

APR 26 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
10 SANTA MARIA DIVISION

11
12 THE PEOPLE OF THE STATE OF CALIFORNIA,

13 Plaintiff,

14 v.

15
16 MICHAEL JOE JACKSON,

17 Defendant.

No. 1133603

18 } PLAINTIFF'S MOTION FOR
19 } ORDER DIRECTING WITNESS
20 } DEBBIE ROWE TO TESTIFY
21 } FULLY AS TO RELEVANT
22 } MATTERS NOTWITHSTANDING
23 } CONTRACTUAL AGREEMENT
24 } WITH DEFENDANT THAT
25 } CERTAIN MATTERS ARE
26 } CONFIDENTIAL

27 } DATE: Not Set
28 } TIME: Not Set
DEPT: TBA (Melville)

29 TO: THE CLERK OF THE SUPERIOR COURT AND TO DEFENDANT AND HIS
30 COUNSEL:

31 PLEASE TAKE NOTICE that as soon as the matter may be heard, Plaintiff will
32 move the court for its order directing Debbie Rowe, to be called as a witness by Plaintiff, to
33 answer all questions put to her on direct examination and on cross-examination to which
34 objection is not made or to which an objection has been overruled, notwithstanding any
35 contractual agreement to which she is a party that may require her to keep certain aspects of her
36 relationship with Defendant confidential.
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PLAINTIFF'S MOTION FOR ORDER DIRECTING WITNESS DEBBIE ROWE TO TESTIFY FULLY
NOTWITHSTANDING AGREEMENT MAKING CERTAIN MATTERS CONFIDENTIAL.

LOCATION: 8055601077

RX TIME 04/26/05 09:25

1 The motion will be based on this notice, the Declaration of Ronald Zoren and the
2 accompanying Memorandum of Points and Authorities.

3 DATED: April 26, 2005

4 Respectfully submitted,

5 THOMAS W. SNEDDON, JR.
6 District Attorney

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8 By: R. Zoren
9 Senior Deputy District Attorney

10 Attorneys for Plaintiff
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MEMORANDUM OF POINTS AND AUTHORITIES

A CONTRACT EXPRESSLY PROVIDING THAT A PARTY THERETO WILL CONCEAL FROM THE COURT A FACT HE OR SHE HAS A DUTY TO MAKE KNOWN TO THE COURT IS CONTRARY TO PUBLIC POLICY AND VOID. A CONTRACT THAT PROVIDES THAT A PARTY WHO IS LATER CALLED AS A WITNESS AGAINST ANOTHER PARTY IN A CRIMINAL PROCEEDING SHALL NOT DISCLOSE MATTERS THAT ARE RELEVANT TO THE ISSUES IN THAT PROCEEDING STANDS ON NO FIRMER FOOTING.

A contract in which a party to it agrees to conceal a fact that party has a duty to disclose to the court is against public policy and is unenforceable. (See *Williamson v. Superior Court* (1978) 21 Cal.3d 829, 837, citing *Valentine v. Stewart* (1860) 15 Cal. 387, 404.)

There may be nothing illegal, per se, about an agreement between a celebrity and his espoused that obliges the parties to keep confidential personal information gained by either in the course of that relationship, on the sensible theory that, e.g., the National Inquirer ought not to be made privy to pillow talk. But to the extent that agreement might be read as preventing either party from giving relevant evidence in the course of a criminal trial, the attempted enforcement of that confidentiality agreement – either at the trial itself, or in a later action for breach of the agreement – would be contrary to public policy.

Ms. Rowe is right to disclose her concern about the inhibiting effect of her agreement with Michael Jackson on her ability to testify fully and truthfully in response to questions concerning matters the Court deems pertinent to the issues framed by the pending prosecution. Plaintiff respectfully requests that the Court order Ms. Rowe to testify truthfully and responsively to questions put to her by counsel for Plaintiff and Defendant without regard to any agreement she may have made to hold such information in confidence.

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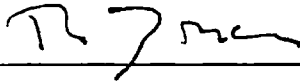
PROOF OF SERVICE

STATE OF CALIFORNIA }
COUNTY OF SANTA BARBARA } SS

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years and I am not a party to the within-entitled action. My business address is: District Attorney's Office; Courthouse; 1112 Santa Barbara Street, Santa Barbara. California 93101.

On April 26, 2005, I served the within PLAINTIFF'S MOTION FOR ORDER DIRECTING WITNESS DEBBIE ROWE TO TESTIFY FULLY, ETC. on Defendant. by THOMAS A. MESEREAU, JR. and ROBERT SANGER, by personally delivering a copy to counsel in open court. I declare under penalty of perjury that the foregoing is true and correct.

Executed at Santa Maria, California on this 26th day of April, 2005.



SERVICE LIST

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