

AUG 16 2004

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

**ORIGINAL**

1 **COLLINS, MESEREAU, REDDOCK & YU**  
2 Thomas A. Mesereau, Jr., State Bar Number 091182  
3 Susan C. Yu, State Bar Number 195640  
4 1875 Century Park East, 7<sup>th</sup> Floor  
5 Los Angeles, CA 90067  
6 Tel.: (310) 284-3120, Fax: (310) 284-3133

7 **KATTEN MUCHIN ZAVIS ROSENMAN**  
8 Steve Cochran, State Bar Number 105541  
9 Stacy McKee Knight, State Bar Number 181027  
10 2029 Century Park East, Suite 2600  
11 Los Angeles, California 90067-3012  
12 Tel.: (310) 788-4455, Fax: (310) 712-8455

13 **SANGER & SWYSEN**  
14 Robert M. Sanger, State Bar Number 058214  
15 233 East Carrillo Street, Suite C  
16 Santa Barbara, CA 93101  
17 Tel.: (805) 962-4887, Fax: (805) 963-7311

18 **OXMAN & JAROSCAK**  
19 Brian Oxman, State Bar Number 072172  
20 14126 East Rosecrans  
21 Santa Fe Springs, CA 90670  
22 Tel.: (562) 921-5058, Fax: (562) 921-2298

23 Attorneys for Defendant MICHAEL JOSEPH JACKSON

24  
25 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
26 FOR THE COUNTY OF SANTA BARBARA, COOK DIVISION

27 THE PEOPLE OF THE STATE OF CALIFORNIA,

28 Plaintiffs,

29 vs.

30 MICHAEL JOSEPH JACKSON,

31 Defendant.

) Case No. 1133603

) PRIVILEGE LOG FOR EVIDENCE ITEMS  
) 824, 825, AND 826 (Evid. Code, § 954.)

) ~~UNDER SEAT~~

) Honorable Rodney Melville

) Date: August 16, 2004

) Time: 10:00 am.

