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

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA BARBARA

JAN 07 2005

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

* Unsealed pursuant
to 6/16/05 court
order

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: January 14, 2005

) Time: 8:30 a.m.

) Dept: SM 2

FILED UNDER SEAL
R. S. Melville

28 TO THE CLERK OF THE ABOVE ENTITLED COURT:

29 Defendant requests that the Court issue an order that the accompanying Mr. Jackson's
30 Opposition to Motion to Quash Ventura and Bank of the West Subpoenas, and accompanying

EX PARTE APPLICATION TO FILE UNDER SEAL

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

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

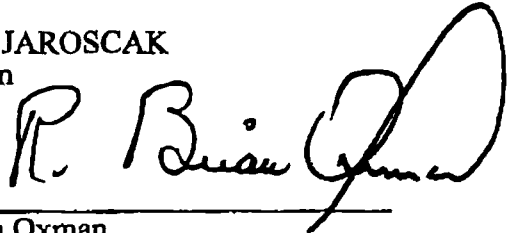
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8 Dated: January 7, 2005

9 Respectfully submitted,

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

12 SANGER & SWYSEN
13 Robert M. Sanger

14 OXMAN & JAROSCAK
Brian Oxman

15 
16 By: _____

17 R. Brian Oxman
18 Attorneys for Defendant
19 Mr. Michael Jackson
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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 Opposition to Motion to
8 Quash Ventura and Bank of the West Subpoenas and accompanying documents be filed under
9 seal.

10 Dated: January 7, 2005

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

13 SANGER & SWYSEN
14 Robert M. Sanger

15 OXMAN & JAROSCAK
16 Brian Oxman

17 By: 

18 R. Brian Oxman
19 Attorneys for defendant,
20 Mr. Michael Jackson
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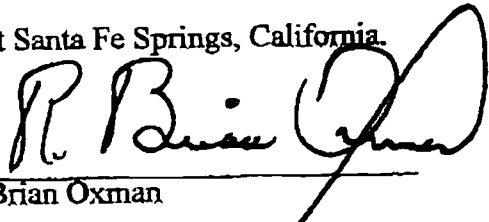
EX PARTE APPLICATION TO FILE UNDER SEAL

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 Mr. Jackson's Opposition to Motion to Quash Ventura and Bank of the West 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 7th day of January, 2005 at Santa Fe Springs, California.


R. Brian Oxman

