

LATE

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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA BARBARA

DEC 13 2004

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Attorneys for Defendant
MICHAEL JOSEPH JACKSON

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

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiffs,

vs.

MICHAEL JOSEPH JACKSON,

Defendant.

) Case No. 1133603

) EX PARTE APPLICATION THAT NOTICE
) OF MOTION AND MOTION FOR JURY
) QUESTIONNAIRE (C.C.P. § 223) BE
) FILED UNDER SEAL

) Honorable Rodney S. Melville

) Date: December 23, 2004
) Time: 10:00 am
) Dept: SM 8

TO THE CLERK OF THE ABOVE ENTITLED COURT:

Defendant requests that the Court determine whether it is appropriate to issue an order that the accompanying NOTICE OF MOTION AND MOTION FOR JURY QUESTIONNAIRE (C.C.P.

EX PARTE APPLICATION THAT NOTICE OF MOTION AND MOTION FOR JURY QUESTIONNAIRE (C.C.P. § 223) BE FILED UNDER SEAL

1 § 223) and accompanying documents be filed under seal. This request is based on the Orders of
2 Judge Melville in this case.

3 Dated: December 13, 2004

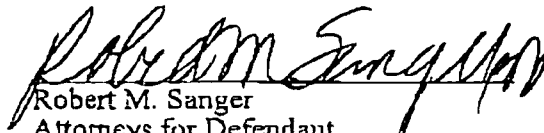
4 Respectfully submitted,

5 COLLINS, MESEREAU, REDDOCK & YU
6 Thomas A. Mesereau, Jr.
7 Susan C. Yu

8 SANGER & SWYSEN
9 Robert M. Sanger

10 OXMAN & JAROSCAK
11 Brian Oxman

12 By:

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14 Robert M. Sanger
15 Attorneys for Defendant
16 MICHAEL JOSEPH JACKSON

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EX PARTE APPLICATION THAT NOTICE OF MOTION AND MOTION FOR JURY QUESTIONNAIRE
(C.C.P. § 223) BE FILED UNDER SEAL

1 MEMORANDUM OF POINTS AND AUTHORITIES

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

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

11 (California Rule of Court 243.1(d).)

12 Pursuant to the Court's prior instructions, including instructions reiterated on May 28,
13 2004, we are submitting NOTICE OF MOTION AND MOTION FOR JURY
14 QUESTIONNAIRE (C.C.P. § 223) out of an abundance of caution so that the Court may
15 determine whether or not it may be filed under seal. It does not appear that this particular
16 document makes references to statements of witnesses, documents, exhibits, photographs or
17 other evidence that may be subject to the pretrial rule regarding the filing of documents under
18 seal. (Exhibit 1, Declaration of Robert M. Sanger.)

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28 EX PARTE APPLICATION THAT NOTICE OF MOTION AND MOTION FOR JURY QUESTIONNAIRE
(C.C.P. § 223) BE FILED UNDER SEAL

1 CONCLUSION

2 For the reasons stated above, Mr. Jackson submits the matter for the Court's
3 determination as to whether it should be ordered that the accompanying NOTICE OF MOTION
4 AND MOTION FOR JURY QUESTIONNAIRE (C.C.P. § 223) and accompanying documents
5 be filed under seal.


6 Dated: December 13, 2004

7 COLLINS, MESEREAU, REDDOCK & YU
8 Thomas A. Mesereau, Jr.
Susan Yu

9 SANGER & SWYSEN
10 Robert M. Sanger

11 OXMAN & JAROSCAK
12 Brian Oxman

13 By:

14 
15 Robert M. Sanger
16 Attorneys for
17 MICHAEL JOSEPH JACKSON

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EX PARTE APPLICATION THAT NOTICE OF MOTION AND MOTION FOR JURY QUESTIONNAIRE
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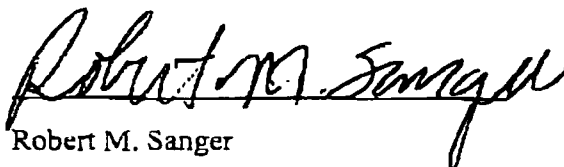
DECLARATION OF ROBERT M. SANGER

I, Robert Sanger, declare:

1. I am an attorney at law duly licensed to practice law in the courts of the State of California, a partner in the law firm of Sanger & Swysen, and co-counsel for Michael Jackson.

2. Pursuant to the Court's prior instructions, including instructions reiterated on May 28, 2004, we are submitting the NOTICE OF MOTION AND MOTION FOR JURY QUESTIONNAIRE (C.C.P. § 223) out of an abundance of caution so that the Court may determine whether or not it may be filed under seal. It does not appear that this particular document makes references to statements of witnesses, documents, exhibits, photographs or other evidence that may be subject to the pretrial rule regarding the filing of documents under seal.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed this 13th day of December, 2004 at Santa Barbara, California.


Robert M. Sanger

EX PARTE APPLICATION THAT NOTICE OF MOTION AND MOTION FOR JURY QUESTIONNAIRE (C.C.P. § 223) BE FILED UNDER SEAL

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 233 East Carrillo Street, Suite C, Santa Barbara, California, 93101.

On December 13, 2004, I served the foregoing document **EXPARTE APPLICATION FOR AN ORDER THAT NOTICE OF MOTION FOR JURY QUESTIONNAIRE** on the interested parties in this action by depositing a true copy thereof as follows:

Gibson, Dunn & Crutcher LLP

William E. Thomson
Michael H. Dore
333 South Grand Avenue
Los Angeles, CA 91171
Fax - 213-229-7520

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.

BY FACSIMILE - I caused the above-referenced document(s) to be transmitted via facsimile to the interested parties

BY HAND - I caused the document to be hand delivered to the interested parties at the address above.

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 December 13, 2004, at Santa Barbara, California.


BOBETTE J TRYON