) Dept: SM 8

32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100  
101  
102  
103  
104  
105  
106  
107  
108  
109  
110  
111  
112  
113  
114  
115  
116  
117  
118  
119  
120  
121  
122  
123  
124  
125  
126  
127  
128  
129  
130  
131  
132  
133  
134  
135  
136  
137  
138  
139  
140  
141  
142  
143  
144  
145  
146  
147  
148  
149  
150  
151  
152  
153  
154  
155  
156  
157  
158  
159  
160  
161  
162  
163  
164  
165  
166  
167  
168  
169  
170  
171  
172  
173  
174  
175  
176  
177  
178  
179  
180  
181  
182  
183  
184  
185  
186  
187  
188  
189  
190  
191  
192  
193  
194  
195  
196  
197  
198  
199  
200  
201  
202  
203  
204  
205  
206  
207  
208  
209  
210  
211  
212  
213  
214  
215  
216  
217  
218  
219  
220  
221  
222  
223  
224  
225  
226  
227  
228  
229  
230  
231  
232  
233  
234  
235  
236  
237  
238  
239  
240  
241  
242  
243  
244  
245  
246  
247  
248  
249  
250  
251  
252  
253  
254  
255  
256  
257  
258  
259  
260  
261  
262  
263  
264  
265  
266  
267  
268  
269  
270  
271  
272  
273  
274  
275  
276  
277  
278  
279  
280  
281  
282  
283  
284  
285  
286  
287  
288  
289  
290  
291  
292  
293  
294  
295  
296  
297  
298  
299  
300  
301  
302  
303  
304  
305  
306  
307  
308  
309  
310  
311  
312  
313  
314  
315  
316  
317  
318  
319  
320  
321  
322  
323  
324  
325  
326  
327  
328  
329  
330  
331  
332  
333  
334  
335  
336  
337  
338  
339  
340  
341  
342  
343  
344  
345  
346  
347  
348  
349  
350  
351  
352  
353  
354  
355  
356  
357  
358  
359  
360  
361  
362  
363  
364  
365  
366  
367  
368  
369  
370  
371  
372  
373  
374  
375  
376  
377  
378  
379  
380  
381  
382  
383  
384  
385  
386  
387  
388  
389  
390  
391  
392  
393  
394  
395  
396  
397  
398  
399  
400  
401  
402  
403  
404  
405  
406  
407  
408  
409  
410  
411  
412  
413  
414  
415  
416  
417  
418  
419  
420  
421  
422  
423  
424  
425  
426  
427  
428  
429  
430  
431  
432  
433  
434  
435  
436  
437  
438  
439  
440  
441  
442  
443  
444  
445  
446  
447  
448  
449  
450  
451  
452  
453  
454  
455  
456  
457  
458  
459  
460  
461  
462  
463  
464  
465  
466  
467  
468  
469  
470  
471  
472  
473  
474  
475  
476  
477  
478  
479  
480  
481  
482  
483  
484  
485  
486  
487  
488  
489  
490  
491  
492  
493  
494  
495  
496  
497  
498  
499  
500  
501  
502  
503  
504  
505  
506  
507  
508  
509  
510  
511  
512  
513  
514  
515  
516  
517  
518  
519  
520  
521  
522  
523  
524  
525  
526  
527  
528  
529  
530  
531  
532  
533  
534  
535  
536  
537  
538  
539  
540  
541  
542  
543  
544  
545  
546  
547  
548  
549  
550  
551  
552  
553  
554  
555  
556  
557  
558  
559  
560  
561  
562  
563  
564  
565  
566  
567  
568  
569  
570  
571  
572  
573  
574  
575  
576  
577  
578  
579  
580  
581  
582  
583  
584  
585  
586  
587  
588  
589  
590  
591  
592  
593  
594  
595  
596  
597  
598  
599  
600  
601  
602  
603  
604  
605  
606  
607  
608  
609  
610  
611  
612  
613  
614  
615  
616  
617  
618  
619  
620  
621  
622  
623  
624  
625  
626  
627  
628  
629  
630  
631  
632  
633  
634  
635  
636  
637  
638  
639  
640  
641  
642  
643  
644  
645  
646  
647  
648  
649  
650  
651  
652  
653  
654  
655  
656  
657  
658  
659  
660  
661  
662  
663  
664  
665  
666  
667  
668  
669  
670  
671  
672  
673  
674  
675  
676  
677  
678  
679  
680  
681  
682  
683  
684  
685  
686  
687  
688  
689  
690  
691  
692  
693  
694  
695  
696  
697  
698  
699  
700  
701  
702  
703  
704  
705  
706  
707  
708  
709  
710  
711  
712  
713  
714  
715  
716  
717  
718  
719  
720  
721  
722  
723  
724  
725  
726  
727  
728  
729  
730  
731  
732  
733  
734  
735  
736  
737  
738  
739  
740  
741  
742  
743  
744  
745  
746  
747  
748  
749  
750  
751  
752  
753  
754  
755  
756  
757  
758  
759  
760  
761  
762  
763  
764  
765  
766  
767  
768  
769  
770  
771  
772  
773  
774  
775  
776  
777  
778  
779  
780  
781  
782  
783  
784  
785  
786  
787  
788  
789  
790  
791  
792  
793  
794  
795  
796  
797  
798  
799  
800  
801  
802  
803  
804  
805  
806  
807  
808  
809  
810  
811  
812  
813  
814  
815  
816  
817  
818  
819  
820  
821  
822  
823  
824  
825  
826  
827  
828  
829  
830  
831  
832  
833  
834  
835  
836  
837  
838  
839  
840  
841  
842  
843  
844  
845  
846  
847  
848  
849  
850  
851  
852  
853  
854  
855  
856  
857  
858  
859  
860  
861  
862  
863  
864  
865  
866  
867  
868  
869  
870  
871  
872  
873  
874  
875  
876  
877  
878  
879  
880  
881  
882  
883  
884  
885  
886  
887  
888  
889  
890  
891  
892  
893  
894  
895  
896  
897  
898  
899  
900  
901  
902  
903  
904  
905  
906  
907  
908  
909  
910  
911  
912  
913  
914  
915  
916  
917  
918  
919  
920  
921  
922  
923  
924  
925  
926  
927  
928  
929  
930  
931  
932  
933  
934  
935  
936  
937  
938  
939  
940  
941  
942  
943  
944  
945  
946  
947  
948  
949  
950  
951  
952  
953  
954  
955  
956  
957  
958  
959  
960  
961  
962  
963  
964  
965  
966  
967  
968  
969  
970  
971  
972  
973  
974  
975  
976  
977  
978  
979  
980  
981  
982  
983  
984  
985  
986  
987  
988  
989  
990  
991  
992  
993  
994  
995  
996  
997  
998  
999  
1000

