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**FILED**  
 SUPERIOR COURT of CALIFORNIA  
 COUNTY of SANTA BARBARA

NOV 24 2004

GARY M. BLAIR, Executive Officer

BY *Carrie L. Wagner*  
 CARRIE L. WAGNER, Deputy Clerk

5 Attorneys for NBC Universal, Inc.; CBS  
 Broadcasting Inc.; Fox News Network L.L.C.;  
 6 ABC, Inc.; Cable News Network LP, LLLP;  
 The Associated Press; *Los Angeles Times*; The  
 7 New York Times Company; and *USA Today*

8  
 9 SUPERIOR COURT, STATE OF CALIFORNIA  
 10 FOR THE COUNTY OF SANTA BARBARA

11  
 12 THE PEOPLE OF THE STATE OF  
 13 CALIFORNIA,

14 Plaintiff,  
 15 vs.

16 MICHAEL JOE JACKSON,

17 Defendant.

Case No.: 1133603

**ACCESS PROPONENTS' OPPOSITION TO  
 MOTIONS TO FILE DOCUMENTS UNDER  
 SEAL THAT HAVE BEEN FILED SINCE  
 THE NOVEMBER 5, 2004 HEARING**

Date: Monday, November 29, 2004  
 Time: 10:00 a.m.  
 Place: Department SM-2,  
 Judge Rodney S. Melville

[VIA FACSIMILE]

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 20 The Access Proponents, a group of media organizations,<sup>1</sup> respectfully file this opposition to  
 21 any and all motions to file documents under seal that have been filed since the November 5, 2004  
 22 hearing.

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 26  
 27 <sup>1</sup> NBC Universal, Inc.; CBS Broadcasting Inc.; Fox News Network L.L.C.; ABC, Inc.; Cable News  
 28 Network LP, LLLP; The Associated Press; *Los Angeles Times*; The New York Times Company;  
 and *USA Today*.

**ACCESS PROPONENTS' OPPOSITION TO MOTIONS TO FILE DOCUMENTS UNDER SEAL  
 THAT HAVE BEEN FILED SINCE THE NOVEMBER 5, 2004 HEARING**

1 The Access Proponents have previously briefed to this Court the federal and California authority that  
 2 establishes a strong presumption against sealing such judicial records, and the parties' latest  
 3 submissions once again fail to overcome that presumption. *See generally NBC Subsidiary (KNBC-*  
 4 *TV), Inc. v. Superior Court*, 20 Cal. 4th 1178 (1999).<sup>2</sup> The Access Proponents hereby incorporate  
 5 their prior arguments by reference and request that the Court unseal, to the maximum extent possible,  
 6 any and all documents filed under seal since the November 5, 2004 hearing. The First Amendment to  
 7 the United States Constitution, the California Constitution, Rule 243.1 of the California Rules of  
 8

9 <sup>2</sup> *See, e.g.*, Notice of Motion and Motion, Filed by the Access Proponents; Seeking to Unseal  
 10 Certain Court Records Related to Search Warrant #884686 (filed Jan. 7, 2004); Opposition of the  
 11 Access Proponents to Plaintiff's Request for Protective Order (filed Jan. 12, 2004); Reply of the  
 12 Access Proponents to Defendant's Opposition to the Access Proponents' Motion to Unseal  
 13 Certain Court Records Related to Search Warrant #884686 (filed Jan. 13, 2004); Opposition of  
 14 the Access Proponents to Plaintiff's Motions to Seal Certain Search Warrants and Related  
 15 Documents, as Well as Certain Items to be Lodged by the Sheriff with the Court (filed Feb. 6,  
 16 2004); Opposition of the Access Proponents to Plaintiff's Motion to Seal Computer Hard-Drives  
 17 Search Warrants and Related Documents (filed Feb. 9, 2004); Opposition of the Access  
 18 Proponents to Plaintiff's Motion to Seal Search Warrant No. SW 4912 and Its Related Documents  
 19 (filed Feb. 11, 2004); Opposition of the Access Proponents to Plaintiff's Motion to Seal Search  
 20 Warrant No. SW 4915 and Its Related Documents (filed Feb. 11, 2004); Opposition of the Access  
 21 Proponents to Plaintiff's and Defendant's Motions to Seal Briefs re Attorney-Client and  
 22 Attorney-Work-Product Privileges (filed Feb. 13, 2004); Response of the Access Proponents to  
 23 Defendant's Consolidated Response Re Computer Hard-Drives Search Warrant, Seven Telephone  
 24 Service Providers Search Warrants, and Search Warrant No. SW 4912 (filed Feb. 13, 2004);  
 25 Objections of the Access Proponents To the Sealing or Conditional Sealing of: (1) The People's  
 26 Application for an Order To Show Cause re Contempt; and (2) Documents and Records Related  
 27 to the Additional Search Warrants Referred to in the Court's March 24, 2004 Order (filed March  
 28 26, 2004); Opposition of the Access Proponents to Motion for Order Directing that Search  
 Warrant Nos. SW 4977 and 4977A, Their Supporting Affidavits and Any Return be Filed and  
 Maintained Under Conditional Seal Until Further Court Order (filed April 26, 2004); Access  
 Proponents' Notice of Motion and Motion to Unseal Grand Jury Indictment (filed May 18, 2004);  
 Access Proponents' Notice of Motion and Motion to Unseal Transcripts of Grand Jury  
 Proceedings (filed May 18, 2004); Opposition to Motions to File Under Seal and Objections to  
 Procedure for Sealing Records, Including Docket Sheets, and Holding Ex Parte Hearings (filed  
 June 21, 2004); Supplement to Opposition to Motions to File Under Seal and Objections to  
 Procedure for Sealing Records, Including Docket Sheets, and Holding Ex Parte Hearings (filed  
 June 23, 2004); Oppositions to Motions to File Under Seal Filed Since the June 25, 2004 Hearing  
 (filed July 6, 2004); Opposition to Motions to File Under Seal That Have Been Filed Since the  
 July 27, 2004 Hearing (filed August 11, 2004); Access Proponents' Notice of Motion and Motion  
 Requesting Contemporaneous Access to Videotapes Played in Open Court and for Public Release  
 of Such Videotapes and Other Exhibits Introduced as Evidence at Ongoing Hearings that Began  
 on July 27 and August 16, 2004 (filed August 23, 2004).

