

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 Robert M. Sanger, State Bar Number 058214
9 233 East Carrillo Street, Suite C
10 Santa Barbara, CA 93101
11 Tel.: (805) 962-4887, Fax: (805) 963-7311

12 **OXMAN & JAROSCAK**
13 Brian Oxman, State Bar Number 072172
14 14126 East Rosecrans
15 Santa Fe Springs, CA 90670
16 Tel.: (562) 921-5058, Fax: (562) 921-2298

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

19 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
20 **FOR THE COUNTY OF SANTA BARBARA, COOK DIVISION**

21 **THE PEOPLE OF THE STATE OF**
22 **CALIFORNIA,**

23 Plaintiffs,

24 vs.

25 **MICHAEL JOSEPH JACKSON,**

26 Defendant.

27 Case No. 1133603

28 **EX PARTE APPLICATION FOR ORDER**
TO SHOW CAUSE RE; CONTEMPT
AGAINST MARTIN BASHIR

Honorable Rodney S. Melville
Date: March 11, 2005
Time: 8:30 a.m.
Dept.: SM-2

Mr. Michael Jackson hereby applies to the Court in this Ex Parte Application for the Court to issue the accompanying Order to Show Cause re: Contempt against Martin Bashir. Mr. Jackson's application is based on the following grounds:

EX PARTE APPLICATION FOR ORDER TO SHOW CAUSE RE: CONTEMPT AGAINST MARTIN BASHIR

ORIGINAL

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA BARBARA

MAR 09 2005

GARY M. BLAIR, Executive Officer
Carrie L. Warner
CARRIE L. WARNER, Deputy Clerk

1 (1) Contemnor Bashir is guilty of a direct civil contempt of court by refusing to testify when the
2 court overruled all of Contemnor's claims of privilege, and Contemnor's refusal to testify was a willful
3 violation of the of Code of Civil Procedure sections 1209(a)(5) and (9);

4 (2) Neither the California Shield Law nor the First Amendment apply to Contemnor Bashir because
5 he is a percipient witness who waived all privileges by publishing the information to third parties;

6 (3) Mr. Jackson's rights to cross-examination and confrontation outweigh Contemnor Bashir's
7 Shield Law and First Amendment privileges and Contemnor should be held in contempt.

8 Mr. Jackson makes this application as a result of Contemnor Bashir's willful refusal to obey the
9 Court's Order and direction in the immediate presence of the Court to answer 21 separate questions put to
10 him by Mr. Jackson in open court on March 1, 2005. After having all objections overruled to the questions
11 and the Court directing Contemnor Bashir to answer the questions, Contemnor Bashir willful failed and
12 refused to comply with the Court's Order and direction. This Ex Parte Application seeks to have the Court
13 issue an Order to Show Cause re: Contempt where Contemnor Bashir will be required to appear and show
14 cause, if any he has, why he should not be held in civil contempt for the direct violation in the immediate
15 presence of the Court of the Court's order that he answer the questions put to him.

16 This Ex Parte Application is based on the accompanying Declaration of Brian Oxman,
17 Memorandum in Support of Order to Show Cause re: Contempt Against Martin Bashir, and all the papers,
18 pleadings, and documents on file with the court. Mr. Jackson requests that the Court sign and issue the
19 accompanying Order to Show Cause and Affidavit for Contempt and specify a time and date on which
20 Contemnor Bashir should appear and show cause why he should not be adjudged in contempt of court.

21 DATED: March 7, 2005

Thomas A. Mesereau, Jr.
Susan Yu
Robert M. Sanger
Brian Oxman

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24 By: 

25 R. Brian Oxman
26 Attorneys for Mr. Michael Jackson
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EX PARTE APPLICATION FOR ORDER TO SHOW CAUSE RE: CONTEMPT AGAINST MARTIN BASHIR

1 DECLARATION RE: NOTICE BY STEPHEN DISTASO

2
3 I, Stephen Distaso, declare and say:

4 I am employed by the Law Offices of Oxman and Jaroscak located at 14126 East Rosecrans Blvd,
5 Santa Fe Springs, California. I am over the age of 18 years, not a part to the above-entitled action, and a
6 Registered Process Server with the State of California having registration number ____.

7 On March 9, 2004, I personally served the following documents:

8 EX PARTE APPLICATION FOR ORDER TO SHOW CAUSE RE: CONTEMPT ON MARTIN BASHIR

9 ORDER TO SHOW CAUSE AND AFFIDAVIT FOR CONTEMPT

10 DECLARATION OF BRIAN OXMAN IN SUPPORT OF ORDER TO SHOW CAUSE RE: CONTEMPT

11 AGAINST MARTIN BASHIR

12 MEMORANDUM IN SUPPORT OF ORDER TO SHOW CAUSE RE: CONTEMPT AGAINST

13 MARTIN BASHIR

14 on the following persons by personally delivering a copy of the documents placed in a sealed envelope and
15 delivering them as follows:

16 Theodore Boutrous

17 333 South Grand Avenue

18 Los Angeles, California 90071

19 I declare under penalty of perjury under the laws of the State of California the foregoing is true ad
20 correct.

21 Executed this 9th day of March, 2005, at Los Angeles, California.

22
23 

24 Stephen Distaso

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EX PARTE APPLICATION FOR ORDER TO SHOW CAUSE RE: CONTEMPT AGAINST MARTIN BASHIR

1 **DECLARATION RE: NOTICE BY BRIAN OXMAN**

2
3 I, Brian Oxman, declare and say:

4 I am an attorney at law admitted to practice before all the courts of the State of California. I am
5 employed by the Law Offices of Oxman and Jaroscak located at 14126 East Rosecrans Blvd, Santa Fe
6 Springs, California. I am over the age of 18 years, not a part to the above-entitled action

7 On March 9, 2004, I personally served the following documents:

8 EX PARTE APPLICATION FOR ORDER TO SHOW CAUSE RE: CONTEMPT ON MARTIN BASHIR

9 ORDER TO SHOW CAUSE AND AFFIDAVIT FOR CONTEMPT

10 DECLARATION OF BRIAN OXMAN IN SUPPORT OF ORDER TO SHOW CAUSE RE: CONTEMPT

11 AGAINST MARTIN BASHIR

12 MEMORANDUM IN SUPPORT OF ORDER TO SHOW CAUSE RE: CONTEMPT AGAINST

13 MARTIN BASHIR

14 on the following persons by personally delivering a copy of the documents placed in a sealed envelope and
15 delivering them as follows:

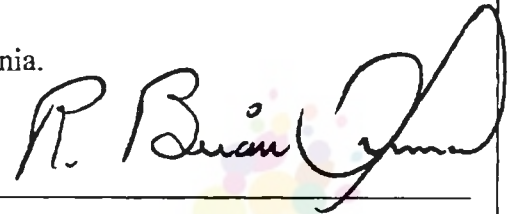
16 Thomas Seneddon

17 312 East Cook Street

18 Santa Maria, CA

19 I declare under penalty of perjury under the laws of the State of California the foregoing is true ad
20 correct.

21 Executed this 9th day of March, 2005, at Santa Maria, California.

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23 

24 R. Brian Oxman

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EX PARTE APPLICATION FOR ORDER TO SHOW CAUSE RE: CONTEMPT AGAINST MARTIN BASHIR