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

FILED
 SUPERIOR COURT of CALIFORNIA
 COUNTY of SANTA BARBARA

NOV 17 2004

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

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

FILED UNDER SEAL
[Signature]

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

17 THE PEOPLE OF THE STATE OF
 18 CALIFORNIA,

18 Plaintiffs,

19 vs.

20 MICHAEL JOSEPH JACKSON,

21 Defendant.

) Case No. 1133603

) ~~EX PARTE APPLICATION TO FILE UNDER-~~
) ~~SEAL AND IN CAMERA~~

) Honorable Rodney S. Melville

) Date: November 22, 2004

) Time: 1:30 p.m.

) Dept: SM 2

25 TO THE CLERK OF THE ABOVE ENTITLED COURT:

26 Defendant requests that the Court issue an order that the accompanying Mr. Jackson's
 27 Opposition to Motion to Quash and Motion for Protective Order Re Feldman and Rothstein and C.

28 EX PARTE APPLICATION TO FILE UNDER SEAL

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

6 In addition, Subpeaned Parties have filed their motions for In Camera review. Mr. Jackson
7 submit this Opposition also for In Camera Review and not for public filing.

8
9 Dated: November 17, 2004

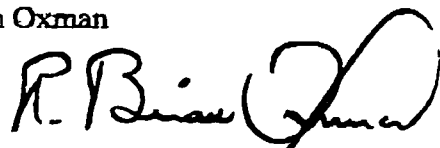
10 Respectfully submitted,

11 COLLINS, MESEREAU, REDDOCK & YU
12 Thomas A. Mesereau, Jr.
Susan C. Yu

13 SANGER & SWYSEN
14 Robert M. Sanger

15 OXMAN & JAROSCAK
16 Brian Oxman

17 By:

18 
19 R. Brian Oxman
20 Attorneys for Defendant
21 MICHAEL JOSEPH JACKSON
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EX PARTE APPLICATION TO FILE UNDER SEAL

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

1 United States Constitution and Article I, Sections 1, 7, and 15 of the California Constitution.
 2 Material contained the accompanying document pertains to evidence and the testimony of
 3 witnesses that, if made public, would compromise Mr. Jackson's these rights and would result in
 4 prejudice to Mr. Jackson. In order to protect these overriding interests, it is necessary that the
 5 accompanying document be filed under seal.

6 **CONCLUSION**

7 For the foregoing reasons, Mr. Michael Jackson requests his Opposition to Motion to
 8 Quash and for Protective Order re: Feldman and Rothstein and C. Michael Adler Subpoenas and
 9 accompanying documents be filed under seal.

10 Dated: November 17, 2004

11 COLLINS, MESEREAU, REDDOCK & YU
 12 Thomas A. Mesereau, Jr.
 13 Susan C. Yu

14 SANGER & SWYSEN
 15 Robert M. Sanger

16 OXMAN & JAROSCAK
 17 Brian Oxman

18 By:

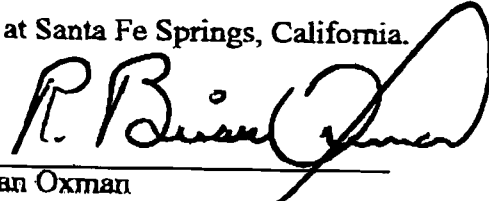
19 
 20 R. Brian Oxman
 21 Attorneys for
 22 MICHAEL JOSEPH JACKSON

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 and Motion for Protective Order re: Feldman and Rothstein and C. Michael Adler 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 17th day of November, 2004 at Santa Fe Springs, California.



R. Brian Oxman

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PROOF OF SERVICE BY MAIL AND FAX

I, Maureen Jaroscak declare and say:

I am an attorney at law admitted to practice before all the courts of the state of California and I am an attorney for Mr. Michael Jackson in the above-entitled action. My business address is 14126 East Rosecrans Blvd., Santa Fe Springs, California 90670. I am over 18 years and not a party to the above-entitled action. On November 1, 2004, I served the following:

EX PARTE APPLICATION TO FILE UNDER SEAL
MR. JACKSON'S OPPOSITION TO FELDMAN AND ROTHSTEIN AND ADLER'S MOTIONS TO
QUASH AND MOTIONS FOR PROTECTIVE ORDER
ORDER SEALING OPPOSITION

on the interested parties by placing a true copy of the document in a sealed envelope, and depositing it in the United States Mail with first class postage prepaid at La Mirada, California, and addressed as follows:

Tony Sadri
790 East Colorado Blvd.
Suite 800
Pasadena, CA 91101
Fax No. 626 578 1293

C. Michael Alder
9308 Civic Center Dr.
Beverly Hills, CA 90210
Fax No. 310 275 9132

In addition, on this same date, I served a copy of the document by fax to the above-indicated number by transmitting a true copy of it by facsimile pursuant to Rule 2003 of the California Rules of Court, and no error was reported by the machine. Pursuant to Rule 2008(e), I had the machine print a record of the transmission, and a copy of that record is attached to this declaration.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.

Executed this 1st day of November, 2004, at Santa Fe Springs, California.


Maureen Jaroscak