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

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

DEC 15 2004

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

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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 AND REQUESTS TO FILE  
DOCUMENTS UNDER SEAL THAT HAVE  
BEEN FILED SINCE THEIR LAST  
OPPOSITION TO THE PARTIES'  
MOTIONS TO FILE UNDER SEAL**

Date: December 20-23, 2004

Time: 8:30 a.m.

Place: Department: SM-8,

Judge Rodney S. Melville

[VIA FACSIMILE]

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21 The Access Proponents, a group of media organizations,<sup>1</sup> respectfully file this opposition to  
22 any and all motions and requests to file documents under seal that have been filed since their last  
23 opposition to the parties' motions to file under seal was filed on November 24, 2004, or that will be  
24 filed between the filing of this opposition and when hearings are held on December 20-23.

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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 AND REQUESTS TO FILE DOCUMENTS UNDER SEAL SINCE  
THEIR LAST OPPOSITION TO THE PARTIES' MOTIONS TO FILE UNDER SEAL**

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The Access Proponents have previously briefed to this Court the federal and California authority that establishes a strong presumption against sealing judicial records, and the parties' latest submissions once again fail to overcome that presumption. *See generally NBC Subsidiary (KNBC-TV), Inc. v. Superior Court*, 20 Cal. 4th 1178 (1999). The Access Proponents hereby incorporate their prior arguments by reference and request that the Court unseal, to the maximum extent possible, any and all documents filed between the date of their last opposition to the parties' requests to file under seal and the upcoming hearings scheduled for December 20-23, 2004. The First Amendment to the United States Constitution, the California Constitution, Rule 243.1 of the California Rules of Court, and the common law dictate that abstract notions of the Defendant's fair trial right cannot be invoked to create a presumption of secrecy. The materials currently under seal, therefore, must be disclosed and open to the public.

DATED: December 15, 2004

Respectfully submitted,

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

By: *Theodore J. Boutros, Jr.* /MD  
Theodore J. Boutros, Jr.

Attorneys for NBC Universal, Inc.;  
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The Associated Press; *Los Angeles Times*; The New  
York Times Company; and *USA Today*

**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 December 15, 2004, I served the following:

**ACCESS PROPONENTS' OPPOSITION TO MOTIONS AND REQUESTS TO FILE  
DOCUMENTS UNDER SEAL THAT HAVE BEEN FILED SINCE THEIR LAST  
OPPOSITION TO THE PARTIES' MOTIONS TO FILE UNDER SEAL**

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.