1 **PRIVILEGE LOG**

2 I. **ITEM 824**

3 A. **Electronic Mail Messages**

4 Item 824 contains three electronic mail messages stored in the Microsoft Outlook format and  
5 2,770 electronic mail messages stored in the Microsoft Outlook Express format. Of the 2,770  
6 messages, 18 are attorney-client privileged communications between Brad Miller, a licensed private  
7 investigator, and Mark Geragos, an attorney for Mr. Jackson. The remaining 2,752 either (a) relate  
8 to other cases involving the same or other lawyers and are attorney-client privileged materials or (b)  
9 are other private documents unrelated in any way to the present case.<sup>1</sup>

10 B. **Electronic Documents**

11 Item 824 contains 14,010 electronic documents in at least eight formats, as described below:

- 12 • 72 electronic documents in the Adobe Acrobat format;
- 13 • 7,773 electronic documents in the GIF image format;
- 14 • 4,063 electronic documents in the JPG image format;
- 15 • 38 electronic documents in the Microsoft Excel format;
- 16 • 84 electronic documents in the Microsoft Word for Windows format;
- 17 • 1,953 electronic documents in the plain text format;
- 18 • 12 electronic documents in the rich text format;
- 19 • 9 electronic documents in the TIF image format;
- 20 • 6 electronic documents in the Word Perfect format.

21 Of these documents, two are attorney-client privileged communications between Brad Miller  
22 and Mark Geragos. The remaining 14,008 documents and images (a) relate to other cases involving  
23 the same or other lawyers and are attorney-client privileged materials or (b) are other private

---

24  
25 <sup>1</sup> For example, many of the messages appear to be unsolicited e-mails; messages from clients of  
26 Mr. Miller's business; and private, personal messages unrelated to any business matter or the  
27 present case.

1 documents unrelated in any way to the present case.<sup>2</sup>

2 **C. Compressed Archive**

3 Item 824 contains 317 compressed archive files in the ZIP and CAB formats. These  
4 compressed archives each contain one or more data files and electronic documents. Of these  
5 compressed archives, none appear to contain materials related to the present case. Instead, all  
6 contain (a) data files and documents relating to other cases involving the same or other lawyers and  
7 are attorney-client privileged materials, or (b) other private data files and documents unrelated to the  
8 present case.

9 **D. Summary**

10 Of the 17,098 electronic mail messages, documents, and compressed archives contained on  
11 Item 824, only 20 appear to relate to the present case. Each of those 20 are attorney-client privileged  
12 communications related to the present case.

13 **II. ITEM 825**

14 **A. Electronic Mail Messages**

15 Like Item 824, Item 825 contains electronic mail messages stored in both the Microsoft  
16 Outlook format (nine messages) and the Microsoft Outlook Express format (two messages). Unlike  
17 Item 824, none of the messages on Item 825 relate to the present case. All 11 messages are,  
18 however, either (a) attorney-client privileged communications between Brad Miller and the same or  
19 other lawyers in other cases or (b) otherwise private documents unrelated to the present case.

20 //

21 \_\_\_\_\_  
22 <sup>2</sup> For example, many of the documents appear to be files placed on the hard drives during the  
23 installation of various applications (e.g. Word for Windows) or the operating system itself (i.e.  
24 Microsoft Windows XP). Other documents and images include essays apparently written by a  
25 relative of Mr. Miller, research on colleges for Mr. Miller's daughter, digital reproductions of  
26 photographs taken while on vacation, and temporary images placed on the hard drive during the  
27 course of normal Internet web browsing.

1 **B. Electronic Documents**

2 Item 825 contains 17,163 electronic documents as described below. None of these  
3 documents appear related to the present case. Each either (a) relates to a case involving the same  
4 or other attorneys and are attorney-client privileged materials, or (b) are otherwise private documents  
5 unrelated to the present case.

