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**FILED**  
SUPERIOR COURT of CALIFORNIA  
COUNTY of SANTA BARBARA

JUN 15 2004

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

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*\* Unsealed pursuant  
to 6/11/05 court  
order*

13 Attorneys for Defendant MICHAEL JOE JACKSON

14  
15 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
16 FOR THE COUNTY OF SANTA BARBARA, COOK DIVISION

17 THE PEOPLE OF THE STATE OF )  
18 CALIFORNIA, )

Case No. 1133603

19 Plaintiffs, )

EX PARTE APPLICATION TO  
FILE UNDER SEAL, TO NOT SERVE  
THE PROSECUTION (REQUEST FOR IN  
CAMERA) AND TO NOT SERVE  
THE PUBLIC OR MEDIA WITH  
THE APPLICATION, PROPOSED ORDER

20 vs. )

21 MICHAEL JOE JACKSON, )

~~UNDER SEAL~~

22 Defendant. )

Honorable Rodney Melville

Date: June 25, 2004

Time: 8:30 am.

Dept: SM 2

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28 EX PARTE APPLICATION TO FILE UNDER SEAL, TO NOT SERVE THE PROSECUTION AND TO NOT  
SERVE THE PUBLIC OR MEDIA WITH THE APPLICATION

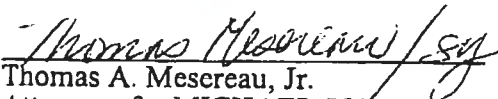
1 TO THE CLERK OF THE ABOVE ENTITLED COURT:

2 Defendant requests that the Court issue an Order that the accompanying NOTICE OF  
3 MOTION AND MOTION FOR ORDER COMPELLING PRIOR COUNSEL TO DELIVER FILES  
4 AND PAPERS TO SUCCESSOR COUNSEL FORTHWITH and supporting documents be filed  
5 under seal; and that the prosecution not be served with said documents and that the public including  
6 the media, not be served with this application; and for such other such further relief as the Court may  
7 deem just and proper. This request is based on the overriding interests of attorney-client privilege  
8 and Mr. Jackson's rights to due process and a fair trial under the Fifth, Sixth and Fourteenth  
9 Amendments to the United States Constitution and Article I, Sections 1, 7, and 15 of the California  
10 Constitution and on the further grounds that the Court invited an ex parte motion on this matter on  
11 May 28, 2004.

12  
13 Dated: June 15, 2004

14 Respectfully submitted,

15 COLLINS, MESEREAU, REDDOCK & YU  
16 Thomas A. Mesereau, Jr.  
17 Susan Yu  
18 KATTEN MUCHIN ZAVIS ROSENMAN  
19 Steve Cochran  
20 Stacey Knight  
21 SANGER & SWYSEN

22 By:   
23 Thomas A. Mesereau, Jr.  
24 Attorneys for MICHAEL JOE JACKSON

25  
26  
27  
28 EX PARTE APPLICATION TO FILE UNDER SEAL, TO NOT SERVE THE PROSECUTION AND TO NOT  
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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 I.

3 **THE COURT HAS THE AUTHORITY TO**  
4 **ORDER THAT 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**  
17 **THE ABOVE CRITERIA FOR 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 attorney-client privilege, as well as Mr. Jackson's rights to due process  
20 and a fair trial under the Fifth, Sixth and Fourteenth Amendments to the United States  
21 Constitution and Article I, Sections 1, 7, and 15 of the California Constitution.

22 The overriding interest of attorney-client privilege justifies an order that the  
23 accompanying document be filed under seal. Confidential communications between a defendant  
24 and his or her lawyer are privileged. (California Evidence Code section 952.) There is no right of  
25 public access to materials covered by the attorney client privilege. As argued in the  
26 accompanying motion, Mr. Jackson's former counsel were obligated to turn over all materials to  
27 Mr. Jackson's present counsel as described in Rule of Professional Conduct 3-700(D)(1).

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**EX PARTE APPLICATION TO FILE UNDER SEAL, TO NOT SERVE THE PROSECUTION AND TO NOT  
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1 Furthermore, Mr. Jackson's rights to a fair trial and due process would be compromised if  
2 the accompanying document is disclosed to the public. A person accused of a crime is entitled to  
3 due process and a fair trial under the Fifth, Sixth and Fourteenth Amendments to the United  
4 States Constitution and Article I, Sections 1, 7, and 15 of the California Constitution. Releasing  
5 even the name of the pleading would be detrimental to Mr. Jackson because it would infringe  
6 upon Mr. Jackson's rights by tainting the jury pool with prejudicial information.

7 As argued in the accompanying moving papers, material contained therein implicates the  
8 rights of the defendant and disclosure of said information to the prosecutor would further  
9 compromise those rights.

10 In order to protect these overriding interests, it is necessary that the accompanying  
11 document be filed under seal and not be served on the prosecution nor that this application be  
12 served on the public and the media.

13 III.  
14 CONCLUSION

15 For the reasons stated above, Mr. Jackson requests that the Court issue an order that the  
16 accompanying NOTICE OF MOTION AND MOTION FOR ORDER COMPELLING PRIOR  
17 COUNSEL TO DELIVER FILES AND PAPERS TO SUCCESSOR COUNSEL FORTHWITH  
18 and related documents be filed under seal and that the prosecution not be served with said  
19 documents and that the public including the media, not be served with this application.

20  
21 Dated: June 15, 2004

22 COLLINS, MESEREAU, REDDOCK & YU  
23 Thomas A. Mesereau, Jr.  
24 Susan C. Yu  
25 KATTEN MUCHIN ZAVIS ROSENMAN  
26 Steve Cochran  
27 Stacey McKee Knight  
28 SANGER & SWYSEN  
Robert M. Sanger

By:

*Thomas Mesereau, Jr.*  
Thomas A. Mesereau, Jr.  
Attorneys for MICHAEL JOE JACKSON

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SERVE THE PUBLIC OR MEDIA WITH THE APPLICATION



DECLARATION OF THOMAS A. MESEREAU, JR.

I, Thomas A. Mesereau, Jr., declare:

1. I am an attorney at law duly licensed to practice law in the courts of the State of California, a partner in the law firm of Collins, Mesereau, Reddock & Yu, and lead counsel for Mr. Michael Jackson.
2. It is necessary that the accompanying NOTICE OF MOTION AND MOTION FOR ORDER COMPELLING PRIOR COUNSEL TO DELIVER FILES AND PAPERS TO SUCCESSOR COUNSEL FORTHWITH and supporting documents be filed under seal; that it not be served on the prosecution, and that this application not be served on the public or media in order to protect the overriding interests of attorney-client privilege and Mr. Jackson's rights to due process and a fair trial.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed this 15th day of June, 2004 at Los Angeles, California.

*Thomas Mesereau, Jr.*  
Thomas A. Mesereau, Jr.

EX PARTE APPLICATION TO FILE UNDER SEAL, TO NOT SERVE THE PROSECUTION AND TO NOT SERVE THE PUBLIC OR MEDIA WITH THE APPLICATION