



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

5 Dated: February 17, 2005

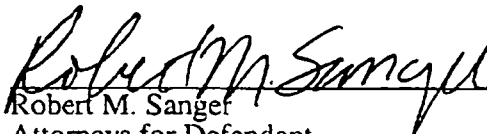
6 Respectfully submitted,

7 COLLINS, MESEREAU, REDDOCK & YU  
8 Thomas A. Mesereau, Jr.  
Susan C. Yu

9 SANGER & SWYSEN  
10 Robert M. Sanger

11 OXMAN & JAROSCAK  
12 Brian Oxman

13 By:

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15 Robert M. Sanger  
16 Attorneys for Defendant  
17 MICHAEL JOSEPH JACKSON

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EX PARTE APPLICATION FOR AN ORDER THAT NOTICE OF MOTION AND  
MOTION TO QUASH SUBPOENA TO BANK OF AMERICA BE FILED UNDER SEAL

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  
27 due process and a fair trial under the Fifth, Sixth and Fourteenth Amendments to the United

1 States Constitution and Article I, Sections 1, 7, and 15 of the California Constitution. Material  
2 contained the exhibits pertains to evidence and the testimony of witnesses that, if made public,  
3 would compromise Mr. Jackson's these rights and would result in prejudice to Mr. Jackson. In  
4 order to protect these overriding interests, it is necessary that the exhibits be filed under seal.

5 CONCLUSION

6 For the reasons stated above, Mr. Jackson requests that the Court issue an order that  
7 NOTICE OF MOTION AND MOTION TO QUASH SUBPOENA TO BANK OF AMERICA  
8 and accompanying documents be filed under seal.

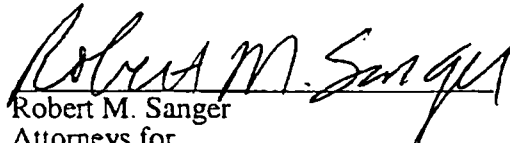
9 Dated: February 17, 2005

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**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 17, 2005, I served the foregoing document o EX PARTE APPLICATION FOR AN ORDER THAT NOTICE OF MOTION AND MOTION TO QUASH SUBPOENA TO BANK OF AMERICA BE FILED UNDER SEAL n the interested parties in this action by depositing a true copy thereof as follows:

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

       **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.

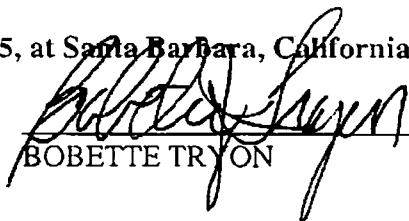
  **X**   **BY FACSIMILE** -I caused the above-referenced document(s) to be transmitted via facsimile to the interested parties

       **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 February 17, 2005, at Santa Barbara, California.

  
\_\_\_\_\_  
BOBETTE TRYON