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Broadcasting Inc.; Fox News Network L.L.C.;  
6 ABC, Inc.; Cable News Network LP, LLLP;  
The Associated Press; *Los Angeles Times*; The  
7 New York Times Company; and *USA Today*

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

OCT 08 2004

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

8  
9 SUPERIOR COURT, STATE OF CALIFORNIA  
10 FOR THE COUNTY OF SANTA BARBARA  
11

12 THE PEOPLE OF THE STATE OF  
13 CALIFORNIA,

14 Plaintiff,

15 vs.

16 MICHAEL JOE JACKSON,

17 Defendant.  
18  
19

Case No.: 1133603

**ACCESS PROPONENTS' OPPOSITION TO  
MOTIONS TO FILE SEARCH WARRANTS  
AND OTHER DOCUMENTS UNDER SEAL  
THAT HAVE BEEN FILED SINCE THEIR  
LAST OPPOSITION TO THE PARTIES'  
MOTIONS TO FILE UNDER SEAL**

Date: Thursday, October 14, 2004

Time: 8:30 a.m.

Place: Department SM-2,  
Judge Rodney S. Melville

[VIA FACSIMILE]

20  
21 The Access Proponents, a group of media organizations,<sup>1</sup> respectfully file this opposition to  
22 any and all motions to file search warrants and other documents under seal that have been filed since  
23 the Access Proponents filed their last opposition to the parties' motions to file under seal, which was  
24  
25

26 <sup>1</sup> NBC Universal, Inc.; CBS Broadcasting Inc.; Fox News Network L.L.C.; ABC, Inc.; Cable News  
27 Network LP, LLLP; The Associated Press; *Los Angeles Times*; The New York Times Company;  
28 and *USA Today*.

1 filed on September 10, 2004.<sup>2</sup> The Access Proponents have previously briefed to this Court the  
2 federal and California authority that establishes a strong presumption against sealing such judicial  
3 records, and the parties' latest submissions once again fail to overcome that presumption.

4 *See generally NBC Subsidiary (KNBC-TV), Inc. v. Superior Court*, 20 Cal. 4th 1178 (1999).<sup>3</sup>

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6  
7 <sup>2</sup> Access Proponents' Opposition to Motions to File Search Warrants And Other Documents Under  
Seal That Have Been Filed Since Their Last Opposition To The Parties' Motions To File Under  
Seal (filed September 10, 2004)

8  
9 <sup>3</sup> *See, e.g.*, Notice of Motion and Motion, Filed by the Access Proponents; Seeking to Unseal  
Certain Court Records Related to Search Warrant #884686 (filed Jan. 7, 2004); Opposition of the  
10 Access Proponents to Plaintiff's Request for Protective Order (filed Jan. 12, 2004); Reply of the  
Access Proponents to Defendant's Opposition to the Access Proponents' Motion to Unseal  
11 Certain Court Records Related to Search Warrant #884686 (filed Jan. 13, 2004); Opposition of  
the Access Proponents to Plaintiff's Motions to Seal Certain Search Warrants and Related  
12 Documents, as Well as Certain Items to be Lodged by the Sheriff with the Court (filed Feb. 6,  
2004); Opposition of the Access Proponents to Plaintiff's Motion to Seal Computer Hard-Drives  
13 Search Warrants and Related Documents (filed Feb. 9, 2004); Opposition of the Access  
Proponents to Plaintiff's Motion to Seal Search Warrant No. SW 4912 and Its Related Documents  
14 (filed Feb. 11, 2004); Opposition of the Access Proponents to Plaintiff's Motion to Seal Search  
Warrant No. SW 4915 and Its Related Documents (filed Feb. 11, 2004); Opposition of the Access  
15 Proponents to Plaintiff's and Defendant's Motions to Seal Briefs re Attorney-Client and  
Attorney-Work-Product Privileges (filed Feb. 13, 2004); Response of the Access Proponents to  
16 Defendant's Consolidated Response Re Computer Hard-Drives Search Warrant, Seven Telephone  
Service Providers Search Warrants, and Search Warrant No. SW 4912 (filed Feb. 13, 2004);  
17 Objections of the Access Proponents To the Sealing or Conditional Sealing of: (1) The People's  
Application for an Order To Show Cause re Contempt; and (2) Documents and Records Related  
18 to the Additional Search Warrants Referred to in the Court's March 24, 2004 Order (filed March  
26, 2004); Opposition of the Access Proponents to Motion for Order Directing that Search  
19 Warrant Nos. SW 4977 and 4977A, Their Supporting Affidavits and Any Return be Filed and  
Maintained Under Conditional Seal Until Further Court Order (filed April 26, 2004); Access  
20 Proponents' Notice of Motion and Motion to Unseal Grand Jury Indictment (filed May 18, 2004);  
Access Proponents' Notice of Motion and Motion to Unseal Transcripts of Grand Jury  
21 Proceedings (filed May 18, 2004); Opposition to Motions to File Under Seal and Objections to  
Procedure for Sealing Records, Including Docket Sheets, and Holding Ex Parte Hearings (filed  
22 June 21, 2004); Supplement to Opposition to Motions to File Under Seal and Objections to  
Procedure for Sealing Records, Including Docket Sheets, and Holding Ex Parte Hearings (filed  
23 June 23, 2004); Oppositions to Motions to File Under Seal Filed Since the June 25, 2004 Hearing  
24 (filed July 6, 2004); Opposition to Motions to File Under Seal That Have Been Filed Since the  
July 27, 2004 Hearing (filed August 11, 2004); Access Proponents' Notice of Motion and Motion  
25 Requesting Contemporaneous Access to Videotapes Played in Open Court and for Public Release  
of Such Videotapes and Other Exhibits Introduced as Evidence at Ongoing Hearings that Began  
26 on July 27 and August 16, 2004 (filed August 23, 2004).

