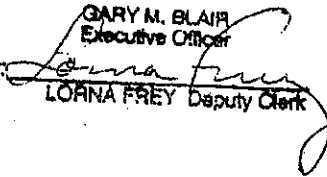


1 THOMAS W. SNEDDON, JR., DISTRICT ATTORNEY
2 County of Santa Barbara
3 By: RONALD J. ZONEN (State Bar No. 85094)
4 Senior Deputy District Attorney
5 GORDON AUCHINCLOSS (State Bar No. 150251)
6 Senior Deputy District Attorney
7 GERALD McC. FRANKLIN (State Bar No. 40171)
8 Senior Deputy District Attorney
9 1105 Santa Barbara Street
10 Santa Barbara, CA 93101
11 Telephone: (805) 568-2300
12 FAX: (805) 568-2398

FILED
SANTA BARBARA
SUPERIOR COURT

MAY 06 2004

GARY M. BLAIR
Executive Officer
By: 
LORNA FREY Deputy Clerk

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF SANTA BARBARA
10 SANTA MARIA DIVISION

12 THE PEOPLE OF THE STATE OF CALIFORNIA,

13 Plaintiff,

14 v.

15 MICHAEL JOE JACKSON,

16 Defendant.

No. 1133603

NOTICE OF MOTION AND
MOTION FOR ORDER
DIRECTING THAT A CERTAIN
REQUEST FOR AN ORDER TO
SHOW CAUSE RE: CONTEMPT
BE MAINTAINED UNDER SEAL
UNTIL FURTHER ORDER OF
COURT; DECLARATION OF
GERALD McC. FRANKLIN;
MEMORANDUM OF POINTS
AND AUTHORITIES;

(Cal. Rules of Ct., rule 243.1 et
seq.)

DATE: May 28, 2004
TIME: 8:30 a.m.
DEPT: SM 2 (Melville)

23 TO: MICHAEL JOE JACKSON, AND TO THOMAS A. MESEREAU, JR.,
24 STEVE COCHRAN, AND ROBERT SANGER, HIS ATTORNEYS OF RECORD, AND TO
25 GIBSON, DUNN & CRUTCHER, LLP, ATTORNEYS FOR "MEDIA":

26 PLEASE TAKE NOTICE that on May 28, 2004, at 8:30 a.m. or as soon thereafter
27 as the matter may be heard, in Department SM 2, Plaintiff will, and hereby does, move for an
28 order directing that the following records be maintained under conditional seal until further

1 order of court, pursuant to California Rules of Court, rule 243.1 et seq;

2 That certain "Plaintiff's Request for Order to Show Cause re: Contempt of Court's
3 Protective Order by Persons Subject To That Order; Declaration of Thomas W. Sneddon, Jr.,"
4 lodged March 22, 2004 and provisionally sealed by court order on March 24th.

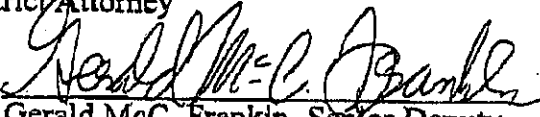
5 The motion will be made on the ground that the facts, as established by the
6 accompanying declaration of Gerald McC. Franklin, are sufficient to justify sealing the
7 specified records pursuant to California Rules of Court, rule 243.1 et seq.

8 The motion will be based on this notice of motion, on the declaration of Gerald
9 McC. Franklin and the memorandum of points and authorities served and filed herewith, on the
10 records and the file herein, and on such evidence as may be presented at the hearing of the
11 motion.

12 A proposed redacted version of the Request for Order to Show Cause and
13 supporting Declaration is submitted, under seal, with this request for sealing.

14 DATED: May 6, 2004

15
16 THOMAS W. SNEDDON, JR.
District Attorney

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18 By: 
Gerald McC. Franklin, Senior Deputy

19 Attorneys for Plaintiff
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MEMORANDUM OF POINTS AND AUTHORITIES

The procedure for sealing records under California Rules of Court, rule 243.1 et seq. applies only to records that are deemed public. (*Id.*, rule 243.1(a)(2).)

Rule 243.1(d) provides that

The court may order that a record be filed under seal only if it expressly finds facts that establish:

- (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.

Rule 243.1(e) provides, in pertinent part:

(1) An order sealing the record must (i) specifically set forth the facts findings that support the findings and (ii) direct the sealing of only those documents and pages, or, if reasonably practicable, portions of those documents and pages, that contain the material that needs to be placed under seal. All other portions of each documents or page must be included in the public file.

Rule 243.2(b) provides, in pertinent part, that "Pending the determination of the motion [of a party to file a record under seal], the lodged record will be conditionally under seal."

DATED: May 6, 2004

Respectfully submitted,

THOMAS W. SNEDDON, JR., DISTRICT ATTORNEY
County of Santa Barbara

By: 
Gerald McC. Franklin, Senior Deputy

Attorneys for Plaintiff

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PROOF OF SERVICE

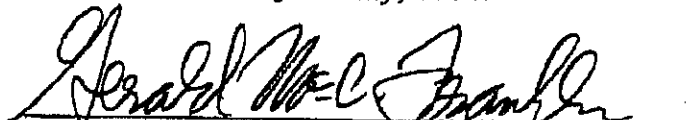
STATE OF CALIFORNIA
COUNTY OF SANTA BARBARA } SS

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years and I am not a party to the within-entitled action. My business address is: District Attorney's Office; Courthouse; 1105 Santa Barbara Street, Santa Barbara, California 93101.

On May 6, 2004, I served the within NOTICE OF MOTION AND MOTION FOR ORDER DIRECTING THAT A CERTAIN REQUEST FOR AN ORDER TO SHOW CAUSE RE: CONTEMPT BE MAINTAINED UNDER SEAL UNTIL FURTHER ORDER OF COURT; DECLARATION OF GERALD McC. FRANKLIN; MEMORANDUM OF POINTS AND AUTHORITIES and separate PROPOSED ORDER THEREON on Defendant, by THOMAS A. MESEREAU, JR., STEVE COCHRAN, and GIBSON, DUNN & CRUTCHER, LLP, by faxing a true copy to counsel at the facsimile number shown with the address of each on the attached Service List, and then by causing to be mailed a true copy to each counsel at that address.

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

Executed at Santa Barbara, California on this 6th day of May, 2004.


Gerald McC. Franklin

1
2 **SERVICE LIST**
3

4 **THOMAS A. MESEREAU, JR.**
5 Collins, Mesereau, Reddock & Yu, LLP
6 1875 Century Park East, No. 700
7 Los Angeles, CA 90067
8 FAX: (310) 284-3133
9 Attorney for Defendant Michael Jackson

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21 Co-counsel for Defendant

22 **GIBSON, DUNN & CRUTCHER, LLP**
23 Theodore J. Boutrous, Jr., Esq.
24 Julian W. Poon, Esq.
25 333 S. Grand Avenue
26 Los Angeles, CA 90071-3917
27 FAX: (213) 229-6758
28 Counsel for, collectively, "Media"