

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, 7th Floor
5 Los Angeles, CA 90067
6 Tel.: (310) 284-3120, Fax: (310) 284-3133

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

13 OXMAN & JAROSCAK
14 Brian Oxman, State Bar No. 072172
15 14126 East Rosecrans
16 Santa Fe Springs, CA 90670
17 Tel.: (562) 921-5058, Fax: (562) 921-2298

18 Attorneys for Defendant
19 MICHAEL JOSEPH 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 CALIFORNIA,

23 Plaintiffs,

24 vs.

25 MICHAEL JOSEPH JACKSON,

26 Defendant.

) Case No. 1133603

) EX PARTE APPLICATION FOR AN
) ORDER THAT EX PARTE APPLICATION
) FOR AN EVIDENTIARY HEARING ON
) THE DOE FAMILY'S PRIOR LITIGATION
) BE FILED UNDER SEAL

) Honorable Rodney S. Melville

) Date: TBA
) Time: 9:30 a.m.
) Dept: SM 8

27 TO THE CLERK OF THE ABOVE ENTITLED COURT:

28 Defendant requests that the Court issue an order that Mr. Jackson's pleading entitled EX
PARTE APPLICATION FOR AN EVIDENTIARY HEARING ON THE DOE FAMILY'S PRIOR

EX PARTE APPLICATION FOR AN ORDER THAT EX PARTE APPLICATION FOR AN EVIDENTIARY
HEARING ON THE DOE FAMILY'S PRIOR LITIGATION BE FILED UNDER SEAL

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA BARBARA

FEB 23 2005

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

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

5 Dated: February 23, 2005

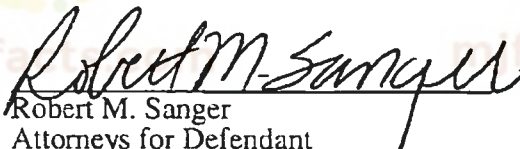
6 Respectfully submitted,

7 COLLINS, MESEREAU, REDDOCK & YU
8 Thomas A. Mesereau, Jr.
9 Susan C. Yu

10 SANGER & SWYSEN
11 Robert M. Sanger

12 OXMAN & JAROSCAK
13 Brian Oxman

14 By:

15 
16 Robert M. Sanger
17 Attorneys for Defendant
18 MICHAEL JOSEPH 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 exhibits will reveal that they disclose the testimony of witnesses or
23 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 exhibits are not filed under seal. A person accused of a crime is entitled to
27 due process and a fair trial under the Fifth, Sixth and Fourteenth Amendments to the United
28

1 States Constitution and Article I, Sections 1, 7, and 15 of the California Constitution. Material
2 contained the exhibits pertains to evidence and the testimony of witnesses that, if made public,
3 would compromise Mr. Jackson's these rights and would result in prejudice to Mr. Jackson. In
4 order to protect these overriding interests, it is necessary that the exhibits be filed under seal.

5 CONCLUSION

6 For the reasons stated above, Mr. Jackson requests that the Court issue an order that EX
7 PARTE APPLICATION FOR AN EVIDENTIARY HEARING ON THE DOE FAMILY'S
8 PRIOR LITIGATION and accompanying documents be filed under seal.


9 Dated: February 23, 2005

10 COLLINS, MESEREAU, REDDOCK & YU
11 Thomas A. Mesereau, Jr.
Susan C. Yu

12 SANGER & SWYSEN
13 Robert M. Sanger

14 OXMAN & JAROSCAK
15 Brian Oxman

16 By:

17 
18 Robert M. Sanger
19 Attorneys for
20 MICHAEL JOSEPH JACKSON

21
22
23
24
25
26
27
28
EX PARTE APPLICATION FOR AN ORDER THAT EX PARTE APPLICATION FOR AN EVIDENTIARY
HEARING ON THE DOE FAMILY'S PRIOR LITIGATION BE FILED UNDER SEAL

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. It is necessary that Mr. Jackson's pleading entitled EX PARTE APPLICATION FOR AN
- 7 EVIDENTIARY HEARING ON THE DOE FAMILY'S PRIOR LITIGATION and
- 8 accompanying documents, be filed under seal in order to protect the overriding interests
- 9 of Mr. Jackson's rights to due process and a fair trial, as well as to prevent the disclosure
- 10 of witnesses, potential witnesses and potential evidence.

11 I declare under penalty of perjury that the foregoing is true and correct and that this
12 declaration was executed this 23rd day of February, 2005 at Santa Maria, California.

13 *Robert M Sanger*
14 Robert M. Sanger