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10 Attorneys for Defendant
11 **MICHAEL JOSEPH JACKSON**

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
13 **FOR THE COUNTY OF SANTA BARBARA, COOK DIVISION**
14

15
16 **THE PEOPLE OF THE STATE OF CALIFORNIA,**

17 Plaintiffs,

18 vs.

19
20 **MICHAEL JOSEPH JACKSON,**

21 Defendant.
22
23
24

) Case No. 1133603

) MR. JACKSON'S OPPOSITION TO
) MOTION FOR CLARIFICATION THAT
) "GAG ORDER" DOES NOT APPLY TO
) JAY LENO

) Honorable Rodney S. Melville
) Date: March 11, 2005
) Time: 8:30 am
) Dept: SM 8
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28 **MR. JACKSON'S OPPOSITION TO MOTION FOR CLARIFICATION THAT "GAG ORDER" DOES NOT
APPLY TO JAY LENO**

FILED
SUPERIOR COURT of CALIFORNIA
COUNTY of SANTA BARBARA

MAR 04 2005

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

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I.

3 JAY LENO IS SUBJECT TO THE COURT'S PROTECTIVE ORDER JUST LIKE ANY

4 OTHER WITNESS

5 Jay Leno is a percipient witness to the Doe family's modus operandi of using the Doe
6 children to solicit money from wealthy and famous people. Mr. Leno was interviewed by law
7 enforcement on February 9, 2005 and stated that he received telephone calls from Jane and John
8 Doe. He said that they were looking for money and that the call sounded "scripted" and
9 "coached." He said that they were looking for a "mark."

10 Mr. Leno is a an accomplished entertainer and, usually, a genuinely funny man.¹
11 However, while the prosecution of Michael Jackson might be a convenient source of material,² it
12 is hardly crucial commentary on important political or social topics.

13 Mr. Boutrous' position is that there should be no protective order. While the need for a
14 protective order is unfortunate and does come at some cost, it is necessary to protect Mr.
15 Jackson's right to a fair trial. The consequences of the protective order are not too severe as to
16 justify depriving him of his right to a fair trial.

17 Like any other witness, Mr. Leno is subject to the Court's protective order.
18 "Entertainment personalities" are not exempt. The Court issued the protective order to ensure a
19 fair trial. He should be subject to the same rule which, in fact, Mr. Jackson is required to follow.

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21 ///

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24 _____
25 ¹ Heaven forbid that for a few weeks Mr. Leno will not be able to make cruel jokes at
26 Mr. Jackson's expense.

27 ² One is reminded of the depression that overtook the comedy community when Richard
28 Nixon stepped down from the presidency and no longer provided daily material.

MR. JACKSON'S OPPOSITION TO MOTION FOR CLARIFICATION THAT "GAG ORDER" DOES NOT
APPLY TO JAY LENO

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II.

CONCLUSION

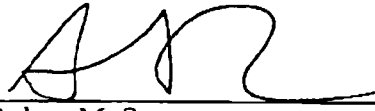
Therefore, based on the reasons set forth above, Mr. Jackson respectfully requests that the Court clarify that Jay Leno is subject to the Court's protective order.

Dated: March 4, 2005

COLLINS, MESEREAU, REDDOCK & YU
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Susan C. Yu

SANGER & SWYSEN
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By: 
FOR Robert M. Sanger
Attorneys for Defendant
MICHAEL JOSEPH JACKSON

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 301 East Cook Street, Suite A, Santa Maria, California 93454.

On March 4, 2005, I served the foregoing document: **MR. JACKSON'S OPPOSITION TO MOTION FOR CLARIFICATION THAT "GAG ORDER" DOES NOT APPLY TO JAY LENO** on 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 FAX

Tom Sneddon
Gerald Franklin
Ron Zonen
Gordon Auchincloss
District Attorney
312 East Cook Street
Santa Maria, CA 93454
BY HAND

 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.

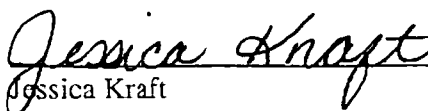
 X BY FACSIMILE - I caused the above-referenced document(s) to be transmitted via facsimile to the interested parties at 213-229-7520.

 X 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 March 4, 2005, at Santa Maria, California.



Jessica Kraft