

FILED  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SANTA BARBARA

AUG 17 2004

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

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SANTA BARBARA

THE PEOPLE OF THE STATE OF  
CALIFORNIA,

Plaintiff,

vs.

MICHAEL JACKSON.

Defendant.

) Case No.: 1133603

) Order Conditionally Sealing Privilege Log for  
) Evidence Items 824, 825 and 826

The Court places Defendant's Privilege Log for Evidence Items 824, 825 and 826 conditionally under seal. Defendant is directed to file a motion to seal the Privilege Log and calendar it for hearing on the next available hearing date after August 16, 2004. A redacted version of the Privilege Log in the form attached to this order shall be placed in the public file.

DATED: August 17, 2004

Rodney S. Melville  
RODNEY S. MELVILLE  
Judge of the Superior Court

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**REDACTED  
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15  
16 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
17 FOR THE COUNTY OF SANTA BARBARA, COOK DIVISION

18 THE PEOPLE OF THE STATE OF CALIFORNIA,

19 Plaintiffs,

20 vs.

21 MICHAEL JOSEPH JACKSON,

22 Defendant.

) Case No. 1133603

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

) ~~UNDER SEAL~~

) Honorable Rodney Meiville

) ~~Date: August 16, 2004~~

) ~~Time: 10:00 am.~~

) ~~Dept: SM 8~~

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

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 Miler, 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

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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.

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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 Brad 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 bread 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

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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>4</sup>

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24 <sup>4</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. Mesereau, 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.  
Susan C. Yu

5 KATTEN MUCHIN ZAVIS ROSENMAN  
6 Steve Cochran  
Stacey McKee Knight

7 SANGER & SWYSEN  
8 Robert M. Sanger

9 OXMAN & JAROSCAK  
Brian Oxman

10  
11 By: 

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





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Exhibit A



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STATE OF CALIFORNIA, COUNTY OF SANTA BARBARA:

I am a citizen of the United States of America and a resident of the county aforesaid. I am employed by the County of Santa Barbara, State of California. I am over the age of 18 and not a party to the within action. My business address is 312-H East Cook Street, Santa Maria, California.

On AUGUST 17, 20 04, I served a copy of the attached ORDER CONDITIONALLY SEALING PRIVILEGE LOG FOR EVIDENCE ITEMS 824, 825 AND 826 addressed as follows:

THOMAS W. SNEDDON, DISTRICT ATTORNEY  
DISTRICT ATTORNEY'S OFFICE  
1105 SANTA BARBARA STREET  
SANTA BARBARA, CA 93101

THOMAS A. MESEREAU, JR.  
COLLINS, MESEREAU, REDDOCK & YU, LLP  
1875 CENTURY PARK EAST, 7<sup>TH</sup> FLOOR  
LOS ANGELES, CA 90067

FAX

By faxing true copies thereof to the receiving fax numbers of: 805-568-2398 (DISTRICT ATTORNEY); 310-861-1007 (THOMAS A. MESEREAU, JR). Said transmission was reported complete and without error. Pursuant to California Rules of Court 2005(i), a transmission report was properly issued by the transmitting facsimile machine and is attached hereto.

MAIL

By placing true copies thereof enclosed in a sealed envelope with postage fully prepaid, in the United States Postal Service mail box in the City of Santa Maria, County of Santa Barbara, addressed as above. That there is delivery service by the United States Postal Service at the place so addressed or that there is a regular communication by mail between the place of mailing and the place so addressed.

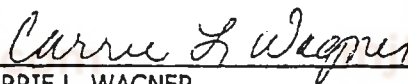
PERSONAL SERVICE

By leaving a true copy thereof at their office with their clerk therein or the person having charge thereof.

EXPRESS MAIL

By depositing such envelope in a post office, mailbox, subpost office, substation, mail chute, or other like facility regularly maintained by the United States Postal Service for receipt of Express Mail, in a sealed envelope, with express mail postage paid.

I certify under penalty of perjury that the foregoing is true and correct. Executed this 17<sup>TH</sup> day of AUGUST, 20 04, at Santa Maria, California.

  
CARRIE L. WAGNER