

1 COLLINS, MESEREAU, REDDOCK & YU
Thomas A. Mescreau, Jr., State Bar Number 091182
2 Susan C. Yu, State Bar Number 195640
1875 Century Park East, 7th Floor
3 Los Angeles, CA 90067
Tel.: (310) 284-3120, Fax: (310) 284-3133

4 SANGER & SWYSEN
5 Attorneys at Law
Robert M. Sanger, State Bar No. 058214
6 233 East Carrillo Street, Suite C
Santa Barbara, CA 93101
7 Tel.: (805) 962-4887, Fax: (805) 963-7311

8 OXMAN & JAROSCAK
9 Brian Oxman, State Bar No. 072172
14126 East Rosecrans
Santa Fe Springs, CA 90670
10 Tel.: (562) 921-5058, Fax: (562) 921-2298

11 Attorneys for Defendant
MICHAEL JOSEPH JACKSON

12
13 SUPERIOR COURT OF THE STATE OF CALIFORNIA
14 FOR THE COUNTY OF SANTA BARBARA, COOK DIVISION
15

16 THE PEOPLE OF THE STATE OF)
17 CALIFORNIA,)

18 Plaintiffs,)

19 vs.)

20 MICHAEL JOSEPH JACKSON,)

21 Defendant.)
22)
23)
24)

Case No. 1133603

EX PARTE APPLICATION TO FILE UNDER SEAL

Honorable Rodney S. Melville

Date: December 20, 2004

Time: ~~8:30 pm~~ 9:30 AM

Dept: SM 2

FILED UNDER SEAL

25 TO THE CLERK OF THE ABOVE ENTITLED COURT:

26 Defendant requests that the Court issue an order that the accompanying Declaration of Brian
27 Oxman in Opposition to Plaintiff's Objection to Subpoenas, and accompanying documents, be filed
28

EX PARTE APPLICATION TO FILE UNDER SEAL

1 under seal and for such other such further relief as the Court may deem just and proper. This request
2 is based on the overriding interests of Mr. Jackson's rights to due process and a fair trial under the
3 Fifth, Sixth and Fourteenth Amendments to the United States Constitution and Article I, Sections
4 1, 7, and 15 of the California Constitution.

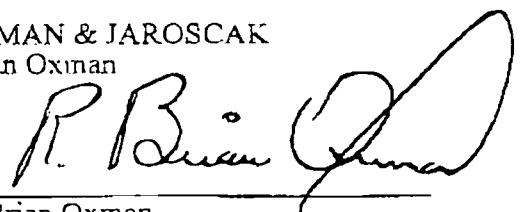
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: December 15, 2004

Respectfully submitted,
COLLINS, MESEREAU, REDDOCK & YU
Thomas A. Mesereau, Jr.
Susan C. Yu

SANGER & SWYSEN
Robert M. Sanger

OXMAN & JAROSCAK
Brian Oxman

By: 
R. Brian Oxman
Attorneys for Defendant
MICHAEL JOSEPH JACKSON

EX PARTE APPLICATION TO FILE UNDER SEAL

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 I.

3 **THE COURT HAS THE AUTHORITY TO ORDER THAT**
4 **A RECORD BE FILED UNDER SEAL**

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

- 7 1. There exists an overriding interest that overcomes the right of public access to the
8 record;
9 2. The overriding interest supports sealing the record;
10 3. A substantial probability exists that the overriding interest will be prejudiced if the
11 record is not sealed;
12 4. The proposed sealing is narrowly tailored; and
13 5. No less restrictive means exist to achieve the overriding interest.

(California Rule of Court 243.1(d).)

14 II.

15 **OVERRIDING INTERESTS EXIST THAT MEETS THE ABOVE CRITERIA FOR**
16 **SEALING A RECORD**

17 It is necessary to seal the record pursuant to California Rule of Court 243.1(d) based on
18 the overriding interests of Mr. Jackson's rights to due process and a fair trial under the Fifth,
19 Sixth and Fourteenth Amendments to the United States Constitution and Article I, Sections 1, 7,
20 and 15 of the California Constitution.

21 An inspection of the documents will reveal that they disclose the testimony of witnesses
22 or potential witnesses and disclose possible evidence, the admissibility of which, is yet to be
23 determined.

