

1 GIBSON, DUNN & CRUTCHER LLP  
Theodore J. Boutrous, Jr., SBN 132099  
2 Julian W. Poon, SBN 219843  
3 333 South Grand Avenue,  
Los Angeles, CA 90071-3197  
4 Telephone: (213) 229-7000  
Facsimile: (213) 229-7520

5 Attorneys for National Broadcasting Company,  
Inc.; CBS Broadcasting Inc.; Fox News  
6 Network L.L.C.; ABC, Inc.; Cable News  
7 Network LP, LLLP; Courtroom Television  
Network LLC; The Associated Press, Los  
8 Angeles Times; and The New York Times  
Company

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

FEB 13 2004

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

9  
10 SUPERIOR COURT, STATE OF CALIFORNIA  
11 FOR THE COUNTY OF SANTA BARBARA

12  
13 THE PEOPLE OF THE STATE OF  
14 CALIFORNIA,

15 Plaintiff,

16 vs.

17 MICHAEL JOE JACKSON,

18 Defendant.

Case No.: 1133603

**RESPONSE OF THE ACCESS  
PROONENTS TO DEFENDANT'S  
CONSOLIDATED RESPONSE TO (I)  
ACCESS PROPONENTS' OPPOSITION TO  
SEALING OF RECORDS RELATED TO  
COMPUTER HARD-DRIVES SEARCH  
WARRANT; (II) ACCESS PROPONENTS'  
OPPOSITION TO SEALING OF RECORDS  
RELATED TO SEVEN TELEPHONE  
SERVICE PROVIDERS SEARCH  
WARRANTS; (III) PLAINTIFF'S MOTION  
TO SEAL RECORDS RELATING TO  
SEARCH WARRANT NO. SW 4912**

Date: Friday, February 13, 2004

Time: 8:30 a.m.

Place: Department SM9,

Judge Rodney S. Melville

[VIA FACSIMILE]

25 ///

26 ///

27 ///

28  
RESPONSE OF THE ACCESS PROPONENTS TO DEFENDANT'S CONSOLIDATED RESPONSE TO (I) ACCESS PROPONENTS'  
OPPOSITION TO SEALING OF RECORDS RELATED TO COMPUTER HARD-DRIVES SEARCH WARRANT; (II) ACCESS PROPONENTS'  
OPPOSITION TO SEALING OF RECORDS RELATED TO SEVEN TELEPHONE SERVICE PROVIDERS SEARCH WARRANTS; (III)  
PLAINTIFF'S MOTION TO SEAL RECORDS RELATING TO SEARCH WARRANT NO. SW 4912

1 The Access Proponents<sup>1</sup> respectfully submit that this Court should reject, as it did at the  
2 January 16 hearing, Defendant Jackson's request for "a subsequent briefing schedule and [delayed]  
3 hearing" on the various motions to seal that the District Attorney has filed and that the Access  
4 Proponents have opposed. Defendant Jackson and his lawyers have known full well for over *three*  
5 weeks that the District Attorney is seeking to file under seal certain records relating to the search of  
6 Bradley Miller's office, for over *two* weeks that the District Attorney is seeking to file under seal  
7 certain records relating to the seven search warrants directed at telephone service providers, and for  
8 almost *one* week that the District Attorney is seeking to file under seal certain records relating to the  
9 search of certain hard drives on computers seized from Jackson's Neverland Ranch and to Search  
10 Warrants Nos. 4912 and 4915. And they were served by fax and by mail with the Access  
11 Proponents' formal Oppositions to all but the last two of the foregoing sealing requests<sup>2</sup> last Friday  
12 and this past Monday. Yet Defendant Jackson's lawyers did not bother to file their plea for more  
13 time in which to review these conditionally sealed records and to brief the merits of disclosing or  
14 releasing same until less than a day and half before the hearing scheduled by this Court to consider  
15 the merits of these sealing requests.<sup>3</sup>

16 Defendant Jackson's lawyers have had ample time in which to request an in-camera review of  
17 the materials that have been conditionally filed under seal and the continued sealing of which this  
18 Court has set to be heard this Friday, February 13. Consequently, this Court should reject their  
19

20 <sup>1</sup> The "Access Proponents" refer to National Broadcasting Company, Inc.; CBS Broadcasting Inc.;  
21 Fox News Network L.L.C.; ABC, Inc.; Cable News Network LP, LLLP; Courtroom Television  
Network LLC; The Associated Press; *Los Angeles Times*; and The New York Times Company.

22 <sup>2</sup> The Access Proponents' Oppositions to the District Attorney's motions to seal the records  
23 relating to Search Warrants Nos. 4912 and 4915 were served on Defendant Jackson's lawyers by  
24 fax and by mail on February 11, 2004, since the District Attorney's motions to seal these records  
were not served on the Access Proponents nor were they made available on the Court's website  
until the afternoon of February 10, 2004.

