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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

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

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11 PEOPLE OF THE STATE OF CALIFORNIA,
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13 Plaintiff,
14 vs.
15 MICHAEL JOSEPH JACKSON
16 Defendant.

) Case No. 1133603
)
) **NOTICE RE. TESTIMONY OF PROSPECTIVE WITNESS**
)
) Date: February 25, 2005
) Time: 8:30 a.m.
) Dept: 8

17 **TO: ALL PARTIES IN THE ABOVE-ENTITLED MATTER:**

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19 The undersigned firm and counsel hereby state that they have been retained to
20 represent a prospective witness in this case. The undersigned has interviewed this witness
21 and attached hereto is an accurate recitation of the testimony the witness would give if
22 called by either party to this action.
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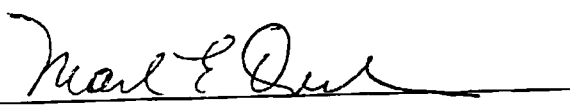
NOTICE RE. TESTIMONY OF PROSPECTIVE WITNESS

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Counsel for the witness will make the witness available for a joint interview by the prosecution and defense at a mutually agreeable date, time and location.

DATED: February 24, 2005

OVERLAND BORENSTEIN SCHEPER & KIM
LLP
MARK E. OVERLAND

By: 
Mark E. Overland

1 STATEMENT OF PROSPECTIVE WITNESS

2 On the day of Janet Arvizo's IME at the Orthopedic exam (June 12, 2001) in
3 connection with *Arvizo et al., v. J. C. Penney et al.,* , LASC, East District, No. KC027876,
4 Ms. Arvizo became very irate and defensive with the Doctor's assistant who was assigned
5 to do the history intake. Ms. Arvizo became hysterical and very angry with the assistant
6 when the assistant was being asked questions about how the injuries happened, e.g., was
7 she punched, hit with the back of a hand, kicked and whether a weapon was used.
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9 Ms. Arvizo left the Doctor's office screaming. When she and I got to the parking
10 lot, I tried to get her to calm down, but she threw herself on the ground of the driveway and
11 was screaming and crying. At that point I thought it would be best to take her for some
12 lunch. We went to a restaurant on Ventura Blvd named La Parrilla. We ordered food and
13 while we were waiting Ms. Arvizo ordered a margarita and drank maybe one-half of it.
14 While we sat she proceeded to tell me that her husband, David Arvizo, beat her on almost a
15 daily basis. She also said that the children, mainly Star and Gavin would see this
16 happen, and would try to protect her, but David would then push them out of the way and
17 tell them that if they tried to protect her again he would beat her even more. Janet said that
18 while David was beating her, the children would watch.¹ At that point I asked Janet if
19 David had beaten her the day of the JC Penney incident. She said, "Yes." I then asked
20 Janet if David had touched the boys that day. She said he pushed them away, but with all
21 the confusion she did not know to what extent. She was on the floor being kicked by David
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27 ¹ I have been to the Arvizo home. It was a studio apartment with no bedroom just a
28 mattress and a television on the floor, with a small bathroom and a small kitchenette.

