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THE PEOPLE OF THE STATE OF CALIFORNIA  
VS  
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DEFENDANT'S REQUEST THAT PLAINTIFF BE REQUIRED TO PRESENT THE HEARSAY EVIDENCE OF DEFENDANT'S RESPONSE TO "LIVING WITH MICHAEL JACKSON" AS PART OF ITS CASE IN CHIEF; 20. MOTION TO SEAL PLAINTIFF'S MOTION IN LIMINE TO EXCLUDE TESTIMONY OF WITNESSES; 21. MOTION TO SEAL PLAINTIFF'S TRIAL BRIEF ON ADMISSION OF CO-CONSPIRATOR'S STATEMENTS

Felony Complaint Filed December 18, 2003 charging the Defendant with Counts 1 thru 7: 288(a) P.C., Felonies, Counts 8 and 9: 222 P.C., Felonies, Enhancements on Counts 1 through 7: 1192.7(c)(6) P.C. and 1203.066(a)(8) P.C.

Indictment filed April 21, 2004 charging the Defendant with Count 1: 182 P.C., a Felony, Counts 2 through 5: 288(a) P.C., Felonies, Count 6: 664/288(a) P.C., a Felony, Counts 7 through 10: 222 P.C., Felonies, Special Allegations on Counts 2 through 5: 1192.7(c)(6) P.C. and 1203.066(a)(8) P.C.

The Court made orders re: Plaintiff's Motion to Limit Introduction of Evidence of Prior Litigation Involving the Doc Family denied to the extent that it excludes the J.C. Penney Litigation; Witness to be made available on February 26, 2005 for Interview by both Counsel; Use of Doc Names; Plaintiff's Motion for Reconsideration of Defendant's Motion for an Order Excluding Certain Items of Irrelevant Evidence denied as to Items 12, 13 and 14; Plaintiff's Motion to Exclude Reference to Jane Doe's Refusal to Waive Confidentiality of Her Conversations with Attorney Granted; Plaintiff's Motion to Exclude Any Reference by Counsel re: Jane Doe's Conduct Granted; Plaintiff's Motion to Limit Any Reference by Defense Counsel to Jane Doe's Use of Medication Granted; Defendant's Motion for Recusal of District Attorney Denied; Plaintiff's Motion to Exclude Evidence of Alleged Sexual Conduct Granted; Plaintiff's Motion for Admission of Certain Statements by Defendant on "Living with Michael Jackson" and "60 Minutes" as Exceptions to the Hearsay Rule shall be further addressed prior to showing the documentary to the Jury; Plaintiff's Opposition to Defendant's Request that Plaintiff be Required to Present the Hearsay Evidence of Defendant's Response to "Living with Michael Jackson" denied without prejudice; Certain portions shall be allowed and certain portions shall be excluded of Plaintiff's Motion for Admission of Certain Statements by Defendant on "Living with Michael Jackson" and "60 Minutes" as Exceptions to the Hearsay Rule; Plaintiff's Motion in Limine to Exclude Testimony of Witnesses shall be readdressed at the appropriate time; Plaintiff's Motion in Limine to Restrict Mention of Certain Issues Regarding Jane Doe and Others shall be heard on March 11, 2005; Motions that will be heard on March 11, 2005; All Motions to Seal Granted; Photos and Exhibits for Use in Opening Statements

At 8:40 A.M. in the absence of the Jury with Court, Counsel and Defendant present, hearing on Motions proceeded.

Counsel present for the People are Thomas W. Sneddon, Jr., Ronald Zonen, Gordon Auchincloss and Gerald M. Franklin.

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Counsel present for the Defendant are Thomas A. Mescreau, Jr., Robert M. Sanger, Susan Yu and Brian Oxman.

Attorney Mark Overland is present for a prospective witness.

Deputy Attorney General Steven Matthews is present.

The People's Investigator Steve Robel is present.