24 The overriding interests of Mr. Jackson's rights to a fair trial and due process would be
25 compromised if the accompanying document is not filed under seal. A person accused of a crime
26 is entitled to due process and a fair trial under the Fifth, Sixth and Fourteenth Amendments to the
27

28

EX PARTE APPLICATION TO FILE UNDER SEAL

1 United States Constitution and Article I, Sections 1, 7, and 15 of the California Constitution.
2 Material contained the accompanying document pertains to evidence and the testimony of
3 witnesses that, if made public, would compromise Mr. Jackson's these rights and would result in
4 prejudice to Mr. Jackson. In order to protect these overriding interests, it is necessary that the
5 accompanying document be filed under seal.

6 CONCLUSION

7 For the foregoing reasons, Mr. Michael Jackson requests the Declaration of Brian Oxman
8 in Opposition to Plaintiff's Objection to Subpoenas and accompanying documents be filed under
9 seal.

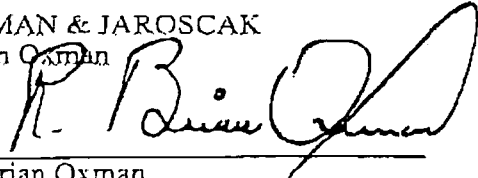
10 Dated: December 15, 2004

11 COLLINS, MESEREAU, REDDOCK & YU
12 Thomas A. Mesereau, Jr.
Susan C. Yu

13 SANGER & SWYSEN
14 Robert M. Sanger

15 OXMAN & JAROSCAK
16 Brian Oxman

17 By:


18 R. Brian Oxman
19 Attorneys for Mr. Michael Jackson
20
21
22
23
24
25
26
27
28

EX PARTE APPLICATION TO FILE UNDER SEAL

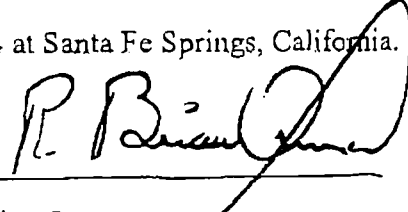
DECLARATION OF BRIAN OXMAN

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I, Brian Oxman, declare:

1. I am an attorney at law duly licensed to practice law in the courts of the State of California, and an attorney for Michael Jackson.
2. It is necessary that the accompanying Declaration of Brian Oxman in Opposition to Motion to Plaintiff's Objection to Subpoenas and accompanying documents be filed under seal in order to protect the overriding interests of Mr. Jackson's rights to due process and a fair trial, as well as to prevent the disclosure of witnesses, potential witnesses and potential evidence.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed this 15th day of December, 2004 at Santa Fe Springs, California.



R. Brian Oxman

EX PARTE APPLICATION TO FILE UNDER SEAL

PROOF OF SERVICE BY MAIL AND FAX

I, Maureen Jaroscak declare and say:

I am an attorney at law admitted to practice before all the courts of the state of California and I am an attorney for Mr. Michael Jackson in the above-entitled action. My business address is 14126 East Rosecrans Blvd., Santa Fe Springs, California 90670. I m over 18 years and not a party to the above-entitled action. On December 15, 2004, I served the following:

EX PARTE APPLICATION TO FILE UNDER SEAL
ORDER SEALING DECLARATION
DECLARATION OF BRIAN OXMAN IN OPPOSITION TO PLAINTIFF'S OBJECTION TO
SUBPOENAS

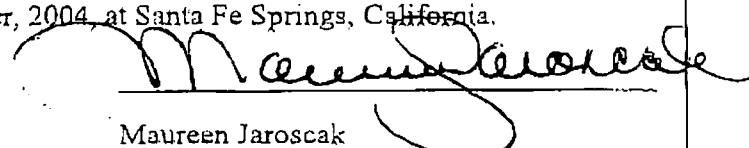
on the interested parties by placing a true copy of the document in a sealed envelope, and depositing it in the United States Mail with first class postage prepaid at La Mirada, California, and addressed as follows:

Tom Sneddon
1112 Santa Barbara Street
Santa Barbara, CA 93101
Fax No. 805 568 2398

In addition, on this same date, I served a copy of the document by fax to the above-indicated number by transmitting a true copy of it by facsimile pursuant to Rule 2003 of the California Rules of Court, and no error was reported by the machine. Pursuant to Rule 2008(e), I had the machine print a record of the transmission, and a copy of that record is attached to this declaration.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.

Executed this 15th day of December, 2004, at Santa Fe Springs, California.


Maureen Jaroscak

EX PARTE APPLICATION TO FILE UNDER SEAL