

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: jblancarte@carlsmith.com

5  
6 Attorneys for  
George Lopez and Ann Serrano Lopez

7  
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF SANTA BARBARA

10  
11 THE PEOPLE OF THE STATE OF  
CALIFORNIA,

12 Plaintiff,

13 v.

14 MICHAEL JOE JACKSON,

15 Defendant.

CASE NO. 1133603

**EVIDENTIARY OBJECTIONS TO  
DECLARATION OF ROBERT M.  
SANGER AND SUSAN YU FILED IN  
SUPPORT OF EX PARTE APPLICATION  
FOR AN ORDER THAT A SUBPOENA  
DUCES TECUM ISSUE**

HEARING: \_\_\_\_\_

TIME: \_\_\_\_\_

DEPARTMENT: SM 2

JUDGE: Hon. Rodney S. Melville

16  
17  
18 Moving Parties George Lopez and Ann Serrano Lopez hereby submit their evidentiary  
19 objections to the Declarations of Robert M. Sanger and Susan C. Yu filed in support of Defendant  
20 Michael Joseph Jackson's Ex Parte Application for an Order that a Subpoena Duces Tecum Issue.

21  
22 A. Evidentiary Objections to Declaration of Robert M. Sanger

23 Respondents George Lopez and Ann Serrano Lopez hereby interpose the following  
24 evidentiary objections to the Declaration of Robert M. Sanger, a copy of which is attached as  
25 Exhibit "A," with the evidentiary objections highlighted thereon to correlate to the following  
26 paragraph numbers:

27 The Declaration, in its entirety, is objected to on the basis that Declarant, Robert M.  
28 Sanger ("Mr. Sanger"), lacks personal knowledge of any and all purported facts which form the

4838-5789-6704.1

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

FEB 18 2005

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

*\*Unsealed pursuant  
to 661665 Court  
Order*

**FILED UNDER SEAL**  
*[Signature]*

1 basis of his statements. Mr. Sanger admit to this fatal evidentiary flaw by failing to declare  
2 under penalty of perjury that his statements are based on his own personal knowledge and if  
3 called as a witness, could and would competently testify thereto.

4 1. Paragraph 2 is objected to on the following grounds: Hearsay; lacks personal  
5 knowledge; lack of foundation; argument; assumes facts not in evidence, to wit, the specific  
6 documents, testimony, physical evidence, facts, and opinions relating to the prosecution's and  
7 defense's investigation of the case at hand; and speculative.

8 2. Paragraph 3, first sentence, second sentence, and third sentence, are objected to on  
9 the following grounds: Hearsay; vague, ambiguous, and unintelligible; lack of foundation;  
10 argument; declarant lacks personal knowledge; and speculative.

11 3. Paragraph 4, first and second sentence, are objected to on the following grounds:  
12 Hearsay; lack of foundation; lack of personal knowledge; and irrelevant.

13 4. Paragraph 4, third sentence, is objected to on the following grounds: Hearsay; lack  
14 of personal knowledge; lack of foundation; speculative; and irrelevant.

15 5. Paragraph 4, fourth sentence, is objected to on the following grounds: Hearsay,  
16 lack of foundation; lack of personal knowledge; assumes facts not in evidence; and irrelevant.

17 6. Paragraph 4, fifth sentence, is objected to on the following grounds: Hearsay; lack  
18 of foundation; assumes facts not in evidence, lack of personal knowledge; and irrelevant.

19 7. Paragraph 4, sixth sentence, is objected to on the following grounds: Hearsay; lack  
20 of foundation; lack of personal knowledge; assumes facts not in evidence; and irrelevant.

21 8. Paragraph 5, first sentence, is objected to on the following grounds: Hearsay; lack  
22 of foundation; assumes facts not in evidence, lack of personal knowledge; and irrelevant.

23 9. Paragraph 5, second sentence, is objected to on the following grounds: Hearsay;  
24 lack of foundation, assumes facts not in evidence; based on speculation, lack of personal  
25 knowledge; and irrelevant.

26 10. Paragraph 6, first sentence, is objected to on the following grounds: Hearsay;  
27 argument; lack of personal knowledge; lack of foundation; assumes facts not in evidence; based  
28 on speculation; and irrelevant.

1           11. Paragraph 6, second sentence, is objected to on the following grounds: Hearsay;  
2 argument; lack of personal knowledge; lack of foundation; assumes facts not in evidence; based  
3 on speculation; and irrelevant.

4           12. Paragraph 7, first sentence, is objected to on the following grounds: Hearsay; lack  
5 of foundation; lack of personal knowledge; assumes facts not in evidence; and based on  
6 speculation.

7           13. Paragraph 7, second sentence, is objected to on the following grounds: Hearsay;  
8 best evidence rule; lack of foundation; lack of personal knowledge; assumes facts not in evidence;  
9 and irrelevant.

10          14. Paragraph 7, third sentence, is objected to on the following grounds: Hearsay;  
11 best evidence rule; lack of foundation; lack of personal knowledge; and irrelevant.

