

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

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

JAN 14 2005

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

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

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

11 Attorneys for Defendant  
12 **MICHAEL JOSEPH JACKSON**

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA

14 FOR THE COUNTY OF SANTA BARBARA, COOK DIVISION

16 THE PEOPLE OF THE STATE OF  
17 CALIFORNIA,

18 Plaintiffs,

19 vs.

20 MICHAEL JOSEPH JACKSON,

21 Defendant.

) Case No. 1133603

) EX PARTE APPLICATION THAT  
) MOTION FOR AN ORDER THAT THE  
) DISTRICT ATTORNEY NOT BE  
) ALLOWED TO TELL THE JURY THAT HE  
) REPRESENTS "THE PEOPLE" IN A  
) MANNER THAT IMPLIES THAT HE  
) REPRESENTS THE JURY AGAINST THE  
) DEFENDANT, AND THAT THE DOE  
) FAMILY BE REFERRED TO BY THEIR  
) NAMES, AND AS THE "COMPLAINING  
) WITNESSES," AND NOT THE "VICTIMS"  
) BE FILED UNDER SEAL

) Honorable Rodney S. Melville

Date: January 28, 2005  
Time: 9:30 am  
Dept: SM 8

27 EX PARTE APPLICATION THAT MOTION FOR AN ORDER THAT THE DISTRICT ATTORNEY NOT BE  
28 ALLOWED TO TELL THE JURY THAT HE REPRESENTS "THE PEOPLE" IN A MANNER THAT IMPLIES  
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"VICTIMS" BE FILED UNDER SEAL

1 TO THE CLERK OF THE ABOVE ENTITLED COURT:

2 Defendant requests that the Court determine whether it is appropriate to issue an order that  
3 the accompanying MOTION FOR AN ORDER THAT THE DISTRICT ATTORNEY NOT BE  
4 ALLOWED TO TELL THE JURY THAT HE REPRESENTS "THE PEOPLE" IN A MANNER  
5 THAT IMPLIES THAT HE REPRESENTS THE JURY AGAINST THE DEFENDANT, AND  
6 THAT THE DOE FAMILY BE REFERRED TO BY THEIR NAMES, AND AS THE  
7 "COMPLAINING WITNESSES," AND NOT THE "VICTIMS" and accompanying documents be  
8 filed under seal. This request is based on the Orders of Judge Melville in this case.

9 Dated: January 14, 2005

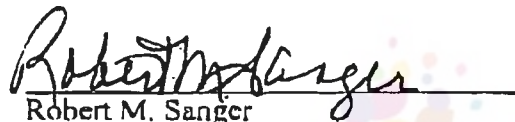
10 Respectfully submitted,

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:

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19 Robert M. Sanger  
20 Attorneys for Defendant  
21 MICHAEL JOSEPH JACKSON

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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 MOTION FOR AN ORDER THAT THE DISTRICT ATTORNEY  
14 NOT BE ALLOWED TO TELL THE JURY THAT HE REPRESENTS "THE PEOPLE" IN A  
15 MANNER THAT IMPLIES THAT HE REPRESENTS THE JURY AGAINST THE  
16 DEFENDANT, AND THAT THE DOE FAMILY BE REFERRED TO BY THEIR NAMES,  
17 AND AS THE "COMPLAINING WITNESSES," AND NOT THE "VICTIMS" out of an  
18 abundance of caution so that the Court may determine whether or not it may be filed under seal.  
19 It does not appear that this particular document makes references to statements of witnesses.  
20 documents, exhibits, photographs or other evidence that may be subject to the pretrial rule  
21 regarding the filing of documents under seal. (Exhibit 1, Declaration of Robert M. Sangcr.)

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**"VICTIMS" BE FILED UNDER SEAL**

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 MOTION FOR AN  
4 ORDER THAT THE DISTRICT ATTORNEY NOT BE ALLOWED TO TELL THE JURY  
5 THAT HE REPRESENTS "THE PEOPLE" IN A MANNER THAT IMPLIES THAT HE  
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8 AND NOT THE "VICTIMS" and accompanying documents be filed under seal.

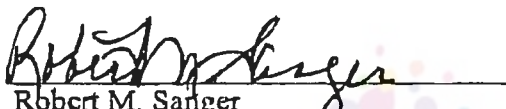
9 Dated: January 14, 2005

10 COLLINS, MESEREAU, REDDOCK & YU  
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Susan Yu

12 SANGER & SWYSEN  
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15 Brian Oxman

16 By:

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18 Robert M. Sanger  
19 Attorneys for  
20 MICHAEL JOSEPH JACKSON

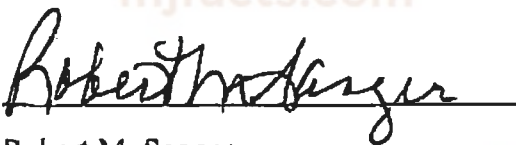
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1 DECLARATION OF ROBERT M. SANGER

2 I, Robert Sanger, declare:

- 3 1. I am an attorney at law duly licensed to practice law in the courts of the State of  
4 California, a partner in the law firm of Sanger & Swysen, and co-counsel for Michael  
5 Jackson.
- 6 2. Pursuant to the Court's prior instructions, including instructions reiterated on May 28,  
7 2004, we are submitting the MOTION FOR AN ORDER THAT THE DISTRICT  
8 ATTORNEY NOT BE ALLOWED TO TELL THE JURY THAT HE REPRESENTS  
9 "THE PEOPLE" IN A MANNER THAT IMPLIES THAT HE REPRESENTS THE  
10 JURY AGAINST THE DEFENDANT, AND THAT THE DOE FAMILY BE  
11 REFERRED TO BY THEIR NAMES, AND AS THE "COMPLAINING WITNESSES,"  
12 AND NOT THE "VICTIMS" out of an abundance of caution so that the Court may  
13 determine whether or not it may be filed under seal. It does not appear that this particular  
14 document makes references to statements of witnesses, documents, exhibits, photographs  
15 or other evidence that may be subject to the pretrial rule regarding the filing of documents  
16 under seal.

17 I declare under penalty of perjury that the foregoing is true and correct and that this  
18 declaration was executed this 14<sup>th</sup> day of January, 2005 at Santa Barbara, California.

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22 Robert M. Sanger

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