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10 Attorneys for Defendant
11 MICHAEL JOSEPH JACKSON

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 FOR THE COUNTY OF SANTA BARBARA, COOK DIVISION

14
15 THE PEOPLE OF THE STATE OF
16 CALIFORNIA,

17 Plaintiffs,

18 vs.

19 MICHAEL JOSEPH JACKSON,

20 Defendant.
21
22
23

) Case No. 1133603

) EX PARTE APPLICATION FOR AN
) ORDER THAT A SUBPOENA DUCES
) TECUM ISSUE; DECLARATIONS OF
) ROBERT SANGER AND SUSAN YU

) ~~UNDER SEAL~~

) Honorable Rodney S. Melville

) Date: TBA

) Time: TBA

) Dept.: 8

24
25 TO THE CLERK OF THE ABOVE-ENTITLED COURT:

26 Mr. Jackson respectfully requests that the Court make an order allowing the issuance of the
27 attached subpoena duces tecum for George Lopez. Mr. Lopez, through his attorney, James Blancarte,
28

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA BARBARA

FEB - 8 2005

GARY M. BLAIR, Executive Officer

BY *Carrie L. Wagner*
CARRIE L. WAGNER, Deputy Clerk

** unsealed pursuant
to 6/16/05 court
order*

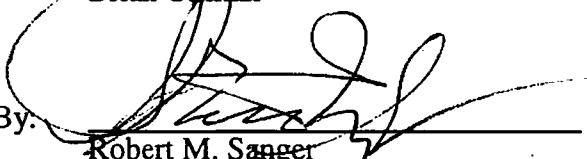
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SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA BARBARA

1 objected to a previous subpoena.¹ Mr. Lopez is a material witness to relevant facts in this case and is the
2 proper subject of a subpoena. Moreover, Mr. Lopez is believed to be in possession of relevant
3 documents. (See attached Declarations of Robert M. Sanger and Susan Yu.) Failing to allow Mr.
4 Jackson to compel the attendance of Mr. Lopez would violate Mr. Jackson's rights to compel the
5 compulsory attendance of favorable witnesses, to a fair trial, and to due process, under the Fifth, Sixth
6 and Fourteenth Amendments to the United States Constitution and the Constitution of the State of
7 California.

8 Dated: February 8, 2005

Respectfully submitted,
COLLINS, MESEREAU, REDDOCK & YU
Thomas A. Mesereau, Jr.
Susan C. Yu
SANGER & SWYSEN
Robert M. Sanger

OXMAN & JAROSCAK
Brian Oxman

By. 
Robert M. Sanger
Attorneys for Defendant
MICHAEL JOSEPH JACKSON

27 ¹ We also request that the Court endorse the subpoena for service of more than 150 miles even
28 though Mr. Blancarte did not object to the previous subpoena on that ground and agreed to accept
service. Out of an abundance of caution we ask for endorsement.

1 have them in their possession. This evidence is relevant because the Arvizo family used this same
2 modus operandi to ingratiate themselves with Mr. Jackson and then to seek money under false pretenses.

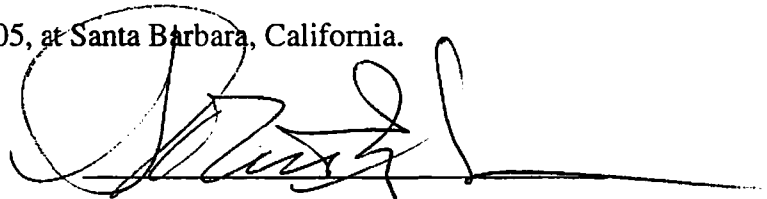
3 8. The sheriffs in this case have interviewed a witness who has described an incident in which the
4 family turned on Mr. and Mrs. Lopez after they felt the Lopezes were not going to give them more
5 money. The witness stated to the Sheriffs that Mr. Arvizo claimed that hundreds of dollars were missing
6 from Gavin Arvizo's wallet, which he had left at Mr. Lopez's home. Mr. Arvizo demanded that Mr.
7 Lopez replace the allegedly missing money. Mr. Arvizo attempted to have Gavin spontaneously verify
8 the exact amount that was missing from the wallet. Gavin stated that he did not know how much money
9 was missing from the wallet.

10 9. It is believed that Mr. and Mrs. Lopez have records in their possession reflecting payments to,
11 and on behalf of, the Arvizo family. These records may include cancelled checks and/or receipts.

