1	THOMAS W. SNEDDON, JR., DISTRICT ATTORNE	
2	County of Santa Barbara By: RONALD J. ZONEN (State Bar No. 85094)	SUPERIOR COURT OF CALIFORNIA COURT OF SAFITA BARBARA
3	Senior Deputy District Attorney J. GORDON AUCHINCLOSS (State Bar No. 1502)	51) DEC 88 1394
4	Senior Deputy District Attorney GERALD McC. FRANKLIN (State Bar No. 40171)	GARY 1. July 15-7 reputive Officer
5	Senior Deputy District Attorney 1112 Santa Barbara Street	CASHILL AND Shuty Clerk
6	Santa Barbara, CA 93101 Telephone: (805) 568-2300 FAX: (805) 568-2398	
7	FAX: (805) 568-2398	
8	SUPERIOR COURT OF THE STATE OF CALIFORNIA	
9	FOR THE COUNTY OF SANTA BARBARA	
10	SANTA MARIA DIVISION	
11	ن فران ما فران	
12	THE PEOPLE OF THE STATE OF CALIFORNIA,)	No. 1133603
13	Plaintiff,	PLAINTIFF'S NOTICE OF
14	v. mjracts.com	MOTION FOR ORDER DIRECTING THAT PLAINTIFF'S
15	}	PROPOSED DISCOVERY ORDER BE SEALED; DECLARATION OF
16	MICHAEL JOE JACKSON,	GERALD McC. FRANKLIN IN SUPPORT OF SEALING:
17	Descendant.	MEMORANDUM OF POINTS AND AUTHORITIES
18		
19	mjfacts.com	
20	TO: MICHAEL JOE JACKSON, AND TO THOMAS A. MESEREAU, JR.,	
21	ROBERT SANGER AND BRIAN OXMAN, HIS ATTORNEYS OF RECORD, AND TO	
22	THEODORE J. BOUTROUS, JR., ESQ., GIBSON, DUNN & CRUTCHER, LLP:	
23	PLEASE TAKE NOTICE that Plaintiff hereby moves for an order directing that	
24	"Plaintiff's Proposed Discovery Order," filed under seal contemporaneously with this Request	
25	for Conditional Sealing, be maintained under conditional	scal until further order of court,
26	pursuant to California Rules of Court, rule 243.1 et seq.	
27	The motion will be made on the ground that the facts, as established by the	
28	accompanying declaration of Gerald McC. Franklin, are sufficient to justify sealing the	

PLAINTIFF'S REQUEST TO SEAL PROPOSED DISCOVERY ORDER

specified motion pursuant to California Rules of Court, rule 243.1 et seq. The motion will be based on this notice of motion, on the declaration of Gerald McC. Franklin and the memorandum of points and authorities served and filed herewith, on the records and the file herein, and on such evidence as may be presented at the hearing of the motion. DATED: December 6, 2004 THOMAS W. SNEDDON, JR. District Attorne McC. Franklin, Senior Deputy Attorneys for Plaintiff

PLAINTIFF'S REQUEST TO SEAL PROPOSED DISCOVERY ORDER

1. I am a lawyer admitted to practice in the State of California. I am a Senior Deputy of the District Attorney of Santa Barbara County. I am one of the lawyers of record for

the People, Plaintiff in this action.

I, Gerald McC. Franklin, say:

2. This motion to conditionally seal the contemporaneously-filed "Plaintiff's Proposed Discovery Order" is made on the ground that the pending Motion makes reference to allegations in the indictment not yet made public.

3. I believe that the interest of each party to a fair trial overrides the public's prompt access to "Plaintiff's Proposed Discovery Order" in an unreducted form until the appropriateness of the release of a reducted version of the Proposed Order is determined by the court.

4. I believe an order maintaining this Proposed Order under seal in the interim would avert the probability of prejudice, and that no more narrowly tailored order with respect to that pleading could be drafted to achieve the overriding interest in a fair trial.

I declare under penalty of perjury under the laws of California that the foregoing is true and correct, except as to matters stated upon my information and belief, and as to such matters I believe it to be true. I execute this declaration at Santa Barbara, California on December 6, 2004.

