such as tax  
19 returns, checks, and financial transactions not included in attorney-client privilege).

20 Mr. Jackson is entitled to all of Attorney Feldman's financial expenditures on behalf of his clients  
21 regardless of attorney-client privilege. No basis exists for the claim of privilege or work product. The  
22 court should require disclosure of this information.

23 **3. Communications with third parties about complainants.**

24 Mr. Jackson third request seeks:

25 "All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning any  
26 contact, communications, meeting, discussion, or correspondence between you, or any of your  
27 REPRESENTATIVES, and any of the persons mentioned below, in which any of the  
28 COMPLAINANTS or their REPRESENTATIVES are mentioned or discussed:

- 1 “(a) any COMPLAINANT, or their REPRESENTATIVE, to which your WAIVER applies;  
2 “(b) Mathis Abrams  
3 “(c) Gloria Allred  
4 “(d) William Dickerman  
5 “(e) Stanley Katz  
6 “(f) Carol Lieberman, M.D.  
7 “(g) Jamie Masada  
8 “(h) David Sanders, M.D.  
9 “(i) David Ventura  
10 “(j) Maria Ventura  
11 “(k) any person from the Santa Barbara County District Attorney’s office;  
12 “(l) any person from the Santa Barbara County Sheriff’s Department;  
13 “(m) any person from the Santa Barbara County Department of Child Protective Services;  
14 “(n) any person from the Los Angeles Police Department;  
15 “(o) any person from the Los Angeles County District Attorney’s Office;  
16 “(p) any person from the Los Angeles County Department of Children and Family Services;  
17 “(q) any person acting on behalf of any federal, state, county, or city agency, organization,  
18 or entity;  
19 “(r) any person who is a REPRESENTATIVE of the above-indicated persons, or who is  
20 acting on behalf or for the benefit of any of the above-indicated persons.”

21 With the exception to item (a), Attorney Feldman’s clients are not involved in any of these  
22 communications, and communications to third parties is not attorney-client privileged. Jasmine Networks  
23 Inc. v. Marvel Semiconductor, Inc., 117 Cal. App. 4<sup>th</sup> 794, 805 (2004)(once a confidential communication  
24 has been disclosed, the client can no longer claim the communication to be privileged). Attorney Feldman  
25 makes no objection to any of these communications and the court should compel their disclosure. There is  
26 no basis to withhold any of these documents.

27 **4. Communications with third persons regarding Mr. Jackson.**

28 Mr. Jackson’s fourth request seeks:

1 "All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning any  
2 contact, communications, meeting, discussion, or correspondence between you, or any of your  
3 REPRESENTATIVES, and any of the persons mentioned below, in which Michael Jackson, or any  
4 of his REPRESENTATIVES are mentioned or discussed:

5 "(a) any COMPLAINANT, or their REPRESENTATIVE, to which your WAIVER applies;

6 "(b) Mathis Abrams

7 "(c) Gloria Allred

8 "(d) William Dickerman

9 "(e) Stanley Katz

10 "(f) Carol Lieberman, M.D.

11 "(g) Jamie Masada

12 "(h) David Sanders, M.D.

13 "(i) David Ventura

14 "(j) Maria Ventura

15 "(k) any person from the Santa Barbara County District Attorney's office;

16 "(l) any person from the Santa Barbara County Sheriff's Department;

17 "(m) any person from the Santa Barbara County Department of Child Protective Services;

18 "(n) any person from the Los Angeles Police Department;

19 "(o) any person from the Los Angeles County District Attorney's Office;

20 "(p) any person from the Los Angeles County Department of Children and Family Services;

21 "(q) any person acting on behalf of any federal, state, county, or city agency, organization,  
22 or entity;

23 "(r) any person who is a REPRESENTATIVE of the above-indicated persons, or who is  
24 acting on behalf or for the benefit of any of the above-indicated persons."

25 With the exception of item (a), none of these documents would contain any attorney-client  
26 privileged information. All of the documents would involve disclosures to third persons. Jasmine  
27 Networks, Inc. v. Marvel Semiconductor, Inc., 117 Cal. App. 4<sup>th</sup> 794, 805 (2004). The court should require  
28 their production.



1                   **5. Basis for expert testimony.**

2           Mr. Jackson's fifth request seeks:

3                   "All DOCUMENTS, records, written materials, publications, communications, or other  
4           physical objects you have looked at, consulted, or relied upon in forming any opinions, basis for  
5           testimony, or legal conclusions concerning Michael Jackson, the COMPLAINT, or the  
6           COMPLAINANTS."

