

1 **COLLINS, MESEREAU, REDDOCK & YU**
2 Thomas A. Mesereau, Jr., State Bar Number 091182
3 Susan C. Yu, State Bar Number 195640
4 1875 Century Park East, 7th Floor
5 Los Angeles, CA 90067
6 Tel.: (310) 284-3120, Fax: (310) 284-3133

7 **SANGER & SWYSEN**
8 Attorneys at Law
9 Robert M. Sanger, State Bar No. 058214
10 233 East Carrillo Street, Suite C
11 Santa Barbara, CA 93101
12 Tel.: (805) 962-4887, Fax: (805) 963-7311

13 **OXMAN & JAROSCAK**
14 Brian Oxman, State Bar No. 072172
15 14126 East Rosecrans
16 Santa Fe Springs, CA 90670
17 Tel.: (562) 921-5058, Fax: (562) 921-2298

18 Attorneys for Defendant
19 **MICHAEL JOSEPH JACKSON**

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA BARBARA

DEC 17 2004

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

**unsealed pursuant
to 101105 court
order*

FILED UNDER SEAL
W. J. Cameron

20 SUPERIOR COURT OF THE STATE OF CALIFORNIA
21 FOR THE COUNTY OF SANTA BARBARA, COOK DIVISION

22 THE PEOPLE OF THE STATE OF
23 CALIFORNIA,

24 Plaintiffs,

25 vs.

26 MICHAEL JOSEPH JACKSON,

27 Defendant.

Case No. 1133603

EX PARTE APPLICATION TO FILE UNDER
SEAL AND IN CAMERA:

Honorable Rodney S. Melville

Date: December 22, 2004

Time: 1:30 p.m.

Dept: SM 2

28 TO THE CLERK OF THE ABOVE ENTITLED COURT:

Defendant requests that the Court issue an order that the accompanying Mr. Jackson's Reply
to Objector's Privilege Log and accompanying documents be filed under seal and for such other such

EX PARTE APPLICATION TO FILE UNDER SEAL

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

5 In addition, Subpoenaed Parties have filed their motions for In Camera review. Mr. Jackson
6 submit this Opposition also for In Camera Review and not for public filing.

7
8 Dated: December 17, 2004

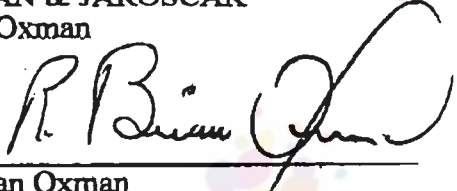
9 Respectfully submitted,

10 COLLINS, MESEREAU, REDDOCK & YU
11 Thomas A. Mesereau, Jr.
12 Susan C. Yu

13 SANGER & SWYSEN
14 Robert M. Sanger

15 OXMAN & JAROSCAK
16 Brian Oxman

17
18
19
20
21
22
23
24
25
26
27
28
By:


R. Brian Oxman
Attorneys for
Mr. Michael Jackson

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
28

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 his Reply to Objector's Privilege
8 Log and accompanying documents be filed under seal and In Camera.

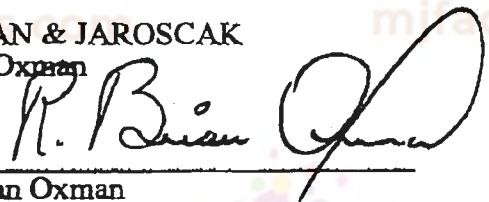
9 Dated: December 17, 2004

10 COLLINS, MESEREAU, REDDOCK & YU
11 Thomas A. Mesereau, Jr.
Susan C. Yu

12 SANGER & SWYSEN
13 Robert M. Sanger

14 OXMAN & JAROSCAK
15 Brian Oxman

16 By:

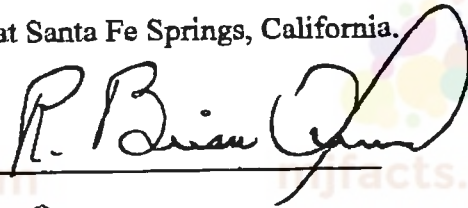
17 
18 R. Brian Oxman
19 Attorneys for
20 Mr. Michael Jackson

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 Mr. Jackson's Reply to Objector's Privilege Log 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 17th day of December, 2004 at Santa Fe Springs, California.



R. Brian Oxman

1 PROOF OF SERVICE BY MAIL AND FAX

2
3 I, Maureen Jaroscak declare and say:

4 I am an attorney at law admitted to practice before all the courts of the state of California
5 and I am an attorney for Mr. Michael Jackson in the above-entitled action. My business address
6 is 14126 East Rosecrans Blvd., Santa Fe Springs, California 90670. I m over 18 years and not a
7 party to the above-entitled action. On December 17, 2004, I served the following:

8 EX PARTE APPLICATION TO FILE UNDER SEAL
9 MR. JACKSON'S REPLY TO OBJECTOR'S PRIVILEGE LOG
ORDER SEALING OPPOSITION

10 on the interested parties by placing a true copy of the document in a sealed envelope, and
11 depositing it in the United States Mail with first class postage prepaid at La Mirada, California,
12 and addressed as follows:

13 Tony Sadri
14 790 East Colorado Blvd.
Suite 800
15 Pasadena, CA 91101
Fax No. 626 578 1293

13 Sandra Polin
14 1620 26th Street
Suite 2080N
15 Santa Monica, CA 90404
Fax No. 310 449-0014

13 C. Michael Alder
14 9308 Civic Center Dr.
Beverly Hills, CA 90210
15 Fax No. 310 275 9132

16 In addition, on this same date, I served a copy of the document by fax to the above-
17 indicated number by transmitting a true copy of it by facsimile pursuant to Rule 2003 of the
18 California Rules of Court, and no error was reported by the machine. Pursuant to Rule 2008(e), I
19 had the machine print a record of the transmission, and a copy of that record is attached to this
20 declaration.

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

23 Executed this 17th day of December, 2004, at Santa Fe Springs, California.

24
25 
26 Maureen Jaroscak
27
28

EX PARTE APPLICATION TO FILE UNDER SEAL