

APR 26 2005

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

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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF SANTA BARBARA
10 SANTA MARIA DIVISION

11 THE PEOPLE OF THE STATE OF CALIFORNIA,

12 Plaintiff,

13 v.

14 MICHAEL JOE JACKSON,

15 Defendant.

No. 1133603

16 PLAINTIFF'S MOTION FOR
ORDER DIRECTING WITNESS
DEBBIE ROWE TO TESTIFY
FULLY AS TO RELEVANT
MATTERS NOTWITHSTANDING
CONTRACTUAL AGREEMENT
WITH DEFENDANT THAT
CERTAIN MATTERS ARE
CONFIDENTIAL

17 DATE: Not Set
18 TIME: Not Set
19 DEPT: TBA (Melville)

20
21 TO: THE CLERK OF THE SUPERIOR COURT AND TO DEFENDANT AND HIS
22 COUNSEL:

23 PLEASE TAKE NOTICE that as soon as the matter may be heard, Plaintiff will
24 move the court for its order directing Debbie Rowe, to be called as a witness by Plaintiff, to
25 answer all questions put to her on direct examination and on cross-examination to which
26 objection is not made or to which an objection has been overruled, notwithstanding any
27 contractual agreement to which she is a party that may require her to keep certain aspects of her
28 relationship with Defendant confidential.

PLAINTIFF'S MOTION FOR ORDER DIRECTING WITNESS DEBBIE ROWE TO TESTIFY FULLY
NOTWITHSTANDING AGREEMENT MAKING CERTAIN MATTERS CONFIDENTIAL.

LOCATION: 8055601077

RX TIME 04/26/05 09:25

1 The motion will be based on this notice, the Declaration of Ronald Zoren and the
2 accompanying Memorandum of Points and Authorities.

3 DATED: April 26, 2005

4 Respectfully submitted,

5 THOMAS W. SNEDDON, JR.
6 District Attorney

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8 By: R Zoren
9 Senior Deputy District Attorney

10 Attorneys for Plaintiff

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2 MEMORANDUM OF POINTS AND AUTHORITIES

3 A CONTRACT EXPRESSLY PROVIDING THAT A PARTY THERETO
4 WILL CONCEAL FROM THE COURT A FACT HE OR SHE HAS A
5 DUTY TO MAKE KNOWN TO THE COURT IS CONTRARY TO
6 PUBLIC POLICY AND VOID. A CONTRACT THAT PROVIDES
7 THAT A PARTY WHO IS LATER CALLED AS A WITNESS AGAINST
8 ANOTHER PARTY IN A CRIMINAL PROCEEDING SHALL NOT
9 DISCLOSE MATTERS THAT ARE RELEVANT TO THE ISSUES IN
10 THAT PROCEEDING STANDS ON NO FIRMER FOOTING.

11 A contract in which a party to it agrees to conceal a fact that party has a duty to
12 disclose to the court is against public policy and is unenforceable. (See *Williamson v. Superior*
13 *Court* (1978) 21 Cal.3d 829, 837, citing *Valentine v. Stewart* (1860) 15 Cal. 387, 404.)

14 There may be nothing illegal, per se, about an agreement between a celebrity and his
15 espoused that obliges the parties to keep confidential personal information gained by either in
16 the course of that relationship, on the sensible theory that, e.g., the National Inquirer ought not
17 to be made privy to pillow talk. But to the extent that agreement might be read as preventing
18 either party from giving relevant evidence in the course of a criminal trial, the attempted
19 enforcement of that confidentiality agreement – either at the trial itself, or in a later action for
20 breach of the agreement – would be contrary to public policy.

21 Ms. Rowe is right to disclose her concern about the inhibiting effect of her
22 agreement with Michael Jackson on her ability to testify fully and truthfully in response to
23 questions concerning matters the Court deems pertinent to the issues framed by the pending
24 prosecution. Plaintiff respectfully requests that the Court order Ms. Rowe to testify truthfully
25 and responsively to questions put to her by counsel for Plaintiff and Defendant without regard
26 to any agreement she may have made to hold such information in confidence.

27 ////
28 ////

PROOF OF SERVICE

STATE OF CALIFORNIA }
COUNTY OF SANTA BARBARA } SS

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years and I am not a party to the within-entitled action. My business address is: District Attorney's Office; Courthouse; 1112 Santa Barbara Street, Santa Barbara, California 93101.

On April 26, 2005, I served the within PLAINTIFF'S MOTION FOR ORDER DIRECTING WITNESS DEBBIE ROWE TO TESTIFY FULLY, ETC. on Defendant, by THOMAS A. MESEREAU, JR. and ROBERT SANGER, by personally delivering a copy to counsel in open court. I declare under penalty of perjury that the foregoing is true and correct.

Executed at Santa Maria, California on this 26th day of April, 2005.

Thomas A. Mesereau, Jr.

PLAINTIFF'S MOTION FOR ORDER DIRECTING WITNESS DEBBIE ROWE TO TESTIFY FULLY NOTWITHSTANDING AGREEMENT MAKING CERTAIN MATTERS CONFIDENTIAL

LOCATION: 3055601077 RX TIME 04/26/05 09:25

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