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14
15 SUPERIOR COURT OF THE STATE OF CALIFORNIA
16 FOR THE COUNTY OF SANTA BARBARA
17 SANTA MARIA DIVISION

18 THE PEOPLE OF THE STATE OF
CALIFORNIA,

19 Plaintiff,

20 vs.

21 MICHAEL JOSEPH JACKSON

22 Defendant.
23

CASE NO. 1133603

**EX PARTE APPLICATION FOR
LEAVE TO FILE UNDER SEAL
MR. JACKSON'S REPORT RE
PROSECUTION'S FAILURE TO
PRODUCE DISCOVERY AND
REQUEST FOR SANCTIONS**

~~FILED UNDER SEAL~~

24
25
26 Defendant Michael J. Jackson, through his counsel, hereby applies ex parte for
27 leave to file under seal his report re prosecution's failure to produce discovery and
28

1 request for sanctions. Filing under seal is necessary because the content of the
2 motion includes reference to details in under seal material, including transcripts,
3 search warrant affidavits and returns, discovery and the names of witnesses.

4 This application is based upon the attached declaration of Robert M. Sanger,
5 the file and record in this case and any other information presented prior to a ruling
6 hereon.

7 Dated: August 13, 2004

Respectfully submitted,

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

11 Robert M. Sanger
12 SANGER & SWYSEN

13 Brian Oxman
14 OXMAN & JAROSCAK

15 By: 

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

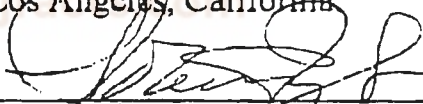
1 **DECLARATION OF ROBERT M. SANGER**

2 I, Robert M. Sanger, declare as follows:

3 1. I am an attorney duly authorized to practice before all courts of the State
4 of California and co-counsel for Michael J. Jackson. I submit this declaration in
5 support of an ex parte application for leave to file under seal Mr. Jackson's report re
6 prosecution's failure to produce discovery and request for sanctions.

7 2. The motion papers describe materials that have been maintained under
8 seal by this Court. Details about the witnesses, discovery, search warrant affidavits,
9 and warrant returns are mentioned in the moving papers. Therefore, in accordance
10 with the practice directed by this Court, leave is sought to file this motion under seal.

11
12 I declare under penalty of perjury that the foregoing is true and correct. Executed
13 this 13th day of August, 2004 at Los Angeles, California

14 
15 _____
16 Robert M. Sanger

I, the undersigned declare:

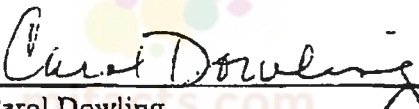
I am over the age of 18 years and not a party to the within action. I am employed in the County of Santa Barbara. My business address is 233 East Carrillo Street, Suite C, Santa Barbara, California, 93101.

On August 13, 2004, I served the foregoing document **EX PARTE APPLICATION FOR LEAVE TO FILE UNDER SEAL MR. JACKSON'S REPORT RE PROSECUTION'S FAILURE TO PRODUCE DISCOVERY AND REQUEST FOR SANCTIONS** 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 hand 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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