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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.

) Case No. 1133603

) EX PARTE APPLICATION FOR AN  
) ORDER THAT OPPOSITION TO  
) DISTRICT ATTORNEY'S MOTION IN  
) LIMINE FOR ADMISSION OF EXPERT  
) TESTIMONY ON DEFENDANT'S  
) FINANCES AND MR. JACKSON'S  
) MOTION IN LIMINE TO EXCLUDE ANY  
) REFERENCE TO MR. JACKSON'S  
) FINANCIAL STATUS BE FILED UNDER  
) SEAL

) Honorable Rodney S. Melville

) Date: January 28, 2005  
) Time: 9:30 a.m.  
) Dept: SM 8

28 TO THE CLERK OF THE ABOVE ENTITLED COURT:

29 EX PARTE APPLICATION FOR AN ORDER THAT OPPOSITION TO DISTRICT ATTORNEY'S MOTION IN  
30 LIMINE FOR ADMISSION OF EXPERT TESTIMONY ON DEFENDANT'S FINANCES AND MR.  
JACKSON'S MOTION IN LIMINE TO EXCLUDE ANY REFERENCE TO MR. JACKSON'S FINANCIAL  
STATUS BE FILED UNDER SEAL

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

JAN 24 2005

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

1 Defendant requests that the Court issue an order that Mr. Jackson's pleading entitled  
2 OPPOSITION TO DISTRICT ATTORNEY'S MOTION IN LIMINE FOR ADMISSION OF  
3 EXPERT TESTIMONY ON DEFENDANT'S FINANCES AND MR. JACKSON'S MOTION IN  
4 LIMINE TO EXCLUDE ANY REFERENCE TO MR. JACKSON'S FINANCIAL STATUS and  
5 accompanying documents be filed under seal and for such other such further relief as the Court may  
6 deem just and proper. This request is based on the overriding interests of Mr. Jackson's rights to  
7 due process and a fair trial under the Fifth, Sixth and Fourteenth Amendments to the United States  
8 Constitution and Article I, Sections 1, 7, and 15 of the California Constitution.

9 Dated: January 24, 2005

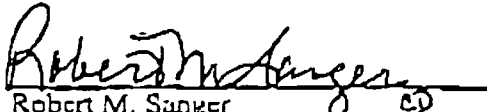
10 Respectfully submitted,

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 Robert M. Sanger CD  
19 Attorneys for Defendant  
20 MICHAEL JOSEPH JACKSON  
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28 EX PARTE APPLICATION FOR AN ORDER THAT OPPOSITION TO DISTRICT ATTORNEY'S MOTION IN  
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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 exhibits will reveal that they disclose the testimony of witnesses or  
23 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 exhibits are not filed under seal. A person accused of a crime is entitled to

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**EX PARTE APPLICATION FOR AN ORDER THAT OPPOSITION TO DISTRICT ATTORNEY'S MOTION IN  
LIMINE FOR ADMISSION OF EXPERT TESTIMONY ON DEFENDANT'S FINANCES AND MR.  
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1 due process and a fair trial under the Fifth, Sixth and Fourteenth Amendments to the United  
2 States Constitution and Article I, Sections 1, 7, and 15 of the California Constitution. Material  
3 contained the exhibits pertains to evidence and the testimony of witnesses that, if made public,  
4 would compromise Mr. Jackson's these rights and would result in prejudice to Mr. Jackson. In  
5 order to protect these overriding interests, it is necessary that the exhibits be filed under seal.

6 CONCLUSION

7 For the reasons stated above, Mr. Jackson requests that the Court issue an order that  
8 OPPOSITION TO DISTRICT ATTORNEY'S MOTION IN LIMINE FOR ADMISSION OF  
9 EXPERT TESTIMONY ON DEFENDANT'S FINANCES AND MR. JACKSON'S MOTION  
10 IN LIMINE TO EXCLUDE ANY REFERENCE TO MR. JACKSON'S FINANCIAL STATUS  
11 and accompanying documents be filed under seal.

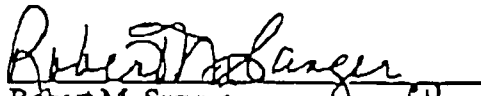
12 Dated: January 24, 2005

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19 By:

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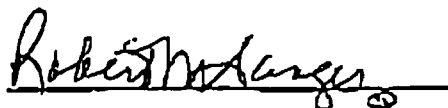
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DECLARATION OF ROBERT M. SANGER

I, Robert Sanger, declare:

1. I am an attorney at law duly licensed to practice law in the courts of the State of California, a partner in the law firm of Sanger & Swysen, and co-counsel for Michael Jackson.
2. It is necessary that Mr. Jackson's pleading entitled OPPOSITION TO DISTRICT ATTORNEY'S MOTION IN LIMINE FOR ADMISSION OF EXPERT TESTIMONY ON DEFENDANT'S FINANCES AND MR. JACKSON'S MOTION IN LIMINE TO EXCLUDE ANY REFERENCE TO MR. JACKSON'S FINANCIAL STATUS 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 24<sup>th</sup> day of January, 2005 at Santa Barbara, California.



Robert M. Sanger