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

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA BARBARA

FEB 19 2005

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

**Unsealed pursuant
to 6/16/05 court
order*

FILED UNDER SEAL
W. J. Jackson

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

EX PARTE APPLICATION TO FILE UNDER
SEAL AND IN CAMERA

Honorable Rodney S. Melville

Date: ~~February 18, 2005~~

Time: 8:30 a.m.

Dept: SM 2

28 TO THE CLERK OF THE ABOVE ENTITLED COURT:

29 Defendant requests that the Court issue an order that the accompanying Declaration of Brian
30 Oxman Requesting Signature of Order modifying Subpoena to the Bank of the West and the

EX PARTE APPLICATION TO FILE UNDER SEAL

1 Venturas, accompanying Order, and accompanying documents, be filed under seal and for such other
2 such further relief as the Court may deem just and proper. This request is based on the overriding
3 interests of Mr. Jackson's rights to due process and a fair trial under the Fifth, Sixth and Fourteenth
4 Amendments to the United States Constitution and Article I, Sections 1, 7, and 15 of the California
5 Constitution.

6 In addition, Subpoenaed Parties have filed their motion for In Camera review. Mr. Jackson
7 submits this Application and Declaration also for In Camera Review and not for public filing.

8
9 Dated: February 18, 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: 

18 R. Brian Oxman
19 Attorneys for Defendant
20 Mr. Michael Jackson

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I.**

3 **THE COURT HAS THE AUTHORITY TO ORDER THAT**
4 **A RECORD BE FILED UNDER SEAL**

5 Pursuant to California Rule of Court 243.1(d), the Court has the authority to order a
6 record be filed under seal if it expressly finds that:

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

14 (California Rule of Court 243.1(d).)

15 **II.**

16 **OVERRIDING INTERESTS EXIST THAT MEETS THE ABOVE CRITERIA FOR**
17 **SEALING A RECORD**

18 It is necessary to seal the record pursuant to California Rule of Court 243.1(d) based on
19 the overriding interests of Mr. Jackson's rights to due process and a fair trial under the Fifth,
20 Sixth and Fourteenth Amendments to the United States Constitution and Article I, Sections 1, 7,
21 and 15 of the California Constitution.

22 An inspection of the documents will reveal that they disclose the testimony of witnesses
23 or potential witnesses and disclose possible evidence, the admissibility of which, is yet to be
24 determined.

25 The overriding interests of Mr. Jackson's rights to a fair trial and due process would be
26 compromised if the accompanying document is not filed under seal. A person accused of a crime
27 is entitled to due process and a fair trial under the Fifth, Sixth and Fourteenth Amendments to the
28

1 United States Constitution and Article I, Sections 1, 7, and 15 of the California Constitution.

2 Material contained the accompanying document pertains to evidence and the testimony of
3 witnesses that, if made public, would compromise Mr. Jackson's these rights and would result in
4 prejudice to Mr. Jackson. In order to protect these overriding interests, it is necessary that the
5 accompanying document be filed under seal.

6 **CONCLUSION**

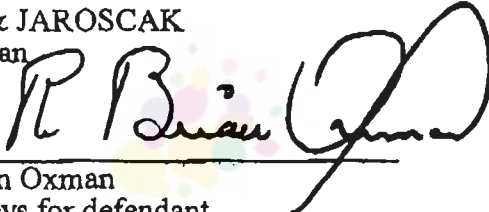
7 For the foregoing reasons, Mr. Michael Jackson requests the Declaration of Brian Oxman
8 Requesting Signatur4e of Order modifying Subpoena to the Bank of the West and the Venturas
9 and accompanying documents be filed under sea and In Camera.

10 Dated: February 18, 2005

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: 
18 R. Brian Oxman
19 Attorneys for defendant,
20 Mr. Michael Jackson

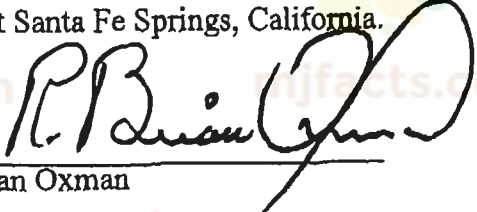
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EX PARTE APPLICATION TO FILE UNDER SEAL

DECLARATION OF BRIAN OXMAN

I, Brian Oxman, declare:

1. I am an attorney at law duly licensed to practice law in the courts of the State of California, and an attorney for Michael Jackson.
2. It is necessary that the accompanying Declaration of Brian Oxman Requesting Signature of Order Modifying Subpoena to Bank of the West and the Venturas and accompanying documents be filed under seal in order to protect the overriding interests of Mr. Jackson's rights to due process and a fair trial, as well as to prevent the disclosure of witnesses, potential witnesses and potential evidence.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed this 18th day of February, 2005 at Santa Fe Springs, California.


R. Brian Oxman

EX PARTE APPLICATION TO FILE UNDER SEAL

1 PROOF OF SERVICE BY MAIL AND FAX

2 facts.com mjfacts.com mjfacts.com
3 I, Maureen Jaroscak declare and say:

4 I am an attorney at law admitted to practice before all the courts of the state of California
5 and I am an attorney for Mr. Michael Jackson in the above-entitled action. My business address
6 is 14126 East Rosecrans Blvd., Santa Fe Springs, California 90670. I m over 18 years and not a
7 party to the above-entitled action. On February 18, 2005, I served the following:

8 EX PARTE APPLICATION TO FILE UNDER SEAL
9 DECLARATION OF BRIAN OXMAN REQUESTING SIGNATURE OF ORDER
10 MODIFYING SUBPOENA TO BANK OF THE WEST AND THE VENTURAS
ORDER SEALING OPPOSITION

11 on the interested parties by placing a true copy of the document in a sealed envelope, and
12 depositing it in the United States Mail with first class postage prepaid at La Mirada, California,
13 and addressed as follows: mjfacts.com mjfacts.com

14 Larry Feldman
15 1999 Avenue of the Stars
16 Suite 1700
Los Angeles, CA 90067
Fax No. (310) 788-1200

17 In addition, on this same date, I served a copy of the document by fax to the above-
18 indicated number by transmitting a true copy of it by facsimile pursuant to Rule 2003 of the
19 California Rules of Court, and no error was reported by the machine. Pursuant to Rule 2008(e), I
20 had the machine print a record of the transmission, and a copy of that record is attached to this
21 declaration.

22 I declare under penalty of perjury under the laws of the State of California the foregoing
23 is true and correct.

24 Executed this 18th day of February, 2005, at Santa Fe Springs, California. mjfacts.com

25 
26 Maureen Jaroscak

27
28 EX PARTE APPLICATION TO FILE UNDER SEAL