12          15. Paragraph 7, fourth sentence, is objected to on the following grounds: Hearsay;  
13 best evidence rule; lack of foundation; lack of personal knowledge; and irrelevant.

14          16. Paragraph 7, fifth sentence, is objected to on the following grounds: Hearsay; best  
15 evidence rule; based on speculation; lack of foundation; lack of personal knowledge; and  
16 irrelevant.

17          17. Paragraph 7, sixth sentence, is objected to on the following grounds: Hearsay;  
18 argument; vague, ambiguous, and unintelligible; lack of personal knowledge; assumes facts not in  
19 evidence; lack of foundation; based on speculation; and irrelevant.

20          18. Paragraph 8, first sentence, is objected to on the following grounds: Double  
21 Hearsay; lack of foundation; lack of personal knowledge; assumes facts not in evidence; and  
22 irrelevant.

23          19. Paragraph 8, second sentence, is objected to on the following grounds: Double  
24 Hearsay; lack of foundation; lack of personal knowledge; assumes facts not in evidence; and  
25 irrelevant.

26          20. Paragraph 8, third sentence, is objected to on the following grounds: Double  
27 Hearsay; lack of foundation; lack of personal knowledge; assumes facts not in evidence; and  
28 irrelevant.

1           21. Paragraph 8, fourth sentence, is objected to on the following grounds: Double  
2 Hearsay; lack of foundation; lack of personal knowledge; assumes facts not in evidence; and  
3 irrelevant.

4           22. Paragraph 8, fifth sentence, is objected to on the following grounds: Double  
5 Hearsay; lack of foundation; lack of personal knowledge; assumes facts not in evidence; and  
6 irrelevant.

7           23. Paragraph 9, first sentence, is objected to on the following grounds: Lack of  
8 foundation; lack of personal knowledge; assumes facts not in evidence; based on speculation; and  
9 irrelevant.

10          24. Paragraph 9, second sentence, is objected to on the following grounds: Lack of  
11 foundation; lack of personal knowledge; assumes facts not in evidence; based on speculation; and  
12 irrelevant.

13          25. Paragraph 10, second sentence, is objected to on the following ground: Argument.

14          **B. Evidentiary Objections to Declaration of Susan C. Yu**

15           Moving Parties George Lopez and Ann Serrano Lopez hereby interpose the following  
16 objections to the Declaration of Susan C. You, a copy of which is attached hereto as Exhibit "B",  
17 with the evidentiary objections highlighted thereon to correlate to the following paragraph  
18 numbers:

19          26. Paragraph 1, third sentence, is objected to on the following grounds: Statement  
20 that George Lopez and Ann Lopez are "material witnesses in this case" is conclusory lacks  
21 foundation; assumes facts not in evidence; constitutes improper and inadmissible argument.

22          27. Paragraph 2, first sentence, is objected to on the following grounds: Hearsay, lack  
23 of foundation; lack of personal knowledge; assumes facts not in evidence; and irrelevant.

24          28. Paragraph 2(a) is objected to on the following grounds: Hearsay, lack of  
25 foundation; lack of personal knowledge; assumes facts not in evidence; speculative; and  
26 irrelevant.

27

28

1           29. Paragraph 2(b) is objected to on the following grounds: Hearsay, lack of  
2 foundation; lack of personal knowledge; assumes facts not in evidence; speculative; and  
3 irrelevant.

4           30. Paragraph 2(c) is objected to on the following grounds: Hearsay, lack of  
5 foundation; lack of personal knowledge; assumes facts not in evidence; speculative; and  
6 irrelevant.

7           31. Paragraph 2(d) is objected to on the following grounds: Hearsay, lack of  
8 foundation; lack of personal knowledge; assumes facts not in evidence; and irrelevant.

9           32. Paragraph 2(e) (erroneously designated as 2(c) by defense counsel), first sentence,  
10 is objected to on the following grounds: Hearsay; vague, ambiguous, and unintelligible as to the  
11 word "close", lack of personal knowledge; assumes facts not in evidence; and irrelevant.

12           33. Paragraph 2(e) (erroneously designated as 2(c) by defense counsel), second  
13 sentence, is objected to on the following grounds: Hearsay; lack of personal knowledge; assumes  
14 facts not in evidence; and irrelevant.

15           34. Paragraph 2(e) (erroneously designated as 2(c) by defense counsel), third sentence,  
16 is objected to on the following grounds: Hearsay; lack of personal knowledge; assumes facts not  
17 in evidence; and irrelevant.

18           35. Paragraph 3, in its entirety, is objected to on the ground that it constitutes improper  
19 and inadmissible argument and is conclusory.

20  
21 DATED: February 16, 2005

CARLSMITH BALL LLP

22  
23 By: 

James E. Blancarte

Attorneys for Respondent

George Lopez and Ann Serrano Lopez

**Exhibit “A”**



1 have them in their possession. This evidence is relevant because the Arvizo family used this same  
2 modus operandi to ingratiate themselves with Mr. Jackson and then to seek money under false pretenses.