7           Attorney Feldman testified before the Grand Jury concerning his expert opinions. That testimony  
8           was based on all of his communications with this clients. (GJ Tr., p. p. 76, ln 7 to p. 77, ln 5). Everything  
9           on which Attorney Feldman relied in providing his expert opinion testimony should be disclosed.. People  
10          v. Gurule, 28 Cal. 4<sup>th</sup> 557, 593 (2001); Torres v. Municipal Court, 50 Cal. App. 3d 778, 784 (1975); People  
11          v. Milner, 45 Cal.3d 227, 241 (1988).

12                   **6. Contracts, bills, third party payors, and telephone records.**

13          MR. Jackson's sixth request seeks:

14                   "The following specific DOCUMENTS, as they relate to the COMPLAINANTS and/or the  
15          COMPLAINTS:

16                   "(a) contractual arrangements with any person, business, or other entity for payment of bills,  
17          coss, and expenses, including insurance companies, third party payors, or other persons paying bills  
18          for COMPLAINANTS;

19                   "(b) Billings, requests for payment, receipts for payments, reimbursements, bank deposits,  
20          copies of cancelled checks, and receipt of all things of valuable consideration, whether given by the  
21          COMPLAINANTS or any persons acting on their behalf, as they relate to the COMPLAINT and/or  
22          COMPLAINANTS;

23                   "(c) Telephone notes, telephone logs, message books, message slips or other records  
24          regarding telephone calls from any person, business, and other entity as they relate to the  
25          COMPLAINT and/or the COMPLAINANTS;

26                   "(d) Telephone records, bills, logs, message books or slips, and telephone company printouts,  
27          showing telephone calls to or from COMPLAINANTS, and their REPRESENTATIVES, to you or  
28          any of your REPRESENTATIVES;



**DECLARATION OF BRIAN OXMAN**

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 Objection of Larry R. Feldman to Subpoena Duces Tecum.

2. On November 11, 2004, I served on behalf of Mr. Jackson a Subpoena Duces Tecum on Attorney Larry Feldman. (Exhibit "A"). The Subpoena sought information concerning the complaining witnesses Janet Arvizo, and her children Davellin, Gavin, and Star, who were Attorney Feldman's former clients. It also sought information for Jay Jackson, who was never Attorney Feldman's client, and communications with numerous other individuals who were also never Attorney Feldman's clients. The subpoena stated that as to Attorney Feldman's clients, the Arvizo, the Subpoena sought information subject to the waiver of the attorney-client privilege he identified to the Grand Jury on March 29, 2004.

3. The subpoena stated:

"(11) As used herein, the term "WAIVER" means the waiver of attorney-client privilege relating to Janet Arvizo, and her children, Davellin Arvizo, Gavin Arvizo, and Star Arvizo to which you testified on March 29, 2004, before the Grand Jury for the County of Santa Barbara, State of California." (Exhibit "A," p. 11).

4. On December 7, 2004, Attorney Feldman filed an objection to the November 11, 2004, Subpoena, in which he claimed the subpoenaed material was attorney-client privileged. While it appears Attorney Feldman has submitted some documents to the Court, it cannot be ascertained from his pleading what, if any, documents might have been produced. The subpoena requests documents that have no possibility of privilege, and Attorney Feldman has made no written response claiming privilege other than his motion.

5. Attorney Feldman has submitted a Privilege Log that identifies various documents he claims are privileged. The log identifies various letters to unidentified third persons, and there is no means to know who the third persons might be because they are not identified by position or relationship to the



1 complaining witnesses. The Privilege Log is wholly inadequate to determine if the documents in question  
2 would be privileged.

3 6. However, the adequacy of the Privilege Log would be an issue in this case only if there had been  
4 no waiver of the attorney-client privilege. The fact is there was and is a full waiver of the attorney-client  
5 privilege between Attorney Feldman and the complaining witnesses. That waiver was expressly made  
6 before the Grand Jury in this case on March 29, 2004. See Exhibit "B").

7 7. Attorney Feldman testified under penalty of perjury:

8 "Q Okay. Did the subject of the conversations concern the Bashir tape?

9 "A That was part of the subject. You have a waiver, right?

10 "Q Yes, I do.