25 <sup>3</sup> Although Defendant Jackson's Consolidated Response was directed principally at the Access  
26 Proponents' formal Oppositions, none of Defendant Jackson's lawyers bothered to serve the  
27 Access Proponents' counsel of record with said Consolidated Response. The Access Proponents  
28 respectfully submit that henceforth, any further motions to seal and any other filings implicating  
the public's and the media's right of access to these proceedings should be served on the Access  
Proponents' counsel of record.

1 attempt to indefinitely delay the resolution of the public's claims of access to these records, which are  
2 grounded in the First Amendment to the United States Constitution, Article I, Section 2 of the  
3 California Constitution, Penal Code § 1534(a), the common law, and California Rules of Court 243.1  
4 and 243.2.

5 DATED: February 12, 2004

6 Respectfully submitted,

7 GIBSON, DUNN & CRUTCHER LLP  
8 Theodore J. Boutros, Jr.  
9 Julian W. Poon

10 By: Theodore J. Boutros, Jr.  
11 Theodore J. Boutros, Jr.

12 Attorneys for National Broadcasting Company, Inc.;  
13 CBS Broadcasting Inc.; Fox News Network L.L.C.;  
14 ABC, Inc.; Cable News Network LP, LLLP; Courtroom  
15 Television Network LLC; The Associated Press; Los  
16 Angeles Times; and The New York Times Company

17 10765042\_1.DOC

CERTIFICATE OF SERVICE

MAIL, COMMERCIAL OVERNIGHT MESSENGER, FAX, HAND DELIVERY

I, Lindie S. Joy, hereby certify as follows:

I am employed in the County of Los Angeles, State of California; I am over the age of eighteen years and am not a party to this action; my business address is 333 South Grand Avenue, Los Angeles, California 90071, in said County and State; I am employed in the office of Julian W. Poon, a member of the bar of this Court, and at his/her direction, on February 12, 2004, I served the following:

RESPONSE OF THE ACCESS PROPONENTS TO DEFENDANT'S CONSOLIDATED RESPONSE TO (I) ACCESS PROPONENTS' OPPOSITION TO SEALING OF RECORDS RELATED TO COMPUTER HARD-DRIVES SEARCH WARRANT; (II) ACCESS PROPONENTS' OPPOSITION TO SEALING OF RECORDS RELATED TO SEVEN TELEPHONE SERVICE PROVIDERS SEARCH WARRANTS; (III) PLAINTIFF'S MOTION TO SEAL RECORDS RELATING TO SEARCH WARRANT NO. SW 4912

on the interested parties in this action, by:

[X] Service by Mail: placing true and correct copy(ies) thereof in an envelope addressed to the attorney(s) of record, addressed as follows:

Thomas W. Sneddon
District Attorney
Santa Barbara County
1105 Santa Barbara Street
Santa Barbara, CA 93101-2007

Mark John Geragos
Geragos & Geragos
350 S. Grand Avenue, Suite 3900
Los Angeles, CA 90071-3480

I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business.

[ ] Service by Commercial Overnight Messenger: placing true and correct copy(ies) thereof in an envelope addressed to the attorney(s) of record, addressed as follows:

and after sealing said envelope I caused same to be delivered to the aforementioned attorney(s) by qualified commercial overnight messenger.

///

1  Service by Fax: causing a true copy thereof to be sent via facsimile to the attorney(s) of  
2 record at the telecopier number(s) so indicated, addressed as follows:

3 **Attorney Name & Address**

**Fax and Callback Number**

4 Thomas W. Sneddon  
5 District Attorney  
6 Santa Barbara County  
7 1105 Santa Barbara Street  
8 Santa Barbara, CA 93101-2007

Facsimile: (805) 568-2398  
Telephone: (805) 568-2306

8 Mark John Geragos  
9 Geragos & Geragos  
350 S. Grand Avenue, Suite 3900  
Los Angeles, CA 90071-3480

Facsimile: (213) 625-1600  
Telephone: (213) 625-3900

10 and that the transmission was reported as completed and without error.

11  Service by Hand Delivery: delivering true and correct copy(ies) thereof and sufficient  
12 envelope(s) addressed to the attorney(s) of record, addressed as follows:

13  
14 to a messenger or messengers for personal delivery.

15 I certify under penalty of perjury that the foregoing is true and correct, that the foregoing  
16 document(s), and all copies made from same, were printed on recycled paper, and that this Certificate  
17 of Service was executed by me on February 12, 2004 at Los Angeles, California.

18  
19   
20 Lindie S. Joy

21 10765042\_1.DOC