12 10. James Blancarte, Mr. Lopez's attorney has agreed to accept service of this subpoena on behalf of
13 his client. Mr. Blancarte objected to a previous version of this subpoena on relevance grounds.
14 However, the facts stated above demonstrate good cause to believe Mr. and Mr. Lopez have relevant and
15 material evidence in their possession.

16 I declare under the penalty of perjury under the laws of the State of California that the foregoing
17 is true and correct this 8th day of February, 2005, at Santa Barbara, California.

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Robert M. Sanger

1 DECLARATION OF SUSAN C. YU

2 I, Susan C. Yu declare:

3 1. I am an attorney at law duly licensed to practice law in the courts of the State of
4 California, a partner in the law firm of Collins, Mesereau, Reddock & Yu, and co-counsel for Mr.
5 Michael Jackson in the pending criminal action entitled People v. Michael Joe Jackson, Santa Barbara
6 County Superior Court Case No. 1133603. I submit this declaration in support of, trial subpoenas
7 reissued² to Mr. George Lopez and to Mrs. Ann Lopez, material witnesses in this case. I have personal
8 knowledge of the facts set forth herein and, if called and sworn as a witness, I could and would
9 competently testify thereto under oath.

10 2. The teenage accusers in this case attended a comedy camp run by Jamie Masada in Los
11 Angeles called "The Laugh Factory." Our investigation revealed the following about Mr. and Mrs.
12 Lopez:

- 13 (a) Mr. Lopez was assigned by Jamie Masada as the comedy camp coach of
14 the teenage accusers;
- 15 (b) Mr. Lopez attended these teenage accusers' performance at and "graduation" from
16 the comedy camp;
- 17 (c) Mr. Lopez may have been a participant in the first fundraising event held for accuser John
18 Doe at the Laugh Factory by Mr. Masada in approximately the summer to fall of 2000;
- 19 (d) Mr. and Mrs. Lopez visited John Doe in the hospital on several occasions;
- 20 (e) Mr. and Mrs. Lopez became close to the teenage accusers' family and thereby gave the
21 teenage accusers' father, David Doe, their home address, as well as their home and cellular phone
22 numbers. The Doe family, either collectively or individually was invited to and did in fact visit
23 the home of Mr. and Mrs. Lopez and socialized with them. Mr. and Mrs. Lopez also regularly
24 talked to the teenage accusers' family.

25
26 _____
27 ² This declaration is being presented pursuant to the Honorable Rodney Melville's ruling on Mr.
28 and Mrs. Lopez In Camera Motion to Quash held on January 27, 2005. In this connection, by submitting
this required declaration, I, in no way (directly or indirectly or expressly or impliedly) waive any attorney
work-product or privileges.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and address): Sanger & Swysen Robert M. Sanger SBN58214 233 East Carrillo Street, Suite C Santa Barbara, CA 93101 ATTORNEY FOR (Named): Defendant Michael Joseph Jackson	TELEPHONE NO.: 805-962-4887	FOR COURT USE ONLY
Insert name of court, judicial district or branch court, if any, and post office and street address: Santa Barbara Superior Court - State of California 312 East Cook Street Sata Maria, CA 93454.		
Title of case: People v. Michael Joseph Jackson		
SUBPOENA AND PROOF OF SERVICE (CRIMINAL OR JUVENILE) <input checked="" type="checkbox"/> DUCES TECUM		CASE NUMBER: 1133603

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (Name): George Lopez

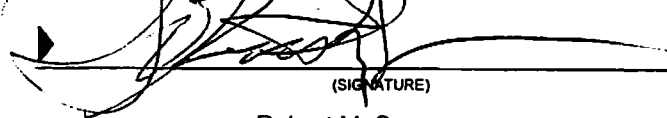
1. YOU ARE ORDERED TO APPEAR AS A WITNESS in this action at the date, time, and place shown in the box below UNLESS you make a special agreement with the person named in item 3:

a. Date: March 1, 2005	Time: 9:30 a.m.	<input checked="" type="checkbox"/> Dept.: SM-8	<input checked="" type="checkbox"/> Div.: Cook	<input type="checkbox"/> Room:
b. Address: 312 East Cook Street Santa Maria, CA				