Attorneys Zonen and Mescreau addressed the Court as to Plaintiff's Motion to Limit Introduction of Evidence of Prior Litigation Involving the Doe Family. The Court indicates that the Court has already determined that the Does have waived Attorney-Client privilege in the J.C. Penney case. A copy of the statement was provided to Counsel and the Court. The Court orders that the witness shall be made available for a joint prosecution and defense interview on February 26, 2005 at 12 Noon in Mark Overland's office in Los Angeles. Mr. Overland shall have control over the length of the conference. Counsel shall not mention the witness today and shall not make representations of what they think the witness will say. The Court orders that the People's motion shall be denied to the extent that it excludes all of the J.C. Penney litigation; that the Defendant may mention in opening statement representations made in the depositions; that the mention of John Doe as a shop lifter shall be denied; that reference to Dr. Hochman, his diagnoses or opinions shall not be allowed; that whether or not reference may be made in opening statements shall depend on what happens in the conference tomorrow; that the Court shall allow in opening statements the process they intend to show as the broad sweep, but shall not re-litigate the J.C. Penney case; that Counsel shall meet with the Court at 8:15 A.M. in chambers on February 28, 2005 re: their opening statements.

The Court advised Counsel that the pleadings in this case shall no longer be sealed when filed.

The Court further orders that the victim's family shall continue to be referred to as the Does.

Attorneys Zonen and Sanger addressed the Court re: Plaintiff's Motion for Reconsideration of Defendant's Motion for an Order Excluding 14 Items of Irrelevant Evidence. The Court further orders that the request as to Item #12 shall be denied; that items 13 and 14 shall not be mentioned in opening statements and not mentioned during the trial.

Attorneys Zonen and Mescreau addressed the Court re: Plaintiff's Motion to Exclude Reference to Jane Doe's Refusal to Waive Confidentiality of Her Conversations with Attorney. The Court orders that the motion shall be granted; that Counsel shall not comment or ask about Jane Doe's exercise of attorney client privilege or require her to assert attorney client privilege before the Jury.

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Attorneys Zonen and Mesereau addressed the Court re: Plaintiff's Motion to Exclude Any Reference by Defense Counsel to [Certain] Conduct by Jane Doe. The Court orders that the motion shall be granted; that Defense Counsel shall be prohibited from suggesting that Jane Doe engaged in extra marital romantic affairs during the time period of this case.

Attorneys Zonen and Oxman addressed the Court re: Plaintiff's Motion to Limit Any Reference by Defense Counsel to Jane Doe's Use of [Certain] Medication. The Court further orders that the Defense will have to show that Jane Doe had a prescription that she was supposed to be taking during a reasonable time period before the events occurred; that it shall not be mentioned until it is proven to the Court that Jane Doe was supposed to be taking the prescription.

Attorneys Auchincloss, Sanger and Deputy Attorney General Steven Matthews addressed the Court re: Defendant's Motion for Recusal of the Santa Barbara County District Attorney's Office. The Court further orders that said motion shall be denied; that the major issues have already been considered; that it has not been shown that Mr. Sneddon is a material witness, and there is no disabling conflict.

Attorneys Auchincloss and Mesereau addressed the Court re: Plaintiff's Motion in Limine to Exclude Evidence of Alleged Sexual Conduct. The Court further orders that the motion shall be granted; that no alleged sexual conduct shall be addressed absent completion of the process set forth in Evidence Code 782.

Attorneys Sneddon and Sanger addressed the Court re: Plaintiff's Motion for Admission of Certain Statements by Defendant on "Living with Michael Jackson" and "60 Minutes" As Exceptions to the Hearsay Rule. The Court further orders that an instruction shall be given to the Jury that they cannot consider the material in "Living with Michael Jackson" as being offered for the truth of the matter; that the People shall identify more specifically the statements they wish to use as admissions; that said issue shall be further addressed prior to showing the documentary to the Jury.

Attorney's Sanger and Zonen addressed the Court re: Plaintiff's Opposition to Defendant's Request that Plaintiff be Required to Present the Hearsay Evidence of Defendant's Response to "Living with Michael Jackson" as Part of Its Case in Chief. The Court further orders that the motion shall be denied without prejudice to show outtakes and the "footage" documentary in the plaintiff's case-in-chief.

At 12 Noon the Court excused the Defendant's presence for the remainder of the day. A 977 Waiver is on file.

Attorneys Sanger and Sneddon further addressed the Court re: Plaintiff's Motion for Admission of Certain Statements by Defendant on "Living with Michael Jackson" and "60 Minutes" as Exceptions to the Hearsay Rule. The Court further orders that the Court shall allow Page 7, lines 11 thru 22, Page 9, lines 1 thru 4, Page 9, lines 15 thru 22, Page 9, lines 27 and 28, Page 10, Lines 1 thru 4, Page 11, lines 11 thru 27, entire Page 13, Page 14, lines 1 thru 27 and Page 15, lines 1 thru 13; that the Court shall exclude Page 10, Lines 11-27.

