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18 **MICHAEL JOSEPH JACKSON**

19 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
20 **FOR THE COUNTY OF SANTA BARBARA, COOK DIVISION**

21 **THE PEOPLE OF THE STATE OF**
22 **CALIFORNIA,**

23 Plaintiffs,

24 vs.

25 **MICHAEL JOSEPH JACKSON,**

26 Defendant.

Case No. 1133603

PRIVILEGE LOG FOR COMPUTER RECORDS

UNDER SEAL AND IN CAMERA

Honorable Rodney S. Melville
Date: November 5, 2004
Time: 8:30 am
Dept: SM 8

I.

PRIVILEGE LOG

In response to the Court's order on October 14, 2004, Mr. Jackson respectfully submits the following privilege log regarding computer records seized from Bradley Miller's Office. Mr.

FILED
SUPERIOR COURT of CALIFORNIA
COUNTY of SANTA BARBARA

NOV 03 2004

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

** unsealed pursuant
to 11/16/05 court
order*

1 Jackson has previously asserted the attorney-client privilege and/or work product doctrine
2 protection (PRIVILEGE LOG FOR EVIDENCE ITEMS 824, 825, AND 826 (Evid. Code, § 954)
3 dated August 13, 2004; SUPPLEMENTAL PRIVILEGE LOG REGARDING 20 DOCUMENTS
4 (Evid. Code, § 954) dated August 17, 2004), as to these documents. There is one additional
5 record, an email dated February 14, 2004, that was inadvertently omitted from previous privilege
6 logs, that is also protected by attorney-client privilege and/or work product.

7 If the description of the items is not sufficient for the Court to be able to make a
8 determination, Mr. Jackson respectfully requests that an independent referee view the records to
9 determine whether they are subject to the attorney-client privilege or work product doctrine.

10 Therefore, counsel initially believed it would be feasible to submit these 21 documents to
11 the Court for review. However, upon closer review of the documents, they disclose such attorney
12 work product that disclosure to the trial judge may cause prejudice to one party or the other in
13 this litigation. Mr. Jackson requests that, if necessary, a referee be appointed and that, the referee
14 be a sitting judge and that the referee not share his or her conclusions or observations with the
15 Court.

16 **I. ITEM 824**

17 **A. 19 Electronic Mail Messages**

18 **Microsoft Outlook Express Format**

- 19 1. Email from Brad Miller to Mark Geragos dated February 14, 2003, "Re: Confidential
20 Client." This is a one page email updating Mr. Geragos on the status of the investigation
21 conducted by Mr. Miller.
- 22 2. Email from Brad Miller to Mark Geragos dated February 24, 2003, "Re: Confidential
23 Client." This is a one page email updating Mr. Geragos on the status of the investigation
24 conducted by Mr. Miller. Mr. Miller requests instructions from Mr. Geragos.
- 25 3. Email from Mark Geragos to Brad Miller dated March 4, 2003, "Re: MSNBC Newslink:
26 Jackson resorts to voodoo." This is a one page email regarding investigation that
27 includes a link to an article on www.msnbc.com. Mr. Miller informs Mr. Geragos that a
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1 potential witness wishes to contact him regarding the case. The link is to a tabloid style
2 article regarding Mr. Jackson.

3 4. Email from Brad Miller to Mark Geragos dated March 17, 2003, "Re: CONFIDENTIAL
4 CLIENT." This is a one page email updating Mr. Geragos on the status of Mr. Miller's
5 investigation. This email also discusses billing matters. There are two ".pdf"
6 attachments to this email. (See below.) Mr. Miller requests instructions from Mr.
7 Geragos.

8 5. Email from Brad Miller to Mark Geragos dated March 18, 2003, "Re: The latest on
9 CONFIDENTIAL." This is a one page updating Mr. Geragos on the status of the
10 investigation conducted by Mr. Miller. Mr. Miller requests instructions from Mr.
11 Geragos.

12 6. Email from Brad Miller to Mark Geragos dated March 19, 2004, "Re:
13 IMPORTANT/MISCELLANEOUS." This is a one page email updating Mr. Geragos on
14 the status of the investigation conducted by Mr. Miller. The email also discusses billing
15 matters. Mr. Miller requests instructions from Mr. Geragos.

16 7. Email from Brad Miller to Mark Geragos dated March 21, 2003, "Re: CONFIDENTIAL
17 CLIENT." This is a one page email updating Mr. Geragos on the status of the
18 investigation conducted by Mr. Miller.

19 8. Email from Brad Miller to Mark Geragos dated March 31, 2003, "Re: CONFIDENTIAL
20 CLIENT." This is a one page email updating Mr. Geragos on the status of the
21 investigation conducted by Mr. Miller.

