

1 CARLSMITH BALL LLP
James E. Blancarte (SBN 85948)
2 Alejandro Menchaca (SBN 220471)
444 S. Flower St., 9th Floor
3 Los Angeles, CA 90071
Telephone: 213-955-1283
4 Facsimile: 213-623-0032
Email:

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA BARBARA

JAN 19 2005

GARY M. BLAIR, Executive Officer

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

6 Attorneys
George Lopez and Ann Serrano Lopez

* unsealed pursuant
to 6/11/05 Court
order

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF SANTA BARBARA

11 THE PEOPLE OF THE STATE OF
CALIFORNIA,

12 Plaintiff,

13 v.

14 MICHAEL JOE JACKSON,

15 Defendant.

CASE NO. 1133603

APPLICATION FOR COURT ORDER
THAT GEORGE LOPEZ' AND ANN
SERRANO LOPEZ' MOTION TO QUASH
SUBPOENAS AND SUPPORTING
DECLARATIONS, EXHIBITS, AND
PROPOSED ORDER BE FILED UNDER
SEAL, AND TO HOLD AN *IN CAMERA*
HEARING OF SAID MOTION

DATE: 1/27/05

TIME: ~~8:30 AM~~ 9:30 AM

JUDGE: HON. RODNEY MELVILLE

FILED UNDER SEAL

+ In Camera

19
20 I. INTRODUCTION

21 Pursuant to California Rules of Court, R. 234.1 and 243.4, George Lopez and Ann Serrano
22 Lopez (the "Moving Parties") make this Application for a Court Order that Moving Parties'
23 Motion to Quash Subpoenas, supporting declarations, exhibits, and proposed order be filed under
24 seal. This Application also requests that any hearing on Moving Parties' Motion to Quash
25 Subpoenas be held in camera.

26 II. FACTUAL BACKGROUND

27 The Moving Parties have filed with the Court motions to quash two subpoenas (the
28 "Motions") directing each of them to appear on January 31, 2004, at the trial of People v. Michael

1 Joe Jackson ("Defendant Jackson"). The Motions are made on the grounds that neither George
2 nor Ann Lopez have any personal knowledge of any matters relating to the ten (10) criminal
3 charges (the "Charges") pending against Defendant Jackson, and can offer no relevant testimony
4 on behalf of Defendant Jackson at time of trial.

5 As set forth more fully in the Motions, George Lopez is a well-known comedian,
6 television and motion picture actor, and star of the ABC television network weekly program
7 entitled "The George Lopez Show." As this Court is well aware, Defendant Jackson is an
8 international, mega-celebrity, and the upcoming trial in the People v. Michael Joe Jackson case is
9 expected to draw unprecedented and international media publicity. Sealing the record and
10 allowing for this hearing to be held in camera, will prevent the media from seeking to speculate
11 before the "court of public opinion" if the motion and/or its ruling is "good" or "bad" for the
12 defense or prosecution in the case, thereby preventing any undue influence on prospective jurors
13 and avoiding potential prejudice to the minor, alleged victim, Defendant Jackson, or the
14 prosecution.

15 Allowing the public to inspect the Motions, will unjustifiably thrust George Lopez and his
16 wife, Ann into the eye of a media storm, resulting in harm and prejudice to George Lopez and his
17 wife Ann through potentially erroneous speculation and interpretation by legal analysts
18 concerning the Motions, while making Mr. and Mrs. Lopez fodder for the press, the tabloid
19 community, and the public at large, all at the expense of George Lopez, his career and his public
20 image.

21 **III. ARGUMENT**

22 CA Rules of Court, Rule 243.1(d) holds, in pertinent part that:

23 "The court may order that record be filed under seal only if it
24 expressly finds facts that establish: (1) There exists an overriding
25 interest that overcomes the right to public access to the record; (2)
26 the overriding interest supports sealing the record; (3) a substantial
27 probability exists that the overriding interest will be prejudiced if
28 the record is not sealed; (4) the proposed sealing is narrowly
tailored; and (5) No less restrictive means exist to achieve the
overriding interest.

1 In this instance, and as set forth in George Lopez's Declaration in support of his Motion to
2 Quash, Mr. Lopez's celebrity status will only add to the unprecedented media scrutiny which is
3 expected to surround the trial of People v. Michael Joe Jackson. This level and type of public
4 scrutiny is not substantive, and is not in the interest of justice.

