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

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.

28 Case No. 1133603

29 ~~PROPOSED~~ ORDER THAT REPLY TO
30 OPPOSITION TO MOTION TO DISMISS
31 FOR VINDICTIVE PROSECUTION AND
32 OUTRAGEOUS GOVERNMENT
33 CONDUCT BE FILED UNDER SEAL

34 Honorable Rodney S. Melville

35 Date: December 20, 2004

36 Time: 8:30 a.m.

37 Dept: SM 8

38 **GOOD CAUSE APPEARING**, it is hereby ordered that REPLY TO OPPOSITION TO

39 ORDER THAT REPLY TO OPPOSITION TO MOTION TO DISMISS FOR VINDICTIVE PROSECUTION
40 AND OUTRAGEOUS GOVERNMENT CONDUCT BE FILED UNDER SEAL

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA BARBARA

DEC 17 2004

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

~~FILED~~

1 MOTION TO DISMISS FOR VINDICTIVE PROSECUTION AND OUTRAGEOUS
2 GOVERNMENT CONDUCT and accompanying documents, be filed under seal.

3 DENIED

4 DATED: DEC 17 2004

5 _____
6 Judge of the Superior Court

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28 ORDER THAT REPLY TO OPPOSITION TO MOTION TO DISMISS FOR VINDICTIVE PROSECUTION
AND OUTRAGEOUS GOVERNMENT CONDUCT BE FILED UNDER SEAL

PROOF OF SERVICE

I, the undersigned declare:

I am over the age of 18 years and not a party to the within action. I am employed in the County of Santa Barbara. My business address is 233 East Carrillo Street, Suite C, Santa Barbara, California, 93101.

On December 16, 2004, I served the foregoing document **EX PARTE APPLICATION FOR AN ORDER THAT REPLY TO OPPOSITION TO MOTION TO DISMISS FOR VINDICTIVE PROSECUTION AND OUTRAGEOUS GOVERNMENT CONDUCT BE FILED UNDER SEAL** the interested parties in this action by depositing a true copy thereof as follows:

Gibson, Dunn & Crutcher LLP
Theodore J. Boutros, Jr.
William E. Thomson
Michael H. Dore
333 South Grand Avenue
Los Angeles, CA 91171
Fax - 213-229-7520

Tom Sneddon
Gordon Auchincloss
Ron Zonen
Jerry Franklin
District Attorney
568-2392

 BY U.S. MAIL - I am readily familiar with the firm's practice for collection of mail and processing of correspondence for mailing with the United States Postal Service. Such correspondence is deposited daily with the United States Postal Service in a sealed envelope with postage thereon fully prepaid and deposited during the ordinary course of business. Service made pursuant to this paragraph, upon motion of a party, shall be presumed invalid if the postal cancellation date or postage meter date on the envelope is more than one day after the date of deposit.

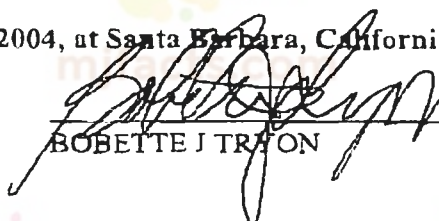
 X **BY FACSIMILE** - I caused the above-referenced document(s) to be transmitted via facsimile to the interested parties

 BY HAND - I caused the document to be hand delivered to the interested parties at the address above,

 X **STATE** - I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

 FEDERAL - I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.

Executed December 16, 2004, at Santa Barbara, California.



ROBETTE J TRIFON

PROOF OF SERVICE
1013A(1)(3), 1013(c) CCP

STATE OF CALIFORNIA, COUNTY OF SANTA BARBARA:

I am a citizen of the United States of America and a resident of the county aforesaid. I am employed by the County of Santa Barbara, State of California. I am over the age of 18 and not a party to the within action. My business address is 312-H East Cook Street, Santa Maria, California.

On DECEMBER 17, 20 04, I served a copy of the attached ORDER THAT REPLY TO OPPOSITION TO MOTION TO DISMISS FOR VINDICTIVE PROSECUTION AND OUTRAGEOUS GOVERNMENT CONDUCT BE FILED UNDER SEAL addressed as follows:

THOMAS A. MESEREAU, JR.
COLLINS, MESEREAU, REDDOCK & YU, LLP
1875 CENTURY PARK EAST, 7TH FLOOR
LOS ANGELES, CA 90067

THOMAS W. SNEDDON, JR.
DISTRICT ATTORNEY'S OFFICE
1112 SANTA BARBARA STREET
SANTA BARBARA, CA 93101

FAX

By faxing true copies thereof to the receiving fax numbers of: (310) 861-1007 (Thomas Mesereau, Jr.); (805) 568-2398 (Thomas Sneddon). Said transmission was reported complete and without error. Pursuant to California Rules of Court 2005(i), a transmission report was properly issued by the transmitting facsimile machine and is attached hereto.

MAIL

By placing true copies thereof enclosed in a sealed envelope with postage fully prepaid, in the United States Postal Service mail box in the City of Santa Maria, County of Santa Barbara, addressed as above. That there is delivery service by the United States Postal Service at the place so addressed or that there is a regular communication by mail between the place of mailing and the place so addressed.

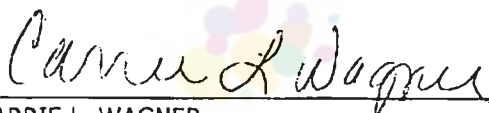
PERSONAL SERVICE

By leaving a true copy thereof at their office with the person having charge thereof or by hand delivery to the above mentioned parties.

EXPRESS MAIL

By depositing such envelope in a post office, mailbox, sub-post office, substation, mail chute, or other like facility regularly maintained by the United States Postal Service for receipt of Express Mail, in a sealed envelope, with express mail postage paid.

I certify under penalty of perjury that the foregoing is true and correct. Executed this 17TH day of DECEMBER, 20 04, at Santa Maria, California.


CARRIE L. WAGNER