

1 **COLLINS, MESEREAU, REDDOCK & YU**  
2 Thomas A. Mesereau, Jr., State Bar Number 091182  
3 Susan C. Yu, State Bar Number 195640  
4 1875 Century Park East, 7<sup>th</sup> Floor  
5 Los Angeles, CA 90067  
6 Tel.: (310) 284-3120 Fax: (310) 284-3133

7 **SANGER & SWYSEN**  
8 Attorneys at Law  
9 Robert M. Sanger, State Bar No. 058214  
10 233 East Carrillo Street, Suite C  
11 Santa Barbara, CA 93101  
12 Tel.: (805) 962-4887 Fax: (805) 963-7311

13 **OXMAN & JAROSCAK**  
14 Brian Oxman, State Bar No. 072172  
15 14126 East Rosecrans  
16 Santa Fe Springs, CA 90670  
17 Tel.: (562) 921-5080, Fax: (562) 921-2298

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

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

DEC 17 2004

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

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.

) Case No. 1133603

) ~~PROPOSED~~ ORDER THAT REPLY TO  
) OPPOSITION TO MOTION TO DISMISS  
) FOR VINDICTIVE PROSECUTION AND  
) OUTRAGEOUS GOVERNMENT  
) CONDUCT BE FILED UNDER SEAL

) Honorable Rodney S. Melville

) Date: December 20, 2004  
) Time: 8:30 a.m.  
) Dept: SM 8

28 **GOOD CAUSE APPEARING**, it is hereby ordered that REPLY TO OPPOSITION TO

ORDER THAT REPLY TO OPPOSITION TO MOTION TO DISMISS FOR VINDICTIVE PROSECUTION  
AND OUTRAGEOUS GOVERNMENT CONDUCT BE FILED UNDER SEAL

1 MOTION TO DISMISS FOR VINDICTIVE PROSECUTION AND OUTRAGEOUS  
2 GOVERNMENT CONDUCT and accompanying documents, be filed under seal.

DENIED

3  
4 DATED: DEC 17 2004

5 \_\_\_\_\_  
6 Judge of the Superior Court  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

28 ORDER THAT REPLY TO OPPOSITION TO MOTION TO DISMISS FOR VINDICTIVE PROSECUTION  
AND OUTRAGEOUS GOVERNMENT CONDUCT BE FILED UNDER SEAL

**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 December 16, 2004, I served the foregoing document **EX PARTE APPLICATION FOR AN ORDER THAT REPLY TO OPPOSITION TO MOTION TO DISMISS FOR VINDICTIVE PROSECUTION AND OUTRAGEOUS GOVERNMENT CONDUCT BE FILED UNDER SEAL** the interested parties in this action by depositing a true copy thereof as follows:

**Gibson, Dunn & Crutcher LLP**  
Theodore J. Boutros, Jr.  
William E. Thomson  
Michael H. Dore  
333 South Grand Avenue  
Los Angeles, CA 91171  
Fax - 213-229-7520

**Tom Sneddon**  
Gordon Auchincloss  
Ron Zonen  
Jerry Franklin  
District Attorney  
568-2392

       **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.

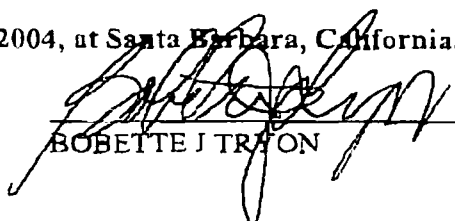
  **X**   **BY FACSIMILE** - I caused the above-referenced document(s) to be transmitted via facsimile to the interested parties

       **BY HAND** - I caused the document to be hand delivered to the interested parties at the address above,

  **X**   **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 December 16, 2004, at Santa Barbara, California.

  
\_\_\_\_\_  
ROBETTE J TRIFON

PROOF OF SERVICE  
1013A(1)(3), 1013(c) CCP

STATE OF CALIFORNIA, COUNTY OF SANTA BARBARA:

I am a citizen of the United States of America and a resident of the county aforesaid. I am employed by the County of Santa Barbara, State of California. I am over the age of 18 and not a party to the within action. My business address is 312-H East Cook Street, Santa Maria, California.

On DECEMBER 17, 20 04, I served a copy of the attached ORDER THAT REPLY TO OPPOSITION TO MOTION TO DISMISS FOR VINDICTIVE PROSECUTION AND OUTRAGEOUS GOVERNMENT CONDUCT BE FILED UNDER SEAL addressed as follows:

THOMAS A. MESEREAU, JR.  
COLLINS, MESEREAU, REDDOCK & YU, LLP  
1875 CENTURY PARK EAST, 7<sup>TH</sup> FLOOR  
LOS ANGELES, CA 90067

THOMAS W. SNEDDON, JR.  
DISTRICT ATTORNEY'S OFFICE  
1112 SANTA BARBARA STREET  
SANTA BARBARA, CA 93101

X  FAX

By faxing true copies thereof to the receiving fax numbers of: (310) 861-1007 (Thomas Mesereau, Jr.); (805) 568-2398 (Thomas Sneddon). Said transmission was reported complete and without error. Pursuant to California Rules of Court 2005(i), a transmission report was properly issued by the transmitting facsimile machine and is attached hereto.

MAIL

By placing true copies thereof enclosed in a sealed envelope with postage fully prepaid, in the United States Postal Service mail box in the City of Santa Maria, County of Santa Barbara, addressed as above. That there is delivery service by the United States Postal Service at the place so addressed or that there is a regular communication by mail between the place of mailing and the place so addressed.

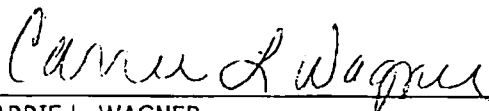
PERSONAL SERVICE

By leaving a true copy thereof at their office with the person having charge thereof or by hand delivery to the above mentioned parties.

EXPRESS MAIL

By depositing such envelope in a post office, mailbox, sub-post office, substation, mail chute, or other like facility regularly maintained by the United States Postal Service for receipt of Express Mail, in a sealed envelope, with express mail postage paid.

I certify under penalty of perjury that the foregoing is true and correct. Executed this 17<sup>TH</sup> day of DECEMBER, 20 04, at Santa Maria, California.

  
CARRIE L. WAGNER