22 9. Email from Brad Miller to Mark Geragos dated April 3, 2003, "Re: VARIOUS." This is
23 a one page email updating Mr. Geragos on the status of the investigation conducted by
24 Mr. Miller. Mr. Miller also provides updates to Mr. Geragos regarding other cases.

25 10. Email from Brad Miller to Mark Geragos dated April 8, 2003, "Re: GOOD
26 MORNING/AFTERNOON." This is a one page email regarding investigation of the
27 present case, as well as various other cases. This email is primarily concerned with
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- 1 billing related matters involving the present case and other cases.
- 2 11. Email from Mark Geragos to Brad Miller dated April 8, 2003, "Re: GOOD
3 MORNING/AFTERNOON." This is a one page email regarding investigation of the
4 present case, as well as various other cases. This email is primarily concerned with
5 billing related matters involving the present case and other cases.
- 6 12. Email from Brad Miller to Mark Geragos dated April 8, 2003, "Re: GOOD
7 MORNING/AFTERNOON." This is a one page email regarding investigation of the
8 present case, as well as various other cases. This email is primarily concerned with
9 billing related matters involving the present case and other cases.
- 10 13. Email from Brad Miller to Mark Geragos dated April 11, 2003, "Re: CONFIDENTIAL
11 CLIENT." This is a one page email requesting instructions from Mr. Geragos regarding
12 the investigation.
- 13 14. Email from Brad Miller to Mark Geragos dated April 23, 2003. The subject heading of
14 this email falls under the attorney-client privilege. This is a one page email updating Mr.
15 Geragos regarding Mr. Miller's investigation and asking Mr. Geragos to call him for
16 clarification.
- 17 15. Email from Brad Miller to Mark Geragos dated April 24, 2003. The subject heading of
18 this email falls under the attorney-client privilege. This is a one page email updating Mr.
19 Geragos regarding Mr. Miller's investigation.
- 20 16. Email from Brad Miller to Mark Geragos dated April 28, 2003, "Re: Confidential Client."
21 This is a one page email requesting instructions from Mr. Geragos regarding the
22 investigation.
- 23 17. Email from Brad Miller to Mark Geragos dated May 21, 2003, "Re: Miscellaneous."
24 This is a one page email regarding billing matters related to this case and another high-
25 profile case.
- 26 18. Email from Mark Geragos to "rudd@geragos.com", Cc: Brad Miller, dated May 22,
27 2003, "Fw: Miscellaneous." This is a one page email regarding billing matters related to
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1 this case and another high-profile case. .

2 **Microsoft Outlook Format**

3 19. Email from Brad Miller to Mark Geragos dated March 17, 2003, "Re: CONFIDENTIAL
4 CLIENT." This is a one page email regarding investigation, with two ".pdf" attachments.
5 (See below.) This email appears to be identical to Number 4 above.

6 **B. 2 Electronic Documents**

7 1. Two page billing ledger regarding "Confidential Client," in PDF format, attached to an
8 email (Numbers 4 and 19 above) sent to Mark Geragos. This document relates to the
9 present case and is a summary of Mr. Miller's billing on the case. Mr. Miller lists
10 activities, hours, his rate, a total fee and the balance.

11 2. One page bill in PDF format dated May 1, 2003 for "Account ID:
12 G&G/Geragos/Summary" related to the present case. This appears to be a summary of
13 Mr. Miller's billing regarding this case. Mr. Miller lists activities, hours, his rate, a total
14 fee and the balance.

15 **II.**

16 **THE VAST MAJORITY OF THE SEIZED COMPUTERS ARE SUBJECT TO OTHER**
17 **OBJECTIONS OR PRIVILEGES THAT SHOULD BE ASSERTED, BUT WOULD BE**
18 **BETTER ASSERTED BY MR. MILLER, MS. TAVASCI OR THEIR COUNSEL**

19 The vast majority of the materials contained on the computers seized from both Mr.
20 Miller and Ms. Tavasci have nothing to do with the government's investigation of Mr. Jackson.
21 In particular, Bradley Miller's computers contain a tremendous amount of information related to
22 other cases for which attorney-client privilege and/or work product doctrine should be asserted.
23 Thousands of records are contained on Mr. Miller's computers. The wholesale invasions into the
24 business and personal affairs of Mr. Miller and Ms. Tavasci raise concerns regarding their right
25 to privacy. As officers of the Court, we have brought this invasion to the Court's attention,
26 however, because we represent neither computer owner, we are not in a position to assert
27 privileges or objections on their behalf. If the Court decides that these materials must be viewed

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1 in order to make a determination, Mr. Jackson respectfully requests that an independent referee
2 view the records to determine whether they are attorney client privileged or subject to other
3 objections.

4 Dated: November 3, 2004

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8 Robert M. Sanger

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11 By: 
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14 MICHAEL JOSEPH JACKSON
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