

FILED
SUPERIOR COURT of CALIFORNIA
COUNTY of SANTA BARBARA

FEB 16 2005

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

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County of Santa Barbara
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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF SANTA BARBARA
10 SANTA MARIA DIVISION

12 THE PEOPLE OF THE STATE OF CALIFORNIA,) No. 1133603
13)
14 Plaintiff,) PEOPLE'S MOTION FOR ORDER
14 v.) SEALING PLAINTIFF'S TRIAL
15) BRIEF ON ADMISSION OF CO-
15 MICHAEL JOE JACKSON,) CONSPIRATORS' STATEMENTS
16)
17 Defendant.)
18 Date: ~~February 22, 2005~~
18 Time: ~~8:30 a.m.~~
19 Dept.: ~~SM2 (Mcville)~~

20 TO: MICHAEL JOE JACKSON, AND TO THOMAS A. MESEREAU, JR.,
21 ROBERT SANGER AND BRIAN OXMAN, HIS ATTORNEYS OF RECORD, AND TO
22 GIBSON, DUNN & CRUTCHER, LLP, ATTORNEYS FOR "MEDIA":

23 PLEASE TAKE NOTICE that on ~~February 22, at 8:30 a.m.~~, or as soon thereafter as
24 the matter may be heard, in Department SM 2, Plaintiff will, and hereby does, move for an
25 order directing that the following records be maintained under conditional seal until further
26 order of court, pursuant to California Rules of Court, rule 243.1 et seq: "PEOPLE'S TRIAL
27 BRIEF ON ADMISSION OF CO-CONSPIRATORS' STATEMENTS," filed
28

1 contemporaneously with this motion.


2 The motion will be made on the ground that the facts, as established by the
3 accompanying declaration of Gerald Franklin, are sufficient to justify sealing the specified
4 records pursuant to California Rules of Court. rule 243.1 et seq.

5 The motion will be based on this notice of motion, on the declaration of
6 Gerald Franklin and the memorandum of points and authorities served and filed herewith, on
7 the records and the file herein, and on such evidence as may be presented at the hearing of the
8 motion.

9 A proposed redacted version of the PEOPLE'S TRIAL BRIEF ON ADMISSION
10 OF CO-CONSPIRATORS' STATEMENTS is submitted, under seal, with this request for
11 sealing.

12 DATED: February 16, 2005

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14 THOMAS W. SNEDDON, JR.
District Attorney

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16 By: 
17 Gerald Franklin, Senior Deputy
Attorneys for Plaintiff

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MEMORANDUM OF POINTS AND AUTHORITIES

The procedure for sealing records under California Rules of Court, rule 243.1 et seq. applies only to records that are deemed public. (*Id.*, rule 243.1(a)(2).)

Rule 243.1(d) provides that

The court may order that a record be filed under seal only if it expressly finds facts that establish:

- (1) There exists an overriding interest that overcomes the right of public access to the record;
- (2) The overriding interest supports sealing the record;
- (3) A substantial probability exists that the overriding interest will be prejudiced if the record is not sealed;
- (4) The proposed sealing is narrowly tailored; and
- (5) No less restrictive means exist to achieve the overriding interest.

Rule 243.1(e) provides, in pertinent part:

(1) An order sealing the record must (i) specifically set forth the facts findings that support the findings and (ii) direct the sealing of only those documents and pages, or, if reasonably practicable, portions of those documents and pages, that contain the material that needs to be placed under seal. All other portions of each documents or page must be included in the public file.

Rule 243.2(b) provides, in pertinent part, that "Pending the determination of the motion [of a party to file a record under seal], the lodged record will be conditionally under seal."

DATED: February 16, 2005

Respectfully submitted,

THOMAS W. SNEDDON, JR., DISTRICT ATTORNEY
County of Santa Barbara

By: 

Gerald Franklin, Senior Deputy
Attorneys for Plaintiff

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PROOF OF SERVICE

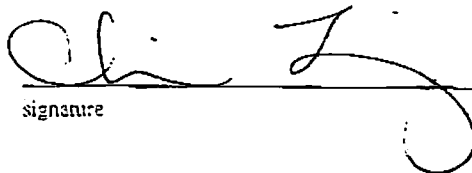
STATE OF CALIFORNIA
COUNTY OF SANTA BARBARA } SS

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years and I am not a party to the within-entitled action. My business address is: District Attorney's Office; Courthouse; 1112 Santa Barbara Street, Santa Barbara, California 93101.

On February 16, 2005, I served the within PEOPLE'S TRIAL BRIEF ON ADMISSION OF CO-CONSPIRATORS' STATEMENTS; on Defendant, by THOMAS A. MESEREAU, JR., ROBERT SANGER, BRIAN OXMAN and GIBSON, DUNN & CRUTCHER, LLP, by personally delivering a true copy to Mr. Sanger's office and by faxing a true copy to Mr. Mesereau at his confidential fax number in Santa Maria, and to Media's counsel at the fax number shown with their address on the attached Service List, and then by causing to be mailed a true copy to each counsel at that address.

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

Executed at Santa Barbara, California on this 16th day of February, 2005.


signature

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SERVICE LIST

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