11 "A Okay. Yes.

12 "Q Janet Arvizo has waived the attorney-client privilege?

13 "A Right. Yes. The answer is yes." (Exhibit "B," GJ Tr. p. 66, ln 4-10).

14 8. Attorney Feldman went on to disclose to the Grand Jury extensive communications between  
15 himself and his client. He testified to conversations with his clients, conversations with Psychologist  
16 Stanley Katz, and conversations with the Department of Children and Family Services he had with Stanley  
17 Katz regarding the claims made by his clients. Attorney Feldman disclosed the full gambit of his  
18 conversations with his client and waived all attorney-client privilege with the complaining witnesses.  
19 Jasmine Networks, Inc. v. Marvel Semiconductor, Inc., 117 Cal. App. 4<sup>th</sup> 794, 805 (2004)(once a  
20 confidential communication has been disclosed, the client can no longer claim the communication to be  
21 privileged)

22 9. In addition to testifying under penalty of perjury there was a waiver of attorney-client privilege,  
23 Attorney Feldman testified as an expert witness. He gave opinions concerning his client's credibility, their  
24 motives, including lack of financial interests, and their state of mind in making the claims in this case. He  
25 was asked expert opinions and he gave them concerning the nature of his client's claims in this case.

26 10. Attorney Feldman testified:

27 "Q Let me conclude with this question to you. Since the charges have been filed against  
28 Mr. Jackson back in November, or December, actually, of 2002, there's been extensive media

1 coverage. And some of that coverage is focused upon your client, Janet Arvizo and the family,  
2 correct?

3 "A Correct.

4 "Q And you've heard media reports, and especially from Mr. Geragos who represents  
5 Michael Jackson, making statements to the public that the mother, Janet Arvizo, is greedy and is  
6 after Mr. Jackson's money. I want to ask you a question.

7 "A All right.

8 "Q Based upon your professional experience and expertise as a litigator, and including  
9 your experience with the 1993 Michael Jackson lawsuit, and the information you gained from  
10 Dr. Katz, and the meetings you had with the mother and the children, do you have a  
11 professional opinion about the accuracy of that contention?

12 "A I do.

13 "Q And would you explain to the ladies and gentlemen of the Grand Jury what that is?

14 "A Well, as -- to quote Mr. Geragos, it's a bald face lie. There is absolutely no truth to that.  
15 It is the most ridiculous statement in this entire matter. I could explain why if you want me to."  
16 (Exhibit "C," GJ Tr. p. 76, ln 7 to p. 77, ln 5)(emphasis added).

17 11. Attorney Feldman provided an expert professional opinion concerning all of Mr. Jackson's  
18 contentions in this case regarding the Arvizo family. Yet, now when called upon to disclose the basis for  
19 which he gave his opinion to the Grand Jury, he claims an attorney-client privilege. The claim is not only  
20 disingenuous, but also incompetent.

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

23 Executed this 10<sup>th</sup> day of December, at Santa Fe Springs, California

24   
25 \_\_\_\_\_  
26 R. Brian Oxman  
27  
28

# Exhibit “A”



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): Thomas A. Mesereau, Jr. 91182 1875 Century Park East, Suite 700 Los Angeles, CA 90067		TELEPHONE NO.: Brian Oxman 072172 (310) 284-3120 14126 E. Rosecrans (562) 921-5058 Santa Fe Springs, CA 90670	FOR COURT USE ONLY
ATTORNEY FOR (Name): Michael Joe Jackson			
Insert name of court, judicial district or branch court, if any, and post office and street address: Santa Barbara County Superior Court, Santa Maria Division 312 E. Cook Street (Dept. SM-2: Judge Rodney Melville) Santa Maria, CA 93454			
Title of case: The People of the State of California v. Michael Jackson, et al.			
SUBPENA (CRIMINAL OR JUVENILE)		CASE NUMBER: 1133603	
<input checked="" type="checkbox"/> DUCES TECUM			

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (NAME):

Custodian of Records, Larry R. Feldman

1. YOU ARE ORDERED TO APPEAR AS A WITNESS in this action at the date, time, and place shown in the box below UNLESS you make a special agreement with the person named in Item 3:

a. Date: November 26, 2004	Time: 9:00 a.m.	<input checked="" type="checkbox"/> Dept.: SM-2	<input type="checkbox"/> Div.:	<input type="checkbox"/> Room:
b. Address: 312 E. Cook Street, Dept. SM-2 (Judge Rodney Melville) Santa Maria, CA 93454				

