

1 GIBSON, DUNN & CRUTCHER LLP  
2 THEODORE J. BOUTROUS, JR., SBN 132099  
3 MICHAEL H. DORE, SBN 227442  
4 333 South Grand Avenue,  
5 Los Angeles, CA 90071-3197  
6 Telephone: (213) 229-7000  
7 Facsimile: (213) 229-7520

8 Attorneys for NBC Universal, Inc.; CBS  
9 Broadcasting Inc.; Fox News Network L.L.C.;  
10 ABC, Inc.; Cable News Network LP, LLLP;  
11 The Associated Press; *Los Angeles Times*; The  
12 New York Times Company; The Washington  
13 Post; and *USA Today*

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

JUN 09 2005

GARY M. BLAIR, Executive Officer

By *Carrie L. Wagner*  
CARRIE L. WAGNER, CLERK

9 SUPERIOR COURT, STATE OF CALIFORNIA  
10 FOR THE COUNTY OF SANTA BARBARA

11  
12 THE PEOPLE OF THE STATE OF  
13 CALIFORNIA,

14 Plaintiff,

15 vs.

16 MICHAEL JOE JACKSON,

17 Defendant.

Case No.: 1133603

**REQUEST FOR ORDER IMMEDIATELY  
GRANTING ACCESS PROPONENTS'  
REQUESTS FOR PUBLIC ACCESS, OR, IN  
THE ALTERNATIVE, EXPEDITING  
HEARING OF ACCESS PROPONENTS'  
REQUESTS TO FRIDAY, JUNE 10, 2005,  
AT 8:30 A.M.**

Date: June 16, 2005

Time: 8:30 a.m.

Place: Department SM-8,

Judge Rodney S. Meville

[VIA FACSIMILE]

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19  
20 On Monday, Access Proponents<sup>1</sup> made three requests relating to the jury's ongoing  
21 deliberations seeking immediate relief due to the nature of the information sought and the procedural  
22 posture of the case: (1) a motion seeking immediate release of a copy of the blank verdict form; (2) a  
23 motion seeking immediate release of the transcript of Monday's in camera hearing addressing a  
24 question posed by the jury; and (3) a request to allow contemporaneous public access to all other jury

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26  
27 <sup>1</sup> NBC Universal, Inc.; CBS Broadcasting Inc.; Fox News Network L.L.C.; ABC, Inc.; Cable News  
28 Network LP, LLLP; The Associated Press; *Los Angeles Times*; The New York Times Company;  
The Washington Post; and *USA Today*.

1 questions and the judicial proceedings related thereto. The Court has set these requests for hearing  
2 next Thursday, June 16, 2005. But if the jury reaches a verdict before next week's scheduled hearing  
3 date this timeframe will render moot Access Proponents' requests for relief, or at the very least  
4 substantially defeat the whole purpose of these requests.<sup>2</sup> Even if the jury does not reach a verdict by  
5 next Thursday, the delay before the public has the opportunity to obtain the relief it seeks would  
6 result in serious harm to the public's rights of access, which are intended to allow contemporaneous  
7 scrutiny of the judicial process. See, e.g., *NBC Subsidiary (KNBC-TV), Inc. v. Superior Court*, 20  
8 Cal. 4th 1178, 1211, 1219 (1999) (emphasizing right to "contemporaneous access," and rejecting  
9 argument that delayed release of transcripts could remedy improper closure of hearings); *Washington*  
10 *Post v. Robinson*, 935 F.2d 282, 287 (D.C. Cir. 1991) (emphasizing "the critical importance of  
11 contemporaneous access . . . to the public's role as overseer of the criminal justice process")  
12 (emphasis in original).

13 Indeed, "[t]imeliness of publication is the hallmark of 'news' and the difference between  
14 'news' and 'history' is merely a matter of hours." *United States v. Dickinson*, 465 F.2d 496, 512  
15 (5th Cir. 1972); see also, e.g., *Grove Fresh Distribs., Inc. v. Everfresh Juice Co.*, 24 F.3d 893, 897  
16 (7th Cir. 1994) ("The newsworthiness of a particular story is often fleeting. To delay or postpone  
17 disclosure undermines the benefit of public scrutiny and may have the same result as complete  
18 suppression."). Access Proponents' request, if granted, will assist the public in understanding what is  
19 happening in the courtroom because it will allow the press to ensure that their contemporaneous  
20 reporting about these proceedings is as accurate as possible. This is in the best interests of the public,  
21 the Court, the defendant and the People, and no countervailing interests have been asserted or  
22 articulated.

23 Accordingly, Access Proponents respectfully ask the Court immediately to grant, without a  
24 hearing, their requests for the release of the blank jury form, for the release of Monday's in camera

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27 <sup>2</sup> For example, Access Proponents have sought the blank verdict form so they can use it to ensure  
28 they understand and accurately report to the public the verdict as it is read in open court. If the  
verdict is rendered before June 16, this request will be mooted.

1 hearing transcript; and for contemporaneous access to future jury questions and the judicial  
2 proceedings related thereto absent express findings justifying closure under *NBC Subsidiary*. To the  
3 extent the Court is not inclined to grant any or all of these requests immediately without a hearing,  
4 Access Proponents respectfully request that the Court re-calendar these matters for Friday, June 10,  
5 2005, at 8:30 a.m., or as soon as possible at a time convenient for the Court.

