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FILED
SUPERIOR COURT of CALIFORNIA
COUNTY of SANTA BARBARA

DEC 15 2004

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

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

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

THE PEOPLE OF THE STATE OF
CALIFORNIA,

Plaintiff,
vs.

MICHAEL JOE JACKSON,
Defendant.

Case No.: 1133603

**ACCESS PROPONENTS' OPPOSITION TO
MOTIONS AND REQUESTS TO FILE
DOCUMENTS UNDER SEAL THAT HAVE
BEEN FILED SINCE THEIR LAST
OPPOSITION TO THE PARTIES'
MOTIONS TO FILE UNDER SEAL**

Date: December 20-23, 2004
Time: 8:30 a.m.
Place: Department: SM-8,
Judge Rodney S. Melville

[VIA FACSIMILE]

The Access Proponents, a group of media organizations,¹ respectfully file this opposition to any and all motions and requests to file documents under seal that have been filed since their last opposition to the parties' motions to file under seal was filed on November 24, 2004, or that will be filed between the filing of this opposition and when hearings are held on December 20-23.

¹ NBC Universal, Inc.; CBS Broadcasting Inc.; Fox News Network L.L.C.; ABC, Inc.; Cable News Network LP, LLLP; The Associated Press; *Los Angeles Times*; The New York Times Company; and *USA Today*.

1 The Access Proponents have previously briefed to this Court the federal and California authority that
2 establishes a strong presumption against sealing judicial records, and the parties' latest submissions
3 once again fail to overcome that presumption. *See generally NBC Subsidiary (KNBC-TV), Inc. v.*
4 *Superior Court*, 20 Cal. 4th 1178 (1999). The Access Proponents hereby incorporate their prior
5 arguments by reference and request that the Court unseal, to the maximum extent possible, any and
6 all documents filed between the date of their last opposition to the parties' requests to file under seal
7 and the upcoming hearings scheduled for December 20-23, 2004. The First Amendment to the
8 United States Constitution, the California Constitution, Rule 243.1 of the California Rules of Court,
9 and the common law dictate that abstract notions of the Defendant's fair trial right cannot be invoked
10 to create a presumption of secrecy. The materials currently under seal, therefore, must be disclosed
11 and open to the public.
12

13 DATED: December 15, 2004

Respectfully submitted,

GIBSON, DUNN & CRUTCHER LLP

Theodore J. Boutros, Jr.

Michael H. Dore

By:


Theodore J. Boutros, Jr.

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

**CERTIFICATE OF SERVICE
BY FAX AND REGULAR MAIL**

I, Jess Fernandez, hereby certify as follows:

I am employed in the County of Los Angeles, State of California; I am over the age of eighteen years and am not a party to this action; my business address is Gibson, Dunn & Crutcher LLP, 333 South Grand Avenue, Los Angeles, California 90071, in said County and State; I am employed in the office of Michael H. Dore, a member of the bar of this Court, and at his direction, on December 15, 2004, I served the following:

**ACCESS PROPONENTS' OPPOSITION TO MOTIONS AND REQUESTS TO FILE
DOCUMENTS UNDER SEAL THAT HAVE BEEN FILED SINCE THEIR LAST
OPPOSITION TO THE PARTIES' MOTIONS TO FILE UNDER SEAL**

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

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

Thomas W. Sneddon District Attorney Santa Barbara County 1105 Santa Barbara Street Santa Barbara, CA 93101-2007 Attorneys for Plaintiffs	Tel.: (805) 568-2300 Fax: (805) 568-2398
Thomas A. Mesereau, Jr. 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:
Robert Sanger Sanger & Swysen, Lawyers 233 E. Carrillo Street, Suite C Santa Barbara, CA 93001 Co-Counsel for Defendant Michael Jackson	Tel.: (805) 962-4887 Fax: (805) 963-7311

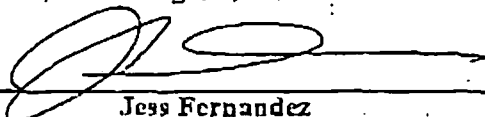
BY FACSIMILE: From facsimile number (213) 229-7520, I caused each such document to be transmitted by facsimile machine, to the parties and numbers indicated below. No error was reported by the machine.

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- I am employed in the office of Michael H. Dore, a member of the bar of this court, and that the foregoing document(s) was(were) printed on recycled paper.
- (STATE) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- (FEDERAL) I declare under penalty of perjury that the foregoing is true and correct.

I certify under penalty of perjury that the foregoing is true and correct, that the foregoing document(s), and all copies made from same, were printed on recycled paper, and that this Certificate of Service was executed by me on December 15, 2004, at Los Angeles, California.



 Jess Fernandez

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