2. AND YOU ARE

- a. ordered to appear in person.
- b. not required to appear in person if you produce the records described in the accompanying affidavit and a completed declaration of custodian of records in compliance with Evidence Code sections 1560, 1561, 1562, and 1271, in the following manner: (1) Place a copy of the records in an envelope (or other wrapper). Enclose your original declaration with the records. Seal them. (2) Attach a copy of this subpoena to the envelope or write on the envelope the case name and number, your name and date, time, and place from item 1 (the box above). (3) Place this first envelope in an outer envelope, seal it, and mail it to the clerk of the court at the address in item 1. (4) Mail a copy of your declaration to the attorney or party shown at the top of this form.
- c. ordered to appear in person and to produce the records described in the accompanying affidavit. The personal attendance of the custodian or other qualified witness and the production of the original records is required by this subpoena. The procedure authorized by subdivision (b) of section 1560, and sections 1561 and 1562, of the Evidence Code will not be deemed sufficient compliance with this subpoena.
3. IF YOU HAVE ANY QUESTIONS ABOUT THE TIME OR DATE FOR YOU TO APPEAR, OR IF YOU WANT TO BE CERTAIN THAT YOUR PRESENCE IS REQUIRED, CONTACT THE FOLLOWING PERSON BEFORE THE DATE ON WHICH YOU ARE TO APPEAR:
- a. Name: Scott Ross
- b. Telephone number: 818-884-8960
4. WITNESS FEES: You may be entitled to witness fees, mileage, or both, in the discretion of the court. Contact the person named in item 3 AFTER your appearance.

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED BY A FINE, IMPRISONMENT, OR BOTH. A WARRANT MAY ISSUE FOR YOUR ARREST IF YOU FAIL TO APPEAR.

FOR COURT USE ONLY	Date: February 8, 2005	
		(SIGNATURE)
		Robert M. Sanger
		(TYPE OR PRINT NAME)
		Attorney for Defendant
		(TITLE)

(See reverse for proof of service)

Page 1 of 2

SHORT TITLE:	CASE NUMBER: 1133603
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PROOF OF SERVICE OF SUBPOENA

1. I served this Subpoena Subpoena Duces Tecum and supporting affidavit by personally delivering a copy to the person served as follows:

a. Person served (name):

b. Address where served:

c. Date of delivery:

d. Time of delivery:

2. I received this subpoena for service on (date):

3. NON-SERVICE RETURN OF SUBPOENA

a. After due search, careful inquiry, and diligent attempts at the dwelling house or usual place of abode or usual place of business, I have been unable to make personal delivery of this Subpoena Subpoena Duces Tecum in this county on the following persons (specify):

b. Reason:

(1) Unknown at address.

(4) Out-of-county address.

(2) Moved, forwarding address unknown.

(5) Unable to serve by hearing date.

(3) No such address.

(6) Other reasons (explanation required):

4. Person serving:

a. Not a registered California process server.

e. Exempt from registration under Bus. & Prof. Code section 22350(b).

b. California sheriff, marshal, or constable.

c. Registered California process server.

f. Name, address, and telephone number and, if applicable, county of registration and number:

d. Employee or independent contractor of a registered California process server.

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

(For California sheriff, marshal, or constable use only)
I certify that the foregoing is true and correct.

Date: February 8, 2005

Date:

▶ _____

(SIGNATURE)

▶ _____

(SIGNATURE)

ATTACHMENT

1. Please provide all files, records, and documents, however preserved, relating to Gavin Arvizo, Star Arvizo, Davellin Arvizo, Janet Arvizo or David arvizo, or anyone acting on their behalf to include bank records, receipts, , canceled checks, notes, memos, bookkeeping, entries, letters, cards, computer data, emails, phone messages or anything else.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and address): Sanger & Swysen Robert M. Sanger SBN58214 233 East Carrillo Street, Suite C Santa Barbara, CA 93101 ATTORNEY FOR (Named): Defendant Michael Joseph Jackson	TELEPHONE NO.: 805-962-4887	FOR COURT USE ONLY
Insert name of court, judicial district or branch court, if any, and post office and street address: Santa Barbara Superior Court - State of California 312 East Cook Street Sata Maria, CA 93454		
Title of case: People v. Michael Joseph Jackson		
SUBPOENA AND PROOF OF SERVICE (CRIMINAL OR JUVENILE) <input checked="" type="checkbox"/> DUCES TECUM		CASE NUMBER: 1133603

