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6 DAVID and MARIA VENTURA

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

FEB 24 2005

GARY M. BLAIR, Executive Officer

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

\* Unsealed pursuant to  
6/11/05 Court order

8 SUPERIOR COURT FOR THE STATE OF CALIFORNIA  
9 FOR THE COUNTY OF SANTA BARBARA, COOK DIVISION

10  
11 THE PEOPLE OF THE STATE OF CALIFORNIA,

12 Plaintiffs,

13 v.

14 MICHAEL JOSEPH JACKSON,

15 Defendant.

) CASE NO. 1133603

) DECLARATION OF JULIAN BREW IN  
) OPPOSITION TO DEFENDANT'S  
) PROPOSED ORDER ON THE  
) VENTURAS' MOTION TO QUASH  
) SUBPOENAS

) TO BE FILED UNDER SEAL

) The Honorable Rodney S. Melville

16  
17  
18  
19  
20  
21 TO BE FILED UNDER SEAL *In Camera*

DECLARATION OF JULIAN BREW

I, Julian Brew, declare as follows:

1. I am an attorney licensed to practice law in the State of California, and I am a partner with the firm of Kaye Scholer LLP, counsel for David and Maria Ventura (“the Venturas”) for purposes of their motion to quash. If called to testify in this action, I could and would testify as follows:

2. I was one of the attorneys who appeared on behalf of the Venturas at the telephonic hearing held by the Court on January 14, 2005, regarding the Venturas’ motion to quash. I submit this declaration in opposition to Mr. Jackson’s proposed order on that motion to quash, filed by Mr. Jackson on or about February 18 or 22, 2005.

3. I received a draft of Mr. Jackson’s proposed order on the Venturas’ motion to quash on January 14, 2005. Thereafter, I spoke with Mr. Oxman and voiced the same concerns raised in this declaration; in particular, I told him I would not agree to the language in his proposed order concerning “disbursements” of money because this language was not consistent with the Court’s ruling, as described further below. Mr. Oxman later faxed me another draft of his proposed order, but it still contained the language to which I had earlier objected, and for that reason I did not sign his proposed order and now object to it.

4. Mr. Jackson’s proposed order does not accurately reflect the Court’s ruling on the Venturas’ motion to quash, as I recall that ruling.

5. As I recall the Court’s ruling on the Venturas’ motion to quash, the Court ordered Bank of the West to disclose records of any deposit, into the Venturas’ account, of any check(s) made payable to Janet Arvizo or David Arvizo.

6. As I recall the Court’s ruling on the Venturas’ motion to quash, the Court also ordered the Venturas to produce records relating to “fund raising activities” on behalf of Janet Arvizo, Davellin Arvizo, Gavin Arvizo, Star Arvizo, or Jay Jackson (“the Arvizos”).

7. My recollection is that the Court did not order the Venturas to produce records of any “disbursement of money on behalf or for the benefit of” the Arvizos. As I read Mr. Jackson’s

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1 proposed order, which requires such production in Paragraph 3, this would require the Venturas to  
2 produce records of any and all payments and/or monetary gifts to their children and grandchildren,  
3 which would go far beyond the limited categories of documents that the Court ordered produced.

4 8. As I recall the Court's ruling on the Venturas' motion to quash, the Court did not rule  
5 that the Venturas would be required to produce records of all payments and/or monetary gifts to their  
6 children and grandchildren. This was and is a particular concern to the Venturas, as compliance with  
7 such a demand would be oppressive and would unnecessarily invade their privacy.

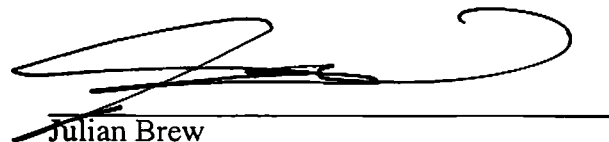
8 9. The same problem appears in Paragraph 1 of Mr. Jackson's proposed order, in that it  
9 may require Bank of the West to produce records of all "disbursements . . . to or for the benefit of"  
10 the Arvizos. However, the wording of this Paragraph is so confusing that I have difficulty discerning  
11 whether this category of documents is indeed covered by it.

12 10. Due to the problems with Mr. Jackson's proposed order, described above, the  
13 Venturas submit their own proposed order, which is filed concurrently with this declaration.

14 11. I have not ordered a transcript of the telephonic hearing on the Venturas' motion to  
15 quash because I was informed by the paralegal assigned to this case, who called the Court to inquire  
16 about ordering the transcript, that ordering the transcript would be difficult given the sealed nature of  
17 these proceedings. The Venturas respectfully request that the Court review the transcript before  
18 issuing an order on their motion to quash, if necessary.

19  
20 I declare under penalty of perjury under the laws of the State of California that the foregoing  
21 is true and correct.

22 Executed on February 24, 2005 at Los Angeles, California.

23  
24   
25 Julian Brew

1 **PROOF OF SERVICE**

2 **STATE OF CALIFORNIA**

3 **COUNTY OF LOS ANGELES**

4 I am employed in the County of Los Angeles, State of California. I am over the age of 18 and  
5 not a party to the within action. My business address is 1999 Avenue of the Stars, Suite 1700, Los  
6 Angeles, California 90067.

6 On February 24, 2005, I served the following documents described as:

7 **DECLARATION OF JULIAN BREW IN OPPOSITION TO**  
8 **DEFENDANT'S PROPOSED ORDER ON THE VENTURAS'**  
9 **MOTION TO QUASH SUBPOENAS**

9 by placing a true copy of the above entitled document in a sealed envelope addressed as follows:

10 **SEE ATTACHED SERVICE LIST**

11  
12  by **FEDERAL EXPRESS**

13  by **U.S. MAIL** (I am readily familiar with the firm's practice of collection and processing  
14 correspondence for mailing. Under that practice it would be deposited with U.S. Postal  
15 Service on that same day with postage thereon fully prepaid at Los Angeles, California in the  
16 ordinary course of business. I am aware that on motion of the party served, service is  
17 presumed invalid if postal cancellation date or postage meter date is more than one day after  
18 date of deposit for mailing in affidavit.)

16 OR

17  by **PERSONAL SERVICE**

18  by personally delivering such envelope to the addressee.

19  by causing such envelope to be delivered by messenger to the office of the addressee.

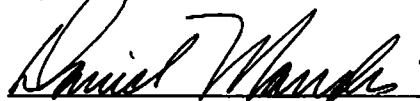
20  (State) I declare under penalty of perjury under the laws of the State of California that the  
21 above is true and correct.

22  (Federal) I declare that I am employed in the office of a member of the bar of this court at  
23 whose direction the service was made.

23 Executed on February 24, 2005, at Los Angeles, California.

24 David Mandis

25 Name

24 

25 Signature

KAYE SCHOLER LLP

KAYE SCHOLER<sub>LLP</sub>

SERVICE LIST

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Thomas A. Mesereau, Jr.  
1875 Century Park East, Suite 700  
Los Angeles, CA 90067

Brian Oxman  
14126 E. Rosecrans  
Santa Fe Springs, CA 90670