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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES, CENTRAL DISTRICT

In re the Conservatorship of the Person and
Estate of

BRITNEY JEAN SPEARS,

Conservatee.

Case No. BP108870

Hon. Brenda J. Penny, Dept. 4

**CONSERVATEE BRITNEY SPEARS'S
SUPPLEMENTAL PETITION FOR
SUSPENSION AND REMOVAL OF JAMES P.
SPEARS AS CONSERVATOR OF THE ESTATE
PURSUANT TO PROBATE CODE SECTION
2650(j)**

Date: September 29, 2021

Time: 1:30 PM

Dept: 4

1 **SUPPLEMENTAL PETITION**

2 **I. INTRODUCTION**

3 1. Britney Spears established in her July 26, 2021 Verified Petition for Suspension and
4 Removal of James P. Spears (the “Petition”) that Mr. Spears’s suspension and removal were mandated
5 under Probate Code Section 2650(j) because, as a matter of law, this relief is “in the best interests of” Ms.
6 Spears. Separately, this relief is also in the interests of justice.

7 2. As the Petition also demonstrates, Section 2650(j) does not require Mr. Spears to admit
8 fault or wrongdoing. Rather, although Mr. Spears has for more than a decade evidently engaged in
9 abusive and bullying conduct while also elevating his own personal and financial interests above those of
10 his daughter, these issues of misconduct are *not*, at *this* time on *this* Petition, before the Court.

11 3. The *only* question before the Court—which has, unfortunately, been lost for years—is
12 whether Mr. Spears’s prompt suspension and removal are in best the interests of Britney Spears. Based
13 upon (i) the forceful and compelling June 23 and July 14, 2021 testimony of Britney Spears herself; (ii)
14 the sworn Declaration of Conservator of the Person Jodi Montgomery, which includes her testimony that
15 “I have had numerous, ongoing conversations with the medical team and we all agree that it would be
16 best for Ms. Spears’ well-being and mental health that her father stop acting” as conservator, that “it is
17 my strong opinion and recommendation that the persons serving as Ms. Spears’ conservators ***not*** be
18 family members,” and that “Mr. Spears’ removal . . . is ***critical*** to [Britney Spears’s] emotional health
19 and well-being and in the best interests of the conservatee” (underlined emphasis in original);¹ (iii) the
20 Verified Joinder of Ms. Montgomery; (iv) the Declaration and Verified Joinder of Interested Party Lynne
21 Spears; and (v) the fact that Ms. Spears will not work or perform unless and until Mr. Spears is removed
22 (thereby depriving the Estate of income even as Mr. Spears and others are, perversely, being enriched
23 from it), the unequivocal answer is ***yes***.

24 4. This conclusion, which we respectfully submit is now clearly inexorable, is further
25 supported by fundamental principles of law (that were completely ignored by Mr. Spears and his attorney

26 _____
27 ¹ See Declaration of Jodi Montgomery, dated July 22, 2021, at ¶¶ 5-7. Similarly, during the July 14,
28 2021 hearing, Ms. Montgomery’s counsel confirmed, unambiguously, that it has been a “***strong
recommendation by the medical team, that Mr. Spears, her father, needs to be off of the
conservatorship.***” (July 14, 2021 Hearing Transcript at p. 47) (all emphases added).

1 in their “First Response”) mandating Mr. Spears’s suspension and removal. *See, e.g.*, Cal. Probate Code
2 § 1800; *Quasi-Judicial Immunity in Conservatorships: A Guide for Conservators and their Counsel*,
3 California Trusts and Estates Quarterly, Vol. 22, Iss. 2, 2016 at p. 45. (“Embedded within the statutory
4 framework are consistent admonitions that the conservator must always act in the best interests of the
5 conservatee”); see also *#FreeBritney and a Look at How California Conservatees May Challenge Their*
6 *Conservators*, Aug. 30, 2020 (“The overarching theme of section 2650 is to ensure that the conservator
7 prioritizes the interests of the conservatee”); *A Review of Whether the Conservatee Should Continue To*
8 *Pay The Attorney Fees of Feuding Parties*, 52 U. Pac. L. Rev. 963, 967 (“The purpose of the
9 conservatorship is to fight to protect the conservatee’s interests rather than gain control over the
10 conservatee”). Further, as the Judicial Council’s *Handbook for Conservators* provides, “The position of
11 conservator is one of great trust and responsibility. ***The court and the conservatee are trusting you to***
12 ***follow the law and to act in the conservatee’s best interests. You should make choices that . . . are in***
13 ***the conservatee’s best interests.***” (*Handbook for Conservators 2016 Revised Edition*, Judicial Council of
14 California at p. 1-2.)

15 5. In short, as this Court so aptly stated during the July 14, 2021 hearing in referencing the
16 need to focus on the interests of Britney Spears, “it’s not about anybody else, ***it’s about her.***” (July 14,
17 2021 Hearing Transcript at p. 53.) Mr. Spears should heed those words.