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Attorneys Auchincloss and Sanger addressed the Court re: Plaintiff's Motion in Limine to Exclude Testimony of Witnesses. The Court further orders that said motion shall be readdressed when the time is appropriate.

The Court further orders that the Plaintiff's Motion in Limine to Restrict Mention of Certain Issues regarding Jane Doe and Others shall be ruled on by the Court on March 11, 2005.

The District Attorney advised the Court that he is withdrawing his Motion to Forbid Disparagement due to previous rulings by the Court.

The Court further orders that the following Motions shall be heard on March 11, 2005 at 8:30 A.M.:

1. Dickerman Objection to Trial Subpoena Issued by Defendant
2. In Camera Motion Filed Under Teal Procedures
3. Burnstein, Fox, Whitman & Co. Objection to District Attorney Subpoena for Documents and Defense Motion to Quash
4. Holthouse, Carlinn & Van Trigt LLP Objection to District Attorney Subpoena for Documents and Defense Motion to Quash
5. Notice of Motion and Motion to Quash Subpoena to Bank of America.

The Court further orders that the Motion to Seal Plaintiff's Motion to Limit Introduction of Evidence of Prior Litigation Involving the Doe Family and Opposition and Reply Thereto shall be granted. The District Attorney's Motion was filed on January 31, 2005 under conditional seal. The proposed redacted version was released on the same day. The Opposition was filed on February 4, 2005 under conditional seal. The proposed redacted version was released on February 17, 2005. The Reply was filed on February 9, 2005 under conditional seal. The proposed redacted version was released on February 17, 2005. Findings and Order shall follow.

The Court further orders that the Motion to Seal Plaintiff's Motion for Reconsideration of Defendant's Motion for An Order Excluding 14 Items of Irrelevant Evidence and Reply Thereto shall be granted. The District Attorney's Motion was filed on January 31, 2005 under conditional seal. The proposed redacted version was released February 4, 2005. The Defense reply was filed under conditional seal on February 8, 2005. The redacted version was released on February 17, 2005. Findings and Order shall follow.

The Court further orders that the Plaintiff's Motion to Exclude Reference to Jane Doe's Refusal to Waive the Confidentiality of Her Conversations with Attorney and Opposition and Reply Thereto shall be granted. The District Attorney's Motion was filed on January 31, 2005 under conditional seal. The proposed redacted version was released on the same day. The Opposition was filed on February 4, 2005 under conditional seal.

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The proposed redacted version was released on February 17, 2005. The Reply was filed on February 9, 2005 under conditional seal. Findings and Order shall follow

The Court further orders that the Motion to Seal Plaintiff's Motion to Exclude Any Reference by Defense Counsel to Certain Conduct by Jane Doe and Opposition Thereto shall be granted. The District Attorney's Motion was filed on January 31, 2005 under conditional seal. The proposed redacted version was released on February 7, 2005. The Opposition was filed on February 4, 2005 under conditional seal. The proposed redacted version was released on February 18, 2005. Findings and Order shall follow.

The Court further orders that the Motion to Seal Plaintiff's Motion to Limit Any Reference by Defense Counsel to Jane Doe's Use of Certain Medication and Opposition Thereto shall be granted. The District Attorney's Motion was filed on January 31, 2005 under conditional seal. The proposed redacted version was released on February 7, 2005. The Opposition was filed on February 4, 2005 under conditional seal. The proposed redacted version was released on February 18, 2005. Findings and Order shall follow.

The Court further orders that the Motion to Seal Defendant's Motion for Recusal of the Santa Barbara County District Attorney's Office and Opposition and Reply Thereto shall be granted. The Defense's motion was filed on February 4, 2005. The redacted version was released on February 17, 2005. The District Attorney's Opposition was filed on February 11, 2005. The proposed redacted version was released on February 22, 2005. The Defense's reply was filed on February 17, 2005. The proposed redacted version was released on February 17, 2005. Findings and Order shall follow.

The Court further orders that the Motion to Seal Plaintiff's Motion in Limine to Exclude Evidence of Alleged Sexual Conduct and Response Thereto shall be granted. The District Attorney's motion was filed on February 9, 2005. The redacted version was released on February 17, 2005. The Defense's response was filed on February 16, 2005. The proposed redacted version was released on February 17, 2005. Findings and Order shall follow.

