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14 Attorneys for Defendant
MICHAEL JOSEPH JACKSON

15
16 SUPERIOR COURT OF THE STATE OF CALIFORNIA
17 FOR THE COUNTY OF SANTA BARBARA, COOK DIVISION
18

19 THE PEOPLE OF THE STATE OF
20 CALIFORNIA,

21 Plaintiffs,

22 vs.

23 MICHAEL JOSEPH JACKSON,

24 Defendant.
25
26
27
28

) Case No. 1133603

) ORDER ENDORSING SUBPOENA DUCES
) TECUM

) Honorable Rodney S. Melville

) Date: October 14, 2004

) Time: 8:30 am.

) Dept: SM 2

) ~~FILED UNDER SEAL~~

FILED
SUPERIOR COURT of CALIFORNIA
COUNTY of SANTA BARBARA

OCT 22 2004

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

** unsealed
pursuant to
6/16/05 court
order*

ORDER ENDORSING SUBPOENA DUCES TECUM

1 The Court having permitted Counsel to submit an Ex Parte Application, Counsel having done
2 so and GOOD CAUSE APPEARING THEREFORE,

3 IT IS HEREBY ORDERED that the evidence of witnesses, the Custodian of Records for the
4 311 Component Corps Support Command (COSCOM), U.S. Army Reserve; 63rd Regional Readiness
5 Command (RRC), U.S. Army; Defense Finance and Accounting Service, U.S. Army; and U.S. Army
6 Human Resources Command, U.S. Army, is material and relevant, and the Subpoena Duces Tecum
7 for work records of Jay Daniel Jackson is necessary and relevant to this proceeding, the Court hereby
8 endorses the subpoena attached hereto dated October 14, 2004.

9
10 DATED: OCT 22 2004

11 

12 The Honorable Rodney Melville
13 Judge of the Superior Court of California
14 County of Santa Barbara

Attachment "1"
Identity of Subpoenaed Party

The subpoenaed parties identified in the accompanying
Subpoena are as follows:

Custodian of Records for 311 Component Corps Support Command
(COSCOM), U.S. Army Reserve; 63rd Regional Readiness Command
(RRC, U.S. Army; Defense Finance and Accounting Service, U.S.
Army; and U.S. Army Human Resources Command, and each of them.

ATTACHMENT TO ITEM 2(b)

Subpoena to Custodian of Records, 311 Component Corps Support Command (COSCOM), U.S. Army Reserve, 63rd Regional Readiness Command (RRC), Defense Finance and Accounting Service, and U.S. Army Human Resources Command

October 14, 2004

The items described in the following Affidavit to be produced pursuant to this subpoena are as follows:

(1) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning the personnel work file for Jay D. Jackson date of birth [REDACTED] social security number [REDACTED] [REDACTED]. This individual is believed to be an Commissioned Officer Grade 4, on active duty in the U.S. Army Reserve since 9-1-81. He is believed to be Occupational Specialty Primary 13A, Duty 42B.

(2) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning any contact, communications, or correspondence with you from any of the following government entities, or any person acting on their behalf, concerning or relating to Jay D. Jackson:

- (a) Los Angeles County Department of Family and Children Services;
- (b) Santa Barbara County Department of Child Protective Services;
- (c) Santa Barbara County District Attorney
- (d) Santa Barbara Sheriffs Department;
- (e) Los Angeles Police Department;
- (f) any law enforcement agency;
- (G) any personnel or individual from any agency of the above-indicated entities.

(3) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning any work evaluation, supervisor reviews, performance evaluations, or superior officer comments upon the performance of Jay D. Jackson, including but not limited to merit pay evaluations, reviews for promotion, complaints from co-workers, comments from fellow officers, complaints from civilian personnel, or complaints from employees.

(4) All DOCUMENTS constituting, evidencing, concerning, discussing, or mentioning any insurance claim, claim for injury, claim for damages, disability claim, accident report, claim for lost wages, demand for compensation, or legal action instituted by or from Jay D. Jackson, against you, or any other person, business, or other entity associated with you.

(5) The cancelled pay checks or other evidence of payment, including but not limited to ledgers or computerized statements, for all pay, wages, or salaries paid to Jay Jackson, showing the front and back, for the period January 1, 1998, to the present.

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(562) 921-5058

Attorneys for defendant,
Mr. Michael Jackson

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA BARBARA

PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs

MICHAEL JACKSON,

Defendant.

Case No. 1133603

DECLARATION OF
APPLICATION
FOR SUBPOENA DUCES TECUM

STATE OF CALIFORNIA, COUNTY OF SANTA BARBARA

1. The undersigned states: That he is the attorney of record for defendant, Michael Jackson, in the above-entitled action and that this cause has been duly set for hearing on November 5, 2004, at 8:30 a.m. in Department SM-2 of the Santa Barbara Superior Court, located at 312 East Cook Street, Santa Maria, California 93454.