6 DATED: June 9, 2005

Respectfully submitted,


7  
8 GIBSON, DUNN & CRUTCHER LLP  
Theodore J. Boutrous, Jr.  
Michael H. Dore

9  
10 By:   
Theodore J. Boutrous, Jr.

11 Attorneys for NBC Universal, Inc.; CBS  
12 Broadcasting Inc.; Fox News Network  
L.L.C.; ABC, Inc.; Cable News Network  
13 LP, LLLP; The Associated Press;  
14 *Los Angeles Times*; The New York Times  
Company; The Washington Post; and  
15 *USA Today*

16 The request to advance the hearing is denied.

17  
18 DATED: JUN 9 9 2005

  
19 RODNEY S. MELVILLE  
JUDGE OF THE SUPERIOR COURT

1 **CERTIFICATE OF SERVICE**

2 **BY FAX AND REGULAR MAIL**

3 I, Jess Fernandez, hereby certify as follows:

4 I am employed in the County of Los Angeles, State of California; I am over the age of  
5 eighteen years and am not a party to this action; my business address is Gibson, Dunn & Crutcher  
6 LLP, 333 South Grand Avenue, Los Angeles, California 90071, in said County and State; I am  
7 employed in the office of Michael H. Dore, a member of the bar of this Court, and on June 9, 2005,  
8 I served the following:

9 **REQUEST FOR IMMEDIATE ORDER GRANTING ACCESS PROPONENTS' REQUESTS**  
10 **FOR PUBLIC ACCESS, OR, IN THE ALTERNATIVE, EXPEDITING HEARING OF**  
11 **ACCESS PROPONENTS' REQUESTS**

12 on the interested parties in this action, by the following means of service:

13  **BY MAIL:** I placed a true copy in a sealed envelope addressed as indicated below, on the above-  
14 mentioned date. I am familiar with the firm's practice of collection and processing  
15 correspondence for mailing. It is deposited with the U.S. Postal Service on that same day in the  
16 ordinary course of business. I am aware that on motion of party served, service is presumed  
17 invalid if postal cancellation date or postage meter date is more than one day after date of deposit  
18 for mailing in affidavit.

17 Stephen Underwood 18 Chief Assistant County Counsel 19 105 East Anapamu, Suite 201 20 Santa Barbara, CA 93101	Tel.: (805) 568-2950 Fax: (805) 568-2982
21 Thomas W. Sneddon 22 District Attorney 23 Santa Barbara County 24 1105 Santa Barbara Street 25 Santa Barbara, CA 93101-2007 26 Attorneys for Plaintiffs	Tel.: (805) 568-2300 Fax: (805) 568-2398
27 Thomas A. Mesereau, Jr. 28 Collins, Mesereau, Reddock & Yu LLP 1875 Century Park East, 7th Floor Los Angeles, CA 90067 Attorneys for Defendant Michael Jackson	Tel.: (310) 284-3120 Fax:

1 Robert Sanger  
2 Sanger & Swysen, Lawyers  
3 233 E. Carrillo Street, Suite C  
4 Santa Barbara, CA 93101  
5 Co-Counsel for Defendant Michael  
6 Jackson

Tel.: (805) 962-4887  
Fax: (805) 963-7311

7  **BY FACSIMILE:** From facsimile number (213) 229-7520, I caused each such document to be  
8 transmitted by facsimile machine, to the parties and numbers indicated below, pursuant to  
9 Rule 2008. The facsimile machine I used complied with Rule 2003(3) and no error was reported  
10 by the machine. Pursuant to Rule 2008(e)(4), I caused the machine to print a transmission record  
11 of the transmission, a copy of which is attached to the original of this declaration.

12 Stephen Underwood  
13 Chief Assistant County Counsel  
14 105 East Anapamu, Suite 201  
15 Santa Barbara, CA 93101

Tel.: (805) 568-2950  
Fax: (805) 568-2982

16 Thomas W. Sneddon  
17 District Attorney  
18 Santa Barbara County  
19 1105 Santa Barbara Street  
20 Santa Barbara, CA 93101-2007  
21 Attorneys for Plaintiffs

Tel.: (805) 568-2300  
Fax: (805) 568-2398


22 Thomas A. Mesereau, Jr.  
23 Collins, Mesereau, Reddock & Yu LLP  
24 1875 Century Park East, 7th Floor  
25 Los Angeles, CA 90067  
26 Attorneys for Defendant Michael Jackson

Tel.: (310) 284-3120  
Fax:

27 Robert Sanger  
28 Sanger & Swysen, Lawyers  
233 E. Carrillo Street, Suite C  
Santa Barbara, CA 93101  
Co-Counsel for Defendant Michael  
Jackson

Tel.: (805) 962-4887  
Fax: (805) 963-7311

1 I certify under penalty of perjury under the laws of the State of California that the foregoing is  
2 true and correct, that the foregoing document(s), and all copies made from same, were printed on  
3 recycled paper, and that this Certificate of Service was executed by me on June 9, 2005, at  
4 Los Angeles, California.

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6 \_\_\_\_\_  
7 Jess Fernandez

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