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11 Attorneys for Defendant  
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12  
13 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
14 FOR THE COUNTY OF SANTA BARBARA, COOK DIVISION  
15

16 THE PEOPLE OF THE STATE OF  
17 CALIFORNIA,

18 Plaintiffs,

19 vs.

20 MICHAEL JOSEPH JACKSON,

21 Defendant.  
22  
23  
24

Case No. 1133603

MR. JACKSON'S NOTICE OF MOTION  
AND MOTION TO DISMISS AND  
MOTION TO PERMIT BROADCAST  
RESPONSE

Honorable Rodney S. Melville

Date: ~~March 7, 2005~~

Time: 8:30 p.m.

Dept: SM 2

25  
26 TO THE CLERK OF THE ABOVE ENTITLED COURT:

27 Please take notice that on ~~March 7, 2005~~, at 8:30 a.m., or as soon thereafter as the matter can  
28 be heard, in Department SM-2 of the Santa Barbara Superior Court located at 312 East Cook Street,

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MR. JACKSON'S NOTICE OF MOTION AND MOTION TO DISMISS & PERMIT BROADCAST RESPONSE

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

FEB 23 2005

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

1 Santa Barbara, California 92454, before the Honorable Rodney S. Melville, Mr. Michael Jackson,  
2 through his counsel, will and hereby does move the court to dismiss the above-entitled action and  
3 moves to permit a Broadcast Response. Mr. Jackson makes this motion on the following grounds:

4 (1) The Court's modification of the January 23, 2004, Protective Order to permit Witness Martin  
5 Bashir to engage in an irrational and fraudulent attack on Mr. Jackson in several nationally broadcast  
6 television programs constituted an invidious discrimination against and destruction of Mr. Jackson's rights  
7 to a fair trial;

8 (2) Mr. Jackson sustained irreparable injury because the Court sanctioned and approved through the  
9 modification of its "gag order" a witness to attack Mr. Jackson while Mr. Jackson was forced to sit silent  
10 and "gagged" thereby creating the appearance of impropriety, favoritism, and a violation of civil rights that  
11 cannot be erased by any remedial efforts;

12 (3) The case against Mr. Jackson should be dismissed because the Court's modification of the  
13 Protective Order violated Mr. Jackson's rights to a fair trial, and Mr. Jackson should be permitted to  
14 respond in a national broadcast with equal time and under the same terms and conditions that Witness  
15 Bashir was permitted to defame Mr. Jackson.

16 This Motion will be based on this Notice of Motion and Motion, the accompanying  
17 Memorandum, the Declaration of Brian Oxman, and all the records, papers and other pleadings on  
18 file with the court.

19 Dated: February 23, 2005


Respectfully submitted,

20 COLLINS, MESEREAU, REDDOCK & YU  
21 Thomas A. Mesereau, Jr.  
Susan C. Yu

22 SANGER & SWYSEN  
23 Robert M. Sanger

24 OXMAN & JAROSCAK  
25 Brian Oxman

26 By:

  
27 R. Brian Oxman  
28 Attorneys for Defendant  
MICHAEL JOSEPH JACKSON