

1 **COLLINS, MESEREAU, REDDOCK & YU**
Thomas A. Mesereau, Jr., State Bar Number 091182
2 Susan C. Yu, State Bar Number 195640
1875 Century Park East, 7th Floor
3 Los Angeles, CA 90067
Tel.: (310) 284-3120, Fax: (310) 284-3133

4 **SANGER & SWYSEN**
Attorneys at Law
5 Robert M. Sanger, State Bar No. 058214
233 East Carrillo Street, Suite C
6 Santa Barbara, CA 93101
Tel.: (805) 962-4887, Fax: (805) 963-7311

8 **OXMAN & JAROSCAK**
Brian Oxman, State Bar No. 072172
9 14126 East Rosecrans
Santa Fe Springs, CA 90670
10 Tel.: (562) 921-5058, Fax: (562) 921-2298

11 Attorneys for Defendant
MICHAEL JOSEPH JACKSON
12

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA BARBARA

JAN 10 2005

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

* unsealed pursuant
to 6/16/05
Court order

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

16 THE PEOPLE OF THE STATE OF
17 CALIFORNIA,

18 Plaintiffs,

19 vs.

20 MICHAEL JOSEPH JACKSON,

21 Defendant.
22

) Case No. 1133603

) EX PARTE APPLICATION TO FILE UNDER
SEAL AND IN CAMERA

) Honorable Rodney S. Melville

) Date: January 14, 2005

) Time: 8:30 a.m.

) Dept: SM 2

FILED UNDER SEAL
[Signature]

24
25 TO THE CLERK OF THE ABOVE ENTITLED COURT:

26 Defendant requests that the Court issue an order that the accompanying Mr. Jackson's
27 Supplement to Opposition to Motion to Quash Ventura and Bank of the West Subpoenas, and
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EX PARTE APPLICATION TO FILE UNDER SEAL

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

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

7
8 Dated: January 10, 2005

9 Respectfully submitted,

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

12 SANGER & SWYSEN
13 Robert M. Sanger

14 OXMAN & JAROSCAK
15 Brian Oxman

16 By: 

17 R. Brian Oxman
18 Attorneys for Defendant
19 Mr. Michael Jackson
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EX PARTE APPLICATION TO FILE UNDER SEAL

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I.**

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

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

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

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

15 **II.**

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

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

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

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

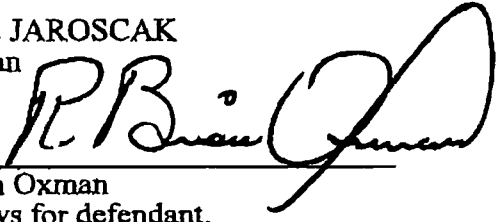
7 For the foregoing reasons, Mr. Michael Jackson requests his Supplement to Opposition to
8 Motion to Quash Ventura and Bank of the West Subpoenas and accompanying documents be
9 filed under seal.

10 Dated: January 10, 2005

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: 

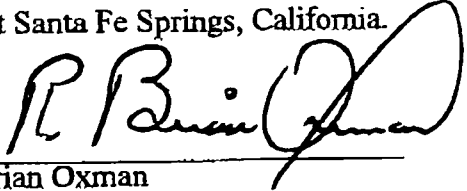
18 R. Brian Oxman
19 Attorneys for defendant,
20 Mr. Michael Jackson

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 Supplement to Opposition to Motion
- 7 to Quash Ventura and Bank of the West Subpoenas and accompanying documents be
- 8 filed under seal in order to protect the overriding interests of Mr. Jackson's rights to due
- 9 process and a fair trial, as well as to prevent the disclosure of witnesses, potential
- 10 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 10th day of January, 2005 at Santa Fe Springs, California.

13 

14 R. Brian Oxman

1 PROOF OF SERVICE BY MAIL AND FAX

2
3 I, Maureen Jaroscak declare and say:

4 I am an attorney at law admitted to practice before all the courts of the state of California
5 and I am an attorney for Mr. Michael Jackson in the above-entitled action. My business address
6 is 14126 East Rosecrans Blvd., Santa Fe Springs, California 90670. I m over 18 years and not a
7 party to the above-entitled action. On January 10, 2005, I served the following:

8 EX PARTE APPLICATION TO FILE UNDER SEAL
9 MR. JACKSON'S SUPPLEMENT TO OPPOSITION TO MOTION TO QUASH VENTURA
10 AND BANK OF THE WEST SUBPOENAS
11 ORDER SEALING OPPOSITION

12 on the interested parties by placing a true copy of the document in a sealed envelope, and
13 depositing it in the United States Mail with first class postage prepaid at La Mirada, California,
14 and addressed as follows:

15 Larry Feldman
16 1999 Avenue of the Stars
17 Suite 1700
18 Los Angeles, CA 90067
19 Fax No. (310) 788-1200

20 In addition, on this same date, I served a copy of the document by fax to the above-
21 indicated number by transmitting a true copy of it by facsimile pursuant to Rule 2003 of the
22 California Rules of Court, and no error was reported by the machine. Pursuant to Rule 2008(e), I
23 had the machine print a record of the transmission, and a copy of that record is attached to this
24 declaration.

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

27 Executed this 10th day of January, 2005, at Santa Fe Springs, California

28 
Maureen Jaroscak

EX PARTE APPLICATION TO FILE UNDER SEAL