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

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

16 THE PEOPLE OF THE STATE OF
17 CALIFORNIA,

18 Plaintiffs,

19 vs.

20 **MICHAEL JOSEPH JACKSON,**

21 Defendant.
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23
24

) Case No. 1133603

) EX PARTE APPLICATION TO FILE UNDER
SEAL

) Honorable Rodney S. Melville

) Date: ~~March 7, 2005~~

) Time: 8:30 a.m.

) Dept: SM 2

25 TO THE CLERK OF THE ABOVE ENTITLED COURT:

26 Defendant requests that the Court issue an order that the accompanying Mr. Jackson's
27 Motion to Dismiss and Motion to Permit Broadcast Response, and accompanying documents, be

28 EX PARTE APPLICATION TO FILE UNDER SEAL

FILED
SUPERIOR COURT of CALIFORNIA
COUNTY of SANTA BARBARA

FEB 23 2005

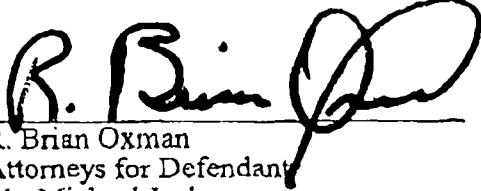
GARY M. BLAIR, Executive Officer
By *Carrie L. Wagner*
CARRIE L. WAGNER, Deputy Clerk

1 filed under seal and for such other such further relief as the Court may deem just and proper. This
2 request is based on the overriding interests of Mr. Jackson's rights to due process and a fair trial
3 under the Fifth, Sixth and Fourteenth Amendments to the United States Constitution and Article I,
4 Sections 1, 7, and 15 of the California Constitution.

5 In addition, Mr. Jackson will provide the court with a proposed redacted version of the
6 documents that Mr. Jackson requests be placed in the Court's public file.

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Dated: February 23, 2005

Respectfully submitted,
COLLINS, MESEREAU, REDDOCK & YU
Thomas A. Mesereau, Jr.
Susan C. Yu
SANGER & SWYSEN
Robert M. Sanger
OXMAN & JAROSCAK
Brian Oxman
By: 
R. Brian Oxman
Attorneys for Defendant
Mr. Michael Jackson

EX PARTE APPLICATION TO FILE 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 documents will reveal that they disclose the testimony of witnesses
23 or 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 accompanying document is not filed under seal. A person accused of a crime
27 is entitled to due process and a fair trial under the Fifth, Sixth and Fourteenth Amendments to the

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EX PARTE APPLICATION TO FILE UNDER SEAL

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

6 CONCLUSION

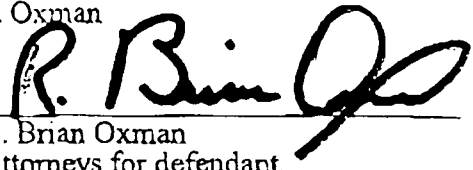
7 For the foregoing reasons, Mr. Michael Jackson requests his Motion to Dismiss and
8 Motion to Permit Broadcast Response and accompanying documents be filed under seal.

9 Dated: February 23, 2005

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

12 SANGER & SWYSEN
13 Robert M. Sanger

14 OXMAN & JAROSCAK
15 Brian Oxman

16 By: 
17 R. Brian Oxman
18 Attorneys for defendant,
19 Mr. Michael Jackson
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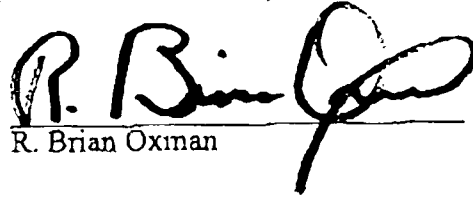
EX PARTE APPLICATION TO FILE UNDER SEAL

DECLARATION OF BRIAN OXMAN

I, Brian Oxman, declare:

1. I am an attorney at law duly licensed to practice law in the courts of the State of California, and an attorney for Michael Jackson.
2. It is necessary that the accompanying Mr. Jackson's Motion to Dismiss and Motion to Permit Broadcast Response and accompanying documents be filed under seal in order to protect the overriding interests of Mr. Jackson's rights to due process and a fair trial, as well as to prevent the disclosure of witnesses, potential witnesses and potential evidence.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed this 23rd day of February, 2005 at Santa Maria, California.


R. Brian Oxman

EX PARTE APPLICATION TO FILE UNDER SEAL

1 PROOF OF SERVICE BY MAIL AND FAX

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3 I, Maureen Jaroscak declare and say:

4 I am an attorney at law admitted to practice before all the courts of the state of California
5 and I am an attorney for Mr. Michael Jackson in the above-entitled action. My business address
6 is 14126 East Rosecrans Blvd., Santa Fe Springs, California 90670. I m over 18 years and not a
7 party to the above-entitled action. On February 23, 2005, I served the following:

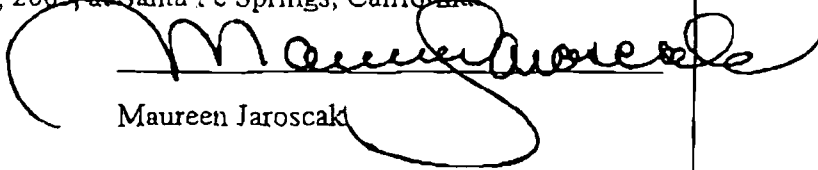
8 EX PARTE APPLICATION TO FILE UNDER SEAL
9 MR. JACKSON'S NOTICE OF MOTION AND MOTION TO DISMISS AND MOTION TO
10 PERMIT BROADCAST RESPONSE
11 MEMO IN SUPPORT OF MOTION TO DISMISS AND MOTION TO PERMIT
12 BROADCAST RESPONSE
13 OXMAN DEC RE: MOTION TO DISMISS & PERMIT BROADCAST RESPONSE
14 ORDER SEALING MOTION
15 on the interested parties by placing a true copy of the document in a sealed envelope, and
16 depositing it in the United States Mail with first class postage prepaid at La Mirada, California,
17 and addressed as follows:

18 Thomas Sneddon
19 1112 Santa Barbara Street
20 Santa Barbara, CA 93101
21 Fax No. 805 568-2453

22 In addition, on this same date, I served a copy of the document by fax to the above-
23 indicated number by transmitting a true copy of it by facsimile pursuant to Rule 2003 of the
24 California Rules of Court.

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

27 Executed this 23rd day of February, 2005, at Santa Fe Springs, California

28 
Maureen Jaroscak

ORDER SEALING MOTION TO DISMISS & TO PERMIT BROADCAST RESPONSE