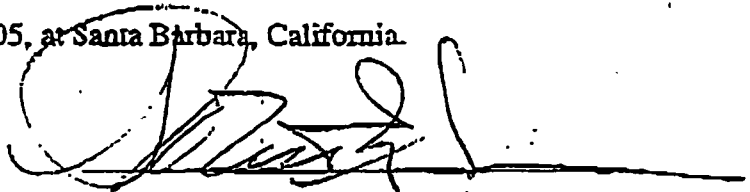
3 8. The sheriffs in this case have interviewed a witness who has described an incident in which the  
4 family turned on Mr. and Mrs. Lopez after they felt the Lopczes were not going to give them more  
5 money. The witness stated to the Sheriffs that Mr. Arvizo claimed that hundreds of dollars were missing  
6 from Gavin Arvizo's wallet, which he had left at Mr. Lopez's home. Mr. Arvizo demanded that Mr.  
7 Lopez replace the allegedly missing money. Mr. Arvizo attempted to have Gavin spontaneously verify  
8 the exact amount that was missing from the wallet. Gavin stated that he did not know how much money  
9 was missing from the wallet.

10 9. It is believed that Mr. and Mrs. Lopez have records in their possession reflecting payments to,  
11 and on behalf of, the Arvizo family. These records may include cancelled checks and/or receipts.

12 10. James Blancarte, Mr. Lopez's attorney has agreed to accept service of this subpoena on behalf of  
13 his client. Mr. Blancarte objected to a previous version of this subpoena on relevance grounds.  
14 However, the facts stated above demonstrate good cause to believe Mr. and Mrs. Lopez have relevant and  
15 material evidence in their possession.

16 I declare under the penalty of perjury under the laws of the State of California that the foregoing  
17 is true and correct this 8<sup>th</sup> day of February, 2005, at Santa Barbara, California.

18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



Robert M. Sanger



# **Exhibit “B”**

1 DECLARATION OF SUSAN C. YU

2 I, Susan C. Yu declare:

3 1. I am an attorney at law duly licensed to practice law in the courts of the State of  
4 California, a partner in the law firm of Collins, Mescreau, Reddock & Yu, and co-counsel for Mr.  
5 Michael Jackson in the pending criminal action entitled People v. Michael Joe Jackson, Santa Barbara  
6 County Superior Court Case No. 1133603. I submit this declaration in support of, trial subpoenas  
7 reissued<sup>2</sup> to Mr. George Lopez and to Mrs. Ann Lopez, material witnesses in this case. I have personal  
8 knowledge of the facts set forth herein and, if called and sworn as a witness, I could and would  
9 competently testify thereto under oath.

10 2. The teenage accusers in this case attended a comedy camp run by Jamie Masada in Los  
11 Angeles called "The Laugh Factory." Our investigation revealed the following about Mr. and Mrs.  
12 Lopez:

- 13 (a) Mr. Lopez was assigned by Jamie Masada as the comedy camp coach of  
14 the teenage accusers;
- 15 (b) Mr. Lopez attended these teenage accusers' performance at and "graduation" from  
16 the comedy camp;
- 17 (c) Mr. Lopez may have been a participant in the first fundraising event held for accuser John  
18 Doe at the Laugh Factory by Mr. Masada in approximately the summer to fall of 2000;
- 19 (d) Mr. and Mrs. Lopez visited John Doe in the hospital on several occasions;
- 20 (e) Mr. and Mrs. Lopez became close to the teenage accusers' family and thereby gave the  
21 teenage accusers' father, David Doe, their home address, as well as their home and cellular phone  
22 numbers. The Doe family, either collectively or individually was invited to and did in fact visit  
23 the home of Mr. and Mrs. Lopez and socialized with them. Mr. and Mrs. Lopez also regularly  
24 talked to the teenage accusers' family.

---

25  
26  
27 <sup>2</sup> This declaration is being presented pursuant to the Honorable Rodney Melville's ruling on Mr.  
28 and Mrs. Lopez In Camera Motion to Quash held on January 27, 2005. In this connection, by submitting  
this required declaration, I, in no way (directly or indirectly or expressly or impliedly) waive any attorney  
work-product or privileges.



1 State of California, County of CALIFORNIA  
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 FEBRUARY 17, 2005, I SERVED THE FOREGOING EVIDENTIARY  
7 OBJECTIONS TO DECLARATION OF ROBERT M. SANGER AND SUSAN YU  
8 FILED IN SUPPORT OF EX PARTE APPLICATION FOR AN ORDER THAT A  
9 SUBPOEA DUCES TECUM ISSUE ON THE PARTIES NAMED ON THE ATTACHED  
10 LISTING.

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

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

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

22 See Service List

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

25 Executed on February 17, 2005, at Los Angeles, California.

26  
27  
28  
  
\_\_\_\_\_  
LAURA NAVA

1 Service List

2 **Personal Service, Mail and Facsimile**

3

4

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

5

6

**Facsimile and Mail Service Only**

7

8

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

9

10

11

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

12

13

14

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

15

16

17

18

19

20

21

22

23

24

25

26

27

28