1 The Access Proponents hereby incorporate their prior arguments by reference and request that the  
2 Court unseal, to the maximum extent possible, any and all search warrants and other documents filed  
3 under seal since the Access Proponents filed their last opposition to the parties' motions to seal such  
4 documents on September 10, 2004. The First Amendment to the United States Constitution, the  
5 California Constitution, Rule 243.1 of the California Rules of Court, and the common law dictate that  
6 abstract notions of the Defendant's fair trial right cannot be invoked to create a presumption of  
7 secrecy. The materials currently under seal, therefore, must be disclosed and open to the public.

8  
9 DATED: October 8, 2004

Respectfully submitted,

10 GIBSON, DUNN & CRUTCHER LLP  
11 Theodore J. Boutrous, Jr.  
12 Michael H. Dore

13 By:   
Theodore J. Boutrous, Jr.

14 Attorneys for NBC Universal, Inc.;  
15 CBS Broadcasting Inc.; Fox News Network L.L.C.;  
16 ABC, Inc.; Cable News Network LP, LLLP;  
17 The Associated Press; *Los Angeles Times*; The New  
18 York Times Company; and *USA Today*

**CERTIFICATE OF SERVICE  
BY FAX AND REGULAR MAIL**

I, **Christopher Ginnaven**, hereby certify as follows:

I am employed in the County of Los Angeles, State of California; I am over the age of eighteen years and am not a party to this action; my business address is Gibson, Dunn & Crutcher LLP, 333 South Grand Avenue, Los Angeles, California 90071, in said County and State; I am employed in the office of Michael H. Dore, a member of the bar of this Court, and at his direction, on October 8, 2004, I served the following:

**ACCESS PROPONENTS' OPPOSITION TO MOTIONS TO FILE SEARCH WARRANTS  
AND OTHER DOCUMENTS UNDER SEAL THAT HAVE BEEN FILED SINCE THEIR  
LAST OPPOSITION TO THE PARTIES' MOTIONS TO FILE UNDER SEAL**

on the interested parties in this action, by the following means of service:

- BY MAIL:** I placed a true copy in a sealed envelope addressed as indicated below, on the above-mentioned date. I am familiar with the firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Thomas W. Sneddon District Attorney Santa Barbara County 1105 Santa Barbara Street Santa Barbara, CA 93101-2007 Attorneys for Plaintiffs	Tel.: (805) 568-2300 Fax: (805) 568-2398
Thomas A. Mesereau, Jr. Collins, Mesereau, Reddock & Yu LLP 1875 Century Park East, 7th Floor Los Angeles, CA 90067 Attorneys for Defendant Michael Jackson	Tel.: (310) 284-3120 Fax:
Robert Sanger Sanger & Swysen, Lawyers 233 E. Carrillo Street, Suite C Santa Barbara, CA 93001 Co-Counsel for Defendant Michael Jackson	Tel.: (805) 962-4887 Fax: (805) 963-7311

1  **BY FACSIMILE:** From facsimile number (213) 229-7520, I caused each such document to  
2 be transmitted by facsimile machine, to the parties and numbers indicated below. No error  
3 was reported by the machine.

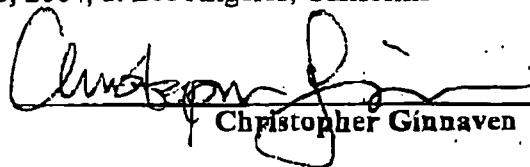
4 Thomas W. Sneddon 5 District Attorney 6 Santa Barbara County 7 1105 Santa Barbara Street 8 Santa Barbara, CA 93101-2007 9 Attorneys for Plaintiffs	Tel.: (805) 568-2300 Fax: (805) 568-2398
10 Thomas A. Mesereau, Jr. 11 Collins, Mesereau, Reddock & Yu LLP 12 1875 Century Park East, 7th Floor 13 Los Angeles, CA 90067 14 Attorneys for Defendant Michael Jackson	Tel.: (310) 284-3120 Fax:
15 Robert Sanger 16 Sanger & Swysen, Lawyers 17 233 E. Carrillo Street, Suite C 18 Santa Barbara, CA 93001 19 Co-Counsel for Defendant Michael Jackson	Tel.: (805) 962-4887 Fax: (805) 963-7311

20  I am employed in the office of Michael H. Dore, a member of the bar of this court, and that the  
21 foregoing document(s) was(were) printed on recycled paper.

22  (STATE) I declare under penalty of perjury under the laws of the State of California that  
23 the foregoing is true and correct.

24  (FEDERAL) I declare under penalty of perjury that the foregoing is true and correct.

25 I certify under penalty of perjury that the foregoing is true and correct, that the foregoing  
26 document(s), and all copies made from same, were printed on recycled paper, and that this Certificate  
27 of Service was executed by me on October 8, 2004, at Los Angeles, California.

28   
Christopher Ginnaven

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