6 The electronic documents on Item 825 are broken down as follows:

- 7 • 19 electronic documents in the Adobe Acrobat format;
- 8 • 9,574 electronic documents in the GIF image format;
- 9 • 6,605 electronic documents in the JPG image format;
- 10 • 72 electronic documents in the Microsoft Excel format;
- 11 • 84 electronic documents in the Microsoft Word for Windows format;
- 12 • 740 electronic documents in the plain text format;
- 13 • 3 electronic documents in the rich text format;
- 14 • 61 electronic documents in the TIF image format;
- 15 • 5 electronic documents in the Word Perfect format.

16 **C. Compressed Archive**

17 Item 825 also contains compressed archive files in the ZIP and CAB formats. Of these 209  
18 archive files, none appear to be related to the present case. Like those archives on Item 824, all of  
19 the archive files on Item 825 appear to contain data files and documents related to other cases  
20 involving the same or other lawyers and are attorney-client privileged materials, or are otherwise  
21 private data files and documents unrelated to the present case.

22 **D. Summary**

23 Of the 17,383 electronic mail messages, documents, and compressed archives contained on  
24 Item 825, none appear to relate to the present case. Furthermore, many of them are attorney-client  
25 privileged materials relating to other cases.

26 //

27 //



1 III. ITEM 826

2 A. Electronic Mail Messages

3 Item 826 contains four electronic mail messages stored in the Microsoft Outlook Express  
4 format. None of these messages relate to the present case. Rather, they are all private messages  
5 between Brud Miller and other, unrelated individuals.

6 B. Electronic Documents

7 Five-thousand six hundred eighty-eight electronic documents and images are stored on Item  
8 826. None of these documents or images appear to relate to the present case. All 5,688 documents  
9 and images are either (a) attorney-client privileged materials relating to other cases involving the  
10 same or other attorneys, or (b) are personal, private documents unrelated to the present case.<sup>3</sup>

11 Item 826's contents break down as follows:

- 12 • 8 electronic documents in the Adobe Acrobat format;
- 13 • 3,875 electronic documents in the GIF image format;
- 14 • 764 electronic documents in the JPG image format;
- 15 • 6 electronic documents in the Microsoft Excel format;
- 16 • 11 electronic documents in the Microsoft Word for Windows format;
- 17 • 272 electronic documents in the Microsoft Works format;
- 18 • 743 electronic documents in the plain text format;
- 19 • 4 electronic documents in the rich text format;
- 20 • 1 electronic documents in the TIF image format;
- 21 • 4 electronic documents in the Word Perfect format.

22 C. Compressed Archive

23 Item 826 contains 84 compressed archive files in the ZIP and CAB formats. As with Items  
24 824 and 825, none appear to contain any materials related to the present case. They all contain data  
25

---

26 <sup>3</sup>Many of the electronic documents on Item 826, in particular, appear to be the financial records  
27 of Mr. Miller's company.

1 files and documents (a) related to other cases involving the same or other lawyers and are attorney-  
2 client privileged materials, or (b) otherwise private and unrelated to the present case.

3 D. Summary

4 As with the contents of Item 825, none of the 5,776 electronic messages, documents, or  
5 compressed archives on Item 826 relate to the present case. All of the materials located on Item 825  
6 are either attorney-client privileged materials relating to other cases, or are unrelated, private data.

7 CONCLUSION

8 The government acquired 40,257 electronic messages, documents, and compressed archives  
9 contained on Items 824, 825, and 826. Of these 40,257 items, only 18 messages and two electronic  
10 documents found on a single hard drive appear to relate to the present case, and these 18 are all  
11 attorney-client privileged communications between Brad Miller and Mark Geragos.

12 Therefore, none of the materials on these hard drives is subject to seizure pursuant to the  
13 search warrant issued in this case. All of them are either attorney-client privileged material or  
14 personal and private material having nothing to do with the present case.<sup>1</sup>

15 //

16 //

17 //

18 //

---

19  
20  
21  
22  
23  
24 <sup>1</sup>After the completion of this privilege log, defense counsel received a letter from attorney Daniel  
25 V. Nixon asserting, among other things, that his client is Bradley G. Miller and that he asked that  
26 present counsel request certain orders from the court. A true copy of the letter of Daniel V.  
27 Nixon to Thomas A. Mescreau, dated August 13, 2004, is attached hereto as Exhibit A.