Gerald McC. Franklin

PLAINTIFF'S REQUEST TO SEAL PROPOSED DISCOVERY ORDER

MEMORANDUM OF POINTS AND AUTHORITIES

The procedure for sealing records under California Rules of Court, rule 243.1 et seq. applies only to records that are deemed public. (Id., rule 243.1(a)(2).) Motions and responsive pleadings in criminal cases are, ordinarily, "public" records of the court.

Rule 243.1(d) provides that

The court may order that a record be filed under seal only if it expressly finds facts that establish:

- (1) There exists an overriding interest that overcomes the right of public access to the record;
 - (2) The overriding interest supports sealing the record;
- (3) A substantial probability exists that the overriding interest will be prejudiced if the record is not scaled;
 - (4) The proposed scaling is narrowly tailored; and
 - (5) No less restrictive means exist to achieve the overriding interest.

Rule 243.1(e) provides, in portinent part:

(1) An order scaling the record must (i) specifically set forth the facts findings that support the findings and (ii) direct the scaling of only those documents and pages, or, if reasonably practicable, portions of those documents and pages, that contain the material that needs to be placed under seal. All other portions of each documents or page must be included in the public file.

Rule 243.2(b) provides, in pertinent part, that "Pending the determination of the motion [of a party to file a record under seal], the lodged record will be conditionally under scal."

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PLAINTIFF'S REQUEST TO SEAL PROPOSED DISCOVERY ORDER

1	DATED: December 6, 2004
2	Respectfully submitted,
3	THOMAS W. SNEDDON, JR., DISTRICT ATTORNEY County of Sunta Barbara
4	County of Santa Barbara
5	By: Dale MEC Semin
6	Gerald McC. Franklin, Schior Deputy
7	Attorneys for Plaintiff
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	PLAINTIFF'S REQUEST TO SEAL PROPOSED DISCOVERY ORDER

AMENDED PROOF OF SERVICE

STATE OF CALIFORNIA

COUNTY OF SANTA BARBARA

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I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years and I am not a party to the within-entitled action. My business address is: District Attorney's Office; Courthouse; 1105 Santa Barbara Street, Santa Barbara, California 93101.

On December 6, 2004, I served the within PLAINTIFF'S PROPOSED
DISCOVERY ORDER; REDACTED VERSION THEREOF; NOTICE OF MOTION FOR
ORDER DIRECTING THAT "PLAINTIFF'S PROPOSED DISCOVERY ORDER" and
PROPOSED ORDER THEREON on Media's counsel and on Defendant, by THOMAS A.
MESEREAU, JR., ROBERT SANGER and BRIAN OXMAN, by personally delivering a true
copy thereof to Mr. Sanger's office in Santa Barbara, by faxing a true copy to other counsel at
the facsimile number shown with the address of each on the attached Service List, and then by
causing to be mailed a true copy to each counsel at that address.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Santa Barbara, California on this 6th day of December, 2004.

Gerald McC. Franklin

mjracts.com

mjfacts.com

PLAINTIFF'S AMENDED PROOF OF SERVICE OF PROPOSED DISCOVERY ORDER, ETC.

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1	SERVICE LI	
2	ifacts.com mifacts.com	
3	GIBSON, DUNN & CRUTCHER, LLP Theodore J. Boutrous, Jr., Esq.	
41.	William E. Thomson, Esq. Julian Poon, Esq.	
5	333 S. Grand Avenue Los Angeles, CA 90071-3197	
6	Attorneys for (collectively) "Media"	
7		
8	THOMAS A. MESEREAU, JR. Collins, Mesereau, Roddock & Yu, LLP	
9	1875 Century Park East, No. 700 Los Angeles, CA 90067 FAX: [CONFIDENTIAL]	
10	FAX: [CONFIDENTIAL]	
11	Attorney for Defendant Michael Jackson	
12		

ROBERT SANGER, ESQ. Sanger & Swyson, Lawyers 233 E. Canillo Street, Suite C Santa Barbara, CA 93001 FAX: (805) 963-7311 Co-counsel for Defendant

RICKY BRIAN OXMAN, ESQ. Oxman & Jaroscak, Lawyers 14126 E. Rosecrans Blvd. Santa Fe Springs, CA 90670 FAX: (562) 921-2298

Co-counsel for Defendant

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PLAINTIFF'S AMENDED PROOF OF SERVICE OF PROPOSED DISCOVERY ORDER, ETC.

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