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

JUN 03 2004

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13 Attorneys for Defendant MICHAEL JOE JACKSON

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

17 THE PEOPLE OF THE STATE OF ) Case No. 1133603  
18 CALIFORNIA. )  
19 Plaintiffs, ) EX PARTE APPLICATION TO SUBMIT TO  
20 vs. ) THE COURT THE ISSUE OF FILING  
21 ) UNDER SEAL  
22 MICHAEL JOE JACKSON, ) Honorable Rodney Melville  
23 Defendant. ) Date: June 25, 2004  
24 ) Time: 8:30 am.  
25 ) Dept: SM 2

26  
27 TO THE CLERK OF THE ABOVE ENTITLED COURT AND TO THE DISTRICT  
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EX PARTE APPLICATION TO SUBMIT TO THE COURT THE ISSUE OF FILING UNDER SEAL

1 ATTORNEY OF THE COUNTY OF SANTA BARBARA, TOM SNEDDON, AND DEPUTY  
2 DISTRICT ATTORNEYS GERALD FRANKLIN, RON ZONEN, AND GORDON  
3 AUCHINCLOSS:

4 Defendant requests that the Court determine whether it is appropriate to issue an order that  
5 the accompanying Notice of Motion and Motion for Confidential Subpoena Duces Tecum  
6 Proceedings be filed under seal. This request is based on the Orders of Judge Melville in this case.

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8 Dated: June 3, 2004

9 Respectfully submitted.

10 COLLINS, MESEREAU, REDDOCK & YU  
11 Thomas A. Mesereau, Jr.  
12 Susan Yu  
13 KATTEN MUCHIN ZAVIS ROSENMAN  
14 Steve Cochran  
15 Stacey Knight  
16 SANGER & SWYSEN

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By: 

Robert M. Sanger  
Attorneys for  
MICHAEL JOE JACKSON

1 - MEMORANDUM OF POINTS AND AUTHORITIES

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

4 1. There exists an overriding interest that overcomes the right of public access to the  
5 record;

6 2. The overriding interest supports sealing the record;

7 3. A substantial probability exists that the overriding interest will be prejudiced if the  
8 record is not sealed;

9 4. The proposed sealing is narrowly tailored; and

10 5. No less restrictive means exist to achieve the overriding interest.

11 (California Rule of Court 243.1(d).)

12 Pursuant to the Court's prior instructions, including instructions reiterated on May 28,  
13 2004, we are submitting the EX PARTE APPLICATION TO SUBMIT TO THE COURT THE  
14 ISSUE OF FILING UNDER SEAL out of an abundance of caution so that the Court may  
15 determine whether or not it may be filed under seal. It does not appear that this particular  
16 document makes references to statements of witnesses, documents, exhibits, photographs or  
17 other evidence that may be subject to the pretrial rule regarding the filing of documents under  
18 seal. (Exhibit I, Declaration of Robert M. Sanger.)

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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 and  
4 Motion for Confidential Subpoena Duces Tecum Proceedings be filed under seal.

5 Dated: June 3, 2004

6 COLLINS, MESEREAU, REDDOCK & YU  
7 Thomas A. Mesereau, Jr.  
8 Susan Yu  
9 KATTEN MUCHIN ZAVIS ROSENMAN  
10 Steve Cochran  
11 Stacey Knight  
12 SANGER & SWYSEN

13 By: 

14 Robert M. Sanger  
15 Attorneys for  
16 MICHAEL JOE JACKSON  
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DECLARATION OF ROBERT M. SANGER

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I, Robert Sanger, declare:

- 1. I am an attorney at law duly licensed to practice law in the courts of the State of California, a partner in the law firm of Sanger & Swysen, and co-counsel for Michael Jackson.
- 2. Pursuant to the Court's prior instructions, including instructions reiterated on May 28, 2004, we are submitting the EX PARTE APPLICATION TO SUBMIT TO THE COURT THE ISSUE OF FILING UNDER SEAL 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.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed this 4<sup>th</sup> day of June, 2004 at Santa Barbara, California.



Robert M. Sanger

## 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 June 3, 2004, I served the foregoing document EXPARTE APPLICATION TO SUBMIT TO COURT THE ISSUE OF FILING UNDER SEAL on the interested parties in this action by depositing a true copy thereof as follows:

Tom Sneddon  
Gerald Franklin  
Ron Zonen  
Gordon Auchincloss  
District Attorney  
1105 Santa Barbara Street  
Santa Barbara, CA 93101  
568-2398

Gibson Dunn and Crutcher  
Theodore Boutrous  
William E. Thomson  
333 South Grand Avenue  
Los Angeles, CA 90071  
213-229-7520

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.

BY FACSIMILE - I caused the above-referenced document(s) to be transmitted via facsimile to the interested parties at *2004*.

BY HAND - I caused the document to be hand delivered to the interested parties in open court.

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 June 3, 2004, at Santa Barbara, California.

  
\_\_\_\_\_  
Bobette J. Tryon