2. AND YOU ARE

- a. ☐ ordered to appear in person.
- b. ☒ not required to appear in person if you produce the records described in the accompanying affidavit and a completed declaration of custodian of records in compliance with Evidence Code sections 1560, 1561, 1562, and 1271. (1) Place a copy of the records in an envelope (or other wrapper). Enclose your original declaration with the records. Seal them. (2) Attach a copy of this subpoena to the envelope or write on the envelope the case name and number, your name and date, time, and place from item 1 (the box above). (3) Place this first envelope in an outer envelope, seal it, and mail it to the clerk of the court at the address in item 1. (4) Mail a copy of your declaration to the attorney or party shown at the top of this form.
- c. ☐ ordered to appear in person and to produce the records described in the accompanying affidavit. The personal attendance of the custodian or other qualified witness and the production of the original records is required by this subpoena. The procedure authorized by subdivision (b) of section 1560, and sections 1561 and 1562, of the Evidence Code will not be deemed sufficient compliance with this subpoena.
- d. ☐ ordered to make the original business records described in the accompanying affidavit available for inspection at your business address by the attorney's representative and to permit copying at your business address under reasonable normal business hours, conditions during normal business hours.

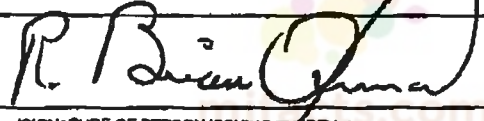
3. IF YOU HAVE ANY QUESTIONS ABOUT THE TIME OR DATE FOR YOU TO APPEAR, OR IF YOU WANT TO BE CERTAIN THAT YOUR PRESENCE IS REQUIRED, CONTACT THE FOLLOWING PERSON BEFORE THE DATE ON WHICH YOU ARE TO APPEAR:

a. Name: Brian Oxman

b. Telephone number: (562) 921-5058

4. WITNESS FEES: You may be entitled 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, IMPRISONMENT, OR BOTH. A WARRANT MAY ISSUE FOR YOUR ARREST IF YOU FAIL TO APPEAR.

FOR COURT USE ONLY	Date: November 11, 2004	 (SIGNATURE OF PERSON ISSUING SUBPENA)
		R. Brian Oxman (TYPE OR PRINT NAME)
		Attorney for Michael J. Jackson (TITLE)
	(See reverse for proof of service)	

ATTACHMENT TO ITEM 2(b)  
Subpoena to Custodian of Records, Larry Feldman  
November 11, 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 COMPLAINT, and/ or COMPLAINANTS or any of them, to which your WAIVER applies.

(2) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning the payment of money (front and back of any cancelled check), costs, expenses, gift, credit card transactions, or other consideration to COMPLAINANTS, including but not limited to the advancement of costs or expenses by YOU, purchase of any items of personal or real property for COMPLAINANTS' benefit, the provision of services for COMPLAINANTS' benefit, or other economic benefits you have conferred on COMPLAINANTS or their REPRESENTATIVES.

(3) 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 or their REPRESENTATIVES are mentioned or discussed:

- (a) any COMPLAINANT, or their REPRESENTATIVE, to which your WAIVER applies;
- (b) Mathis Abrams
- (c) Gloria Allred
- (d) William Dickerman
- (e) Stanley Katz
- (f) Carol Lieberman, M.D.
- (g) Jamie Masada
- (h) David Sanders, M.D.
- (i) David Ventura
- (j) Maria Ventura
- (k) any person from the Santa Barbara County District Attorney's office;
- (l) any person from the Santa Barbara County Sheriff's Department;
- (m) any person from the Santa Barbara County Department of Child Protective Services;
- (n) any person from the Los Angeles Police Department;
- (o) any person from the Los Angeles County District Attorney's Office;
- (p) any person from the Los Angeles County Department of Children and Family Services;
- (q) any person acting on behalf of any federal, state, county, or city agency, organization, or entity;
- (r) any person who is a REPRESENTATIVE of the

above-indicated person, or who is acting on behalf or for the benefit of any of the above-indicated persons.