The Court further orders that the Motion to Seal Plaintiff's Motion for Admission of Certain Statements by Defendant on "Living with Michael Jackson" and "60 Minutes" As Exceptions to the Hearsay Rule and Opposition Thereto shall be granted. Plaintiff's motion was filed on February 10, 2005. The proposed redacted version was released February 17, 2005. Defendant's opposition was filed on February 16, 2005. The proposed redacted version was released on February 17, 2005. Findings and Order shall follow.

The Court further orders that the Motion to Seal Plaintiff's Opposition to Defendant's Request that Plaintiff be Required to Present the Hearsay Evidence of Defendant's Response to "Living with Michael Jackson" as Part of Its Case in Chief and Reply Thereto shall be granted. Plaintiff's Opposition was filed under conditional seal on February 10, 2005. The proposed redacted version with minor court modification was released on February 18, 2005. Findings and Order shall follow.

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The Court further orders that the Motion to Seal Plaintiff's Motion in Limine to Exclude Testimony of Witnesses shall be granted. Plaintiff's motion was filed on February 11, 2005. The proposed redacted version was released on February 18, 2005. Findings and Order shall follow.

The Court further orders that the Motion to Seal Plaintiff's Trial Brief on Admission of Co-Conspirator's Statements shall be granted. Plaintiff's Trial Brief was filed on February 16, 2005 under conditional seal. The proposed redacted version was released on the same day. Findings and Order shall follow.

The Court reminded all Counsel and their witnesses that the Protective Order shall remain in effect.

The Court further orders that photos and exhibits may be used in opening statements if Counsel agree on the subject photo or exhibit; that very brief portions of the documentaries may be shown if Counsel agree.

The Court further orders that witnesses do not have to be present on February 28, 2005.

The Court further orders that Doe shall be used in pleadings and exhibits and Doe names shall be redacted from all documents.

At 1:07 P.M. Court adjourned.

CLERK OF THE SUPERIOR COURT

BY

  
LORNA FREY, DEPUTY CLERK

PROOF OF SERVICE

1013A(1)(3), 1013(c) CCP

STATE OF CALIFORNIA, COUNTY OF SANTA BARBARA:

I am a citizen of the United States of America and a resident of the county aforesaid. I am employed by the County of Santa Barbara, State of California. I am over the age of 18 and not a party to the within action. My business address is 312-H East Cook Street, Santa Maria, California.

On March 22, 2005, 2005, I served a copy of the attached MINUTE ORDER addressed as follows:

THOMAS A. MESEREAU, JR.  
COLLINS, MESEREAU, REDDOCK & YU, LLP  
1875 CENTURY PARK EAST, 7<sup>TH</sup> FLOOR  
LOS ANGELES, CA 90067

THOMAS W. SNEDDON, JR.  
DISTRICT ATTORNEY'S OFFICE  
1112 SANTA BARBARA STREET  
SANTA BARBARA, CA 93101

X FAX

By faxing true copies thereof to the receiving fax numbers of: (805) 456-0699 (Thomas Mesereau, Jr.); (805) 568-2398 (Thomas Sneddon). Said transmission was reported complete and without error. Pursuant to California Rules of Court 2005(1), a transmission report was properly issued by the transmitting facsimile machine and is attached hereto.

       MAIL

By placing true copies thereof enclosed in a sealed envelope with postage fully prepaid, in the United States Postal Service mail box in the City of Santa Maria, County of Santa Barbara, addressed as above. That there is delivery service by the United States Postal Service at the place so addressed or that there is a regular communication by mail between the place of mailing and the place so addressed.

       PERSONAL SERVICE

By leaving a true copy thereof at their office with the person having charge thereof or by hand delivery to the above mentioned parties.

       EXPRESS MAIL

By depositing such envelope in a post office, mailbox, sub-post office, substation, mail chute, or other like facility regularly maintained by the United States Postal Service for receipt of Express Mail, in a sealed envelope, with express mail postage paid.

I certify under penalty of perjury that the foregoing is true and correct. Executed this 22<sup>ND</sup> day of MARCH, 2005, at Santa Maria, California.

*Carrie L. Wagner*

CARRIE L. WAGNER