1 Dated: August 13, 2004

2 Respectfully submitted.

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

6 KATTEN MUCHIN ZAVIS ROSENMAN  
7 Steve Cochran  
8 Stacey McKee Knight

9 SANGER & SWYSEN  
10 Robert M. Sanger

11 OXMAN & JAROSCAK  
12 Brian Oxman

13 By: 

14 Robert M. Sanger  
15 Attorneys for  
16 MICHAEL JOSEPH JACKSON

17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
PRIVILEGE LOG FOR EVIDENCE ITEMS 824, 825, AND 826 (Evid. Code, § 954.)

BYRNE & NIXON | LLP

Lawyers

Two California Plaza  
350 South Grand Avenue, 39<sup>th</sup> Floor  
Los Angeles, California 90071  
Tel: 213-620-8003  
Fax: 213-620-8012  
www.byrnenixon.com

danielnixon@byrnenixon.com

VIA FACSIMILE AND U.S. MAIL

August 13, 2004

Thomas A. Mesereau, Esq.  
Collins, Mesereau, Reddock & Yu LLP  
1875 Century Park East, Suite 700  
Los Angeles, California 90067

Re: Computer Hard-Drives Seized From Bradley G. Miller

Dear Mr. Mesereau:

Thank you for returning my telephone call yesterday afternoon. I appreciate you taking the time out of your busy schedule to confer with me concerning issues involving our client, Bradley G. Miller ("Miller").

In our conversation, you confirmed that members of the presently constituted defense team in the People v. Michael J. Jackson case are in possession of the computer hard-drives seized from Miller's office by law enforcement officials from Santa Barbara County. Further, you indicated that the defense team has been provided copies of Miller's computer hard-drives pursuant to a Court order directing the defense team to review the computer hard-drives and prepare a privilege log identifying all of the files and data that are either privileged or unrelated to the Jackson case. Finally, you stated that Judge Melville expects you to provide him with the privilege log when you return to court early next week, and that the defense team is presently completing the privilege log in an effort to meet the Court's expectations.

I certainly appreciate the position in which you have been placed by the Court's order, and I understand that you are obligated to comply. However, I must respectfully object to any review of Miller's computer hard-drives by any members of the presently constituted defense team, or anyone else for that matter, other than the Court, or a special master.



The computer hard-drives are Miller's property, and contain personal correspondence and attorney work product and attorney client communications on matters wholly unrelated to the Jackson case. I have continuously maintained this position since November 18, 2003, the date the computer hard-drives were wrongfully seized, without a special master, by the Santa Barbara County Sheriff's Department and the Santa Barbara County District Attorney's Office. See, November 18, 2003 letter to District Attorney Thomas Sneddon.

Miller is a private investigator who works for several different attorneys on a variety of civil and criminal matters. His computer hard-drives contain privileged information relating to these other matters, as well as personal correspondence. Therefore, neither law enforcement, nor anyone else other than Miller's counsel, a special master, or the Court acting as a special master, should be engaged in a review of the computer hard-drives.

I should add that my position is not unknown to the prosecution in this case. I have had multiple discussions with Deputy District Attorney Jerry Franklin concerning privilege issues. More specifically, when I last spoke to him concerning the issue of a privilege log in the last week of May 2004, I related to him that I was not in possession of the computer hard drives and that I did not know how long it would take for me to get them. I suggested to him, in an effort to expedite the process, that he obtain copies of the computer hard drives that were imaged by the seizing authorities and provide them to me (along with a copy of the Court's order concerning the preparation of a privilege log) so that I could prepare a privilege log. He told me he would look into it and get back to me. However, I did not hear back from him.

I anticipated that Mr. Franklin's lack of response was attributable to the fact that another, more pressing concern had arisen. This was not the first time that discussions regarding a privilege log were back-burnered. In March 2004, Mr. Franklin and I discussed the privilege log issue. However, any resolution of the issue was put on hold after grand jury subpoenas were issued for Miller and Mr. Asaf Vilchik, and Mr. Franklin's attention turned towards addressing the ultimately successful efforts by Mr. Jackson's former defense team to quash the subpoenas.