1 Court, and the common law dictate that abstract notions of the Defendant's fair trial right cannot be  
2 invoked to create a presumption of secrecy. The materials currently under seal, therefore, must be  
3 disclosed and open to the public.<sup>3</sup>

5 DATED: November 24, 2004

Respectfully submitted,

6 GIBSON, DUNN & CRUTCHER LLP  
7 Theodore J. Boutros, Jr.  
8 Michael H. Dore

By: Theodore J. Boutros, Jr. / J.F.  
Theodore J. Boutros, Jr.

9 Attorneys for NBC Universal, Inc.;  
10 CBS Broadcasting Inc.; Fox News Network L.L.C.;  
11 ABC, Inc.; Cable News Network LP, LLLP;  
12 The Associated Press; *Los Angeles Times*; The New  
13 York Times Company; and *USA Today*

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26  
27 <sup>3</sup> The Access Proponents intend to submit their opposition based on this and all other pleadings,  
28 records, and papers on file in this case. They do not plan to attend the hearing scheduled for  
Monday, November 29, 2004, unless the Court prefers otherwise.

**CERTIFICATE OF SERVICE  
BY FAX AND REGULAR MAIL**

I, Jess Fernandez, hereby certify as follows:

I am employed in the County of Los Angeles, State of California; I am over the age of eighteen years and am not a party to this action; my business address is Gibson, Dunn & Crutcher LLP, 333 South Grand Avenue, Los Angeles, California 90071, in said County and State; I am employed in the office of Michael H. Dore, a member of the bar of this Court, and at his direction, on November 24, 2004, I served the following:

**ACCESS PROPONENTS' OPPOSITION TO MOTIONS TO FILE DOCUMENTS UNDER SEAL THAT HAVE BEEN FILED SINCE THE NOVEMBER 5, 2004 HEARING**

on the interested parties in this action, by the following means of service:

- BY MAIL:** I placed a true copy in a sealed envelope addressed as indicated below, on the above-mentioned date. I am familiar with the firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Thomas W. Sneddon District Attorney Santa Barbara County 1105 Santa Barbara Street Santa Barbara, CA 93101-2007  Attorneys for Plaintiffs	Tel.: (805) 568-2300 Fax: (805) 568-2398
Thomas A. Mesereau, Jr. Collins, Mesereau, Reddock & Yu LLP 1875 Century Park East, 7th Floor Los Angeles, CA 90067  Attorneys for Defendant Michael Jackson	Tel.: (310) 284-3120 Fax:
Robert Sanger Sanger & Swysen, Lawyers 233 E. Carrillo Street, Suite C Santa Barbara, CA 93001  Co-Counsel for Defendant Michael Jackson	Tel.: (805) 962-4887 Fax: (805) 963-7311

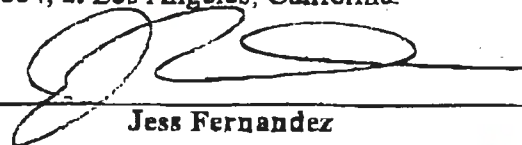
- BY FACSIMILE:** From facsimile number (213) 229-7520, I caused each such document to be transmitted by facsimile machine, to the parties and numbers indicated below. No error was reported by the machine.

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1 Thomas W. Sneddon 2 District Attorney 3 Santa Barbara County 4 1105 Santa Barbara Street 5 Santa Barbara, CA 93101-2007 6 Attorneys for Plaintiffs	Tel.: (805) 568-2300 Fax: (805) 568-2398
7 Thomas A. Mesereau, Jr. 8 Collins, Mesereau, Reddock & Yu LLP 9 1875 Century Park East, 7th Floor 10 Los Angeles, CA 90067 11 Attorneys for Defendant Michael Jackson	Tel.: (310) 284-3120 Fax:
12 Robert Sanger 13 Sanger & Swysen, Lawyers 14 233 E. Carrillo Street, Suite C 15 Santa Barbara, CA 93001 16 Co-Counsel for Defendant Michael Jackson	Tel.: (805) 962-4887 Fax: (805) 963-7311

- 12  I am employed in the office of Michael H. Dore, a member of the bar of this court, and that the  
 13 foregoing document(s) was(were) printed on recycled paper.
- 14  (STATE) I declare under penalty of perjury under the laws of the State of California that  
 15 the foregoing is true and correct.
- 16  (FEDERAL) I declare under penalty of perjury that the foregoing is true and correct.

17 I certify under penalty of perjury that the foregoing is true and correct, that the foregoing  
 18 document(s), and all copies made from same, were printed on recycled paper, and that this Certificate  
 19 of Service was executed by me on November 24, 2004, at Los Angeles, California.

20   
 21 \_\_\_\_\_  
 22 Jess Fernandez

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