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18 Attorneys for Defendant  
19 **MICHAEL JOSEPH JACKSON**

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

22 THE PEOPLE OF THE STATE OF  
23 CALIFORNIA,

24 Plaintiffs,

25 vs.

26 MICHAEL JOSEPH JACKSON,

27 Defendant.

28 Case No. 1133603

EX PARTE APPLICATION THAT REPLY  
TO RESPONSE TO DEFENDANT'S  
SUBPOENA DUCES TECUM BE FILED  
UNDER SEAL

Honorable Rodney S. Melville

Date: December 20, 2004  
Time: 8:30 am  
Dept: SM 8

29 TO THE CLERK OF THE ABOVE ENTITLED COURT:

30 Defendant requests that the Court determine whether it is appropriate to issue an order that  
31 the accompanying REPLY TO RESPONSE TO DEFENDANT'S SUBPOENA DUCES TECUM

32 EX PARTE APPLICATION THAT REPLY TO RESPONSE TO DEFENDANT'S SUBPOENA DUCES TECUM  
33 BE FILED UNDER SEAL

FILED  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SANTA BARBARA

DEC 15 2004

CLERK OF COURT  
CAROL A. WAGNER, CLERK OF COURT

1 and accompanying documents be filed under seal. This request is based on the Orders of Judge  
2 Melville in this case.

3 Dated: December 15, 2004

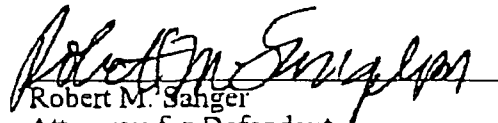
4 Respectfully submitted,

5 COLLINS, MESEREAU, REDDOCK & YU  
6 Thomas A. Mesereau, Jr.  
7 Susan C. Yu

8 SANGER & SWYSEN  
9 Robert M. Sanger

10 OXMAN & JAROSCAK  
11 Brian Oxman

12 By:

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14 Robert M. Sanger  
15 Attorneys for Defendant  
16 MICHAEL JOSEPH JACKSON  
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EX PARTE APPLICATION THAT REPLY TO RESPONSE TO DEFENDANT'S SUBPOENA DUCES TECUM  
BE FILED UNDER SEAL

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 REPLY TO RESPONSE TO DEFENDANT'S SUBPOENA DUCES  
14 TECUM out of an abundance of caution so that the Court may determine whether or not it may  
15 be filed under seal. It does not appear that this particular document makes references to  
16 statements of witnesses, documents, exhibits, photographs or other evidence that may be subject  
17 to the pretrial rule regarding the filing of documents under seal. (Exhibit 1. Declaration of  
18 Robert M. Sanger.)

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EX PARTE APPLICATION THAT REPLY TO RESPONSE TO DEFENDANT'S SUBPOENA DUCES TECUM  
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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 REPLY TO RESPONSE  
4 TO DEFENDANT'S SUBPOENA DUCES TECUM and accompanying documents be filed  
5 under seal.


6 Dated: December 15, 2004

7 COLLINS, MESEREAU, REDDOCK & YU  
8 Thomas A. Mesereau, Jr.  
Susan Yu

9 SANGER & SWYSEN  
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11 OXMAN & JAROSCAK  
12 Brian Oxman

13 By:

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15 Robert M. Sanger  
16 Attorneys for  
17 MICHAEL JOSEPH JACKSON  
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EX PARTE APPLICATION THAT REPLY TO RESPONSE TO DEFENDANT'S SUBPOENA DUCES TECUM  
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