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11 Attorneys for Defendant  
12 **MICHAEL JOSEPH JACKSON**

13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
14 **FOR THE COUNTY OF SANTA BARBARA, COOK DIVISION**  
15

16 THE PEOPLE OF THE STATE OF  
17 CALIFORNIA,

18 Plaintiffs,

19 vs.

20 MICHAEL JOSEPH JACKSON,

21 Defendant.  
22  
23  
24

) Case No. 1133603

) EX PARTE APPLICATION TO FILE UNDER  
SEAL.

) Honorable Rodney S. Melville

) Date: December 20, 2004

) Time: ~~8:30 pm~~ 9:30 AM

) Dept: SM 2

) FILED UNDER SEAL

25 TO THE CLERK OF THE ABOVE ENTITLED COURT:

26 Defendant requests that the Court issue an order that the accompanying Declaration of Brian  
27 Oxman in Opposition to Plaintiff's Objection to Subpoenas, and accompanying documents, be filed  
28

EX PARTE APPLICATION TO FILE UNDER SEAL

1 under seal and for such other such further relief as the Court may deem just and proper. This request  
2 is based on the overriding interests of Mr. Jackson's rights to due process and a fair trial under the  
3 Fifth, Sixth and Fourteenth Amendments to the United States Constitution and Article I, Sections  
4 1, 7, and 15 of the California Constitution.

5  
6 Dated: December 15, 2004

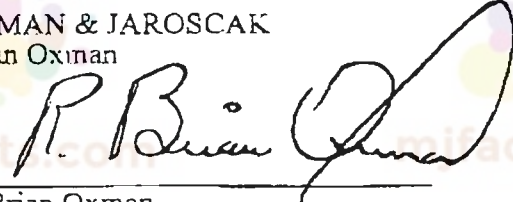
7 Respectfully submitted,

8 COLLINS, MESEREAU, REDDOCK & YU  
9 Thomas A. Mesereau, Jr.  
Susan C. Yu

10 SANGER & SWYSEN  
11 Robert M. Sanger

12 OXMAN & JAROSCAK  
13 Brian Oxman

14 By:

  
15 R. Brian Oxman  
16 Attorneys for Defendant  
17 MICHAEL JOSEPH JACKSON

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EX PARTE APPLICATION TO FILE UNDER SEAL

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 I.

3 **THE COURT HAS THE AUTHORITY TO ORDER THAT**  
4 **A RECORD BE FILED UNDER SEAL**

5 Pursuant to California Rule of Court 243.1(d), the Court has the authority to order a  
6 record be filed under seal if it expressly finds that:

- 7 1. There exists an overriding interest that overcomes the right of public access to the  
8 record;
- 9 2. The overriding interest supports sealing the record;
- 10 3. A substantial probability exists that the overriding interest will be prejudiced if the  
11 record is not sealed;
- 12 4. The proposed sealing is narrowly tailored; and
- 13 5. No less restrictive means exist to achieve the overriding interest.

14 (California Rule of Court 243.1(d).)

15 II.

16 **OVERRIDING INTERESTS EXIST THAT MEETS THE ABOVE CRITERIA FOR**  
17 **SEALING A RECORD**

18 It is necessary to seal the record pursuant to California Rule of Court 243.1(d) based on  
19 the overriding interests of Mr. Jackson's rights to due process and a fair trial under the Fifth,  
20 Sixth and Fourteenth Amendments to the United States Constitution and Article I, Sections 1, 7,  
21 and 15 of the California Constitution.

22 An inspection of the documents will reveal that they disclose the testimony of witnesses  
23 or potential witnesses and disclose possible evidence, the admissibility of which, is yet to be  
24 determined.

25 The overriding interests of Mr. Jackson's rights to a fair trial and due process would be  
26 compromised if the accompanying document is not filed under seal. A person accused of a crime  
27 is entitled to due process and a fair trial under the Fifth, Sixth and Fourteenth Amendments to the  
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EX PARTE APPLICATION TO FILE UNDER SEAL

1 United States Constitution and Article I, Sections 1, 7, and 15 of the California Constitution.  
2 Material contained the accompanying document pertains to evidence and the testimony of  
3 witnesses that, if made public, would compromise Mr. Jackson's these rights and would result in  
4 prejudice to Mr. Jackson. In order to protect these overriding interests, it is necessary that the  
5 accompanying document be filed under seal.

6 CONCLUSION

7 For the foregoing reasons, Mr. Michael Jackson requests the Declaration of Brian Oxman  
8 in Opposition to Plaintiff's Objection to Subpoenas and accompanying documents be filed under  
9 seal.

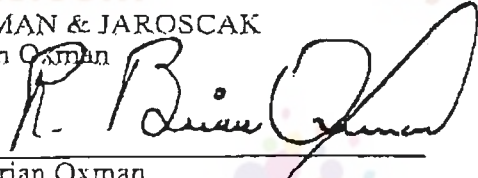
10 Dated: December 15, 2004

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14 Robert M. Sanger

15 OXMAN & JAROSCAK  
16 Brian Oxman

17 By:

18   
19 R. Brian Oxman  
20 Attorneys for Mr. Michael Jackson

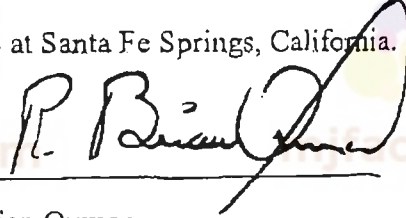
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EX PARTE APPLICATION TO FILE UNDER SEAL

DECLARATION OF BRIAN OXMAN

I, Brian Oxman, declare:

1. I am an attorney at law duly licensed to practice law in the courts of the State of California, and an attorney for Michael Jackson.
2. It is necessary that the accompanying Declaration of Brian Oxman in Opposition to Motion to Plaintiff's Objection to Subpoenas and accompanying documents be filed under seal in order to protect the overriding interests of Mr. Jackson's rights to due process and a fair trial, as well as to prevent the disclosure of witnesses, potential witnesses and potential evidence.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed this 15th day of December, 2004 at Santa Fe Springs, California.



R. Brian Oxman

EX PARTE APPLICATION TO FILE UNDER SEAL