2. Witness Custodian of Records, 311 Component Corps Support Command (COSCOM), U.S. Army Reserve, 63rd Regional Readiness Command (RRC), Defense Finance and Accounting Service, and U.S. Army Human Resources Command, has in their possession or control the following documents, objects, or other tangible things:

A. INSTRUCTIONS AND DEFINITIONS:

(1) As used herein, the term "DOCUMENT" or "DOCUMENTS" means any handwritten, recorded, typed, printed, pictorial, or graphic matter whatsoever, however produced or reproduced, and including without limitation, all "WRITINGS" as defined in California Evidence Code § 250. The term "DOCUMENT" or "DOCUMENTS" also includes any data compilation of any sort,

whether stored magnetically, electronically, or otherwise, from which information can be obtained, translated, or, if necessary, through detection devices into reasonably usable form. Any comment or notation appearing on any document, and not a part of the original text, is considered a separate document and any copy, draft, or preliminary form of any document is also considered a separate document.

(2) As used herein, the term "DOCUMENT" is intended to include within its scope each and every "ORIGINAL" (as the term is defined in California Evidence Code Section 255), and each and every "DUPLICATE" (as the term is defined in Evidence Code Section 260), of each and every "WRITING" (as the term is defined in California Evidence Code § 250) described in the requests set forth below.

(4) As used herein, the "COMPLAINANTS" refers to

- (a) Janet Arvizo, aka Janet Ventura or Janet Jackson, date of birth [REDACTED] social security number [REDACTED]
- (b) Davellin Arvizo, date of birth [REDACTED] social security number [REDACTED]
- (c) Gavin Arvizo, date of birth [REDACTED] social security number [REDACTED]
- (d) Star Arvizo, date of birth [REDACTED] social security number [REDACTED]
- (e) Jay Daniel Jackson, date of birth [REDACTED] social security number [REDACTED]

or any person who is their representative, agent, or acting on their behalf, including their partners, corporations, or business entities where they have a property or ownership interest. The term "COMPLAINANTS" refers to all the individuals mentioned in this paragraph individually, whether or not the names of the others persons identified in this paragraph appear or are mentioned in the DOCUMENT. The term "COMPLAINANTS" also include present and former attorneys, agents, representatives, and any other persons acting on behalf of COMPLAINANT.

(4) As used herein, the "COMPLAINT" refers to the reports, claims, or allegations made by the COMPLAINANTS regarding Mr. Michael Jackson, which was made to you, or which COMPLAINANTS have made to any law enforcement agency or personnel at any time.

(5) "YOU" or "YOURS" refers to the Custodian of Records, United States 311 Component Corps Support Command (COSCOM), 63rd Regional Readiness Command (RRC), Defense Finance and Accounting Service, and U.S. Army Human Resources Command, and all of their agents, representatives, employees, attorneys, or any person acting on his behalf.

(6) As used herein, "PERSON" or "PERSONS" means any natural individual in any capacity, and all entities of every description, including, but not limited to, associations,

organizations (public or private), agencies, companies, partnerships, joint ventures, corporations, and trusts.

(7) As used herein, "REPRESENTATIVE" or "REPRESENTATIVES" means any person (as defined herein) who acts, has at any time acted, or has purported to act, at the request of, for the benefit of, or on behalf of another, including, but not limited to, the parents, guardians, or agents of COMPLAINANT.

(8) As used herein, the term "COMMUNICATION" is to be interpreted comprehensively, and means any instance in which information was exchanged between or among two or more persons, including any oral or written utterance, notation, or statement of any nature whatsoever, by and to whomsoever made, and all understanding or exchanges of information between or among two or more persons.

(9) As used herein, the term "CORRESPONDENCE" means any handwritten, printed, typed, or otherwise recorded communication whatsoever between or among two or more persons, and includes, without limitation, memoranda, letters, notes, telegrams, telexes, facsimile transmissions, email records, and marginal notations or comments.

B. DOCUMENTS TO BE PRODUCED:

(1) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning the personnel work file for Jay D. Jackson date of birth [REDACTED] social security number [REDACTED]. This individual is believed to be an Commissioned Officer Grade 4, on active duty in the U.S. Army Reserve since 9-1-81. He is believed to be Occupational Specialty Primary 13A, Duty 42B.

(2) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning any contact, communications, or correspondence with you from any of the following government entities, or any person acting on their behalf, concerning or relating to Jay D. Jackson:

- (a) Los Angeles County Department of Family and Children Services;
- (b) Santa Barbara County Department of Child Protective Services;
- (c) Santa Barbara County District Attorney
- (d) Santa Barbara Sheriffs Department;
- (e) Los Angeles Police Department;
- (f) any law enforcement agency;
- (G) any personnel or individual from any agency of the above-indicated entities.

