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

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA BARBARA

JUL 26 2004

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

REDACTED COPY

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

22 THE PEOPLE OF THE STATE OF CALIFORNIA,

23 Plaintiffs,

24 vs.

25 MICHAEL JOSEPH JACKSON,

26 Defendant.

) Case No. 1133603

) EX PARTE APPLICATION TO FILE UNDER SEAL

) Honorable Rodney S. Melville

) Date: July 27, 2004

) Time: 8:30 am.

) Dept: SM 2

27 TO THE CLERK OF THE ABOVE ENTITLED COURT:

28 Defendant requests that the Court issue an order that the accompanying OPPOSITION TO PLAINTIFF'S MOTION TO QUASH SUBPOENAS ISSUED TO [REDACTED]

EX PARTE APPLICATION TO FILE UNDER SEAL

1 [REDACTED] and accompanying documents, be filed under seal and for such
2 other such further relief as the Court may deem just and proper. This request is based on the
3 overriding interests of Mr. Jackson's rights to due process and a fair trial under the Fifth, Sixth and
4 Fourteenth Amendments to the United States Constitution and Article I, Sections 1, 7, and 15 of the
5 California Constitution.

6 Dated: July 26, 2004

7 Respectfully submitted,

8 COLLINS, MESEREAU, REDDOCK & YU
9 Thomas A. Mesereau, Jr.
Susan C. Yu

10 SANGER & SWYSEN
11 Robert M. Sanger

12 OXMAN & JAROSCAK
13 Brian Oxman

14 By: 

15 Robert M. Sanger
16 Attorneys for Defendant
17 MICHAEL JOSEPH JACKSON

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EX PARTE APPLICATION TO FILE UNDER SEAL

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3 **MEMORANDUM OF POINTS AND AUTHORITIES**

4 I.

5 **THE COURT HAS THE AUTHORITY TO ORDER THAT**
6 **A RECORD BE FILED UNDER SEAL**

7 Pursuant to California Rule of Court 243.1(d), the Court has the authority to order a
8 record be filed under seal if it expressly finds that:

- 9 1. There exists an overriding interest that overcomes the right of public access to the
10 record;
- 11 2. The overriding interest supports sealing the record;
- 12 3. A substantial probability exists that the overriding interest will be prejudiced if the
13 record is not sealed;
- 14 4. The proposed sealing is narrowly tailored; and
- 15 5. No less restrictive means exist to achieve the overriding interest.

(California Rule of Court 243.1(d).)

16 II.

17 **OVERRIDING INTERESTS EXIST THAT MEETS THE ABOVE CRITERIA FOR**
18 **SEALING A RECORD**

19 It is necessary to seal the record pursuant to California Rule of Court 243.1(d) based on
20 the overriding interests of Mr. Jackson's rights to due process and a fair trial under the Fifth,
21 Sixth and Fourteenth Amendments to the United States Constitution and Article I, Sections 1, 7,
22 and 15 of the California Constitution.

23 An inspection of the documents will reveal that they disclose the testimony of witnesses
24 or potential witnesses and disclose possible evidence, the admissibility of which, is yet to be
25 determined.

26 The overriding interests of Mr. Jackson's rights to a fair trial and due process would be
27 compromised if the accompanying document is not filed under seal. A person accused of a crime
28 is entitled to due process and a fair trial under the Fifth, Sixth and Fourteenth Amendments to the

1 United States Constitution and Article I, Sections 1, 7, and 15 of the California Constitution.
2 Material contained the accompanying document pertains to evidence and the testimony of
3 witnesses that, if made public, would compromise Mr. Jackson's these rights and would result in
4 prejudice to Mr. Jackson. In order to protect these overriding interests, it is necessary that the
5 accompanying document be filed under seal.

6 CONCLUSION

7 For the OPPOSITION TO PLAINTIFF'S MOTION TO QUASH SUBPOENAS ISSUED
8 TO [REDACTED] and accompanying
9 documents, be filed under seal.

10 Dated: July 26, 2004

11 COLLINS, MESEREAU, REDDOCK & YU
12 Thomas A. Mesereau, Jr.
Susan C. Yu

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14 Robert M. Sanger

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17 By: 

18 Robert M. Sanger
19 Attorneys for
20 MICHAEL JOSEPH JACKSON

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EX PARTE APPLICATION TO FILE UNDER SEAL

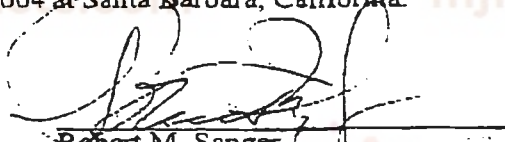
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DECLARATION OF ROBERT M. SANGER

I, Robert Sanger, 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 Sanger & Swysen, and co-counsel for Michael Jackson.
2. It is necessary that the accompanying OPPOSITION TO PLAINTIFF'S MOTION TO QUASH SUBPOENAS ISSUED TO [REDACTED] [REDACTED] and accompanying documents, be filed under seal in order to protect the overriding interests of Mr. Jackson's rights to due process and a fair trial, as well as to prevent the disclosure of witnesses, potential witnesses and potential evidence.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed this 26th day of July, 2004 at Santa Barbara, California.



Robert M. Sanger