(4) 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 Michael Jackson, or any of his REPRESENTATIVES are mentioned or discussed:

- (a) any COMPLAINANT, or their REPRESENTATIVE, to which your WAIVER applies;
- (b) Mathis Abrams
- (c) Gloria Allred
- (d) William Dickerman
- (e) Stanley Katz
- (f) Carol Lieberman, M.D.
- (g) Jamie Masada
- (h) David Sanders, M.D.
- (i) David Ventura
- (j) Maria Ventura
- (k) any person from the Santa Barbara County District Attorney's office;
- (l) any person from the Santa Barbara County Sheriff's Department;
- (m) any person from the Santa Barbara County Department of Child Protective Services;
- (n) any person from the Los Angeles Police Department;
- (o) any person from the Los Angeles County District Attorney's Office;
- (p) any person from the Los Angeles County Department of Children and Family Services;
- (q) any person acting on behalf of any federal, state, county, or city agency, organization, or entity;
- (r) any person who is a REPRESENTATIVE of the above-indicated persons, or who is acting on behalf or for the benefit of any of the above-indicated persons.

(5) All DOCUMENTS, records, written materials, publications, communications, or other physical objects you have looked at, consulted, or relied upon in forming any opinions, basis for testimony, or legal conclusions concerning Michael Jackson, the COMPLAINT, or the COMPLAINANTS.

(6) The following specific DOCUMENTS, as they relate to the COMPLAINANTS and/or the COMPLAINTS:

- (a) contractual arrangements with any person, business, or other entity for payment of bills, costs, and expenses, including insurance companies, third party payors, or other persons paying bills for COMPLAINANTS;
- (b) Billings, requests for payment, receipts for payments, reimbursements, bank deposits, copies of cancelled checks, and receipt of all things of valuable consideration,



whether given by the COMPLAINANTS or any persons acting on their behalf, as they relate to the COMPLAINT and/or COMPLAINANTS;

(c) Telephone notes, telephone logs, message books, message slips or other records regarding telephone calls from any person, business, and other entity as they relate to the COMPLAINT and/or the COMPLAINANTS;

(d) Telephone records, bills, logs, message books or slips, and telephone company printouts showing telephone calls to or from COMPLAINANTS, and their REPRESENTATIVES, to you or any of your REPRESENTATIVES;

(e) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning, either directly or indirectly, the case of People of the State of California v. Michael Jackson, Santa Barbara County Superior Court Case No. 1133603.

Collins, Mesereau, Reddock & Yu, LLP  
1875 Century Park East, 7<sup>th</sup> 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

Case No. 1133603

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 25<sup>th</sup>, 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 Larry R. Feldman, and the Custodian of Records for Larry R. Feldman, 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

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 [REDACTED] social security number [REDACTED]

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

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

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

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

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 Larry R. Feldman, and the Custodian of Records for Larry R. Feldman, and all of its agents, representatives, employees, attorneys, partners, law firms, 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, agents, businesses, partnership, corporation, in which you or any person mentioned in this subpoena 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 "WAIVER" means the waiver of attorney-client privilege relating to Janet Arvizo, and her children, Davellin Arvizo, Gavin Arvizo, and Star Arvizo to which you testified on March 29, 2004, before the Grand Jury for the County of Santa Barbara, State of California.

B. INSTRUCTIONS:

If any document responsive to any request is withheld and not produced based on any legally recognized privileges, you are instructed to provide a statement sufficient to identify the document, stating the nature of the privilege being asserted. The identifying information shall include, at a minimum, the date, name of the originator or author, names of the persons to whom the document pertains, the addresses of all individuals who received a copy, the topics or subject matter discussed in the document, and the request number to which the document is responsive.

C. DOCUMENTS TO BE PRODUCED:

(1) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning the COMPLAINT, and/ or COMPLAINANTS or any of them, to which your WAIVER applies.

(2) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning the payment of money (front and back of any cancelled check), costs, expenses, gift, credit card transactions, or other consideration to COMPLAINANTS, including but not limited to the advancement of costs or expenses by YOU, purchase of any items of personal or real property for COMPLAINANTS' benefit, the provision of services for COMPLAINANTS' benefit, or other economic benefits you have conferred on COMPLAINANTS or their REPRESENTATIVES.

