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17 Attorneys for Defendant MICHAEL JOSEPH JACKSON

18 SUPERIOR COURT OF THE STATE OF CALIFORNIA

19 FOR THE COUNTY OF SANTA BARBARA, COOK DIVISION

20 THE PEOPLE OF THE STATE OF CALIFORNIA,

21 Plaintiffs,

22 vs.

23 MICHAEL JOSEPH JACKSON,

24 Defendant.

25 Case No. 1133603

26 EX PARTE APPLICATION TO SUBMIT TO
27 THE COURT THE ISSUE OF FILING
28 UNDER SEAL

Honorable Rodney Melville

Date: August 16, 2004
Time: 10:00 am.
Dept: SM 8

29 TO THE CLERK OF THE ABOVE ENTITLED COURT AND TO THE DISTRICT
30 ATTORNEY OF THE COUNTY OF SANTA BARBARA, TOM SNEDDON, AND DEPUTY
31 DISTRICT ATTORNEYS GERALD FRANKLIN, RON ZONEN, AND GORDON
32 AUCHINCLOSS:

33 Defendant requests that the Court determine whether it is appropriate to issue an order that
34 the accompanying Privilege Log For Evidence Items 824, 825, and 826 be filed under seal. This

35 EX PARTE APPLICATION TO SUBMIT TO THE COURT THE ISSUE OF FILING UNDER
36 SEAL

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA BARBARA

AUG 16 2004

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

ORIGINAL

1 request is based on the Orders of Judge Melville in this case.

2 Dated: August 13, 2004

3 Respectfully submitted,

4 COLLINS, MESEREAU, REDDOCK & YU
5 Thomas A. Mesereau, Jr.
6 Susan C. Yu

7 SANGER & SWYSEN
8 Robert M. Sanger

9 OXMAN & JAROSCAK
10 Brian Oxman

11 By: 

12 Robert M. Sanger
13 Attorneys for
14 MICHAEL JOSEPH JACKSON

1 MEMORANDUM OF POINTS AND AUTHORITIES

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

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

11 (California Rule of Court 243.1(d).)

12 Pursuant to the Court's prior instructions, including instructions reiterated on May 28,
13 2004, we are submitting the EX PARTE APPLICATION TO SUBMIT TO THE COURT THE
14 ISSUE OF FILING UNDER SEAL out of an abundance of caution so that the Court may
15 determine whether or not it may be filed under seal. It does not appear that this particular
16 document makes references to statements of witnesses, documents, exhibits, photographs or
17 other evidence that may be subject to the pretrial rule regarding the filing of documents under
18 seal. (Exhibit 1, Declaration of Robert M. Sanger.)

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EX PARTE APPLICATION TO SUBMIT TO THE COURT THE ISSUE OF FILING UNDER
SEAL

1 CONCLUSION

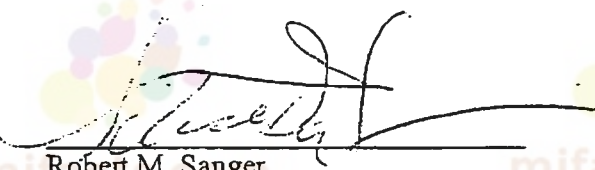
2 For the reasons stated above, Mr. Jackson submits the matter for the Court's
3 determination as to whether it should be ordered that the accompanying Notice of Motion and
4 Motion for Confidential Subpoena Duces Tecum Proceedings be filed under seal.

5 Dated: August 13, 2004

6 COLLINS, MESEREAU, REDDOCK & YU
7 Thomas A. Mesereau, Jr.
Susan C. Yu

8 SANGER & SWYSEN
9 Robert M. Sanger

10 OXMAN & JAROSCAK
11 Brian Oxman

12 By: 
13 Robert M. Sanger
14 Attorneys for
MICHAEL JOSEPH JACKSON

1 DECLARATION OF ROBERT M. SANGER

2
3 I, Robert Sanger, declare:

- 4 1. I am an attorney at law duly licensed to practice law in the courts of the State of
5 California, a partner in the law firm of Sanger & Swysen, and co-counsel for Michael
6 Jackson.
- 7 2. Pursuant to the Court's prior instructions, including instructions reiterated on May 28,
8 2004, we are submitting the EX PARTE APPLICATION TO SUBMIT TO THE COURT
9 THE ISSUE OF FILING UNDER SEAL out of an abundance of caution so that the Court
10 may determine whether or not it may be filed under seal. It does not appear that this
11 particular document makes references to statements of witnesses, documents, exhibits,
12 photographs or other evidence that may be subject to the pretrial rule regarding the filing
13 of documents under seal.

14
15 I declare under penalty of perjury that the foregoing is true and correct and that this declaration
16 was executed this 13th day of August, 2004 at Santa Barbara, California.

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21 Robert M. Sanger

PROOF OF SERVICE

I, the undersigned declare:

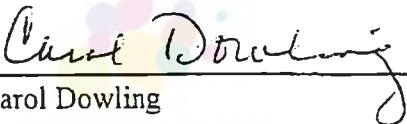
I am over the age of 18 years and not a party to the within action. I am employed in the County of Santa Barbara. My business address is 233 East Carrillo Street, Suite C, Santa Barbara, California, 93101.

On August 13, 2004, I served the foregoing document **EX PARTE APPLICATION TO SUBMIT TO THE COURT THE ISSUE OF FILING UNDER SEAL** on the interested parties in this action by depositing a true copy thereof as follows:

SEE ATTACHED SERVICE LIST

- BY U.S. MAIL** - I am readily familiar with the firm's practice for collection of mail and processing of correspondence for mailing with the United States Postal Service. Such correspondence is deposited daily with the United States Postal Service in a sealed envelope with postage thereon fully prepaid and deposited during the ordinary course of business. Service made pursuant to this paragraph, upon motion of a party, shall be presumed invalid if the postal cancellation date or postage meter date on the envelope is more than one day after the date of deposit.
- BY FACSIMILE** - I caused the above-referenced document(s) to be transmitted via facsimile to the interested parties at SEE ATTACHED
- BY HAND** - I caused the document to be hard delivered to the interested parties at the address above.
- STATE** - I declare under penalty of perjury under the laws of the State of California that the above is true and correct.
- FEDERAL** - I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.

Executed August 13, 2004, at Santa Barbara, California.



Carol Dowling



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SERVICE LIST
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