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FILED  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SANTA BARBARA

JAN 21 2005

GARY M. BLAIR, Executive Officer  
By *[Signature]*  
CARRIE L. WAGNER, Deputy Clerk

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 FOR THE COUNTY OF SANTA BARBARA  
10 SANTA MARIA DIVISION

11  
12 THE PEOPLE OF THE STATE OF CALIFORNIA,

13 Plaintiff,

14 v.

15  
16 MICHAEL JOE JACKSON,

17 Defendant.  
18

No. 1133603

19 PLAINIFF'S NOTICE OF  
20 MOTION THAT MOTION TO  
21 LIMIT INTRODUCTION OF  
22 EVIDENCE OF PRIOR  
23 LITIGATION INVOLVING THE  
24 DOE FAMILY BE MAINTAINED  
25 UNDER CONDITIONAL SEAL;  
26 DECLARATION OF GERALD  
27 McC. FRANKLIN IN SUPPORT  
28 THEREOF; MEMORANDUM  
OF POINTS AND AUTHORITIES

DATE: February 10, 2005  
TIME: 8:30 a.m.  
DEPT: TBA (Melville)

22 TO: MICHAEL JOE JACKSON, AND TO THOMAS A. MESEREAU, JR.,  
23 ROBERT SANGER AND BRIAN OXMAN, HIS ATTORNEYS OF RECORD, AND TO  
24 THEODORE J. BOUTROUS, JR., ESQ., GIBSON, DUNN & CRUTCHER, LLP:

25 PLEASE TAKE NOTICE that on February 10, 2005, at 8:30 a.m. or as soon  
26 thereafter as the matter may be heard, in the Department to be assigned, Plaintiff will, and  
27 hereby does, move for an order directing that Plaintiff's Motion to Limit Introduction of  
28 Evidence of Prior Litigation Involving the Doe Family, Etc., filed contemporaneously with this

1 Request for Conditional Sealing, be maintained under conditional seal until further order of  
2 court, pursuant to California Rules of Court, rule 243.1 et seq.

3 The Request will be made on the ground that the facts, as established by the  
4 accompanying declaration of Gerald McC. Franklin, are sufficient to justify sealing the Motion  
5 pursuant to California Rules of Court, rule 243.1 et seq.

6 The Request will be based on this notice of motion, on the declaration of Gerald  
7 McC. Franklin and the memorandum of points and authorities served and filed herewith, on the  
8 records and the file herein, and on such evidence as may be presented at the hearing of the  
9 motion.

10 DATED: January 31, 2005

11 THOMAS W. SNEDDON, JR.  
12 District Attorney

13 By:   
14 Gerald McC. Franklin, Senior Deputy

15 Attorneys for Plaintiff



MEMORANDUM OF POINTS AND AUTHORITIES

The procedure for sealing records under California Rules of Court, rule 243.1 et seq. applies only to records that are deemed public. (Id., rule 243.1(a)(2).) Motions and responsive pleadings in criminal cases are, ordinarily, "public" records of the court.

Rule 243.1(d) provides that

The court may order that a record be filed under seal only if it expressly finds facts that establish:

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

Rule 243.1(e) provides, in pertinent part:

(1) An order sealing the record must (i) specifically set forth the facts findings that support the findings and (ii) direct the sealing of only those documents and pages, or, if reasonably practicable, portions of those documents and pages, that contain the material that needs to be placed under seal. All other portions of each documents or page must be included in the public file.

Rule 243.2(b) provides, in pertinent part, that "Pending the determination of the motion [of a party to file a record under seal], the lodged record will be conditionally under seal."

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1 DATED: January 31, 2005

2 Respectfully submitted,

3 THOMAS W. SNEDDON, JR., DISTRICT ATTORNEY  
4 County of Santa Barbara

5 By: Gerald McC. Franklin  
6 Gerald McC. Franklin, Senior Deputy

7 Attorneys for Plaintiff

PROOF OF SERVICE


STATE OF CALIFORNIA )  
COUNTY OF SANTA BARBARA ) SS

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years and I am not a party to the within-entitled action. My business address is: District Attorney's Office; Courthouse; 1112 Santa Barbara Street, Santa Barbara, California 93101.

On January 31, 2005, I served the within PLAINTIFF'S REQUEST THAT PLAINTIFF'S MOTION TO LIMIT INTRODUCTION OF EVIDENCE OF PRIOR LITIGATION INVOLVING THE DOE FAMILY, ETC. BE MAINTAINED UNDER SEAL on Media's counsel and on Defendant, by THOMAS A. MESEREAU, JR., ROBERT SANGER and BRIAN OXMAN, by serving a true copy thereof on defendant's counsel in open court and by transmitting a true copy thereof by facsimile to Media's counsel at the facsimile number shown with the address for counsel on the attached Service List. .

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Santa Maria, California on this 31st day of January, 2005.

  
Gerald McC. Franklin

SERVICE LIST

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