(3) 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 or their REPRESENTATIVES are mentioned or discussed:

- (a) any COMPLAINANT, or their REPRESENTATIVE, to which your WAIVER applies;
- (b) Mathis Abrams
- (c) Gloria Allred
- (d) William Dickerman
- (e) Stanley Katz
- (f) Carol Lieberman, M.D.
- (g) Jamie Masada
- (h) David Sanders, M.D.
- (i) David Ventura
- (j) Maria Ventura
- (k) any person from the Santa Barbara County District Attorney's office;
- (l) any person from the Santa Barbara County Sheriff's Department;
- (m) any person from the Santa Barbara County Department of Child Protective Services;
- (n) any person from the Los Angeles Police Department;
- (o) any person from the Los Angeles County District Attorney's Office;
- (p) any person from the Los Angeles County Department of Children and Family Services;
- (q) any person acting on behalf of any federal, state, county, or city agency, organization, or entity;
- (r) any person who is a REPRESENTATIVE of the above-indicated persons, or who is acting on behalf or for the benefit of any of the above-indicated persons.

(4) 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 Michael Jackson, or any of his REPRESENTATIVES are mentioned or discussed:

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- (c) Gloria Allred
- (d) William Dickerman
- (e) Stanley Katz
- (f) Carol Lieberman, M.D.
- (g) Jamie Masada
- (h) David Sanders, M.D.
- (i) David Ventura
- (j) Maria Ventura
- (k) any person from the Santa Barbara County District Attorney's office;
- (l) any person from the Santa Barbara County Sheriff's Department;
- (m) any person from the Santa Barbara County Department of Child Protective Services;
- (n) any person from the Los Angeles Police Department;
- (o) any person from the Los Angeles County District Attorney's Office;
- (p) any person from the Los Angeles County Department of Children and Family Services;
- (q) any person acting on behalf of any federal, state, county, or city agency, organization, or entity;
- (r) any person who is a REPRESENTATIVE of the above-indicated persons, or who is acting on behalf or for the benefit of any of the above-indicated persons.

(5) All DOCUMENTS, records, written materials, publications, communications, or other physical objects you have looked at, consulted, or relied upon in forming any opinions, basis for testimony, or legal conclusions concerning Michael Jackson, the COMPLAINT, or the COMPLAINANTS.

(6) The following specific DOCUMENTS, as they relate to the COMPLAINANTS and/or the COMPLAINT:

(a) contractual arrangements with any person, business, or other entity for payment of bills, costs, and expenses, including insurance companies, third party payors, or other persons paying bills for COMPLAINANTS;

(b) Billings, requests for payment, receipts for payments, reimbursements, bank deposits, copies of cancelled checks, and receipt of all things of valuable consideration, whether given by the COMPLAINANTS or any persons acting on their



behalf, as they relate to the COMPLAINT and/or COMPLAINANTS;

(c) Telephone notes, telephone logs, message books, message slips or other records regarding telephone calls from any person, business, and other entity as they relate to the COMPLAINT and/or the COMPLAINANTS;

(d) Telephone records, bills, logs, message books or slips, and telephone company printouts showing telephone calls to or from COMPLAINANTS, and their REPRESENTATIVES, to you or any of your REPRESENTATIVES;

(e) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning, either directly or indirectly, the case of People of the State of California v. Michael Jackson, Santa Barbara County Superior Court Case No. 1133603.

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

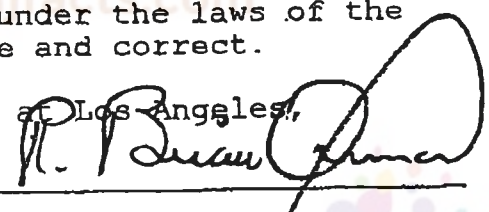
discloses the motive, intent, and conscious state of mind of persons making claims in the Santa Barbara Superior Court, along with persons directing, counseling and controlling the complainants in the Santa Barbara Superior Court action.

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 11th day of November, at Los Angeles, California.

  
R. Brian Oxman

FILED  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SANTA BARBARA

JUL 09 2011

GARY M. BLAIR, Executive Officer  
*Carrie L. Wagner*  
CARRIE L. WAGNER, Deputy Clerk

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

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

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.

///

///



1 2. The clerk of the court shall permit Counsel for the defendant to subpoena  
2 materials to the court on days and times at which the case itself is not on calendar for  
3 other purposes.

4 3. Persons or entities subpoenaed by the defendant shall not disclose directly or  
5 indirectly to the People the fact that they have been subpoenaed or the nature of the  
6 subpoena.  
7

8 4. Any appearance, objection, compliance, or other communication by a party  
9 subpoenaed by the defendant shall be filed under seal.