1 when he pushed them. She did not say how long the incident lasted. She does not know
2 what he did to the boys during the incident. She said this all occurred the night of the JC
3 Penney incident, after Janet and David were arrested and released. Janet said David blamed
4 her for the altercation and arrest at JC Penney. I then asked Janet if her bruises we
5 presented in the JC Penney case (the ones of which we had photographs) were caused by
6 Penney or David. She said "David." She said that David was raging mad, and all the
7 family was involved in the incident with David at home except the eldest daughter Davida.
8 Janet then proceeded to say that is why the children would say or do anything she asked
9 them to do because they wanted to protect their mother.
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12 She also said she has them in acting classes and they will do or say whatever she
13 would tell them to say or do. I asked her if she didn't want to have her IME done because
14 she was being asked questions regarding the way her injuries occurred. She said "yes."
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16 Janet then told me not to repeat what she had told me because David's brother was in
17 the Mexican Mafia and sold drugs between here and Las Vegas, and if I said anything to
18 my boss or anyone else about this, they would come after me and my daughter. My
19 daughter was nine years old at that time. She then said again "Don't tell (my boss)." I then
20 convinced her to go back to the IME. She completed the IME.
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22 Two days later Star had a neurological IME. In the car on the way back to my
23 house, Janet told me the children spent a lot of time with an actor named Chris Tucker, and
24 that they had spent the night at his house several times. She told me Chris Tucker lived
25 very close to me in Encino. She asked if I wanted to go by his house because we were so
26 close. I declined.
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1 A psychiatric IME was scheduled for Gavin, Star and Janet at the same time (June
2 15, 2001). During that initial psychiatric IME, Janet became very upset and refused to let
3 the doctor examine the children. As a result, I made numerous phone calls to the defense
4 lawyers and my office because the psychiatrist would not let Janet in the room during the
5 examinations of the children. Janet told me and the doctor that she did not want the
6 children filling out questionnaires that the doctor gave them to complete. Finally the IMEs
7 of the children were done after about 2 hours. Due to the delay, Janet had her psychiatric
8 IME scheduled for a later date (June 25, 2001). In the car on the way back from this IME I
9 asked Janet why she was so upset that the doctor would not let her in the room with the
10 children during the examination and why she did not want the children filling out the doctor
11 forms. She stated that she knew she could count on Gavin to get the story straight but she
12 was worried that Star would not remember what she had told him to say and what they had
13 practiced at home. I told her she can't lie about these things because the defense would
14 find out. She then told me again not to say anything to anyone because her husband would
15 come after me and my daughter.
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20 A few days after Janet's psychiatric IME Janet called me and told me she had told
21 David what she had told me and he had beat her up again. I told her to take the children
22 and go to a shelter. She said she was more worried for me and my daughter, that David
23 would find and hurt us, so I better not say anything to anyone especially my boss. I told her
24 that what she said would stay with me and that she could assure David that I have no
25 intention of getting involved and risking the life of my only child and myself.
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1 Sometime later, Janet asked me if I wanted to take my daughter to the Neverland
2 Ranch and meet Michael Jackson. I declined. Janet also called me numerous times to see
3 if I wanted to go and meet Michael Jackson and told me how nice and great he was with
4 kids and that my daughter would have a great time there. She said how wonderful he was
5 and how concerned he was about Gavin's illness and that he had given her an older white
6 SUV type vehicle, either a Bronco or a Blazer, in which she could drive Gavin to doctor
7 appointments.
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10 We eventually settled the case against JC Penney. In the car on the way back from
11 the mediation that resulted in the settlement, Janet said she wanted to be sure for my safety
12 that I would keep this information to myself. I again told her I had no intention of saying a
13 word to anyone, especially since she knew where I lived.
14

15 I spoke to Janet about 2 weeks after the minor's compromise hearing in the JC
16 Penney case because she had left her jacket in my car. She said she wanted to see me, to
17 come to the office to show me something. When she got here she was covered with bruises
18 on her arms, legs, stomach and back. I asked her who did this to her. She said David did
19 and that she was filing for divorce. I wanted her to speak with my boss for some advice but
20 she wanted me to take her to her divorce attorney's office which was in a cigar shop on
21 Lake Avenue in Pasadena. I met with her attorney and told him that I had seen her bruises.
22

23 We went into a back room and she showed them to him. He said he was going to file for a
24 temporary restraining order as soon as possible. At that point Janet said she was going to
25 stay with her attorney and I went back to my office.
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1. Janet called me a couple of times within the last 2 years to stay in touch and to keep
2 me posted on Gavin's condition. She wanted to know if I wanted to go to Las Vegas for a
3 girl's weekend. I said "No thank you."
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