5 On the other hand, there exists an overriding interest in avoiding potential prejudice to
6 either the minor alleged victim, the prosecution, or Defendant Jackson, from media and tabloid
7 speculation that may unduly influence the "court of public opinion" and/ or prospective jurors.
8 The interest of justice in securing a fair adjudication of the merits of this case, and avoiding
9 prejudice to either the minor alleged victim, the prosecution, and/or Defendant Jackson overrides
10 the de minimus, substantive value of public interest in the celebrity status of George Lopez and/or
11 his wife Ann. Absent maintaining the Motions under seal, and having the hearing of the Motions
12 in camera, there is significant potential for Mr. and Mrs. George Lopez being exposed to severe
13 harm and prejudice through reckless and scandalous speculation by the media and tabloid press
14 regarding what connection George Lopez and/or his wife might have to the minor, alleged victim
15 , the prosecution, or to Defendant Jackson and his alleged activities, which when reported would
16 sell the largest volume of newspapers or tabloid magazines.

17 Additionally, the proposed sealing of the Motions is narrowly tailored and there is no less
18 restrictive means to achieve the overriding interest, as the motion cannot be redacted in such a
19 way that the public cannot discover who the identity of the Moving Parties.

20 **IV. CONCLUSION**

21 Based on the foregoing, Moving Parties respectfully request that this Court Order that the
22 Motion to Quash Subpoenas, supporting declarations, exhibits, and proposed order be filed under
23 seal and that the hearing on this motion be held in camera.

1 DATED: January 19, 2005

CARLSMITH BALL LLP

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

By: James E. Blancarte
James E. Blancarte
Attorneys for Defendant
George Lopez and Ann Serrano Lopez

1 STATE OF CALIFORNIA, COUNTY OF ALAMEDA

2 PROOF OF SERVICE

3 I am employed by CARLSMITH BALL, LLP. I am over the age of eighteen and
4 not a party to the within action. My business address is 444 South Flower Street, 9th Floor, Los
5 Angeles, California 90071-2901.

6 On January 19, 2005, I Served The Foregoing APPLICATION FOR COURT ORDER
7 THAT GEORGE LOPEZ' AND ANN SERRANO LOPEZ' MOTION TO QUASH
8 SUBPOENAS AND SUPPORTING DECLARATIONS, EXHIBITS, AND PROPOSED
9 ORDER BE FILED UNDER SEAL, AND TO HOLD AN *IN CAMERA* HEARING OF
10 SAID MOTION

11 On The Parties Named On The Attached Listing.

12 (By Mail) I am readily familiar with the firm's practice of collection and
13 processing correspondence for mailing. Under that practice it would be deposited
14 with the U.S. Postal Service on that same day with postage fully prepaid, addressed
15 to the person(s) to whom it is to be served. I caused such envelope with postage
16 thereon fully prepaid to be placed in the United States mail at Los Angeles,
17 California.

18 (By Facsimile) I caused such document to be transmitted via facsimile to the
19 offices of the addressee(s) at the last-known facsimile number.

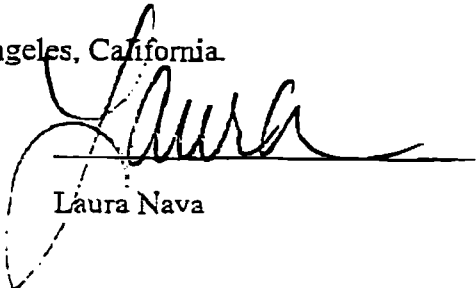
20 (By Personal Service) I served the foregoing document by placing true copies
21 thereof enclosed in sealed envelope(s) addressed as stated on the attached mailing
22 list. I delivered such envelope(s) by hand to the office(s) of the addressee(s).

23 Susan Yu (Personal Service)
24 MESEREAU & YU
25 1875 Century Park East Suite 700
26 Los Angeles, CA 90067

27 Thomas William Sneddon Jr
28 1105 Santa Barbara St
Santa Barbara, CA 93108
805-568-2398

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

Executed on January 19, 2005, at Los Angeles, California.


Laura Nava