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FILED
 SUPERIOR COURT of CALIFORNIA
 COUNTY of SANTA BARBARA

NOV 05 2004

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

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** Unsealed pursuant
 to 6/16/05 court
 order*

18 Attorneys for Defendant
 19 **MICHAEL JOSEPH JACKSON**

20 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 21 FOR THE COUNTY OF SANTA BARBARA, COOK DIVISION

22 THE PEOPLE OF THE STATE OF
 23 CALIFORNIA,

24 Plaintiffs,

25 vs.

26 MICHAEL JOSEPH JACKSON,

27 Defendant.

) Case No. 1133603

) EXPARTE APPLICATION TO FILE UNDER
) SEAL

) Honorable Rodney S. Melville

) Date: November 10, 2004

) Time: 1:30 p.m.

) Dept: SM 2

UNDER SEAL & IN CAMERA

28 TO THE CLERK OF THE ABOVE ENTITLED COURT:

29 Defendant requests that the Court issue an order that the accompanying Mr. Jackson's
 30 Opposition to Motion to Quash Chandler Subpoena, and accompanying documents, be filed under

EX PARTE APPLICATION TO FILE UNDER SEAL

1 seal and for such other such further relief as the Court may deem just and proper. This request is
 2 based on the overriding interests of Mr. Jackson's rights to due process and a fair trial under the
 3 Fifth, Sixth and Fourteenth Amendments to the United States Constitution and Article I, Sections
 4 1, 7, and 15 of the California Constitution.

5 In addition, Mr. Jackson will submit a Proposed Redacted Copy of the Opposition to Motion
 6 to Quash within the next court day.

7 .

8 Dated: November 5 2004

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Respectfully submitted,

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COLLINS, MESEREAU, REDDOCK & YU

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Thomas A. Mesereau, Jr.

Susan C. Yu

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SANGER & SWYSEN

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Robert M. Sanger

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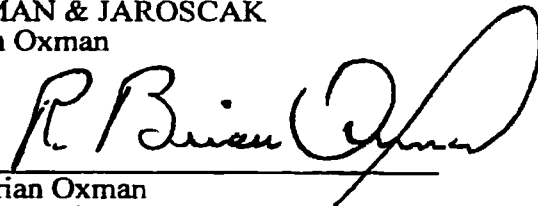
OXMAN & JAROSCAK

Brian Oxman

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By:



R. Brian Oxman

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Attorneys for Defendant

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MICHAEL JOSEPH JACKSON

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MEMORANDUM OF POINTS AND AUTHORITIES

I.

**THE COURT HAS THE AUTHORITY TO ORDER THAT
A RECORD BE FILED UNDER SEAL**

Pursuant to California Rule of Court 243.1(d), the Court has the authority to order a record be filed under seal if it expressly finds that:

- 1. There exists an overriding interest that overcomes the right of public access to the record;
- 2. The overriding interest supports sealing the record;
- 3. A substantial probability exists that the overriding interest will be prejudiced if the record is not sealed;
- 4. The proposed sealing is narrowly tailored; and
- 5. No less restrictive means exist to achieve the overriding interest.

(California Rule of Court 243.1(d).)

II.

**OVERRIDING INTERESTS EXIST THAT MEETS THE ABOVE CRITERIA FOR
SEALING A RECORD**

It is necessary to seal the record pursuant to California Rule of Court 243.1(d) based on the overriding interests of Mr. Jackson's rights to due process and a fair trial under the Fifth, Sixth and Fourteenth Amendments to the United States Constitution and Article I, Sections 1, 7, and 15 of the California Constitution.

An inspection of the documents will reveal that they disclose the testimony of witnesses or potential witnesses and disclose possible evidence, the admissibility of which, is yet to be determined.

The overriding interests of Mr. Jackson's rights to a fair trial and due process would be compromised if the accompanying document is not filed under seal. A person accused of a crime is entitled to due process and a fair trial under the Fifth, Sixth and Fourteenth Amendments to the

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DECLARATION OF BRIAN OXMAN

I, Brian Oxman, declare:

- 1. I am an attorney at law duly licensed to practice law in the courts of the State of California, and an attorney for Michael Jackson.
- 2. It is necessary that the accompanying Mr. Jackson's Opposition to Motion to Quash Chandler Subpoena and accompanying documents be filed under seal in order to protect the overriding interests of Mr. Jackson's rights to due process and a fair trial, as well as to prevent the disclosure of witnesses, potential witnesses and potential evidence.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed this 5st day of November, 2004 at Santa Fe Springs, California.


R. Brian Oxman