

1 THOMAS W. SNEDDON, JR., DISTRICT ATTORNEY
County of Santa Barbara
2 By: RONALD J. ZONEN (State Bar No. 85094)
Senior Deputy District Attorney
3 J. GORDON AUCHINCLOSS (State Bar No. 150251)
Senior Deputy District Attorney
4 GERALD McC. FRANKLIN (State Bar No. 40171)
Senior Deputy District Attorney
5 1112 Santa Barbara Street
Santa Barbara, CA 93101
6 Telephone: (805) 568-2300
FAX: (805) 568-2398
7

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA BARBARA

FEB 09 2005

GARY M. BLAIR, Executive Officer
By *Carrie L. Wagner*
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 THE PEOPLE OF THE STATE OF CALIFORNIA.)

12 Plaintiff.)

13 v)

14 MICHAEL JOE JACKSON.)

15 Defendant.)

No. 1133603

16 PLAINIFF'S REQUEST FOR
17 LEAVE TO TARDILY FILE
18 PLAINTIFF'S REPLY TO MOTION
19 TO EXCLUDE REFERENCE TO
20 JANE DOE'S REFUSAL TO
21 WAIVE ATTORNEY CLIENT
22 PRIVILEGE; DECLARATION
23 OF GERALD McC. FRANKLIN

~~UNDER SEAL~~

24 The People respectfully request leave to file Plaintiff's Reply to Defendant's
25 Opposition to Exclude Reference to Jane Doc's Refusal to Waive Attorney Client Privilege a
26 day after the cut-off date fixed by the briefing schedule.

27 As described in the accompanying Declaration, the establishment of the
28 "residence/satellite office" in Santa Maria for the District Attorney's trial lawyers has both its
advantages and disadvantages. Among the disadvantages is a delay in transmitting documents
received from the defense, conferring on the appropriate response thereto and finalizing draft
versions of a given response and putting it into an acceptable format for service and filing.

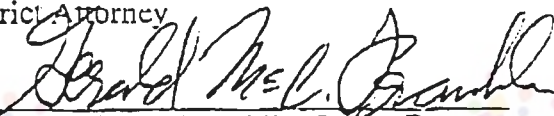
Hearing on this and other "Evidence Code section 402" motions will not be

1 calendared for until a jury has been empanelled in this matter. The Court will therefore be able
2 to consider all of the submissions relating to a given motion well before the hearing on a given
3 motion.

4 In the circumstances, and with Plaintiff's assurance that every effort to serve and
5 file all responsive pleadings within the time limits set by the Court, leave to file this Reply
6 somewhat tardily is earnestly requested.

7 DATED: February 9, 2005

8
9 THOMAS W. SNEDDON, JR.
District Attorney

10 By: 
11 Gerald McC. Franklin, Senior Deputy
12 Attorneys for Plaintiff

DECLARATION OF GERALD McC. FRANKLIN

I, Gerald McC. Franklin, say:

1. I am a lawyer admitted to practice in the State of California. I am a Senior Deputy of the District Attorney of Santa Barbara County. I am one of the lawyers of record for the People, Plaintiff in this action.

2. I am the deputy with responsibility for writing or editing and typing virtually all of Plaintiff's written submissions to the Court in this matter, including the accompanying Plaintiff's Reply to Defendant's Opposition to Exclude Reference to Jane Doe's Refusal to Waive Attorney Client Privilege, filed contemporaneously with this request for leave to file that Reply tardily.

3. The District Attorney has leased temporary living quarters for himself and his trial deputies in this matter, which also will serve them and our support staff as a satellite office during the trial.

4. I perform my particular function in our Santa Barbara office, because access to my research resources and the necessary word processing tools would be severely limited in that satellite office.

5. Documents from defense counsel come to this office, but kinks in the procedure for the timely distribution of those documents to both me and the trial lawyers in this matter have only lately become apparent.

6. For those reasons, the careful consideration of and response to defendant's opposition to several of our motions regrettably has been delayed somewhat.

I declare under penalty of perjury under the laws of California that the foregoing is true and correct, except as to matters stated upon my information and belief, and as to such matters I believe it to be true. I execute this declaration at Santa Barbara, California on February 9, 2005.


Gerald McC. Franklin

1 PROOF OF SERVICE

2 STATE OF CALIFORNIA }
3 COUNTY OF SANTA BARBARA } SS

4
5 I am a citizen of the United States and a resident of the County aforesaid; I am over
6 the age of eighteen years and I am not a party to the within-entitled action. My business
7 address is: District Attorney's Office; Courthouse; 1112 Santa Barbara Street, Santa Barbara.
8 California 93101.

9 On February 8, 2005, I served the within PLAINTIFF'S REQUEST FOR LEAVE
10 TO TARDILY FILE PLAINTIFF'S REPLY TO DEFENDANT'S OPPOSITION TO
11 EXCLUDE REFERENCE TO JANE DOE'S REFUSAL TO WAIVE ATTORNEY CLIENT
12 PRIVILEGE on Media Counsel and on Defendant, by THOMAS A. MESEREAU, JR.,
13 ROBERT SANGER and BRIAN OXMAN, by transmitting a true copy thereof on defendant's
14 counsel by fax at the confidential fax number in Santa Maria and to Media's counsel at the
15 facsimile number shown with the address for counsel on the attached Service List. .

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

17 Executed at Santa Barbara, California on this 9th day of February, 2005.

18 
19 _____
20 Gerald McC. Franklin

SERVICE LIST

GIBSON, DUNN & CRUTCHER, LLP

Theodore J. Boutros, Jr., Esq.

William E. Thomson, Esq.

Julian Poon, Esq.

333 S. Grand Avenue

Los Angeles, CA 90071-3197

FAX: (213) 229-6758

Attorneys for (collectively) "Media"

THOMAS A. MESEREAU, JR.

Collins, Mescreau, Reddock & Yu, LLP

1875 Century Park East, No. 700

Los Angeles, CA 90067

FAX: [SANTA MARIA - CONFIDENTIAL]

Attorney for Defendant Michael Jackson

ROBERT SANGER, ESQ.

Sanger & Swysen, Lawyers

233 E. Carrillo Street, Suite C

Santa Barbara, CA 93001

FAX: (805) 963-7311

Co-counsel for Defendant

BRIAN OXMAN, ESQ.

Oxman & Jaroscak, Lawyers

14126 E. Rosecrans Blvd.,

Santa Fe Springs, CA 90670

Co-counsel for Defendant