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FILED
SUPERIOR COURT of CALIFORNIA
COUNTY of SANTA BARBARA

MAY 17 2005

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

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

11
12 THE PEOPLE OF THE STATE OF CALIFORNIA,
13 Plaintiff.
14 vs.
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19 MICHAEL JOE JACKSON,
20 Defendant.

No. 1133603

REQUEST FOR HEARING
REGARDING THE
ADMISSIBILITY OF
EXPERT TESTIMONY ON
HOW TO LITIGATE A
CIVIL CHILD MOLEST
CASE

DATE: TBA
TIME: 8:30 AM
DEPT.: SM2 (Melville)

21
22 INTRODUCTION
23

24 Defendant has given notice of his intent to call as an expert witness Attorney David
25 Conn to testify to the propriety of waiting to commence a civil suit until after the
26 corresponding criminal case has concluded. We received notice at 4:00 p.m. on the 16th that
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1 witness Conn would be called to the stand the following day. We believe there are significant
2 issues to be addressed in advance of this witness taking the stand.

3 Defendant has not advanced authority that this subject is a proper one for expert
4 testimony. We are in receipt of only a seven paragraph report of his findings. We do not know
5 whether or not he will be testifying by way of hypothetical example or by relating to actual
6 evidence and facts in this case.

7 In any event we intent to ask the witness about the prior settlements against
8 Defendant and whether attorneys Larry Feldman, Kris Kollman and Terry Cannon acted wisely
9 in settling cases against the Defendant for millions of dollars prior to the filing of any criminal
10 complaint. We believe it is appropriate for the court to revisit its ruling about not allowing the
11 jury to learn the exact amounts of the settlements since the success of those two cases would be
12 relevant to this issue. We will also request that the court allow questioning of the witness into
13 areas of the defendant's financial solvency and the wisdom of waiting years to file a civil suit
14 against a man facing imminent bankruptcy, or that he would exhaust his resources fighting the
15 criminal charges or worse, end up in jail.

16 Prior to the start of this trial the People filed briefs addressing the legal and factual
17 issues of presenting two expert witnesses (child abuse accommodation and battered wife
18 syndrome). There was a hearing as to each allowing both sides the opportunity to brief and
19 argue the appropriate issues. We are asking that the Court hold a hearing on the admissibility
20 of this testimony as well. In the long run the presentation of the evidence, if admissible at all,
21 will be more efficient if the issues are resolved before being presented to the jury.

22 DATED: May 17, 2005

23 Respectfully submitted,

24 THOMAS W. SNEDDON, JR., DISTRICT ATTORNEY

25 By: _____

26 Ronald Zonen

27 Senior Deputy District Attorney

28 Attorneys for Plaintiff

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PROOF OF SERVICE

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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 May 17, 2005, I served the within **REQUEST FOR HEARING REGARDING THE ADMISSIBILITY OF EXPERT TESTIMONY ON HOW TO LITIGATE A CIVIL CHILD MOLEST CASE** on Defendant, by THOMAS A. MESEREAU, JR.. and ROBERT SANGER, by faxing a true copy thereof to Mr. Sanger.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Santa Barbara, California on this 17th day of May, 2005.



Ron Zonen

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