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11 Attorneys for Defendant
12 **MICHAEL JOSEPH JACKSON**

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 CALIFORNIA,

17 Plaintiffs,

18 vs.

19
20 MICHAEL JOSEPH JACKSON,

21 Defendant.
22
23
24

) Case No. 1133603
)
)

) EX PARTE APPLICATION THAT NOTICE
) OF MOTION AND MOTION TO QUASH
) SUBPOENA DUCES TECUM BE FILED
) UNDER SEAL

) Honorable Rodney S. Melville
)

) Date: TBA
) Time: ~~9:30 am~~
) Dept: SM 8
)
)
)
)

25 TO THE CLERK OF THE ABOVE ENTITLED COURT:

26 Defendant requests that the Court determine whether it is appropriate to issue an order that
27 the accompanying NOTICE OF MOTION AND MOTION TO QUASH SUBPOENA DUCES
28

EX PARTE APPLICATION THAT NOTICE OF MOTION AND MOTION TO QUASH SUBPOENA DUCES
TECUM BE FILED UNDER SEAL

FILED
SUPERIOR COURT of CALIFORNIA
COUNTY of SANTA BARBARA

FEB - 9 2005

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

1 TECUM and accompanying documents be filed under seal. This request is based on the Orders of
2 Judge Melville in this case.

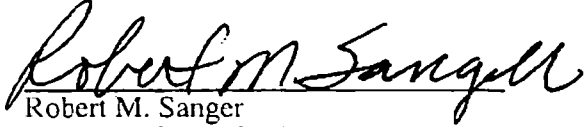
3 Dated: February 9, 2005

4 Respectfully submitted,

5 COLLINS, MESEREAU, REDDOCK & YU
6 Thomas A. Mesereau, Jr.
7 Susan C. Yu

8 SANGER & SWYSEN
9 Robert M. Sanger

10 OXMAN & JAROSCAK
11 Brian Oxman

12 By: 
13 Robert M. Sanger
14 Attorneys for Defendant
15 MICHAEL JOSEPH JACKSON

MEMORANDUM OF POINTS AND AUTHORITIES

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

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

(California Rule of Court 243.1(d).)

Pursuant to the Court's prior instructions, including instructions reiterated on May 28, 2004, we are submitting NOTICE OF MOTION AND MOTION TO QUASH SUBPOENA DUCES TECUM out of an abundance of caution so that the Court may determine whether or not it may be filed under seal. It does not appear that this particular document makes references to statements of witnesses, documents, exhibits, photographs or other evidence that may be subject to the pretrial rule regarding the filing of documents under seal. (Exhibit 1, Declaration of Robert M. Sanger.)

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EX PARTE APPLICATION THAT NOTICE OF MOTION AND MOTION TO QUASH SUBPOENA DUCES TECUM BE FILED UNDER SEAL

1 CONCLUSION

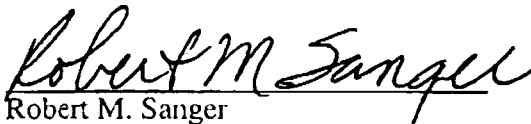
2 For the reasons stated above, Mr. Jackson submits the matter for the Court's
3 determination as to whether it should be ordered that the accompanying NOTICE OF MOTION
4 AND MOTION TO QUASH SUBPOENA DUCES TECUM and accompanying documents be
5 filed under seal.

6 Dated: February 9, 2005

7 COLLINS, MESEREAU, REDDOCK & YU
8 Thomas A. Mesereau, Jr.
Susan Yu

9 SANGER & SWYSEN
10 Robert M. Sanger

11 OXMAN & JAROSCAK
12 Brian Oxman

13 By: 
14 Robert M. Sanger
15 Attorneys for
16 MICHAEL JOSEPH JACKSON

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EX PARTE APPLICATION THAT NOTICE OF MOTION AND MOTION TO QUASH SUBPOENA DUCES
TECUM BE FILED UNDER SEAL

PROOF OF SERVICE

I, the undersigned declare:

I am over the age of 18 years and not a party to the within action. I am employed in the County of Santa Barbara. My business address is 233 East Carrillo Street, Suite C, Santa Barbara, California, 93101.

On February 9, 2005, EX PARTE APPLICATION THAT NOTICE OF MOTION AND MOTION TO QUASH SUBPOENA DUCES TECUM BE FILED UNDER SEAL on the interested parties in this action by depositing a true copy thereof as follows:

Gibson, Dunn & Crutcher LLP
Theodore J. Boutrous Jr.
William E. Thomson
Michael H. Dore
333 South Grand Avenue
Los Angeles, CA 91171
Fax - 213-229-7520

Tom Sneddon
Gerry Franklin
Ron Zonen
Gordon Auchincloss
Santa Barbara District Attorney
Fax 568-2398

 BY U.S. MAIL - I am readily familiar with the firm's practice for collection of mail and processing of correspondence for mailing with the United States Postal Service. Such correspondence is deposited daily with the United States Postal Service in a sealed envelope with postage thereon fully prepaid and deposited during the ordinary course of business. Service made pursuant to this paragraph, upon motion of a party, shall be presumed invalid if the postal cancellation date or postage meter date on the envelope is more than one day after the date of deposit.

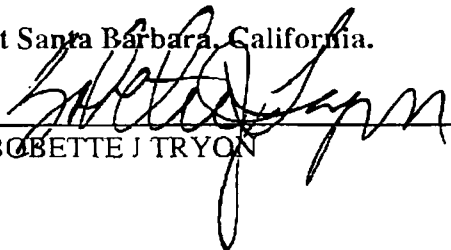
 X **BY FACSIMILE** - I caused the above-referenced document(s) to be transmitted via facsimile to the interested parties

 BY HAND - I caused the document to be hand delivered to the interested parties at the address above.

 X **STATE** - I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

 FEDERAL - I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.

Executed February 9, 2005, at Santa Barbara, California.



BOBETTE J TRYON