

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, 7<sup>th</sup> Floor  
3 Los Angeles, CA 90067  
Tel.: (310) 284-3120, Fax: (310) 284-3133

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

JAN 18 2005

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

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

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  
13 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
14 FOR THE COUNTY OF SANTA BARBARA, COOK DIVISION  
15

16 THE PEOPLE OF THE STATE OF ) Case No. 1133603  
17 CALIFORNIA, )  
18 Plaintiffs, ) EX PARTE APPLICATION FOR AN  
19 vs. ) ORDER THAT EX PARTE APPLICATION  
20 ) FOR AN ORDER THAT MR. JACKSON BE  
MICHAEL JOSEPH JACKSON, ) ALLOWED TO MAKE A PUBLIC  
21 ) STATEMENT REGARDING  
Defendant. ) INFORMATION LEAKED TO THE MEDIA  
22 ) BE FILED UNDER SEAL  
23 ) Honorable Rodney S. Melville  
24 ) Date: TBA  
25 ) Time: TBA  
26 ) Dept: SM 8  
27 )

28 TO THE CLERK OF THE ABOVE ENTITLED COURT:

Defendant requests that the Court issue an order that Mr. Jackson's pleading entitled EX

EX PARTE APPLICATION FOR AN ORDER THAT EX PARTE APPLICATION FOR AN ORDER THAT MR.  
JACKSON BE ALLOWED TO MAKE A PUBLIC STATEMENT REGARDING INFORMATION LEAKED TO  
THE MEDIA BE FILED UNDER SEAL

1 PARTE APPLICATION FOR AN ORDER THAT MR. JACKSON BE ALLOWED TO MAKE A  
2 PUBLIC STATEMENT REGARDING INFORMATION LEAKED TO THE MEDIA and  
3 accompanying documents be filed under seal and for such other such further relief as the Court may  
4 deem just and proper. This request is based on the overriding interests of Mr. Jackson's rights to  
5 due process and a fair trial under the Fifth, Sixth and Fourteenth Amendments to the United States  
6 Constitution and Article I, Sections 1, 7, and 15 of the California Constitution.


7 Dated: January 18, 2005

8 Respectfully submitted,

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

11 SANGER & SWYSEN  
12 Robert M. Sanger

13 OXMAN & JAROSCAK  
14 Brian Oxman

15 By:   
16 Robert M. Sanger  
17 Attorneys for Defendant  
MICHAEL JOSEPH JACKSON

18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28 EX PARTE APPLICATION FOR AN ORDER THAT EX PARTE APPLICATION FOR AN ORDER THAT MR.  
JACKSON BE ALLOWED TO MAKE A PUBLIC STATEMENT REGARDING INFORMATION LEAKED TO  
THE MEDIA BE FILED 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 exhibits will reveal that they disclose the testimony of witnesses or  
23 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 exhibits are not filed under seal. A person accused of a crime is entitled to

27  
28 **EX PARTE APPLICATION FOR AN ORDER THAT EX PARTE APPLICATION FOR AN ORDER THAT MR.  
JACKSON BE ALLOWED TO MAKE A PUBLIC STATEMENT REGARDING INFORMATION LEAKED TO  
THE MEDIA BE FILED UNDER SEAL**

1 duc process and a fair trial under the Fifth, Sixth and Fourteenth Amendments to the United  
2 States Constitution and Article I, Sections 1, 7, and 15 of the California Constitution. Material  
3 contained the exhibits pertains to evidence and the testimony of witnesses that, if made public,  
4 would compromise Mr. Jackson's these rights and would result in prejudice to Mr. Jackson. In  
5 order to protect these overriding interests, it is necessary that the exhibits be filed under seal.

6 CONCLUSION

7 For the reasons stated above, Mr. Jackson requests that the Court issue an order that EX  
8 PARTE APPLICATION FOR AN ORDER THAT MR. JACKSON BE ALLOWED TO MAKE  
9 A PUBLIC STATEMENT REGARDING INFORMATION LEAKED TO THE MEDIA and  
10 accompanying documents be filed under seal.

11 Dated: January 18, 2005

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

14 SANGER & SWYSEN  
15 Robert M. Sanger

16 OXMAN & JAROSCAK  
17 Brian Oxman

18 By: Robert M. Sanger  
19 Robert M. Sanger  
20 Attorneys for  
21 MICHAEL JOSEPH JACKSON  
22  
23  
24  
25  
26  
27

28 EX PARTE APPLICATION FOR AN ORDER THAT EX PARTE APPLICATION FOR AN ORDER THAT MR.  
JACKSON BE ALLOWED TO MAKE A PUBLIC STATEMENT REGARDING INFORMATION LEAKED TO  
THE MEDIA BE FILED UNDER SEAL