10 5. Any hearings involving the materials pertaining to the subpoena, including  
11 returns, documents and other materials returned in response to the subpoena regarding  
12 compliance, privacy or other issues shall be held in camera.  
13

14 6. This order does not affect the right of any party whose records are subpoenaed  
15 to assert any applicable claims of privilege.

16 7. Subject to the resolution of any issues of privilege that may be asserted, the  
17 clerk of the court shall permit counsel for the defendant to inspect and copy the  
18 subpoenaed materials.  
19

20 8. A copy of this order shall be served with each subpoena to which it pertains.

21 DATED: JUL 09 2004

Rodney S. Melville

22 RODNEY S. MELVILLE  
23 Judge of the Superior Court  
24  
25  
26  
27  
28

# Exhibit “B”

1 say, starting in April 2003 through June of 2003.

2 Q Okay. Did the subject of the conversations  
3 concern the Bashir tape?

4 A That was part of the subject. You have a  
5 waiver, right?

6 Q Yes, I do.

7 A Okay. Yes.

8 Q Janet Arvizo has waived the attorney-client  
9 privilege?

10 A Right. Yes. The answer is yes.

11 Q And at least in the initial stages when you  
12 were contacted, the -- the subject under consideration  
13 were all the areas involving in that Bashir tape?

14 A It was -- it was the Bashir tape, and it was  
15 that allegedly Michael Jackson had not, him or his staff  
16 had her belongings stored some place. They wouldn't  
17 give her back her stuff. And the Bashir tape.

18 And, you know, there were vague things. But  
19 very vague about, maybe something happened. But very,  
20 very vague.

21 Q And with regard to the -- let's focus on the  
22 Bashir tape for a second. What was the nature of her  
23 concerns about the fact that the children had been  
24 depicted on that tape?

25 A Their concerns were that the taping of Gavin  
26 was done without any parental consent. There was,  
27 apparently, according to, I think this really comes from  
28 Dickerman, but it may have come from Miss Arvizo, that



# Exhibit "C"

1 we made the report. So it was unbelievable to me.

2 Q What's her name?

3 A Aside from Michael Jackson, that an agency in  
4 Los Angeles that is designed to protect kids could leak  
5 a report, and then leak half a report. It's just  
6 unbelievable to me that that took place.

7 Q Let me conclude with this question to you.

8 Since the charges have been filed against Mr. Jackson  
9 back in November, or December, actually, of 2002,  
10 there's been extensive media coverage. And some of that  
11 coverage is focused upon your client, Janet Arvizo and  
12 the family, correct?

13 A Correct.

14 Q And you've heard media reports, and especially  
15 from Mr. Geragos who represents Michael Jackson, making  
16 statements to the public that the mother, Janet Arvizo,  
17 is greedy and is after Mr. Jackson's money. I want to  
18 ask you a question.

19 A All right.

20 Q Based upon your professional experience and  
21 expertise as a litigator, and including your experience  
22 with the 1993 Michael Jackson lawsuit, and the  
23 information you gained from Dr. Katz, and the meetings  
24 you had with the mother and the children, do you have a  
25 professional opinion about the accuracy of that  
26 contention?

27 A I do.

28 Q And would you explain to the ladies and

1 gentlemen of the Grand Jury what that is?

2 A Well, as -- to quote Mr. Geragos, it's a bald  
3 face lie. There is absolutely no truth to that. It is  
4 the most ridiculous statement in this entire matter. I  
5 could explain why if you want me to.

6 Q Well, let me ask you this. Do you still to  
7 this day have a relationship, business relationship,  
8 between you and any of the lawyers, or friendship  
9 between any of the lawyers who are involved or  
10 representing the Jacksons?

11 A I do.

12 Q Is there one in particular that comes to mind?

13 A Yes.

14 Q Who would that be?

15 A Johnnie Cochran.

16 Q Mr. Cochran was lead attorney on that team, was  
17 he not.

18 A He was.

19 Q And in your professional opinion, and based  
20 upon the totality of the circumstances of the  
21 information you know, could you have -- what could you  
22 have done with regard to that information and friendship  
23 with Mr. Cochran?

24 A Look, I represented Johnnie Cochran. I was his  
25 lawyer at the time this all happened. He was being  
26 sued, and I defended -- was his lawyer defending him.  
27 So I talked to Johnnie at that point continually. And  
28 we have maintained a close relationship.