In sum, I am most disappointed that after all of my discussions and correspondence with Mr. Franklin and others involving the privilege issue, and my concerns that the attorney client privilege and attorney work product materials contained on the computer hard-drives be protected, this matter has unfolded this way. Notwithstanding the many months that I have been asserting privilege over the contents of the computer hard-drives, the privileges appear to have been violated and the contents of Miller's hard-drives have been exposed to individuals other than Miller's counsel, or a special master.

All of this could have been avoided had the law enforcement officials simply acceded to my request, made to them in Miller's office during the search on November 18, 2003, for a special master. However, my request was summarily rejected by the law enforcement officers at the scene who informed me that Mr. Sneddon had told them that a special master was not needed.

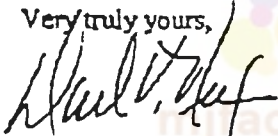
and therefore would not be employed, in the search of Miller's office. I was further told on that date, by the same law enforcement personnel, that it was Mr. Sneddon's view that a special master was not needed because Miller's office was neither a law office nor an office physically connected to a law office.<sup>1</sup>

At this point, in an effort to prevent any further violations of the attorney client and attorney work product privileges, I respectfully ask that you that you request from the Court the following: (1) please assert attorney-client privilege and work product privilege objections to all of the materials on Miller's computer hard-drives (you stated in our telephone conversation that you already planned on asserting privilege as to everything on the computer hard-drives prior to my request); (2) ask the court to appoint a special master to review the hard-drives so that there is no further violation of the attorney client and attorney work product protections, or Miller's privacy; and (3) ask that the court to order those on the defense team who have reviewed the contents of Miller's hard-drives from any dissemination of the information they have seen during their privilege review, except as to those materials determined by a special master to be relevant in the Jackson case, and not privileged or otherwise protected. Finally, I ask that these requests be made *in camera*, under seal, to avoid a public discussion of this highly sensitive matter.

It is not my intention to put you in an awkward position or to in any way request that you violate the Court's order. I understand that you are doing your best to comply with the Court's order. However, I beg your indulgence and simply request that you raise these concerns and issues with the Court so that no further violation of Miller's privacy and the attorney client and attorney work privileges occurs. Please feel free to provide this letter to the Court and counsel if necessary.

Thank you for your assistance. Please keep me apprised of any developments.

Very truly yours,



Daniel V. Nixon  
BYRNE & NIXON LLP

---

<sup>1</sup> Mr. Sneddon left me a voice message late in the day on November 18, 2003 stating that he received my letter and that the computer hard-drives and other items seized would not be reviewed until the privilege issues were resolved. However, inexplicably, a special master has never been employed in this case.

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 **PRIVILEGE LOG FOR EVIDENCE ITEMS 824, 825, AND 826** (Evid. Code, Section 954.) on the interested parties in this action by depositing a true copy thereof as follows:

Tom Sneddon  
Gerald Franklin  
Ron Zouen  
Gordon Auchincloss  
District Attorney  
1105 Santa Barbara Street  
Santa Barbara, CA 93101  
568-2398

Byrne & Nixon LLP  
Duniel Nixon  
Two California Plaza  
350 South Grand Avenue  
39<sup>th</sup> Floor  
Los Angeles, CA 90071  
Fax - 213-620-8012

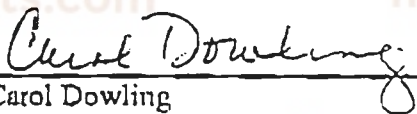
       **BY U.S. MAIL** - I am readily familiar with the firm's practice for collection of mail and processing of correspondence for mailing with the United States Postal Service. Such correspondence is deposited daily with the United States Postal Service in a sealed envelope with postage thereon fully prepaid 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.

  X   **BY FACSIMILE** - I caused the above-referenced document(s) to be transmitted via facsimile to the interested.

  X   **BY HAND** - I caused the document to be hand delivered to the interested parties at the address above.

  X   **STATE** - I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

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

  
\_\_\_\_\_  
Carol Dowling