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (Name): Ann Lopez

1. YOU ARE ORDERED TO APPEAR AS A WITNESS in this action at the date, time, and place shown in the box below UNLESS you make a special agreement with the person named in item 3:

a. Date: March 1, 2005	Time: 9:30 a.m.	<input checked="" type="checkbox"/> Dept.: SM-8	<input checked="" type="checkbox"/> Div.: Cook	<input type="checkbox"/> Room:
b. Address: 312 East Cook Street Santa Maria, CA				

2. AND YOU ARE


- a. ordered to appear in person.
- b. not required to appear in person if you produce the records described in the accompanying affidavit and a completed declaration of custodian of records in compliance with Evidence Code sections 1560, 1561, 1562, and 1271, in the following manner: (1) Place a copy of the records in an envelope (or other wrapper). Enclose your original declaration with the records. Seal them. (2) Attach a copy of this subpoena to the envelope or write on the envelope the case name and number, your name and date, time, and place from item 1 (the box above). (3) Place this first envelope in an outer envelope, seal it, and mail it to the clerk of the court at the address in item 1. (4) Mail a copy of your declaration to the attorney or party shown at the top of this form.
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- a. Name: Scott Ross
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4. WITNESS FEES: You may be entitled to witness fees, mileage, or both, in the discretion of the court. Contact the person named in item 3 AFTER your appearance.

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED BY A FINE, IMPRISONMENT, OR BOTH. A WARRANT MAY ISSUE FOR YOUR ARREST IF YOU FAIL TO APPEAR.

FOR COURT USE ONLY	Date: February 8, 2005	
		(SIGNATURE)
		Robert M. Sanger
		(TYPE OR PRINT NAME)
		Attorney for Defendant
		(TITLE)

(See reverse for proof of service)

Page 1 of 2

SHORT TITLE:	CASE NUMBER: 1133603
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- d. Time of delivery:
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- a. After due search, careful inquiry, and diligent attempts at the dwelling house or usual place of abode or usual place of business, I have been unable to make personal delivery of this Subpoena Subpoena Duces Tecum in this county on the following persons (specify):
- b. Reason:
- (1) Unknown at address. (4) Out-of-county address.
- (2) Moved, forwarding address unknown. (5) Unable to serve by hearing date.
- (3) No such address. (6) Other reasons (explanation required):
4. Person serving:
- a. Not a registered California process server. e. Exempt from registration under Bus. & Prof. Code section 22350(b).
- b. California sheriff, marshal, or constable.
- c. Registered California process server. f. Name, address, and telephone number and, if applicable, county of registration and number.
- d. Employee or independent contractor of a registered California process server.

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

(For California sheriff, marshal, or constable use only)
I certify that the foregoing is true and correct.

Date: February 8, 2005

Date:

▶ _____
(SIGNATURE)

▶ _____
(SIGNATURE)

ATTACHMENT

1. Please provide all files, records, and documents, however preserved, relating to Gavin Arvizo, Star Arvizo, Davellin Arvizo, Janet Arvizo or David arvizo, or anyone acting on their behalf to include bank records, receipts, , canceled checks, notes, memos, bookkeeping, entries, letters, cards, computer data, emails, phone messages or anything else.

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 February 8, 2005, I served the EX PARTE APPLICATION FOR AN ORDER THAT A SUBPOENA DUCES TECUM ISSUE; DECLARATIONS OF ROBERT SANGER AND SUSAN YU BE FILED UNDER SEAL

foregoing documents on the interested parties in this action by depositing a true copy thereof as follows: on the interested parties in this action by depositing a true copy thereof as follows:

Tom Sneddon
Gerald Franklin
Ron Zonen
Gordon Auchincloss
District Attorney
1112 Santa Barbara Street
Santa Barbara, CA 93101
805-568-2398

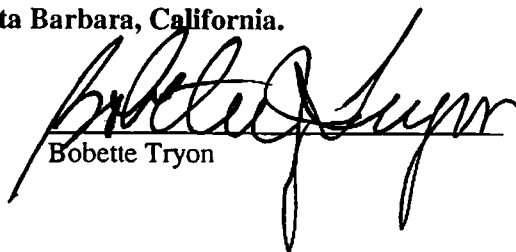
BY U.S. MAIL - I am readily familiar with the firm's practice for collection of mail and processing of correspondence for mailing with the United States Postal Service. Such correspondence is deposited daily with the United States Postal Service in a sealed envelope with postage thereon fully prepaid 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.

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.

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

Executed February 8, 2005, at Santa Barbara, California.


Bobette Tryon