(3) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning any work evaluation, supervisor reviews, performance evaluations, or superior officer comments upon the performance of Jay D. Jackson, including but not limited to merit pay evaluations, reviews for promotion,

complaints from co-workers, comments from fellow officers, complaints from civilian personnel, or complaints from employees.

(4) All DOCUMENTS constituting, evidencing, concerning, discussing, or mentioning any insurance claim, claim for injury, claim for damages, disability claim, accident report, claim for lost wages, demand for compensation, or legal action instituted by or from Jay D. Jackson, against you, or any other person, business, or other entity associated with you.

(5) The cancelled pay checks or other evidence of payment, including but not limited to ledgers or computerized statements, for all pay, wages, or salaries paid to Jay Jackson, showing the front and back, for the period January 1, 1998, to the present.

(6) All DOCUMENTS constituting, evidencing, concerning, discussing, or mentioning all pay rate histories, compensation histories, or scheduled pay for Jay D. Jackson since January 1, 1998.

(7) All DOCUMENTS constituting, evidencing, concerning, discussing, or mentioning any disciplinary actions, rank demotion, or charges seeking to impose penalties taken against or regarding Jay D. Jackson;

(8) All DOCUMENTS constituting, evidencing, concerning, discussing, or mentioning any special training, merit certifications, work certifications, special qualifications, certifications, or educational courses undertaken by Jay D. Jackson, including but not limited to police science classes, special military procedure courses, or riot control training;

(9) All DOCUMENTS constituting, evidencing, concerning, discussing, or mentioning any security clearances, special operations qualifications, combat experience, policing activities, or activities involving high risk procedures for Jay D. Jackson;

(10) All DOCUMENTS constituting, evidencing, concerning, discussing, or mentioning any reports, communications,, or notifications from Jay D. Jackson to you of arrest(s), criminal conviction(s), or police complaint(s) regarding or concerning him;

(11) All DOCUMENTS constituting, evidencing, concerning, discussing or mentioning, the criminal conviction of Jay Daniel Jackson in the Case of Commonwealth of the State of Virginia vs. Jay Daniel Jackson, Virginia District Court of Newport News Case No. GT000257700, including all explanations for criminal conduct, disclosures to superior officers of the offense charged, notification of completion of criminal sentence, and statements regarding rehabilitation.

(12) All DOCUMENTS constituting, evidencing,

concerning, discussing or mentioning, either directly or indirectly, the case of People of the State of California v. Michael Jackson, Santa Barbara Superior Court Case No. 1133603, as they related to or mention Jay Daniel Jackson.

3. The above documents are material to the issues involved in the case by reason of the following facts:

A. The information sought will lead to witness, documents, and discoverable evidence that will show the claims made in the Pending Criminal Case in the Santa Barbara Superior Court are unfounded.

B. The information sought by this subpoena will disclose motives, biases, and exaggerations on behalf of and engaged in by Witness Jay Jackson and COMPLAINANTS;

C. The information sought contains information regarding the background, motives, state of mind, character and reputation for veracity, and reports of COMPLAINANTS,

D. The requested documents and/or information contains the prior inconsistent statements, recollections, observations, and reactions of COMPLAINANTS to the events and circumstances which gave rise to the Pending Criminal Case in the Santa Barbara Superior Court;

E. The requested materials constitute the faulty perception, inability to perceive, errors, and mistakes of Jay D. Jackson and COMPLAINANTS;

4. Good cause exists for the production of the above described matters and things by reason of the following facts:

A. The Custodian of Records of the subpoenaed party is the sole and exclusive source of all such information, and no other person, business, or other entity has possession or control of such information.

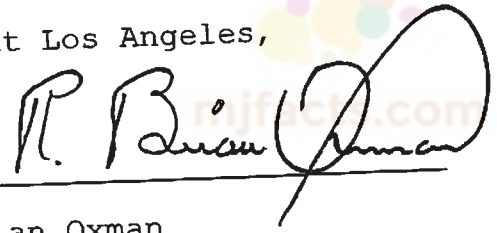
B. The information requested by this Subpoena discloses the motive, intent, and conscious state of mind of persons making claims in the Santa Barbara Superior Court, along with persons directing, counseling and controlling the complainants in the Santa Barbara Superior Court action.

C. No other source exists for such information because such disclosures were made only in the records of the subpoenaed party, and the only person with such information is the subpoenaed party.

WHEREFORE, request is made the Subpoena Duces Tecum issue.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.

Executed 14th day of October, 2004, at Los Angeles,
California.



R. Brian Oxman

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