

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:

6 Attorneys for
George Lopez and Ann Serrano Lopez

FAXED FILED

FILED
SUPERIOR COURT of CALIFORNIA
COUNTY of SANTA BARBARA

FEB 14 2005

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

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 COUNTY OF SANTA BARBARA

FILED UNDER SEAL
Wagner

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 THE [PROPOSED] ORDER AFTER
HEARING GRANTING GEORGE LOPEZ'
AND ANN SERRANO LOPEZ' MOTION
TO QUASH SUBPOENAS BE FILED
UNDER SEAL**

** unsealed pursuant
to 6/11/05 court order*

17 I. INTRODUCTION

18 Pursuant to California Rules of Court, R. 234.1 and 243.4, George Lopez and Ann Serrano
19 Lopez (the "Moving Parties") make this Application for a Court Order that the [Proposed] Order
20 After Hearing Granting George Lopez' and Ann Serrano Lopez' Motion to Quash Subpoenas be
21 filed under seal.

22 II. FACTUAL BACKGROUND

23 The Moving Parties have filed with the Court a Proposed Order after hearing reflecting
24 the Court's granting of George Lopez' and Ann Serrano Lopez' motions to quash two subpoenas
25 directing each of them to appear on January 31, 2004, at the trial of People v. Michael Joe
26 Jackson ("Defendant Jackson").

28 4820-9209-4464.1

1 Allowing the public to inspect the Order, will unjustifiably thrust George Lopez and his
2 wife, Ann into the eye of a media storm, resulting in harm and prejudice to George Lopez and his
3 wife Ann through potentially erroneous speculation and interpretation by legal analysts
4 concerning the Order, while making Mr. and Mrs. Lopez fodder for the press, the tabloid
5 community, and the public at large, all at the expense of George Lopez, his career and his public
6 image.

7 **III. ARGUMENT**

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

9 “The court may order that record be filed under seal only if it
10 expressly finds facts that establish: (1) There exists an overriding
11 interest that overcomes the right to public access to the record; (2)
12 the overriding interest supports sealing the record; (3) a substantial
13 probability exists that the overriding interest will be prejudiced if
14 the record is not sealed; (4) the proposed sealing is narrowly
15 tailored; and (5) No less restrictive means exist to achieve the
16 overriding interest.

17 In this instance, and as set forth in George Lopez’s previously filed Declaration in support
18 of his Motion to Quash, and the present application Mr. Lopez’s celebrity status will only add to
19 the unprecedented media scrutiny which is expected to surround the trial of People v. Michael Joe
20 Jackson. This level and type of public scrutiny is not substantive, and is not in the interest of
21 justice.

22 On the other hand, there exists an overriding interest in avoiding potential prejudice to
23 either the minor alleged victim, the prosecution, or Defendant Jackson, from media and tabloid
24 speculation that may unduly influence the “court of public opinion” and/ or prospective jurors.
25 The interest of justice in securing a fair adjudication of the merits of this case, and avoiding
26 prejudice to either the minor alleged victim, the prosecution, and/or Defendant Jackson overrides
27 the de minimus, substantive value of public interest in the celebrity status of George Lopez and/or
28 his wife Ann. Absent maintaining the Order under seal, there is significant potential for Mr. and
Mrs. George Lopez being exposed to severe harm and prejudice through reckless and scandalous
speculation by the media and tabloid press regarding what connection George Lopez and/or his
wife Ann have to the minor, alleged victim, the prosecution, or to Defendant Jackson and his

1 alleged activities, which when reported would sell the largest volume of newspapers or tabloid
2 magazines.

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

6 **IV. CONCLUSION**

7 Based on the foregoing, Moving Parties respectfully request that this Court Order that the
8 Proposed Order after hearing (and signed Order) granting George Lopez' and Ann Lopez' Motion
9 to Quash Subpoenas be filed under seal and that the hearing on this motion be held in camera.

10 DATED: February 14, 2005

CARLSMITH BALL LLP

11
12 By: James E. Blancarte.

13 James E. Blancarte
14 Attorneys for
George Lopez and Ann Serrano Lopez

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

PROOF OF SERVICE

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

On February 14, 2005, I served the foregoing APPLICATION FOR COURT ORDER THAT THE [PROPOSED] ORDER AFTER HEARING GRANTING GEORGE LOPEZ' AND ANN SERRANO LOPEZ' MOTION TO QUASH SUBPOENAS BE FILED UNDER SEAL on the parties named on the attached listing.

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

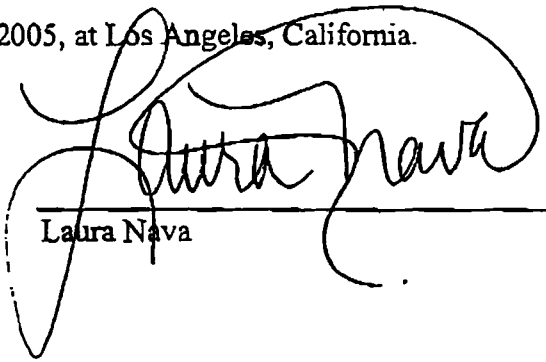
(By Facsimile) I caused such document to be transmitted via facsimile to the offices of the addressee(s) at the last-known facsimile number.

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

See Service List

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

Executed on February 14, 2005, at Los Angeles, California.



Laura Nava

1
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

Service List:

Personal Service, Mail and Facsimile

Susan Yu
MESEREAU & YU
1875 Century park East, Suite 700
Los Angeles, CA 90067
Fax 310-284-3133

Facsimile and Mail Service Only

Thomas William Sneddon Jr.
COLLINS, MESEREAU, REDDOCK & YU
1105 Santa Barbara St.
Santa Barbara, CA 93108
Fax 805-568-2398

Robert M. Sanger
SANGER & SWYSEN
233 east Carrillo Street Suite C
Santa Barbara, CA 93101
Fax 805-963-7311

Brian Oxman
OXMAN & JAROSCAK
14126 East Rosecrans
Santa Fe Springs, CA 90670
Fax 562-921-2298

Thomas William Sneddon Jr
1105 Santa Barbara St.
Santa Barbara, CA 93108
Fax_805-568-2398