18 6. Against this backdrop, Mr. Spears’s and his counsel’s August 12, 2021 “First Response”
19 is shameful. Although Mr. Spears concedes that a “battle with his daughter over his continuing service”
20 would ***not*** be in her best interests (thereby effectively acknowledging that his departure must be
21 imminent), Mr. Spears spends the overwhelming majority of his brief engaging in inappropriate attacks
22 and finger-pointing. In trying to defend himself, he also looks back 13 years, improperly discussing his
23 daughter’s “mental health issues” while outrageously suggesting he should be “thanked.” The thrust of
24 his response is that although (i) he expressly recognizes that a “public battle” regarding his departure
25 would not be in Ms. Spears’s best interests and (ii) for that reason, he even intends to support “an orderly
26 transition,” his idea of “orderly” is to hang on until someone first brands him “father of the year” and
27 awards him a gold star for his “service.” In other words, although Mr. Spears has, at last, been forced to
28

1 recognize that *it is best for his daughter* if he departs now, he claims the right to drag his feet because it
2 is *best for him* to cling to this conservatorship until he feels sufficiently-vindicated.

3 7. Mr. Spears’s and his counsel’s “First Response” is also based upon a complete
4 misunderstanding of the law, because his prior service as conservator is *legally-irrelevant* under Section
5 2650(j)’s “best interests” test. Moreover, by once again elevating his interests over his daughter’s, it also
6 demonstrates *why* Mr. Spears must resign or be suspended no later than September 29, 2021.
7 Additionally, the “First Response” supports Ms. Spears position that any legal fees incurred by Mr.
8 Spears in connection with that “Response” (or any future “Response”) should not come from Ms.
9 Spears’s estate. (*See, e.g., Conservatorship of Lefkowitz* (1996) 50 Cal.App.4th 1310, 1316-1317
10 [conservator’s attorneys’ fees to oppose petition for removal incurred “to defend [conservator’s]
11 character and reputation” were not payable from the conservatee’s estate].)

12 8. Further and critically, while Mr. Spears professes his purported “love” and “support” of
13 his daughter even as he stripped her of her autonomy and dignity and engaged in abusive conduct toward
14 her, his First Response reveals his true motivations: to receive or make large monetary payments under
15 the “pending Twelfth Account,” as a *quid pro quo*, including:

- 16 • Payment to Mr. Spears—*from Ms. Spears*—for working with his lawyer to address
17 “public, media, and social media attention,” such as reading “major television and news
18 articles, social media posts, global media inquiries, and documentary films;”
- 19 • Payment to Mr. Spears—*from Ms. Spears*—for “continu[ing] to do my best to keep
20 current regarding the music, advertising and entertainment business . . . ”²
- 21 • Compensation—*from Ms. Spears*—of **\$1,356,293** in attorneys’ fees to Holland & Knight
22 from October 17, 2020 to June 30, 2021, including an exorbitant and obviously-
23 unacceptable **\$541,065.50** for “Media Matters.” (Supplemental Declaration of Vivian L.
24 Thoreen, Jul. 12, 2021, at pp. 1-2, 6-8); and
- 25 • Payment to Tri-Star Sports & Entertainment Group—*from Ms. Spears*—of an exorbitant,
26 post-hiatus **\$500,000**.

27 ² See Declaration of James P. Spears, dated July 12, 2021, at ¶ 3, 13.
28

1 9. Further, although Mr. Spears’s counsel purport to chastise Ms. Spears’s current counsel
2 for supposedly failing to recognize that they and Ms. Spears’s prior counsel were “in negotiations,” they
3 neglect to mention that those “negotiations” were unacceptable and unsuccessful.

4 10. Regardless of the past, Mr. Spears and his counsel are now on notice: *the status quo is no*
5 *longer tolerable, and Britney Spears will not be extorted.* Mr. Spears’s blatant attempt to barter
6 suspension and removal in exchange for approximately \$2 million in payments, on top of the millions
7 already reaped from Ms. Spears’s estate by Mr. Spears and his associates, is a non-starter.

8 11. Finally, contrary to the powers that Mr. Spears and his counsel seek to arrogate unto
9 themselves, they do not get to choose the time and place of Mr. Spears’s departure. Those issues are
10 governed by law, the best interests of Ms. Spears, and by this Court.

11 12. And contrary to the First Response’s claim that there are supposedly “no urgent
12 circumstances” warranting Mr. Spears’s immediate suspension, that, too, is false. The world heard Ms.
13 Spears’s courageous and compelling testimony. Britney Spears’s life matters. Her well-being matters.
14 Every day matters. There is no basis to wait.

15 13. In short, Mr. Spears’s so-called “First Response” is best characterized as a concession that
16 he must resign, coupled with the *independently-removable* offense of failing to resign until the time and
17 conditions are “right” for him—no matter the toll it exacts on his daughter. Having finally acknowledged
18 that his time as Conservator should end, Mr. Spears is obligated to step down without condition and
19 without seeking to extract anything further from his daughter. Indeed, Mr. Spears should resign now and
20 if he does not, this Court must suspend him on September 29th.³

21 **II. MR. SPEARS’S “FIRST RESPONSE” ITSELF FURTHER DEMONSTRATES WHY HIS**
22 **IMMEDIATE SUSPENSION AND SUBSEQUENT REMOVAL ARE NECESSARY AND**
23 **PROPER UNDER PROBATE CODE SECTION 2650(j)**

24 14. *First*, and perhaps most notably for purposes of the pending Petition, Mr. Spears’s
25 Response concedes that “much has changed” since the Conservatorship was implemented in 2008, and
26 that he will “cooperate in the transition to a new conservator.” (First Response at p. 3, line 4; p. 4, line
27 4.) He should have stopped there. Instead, he seeks to extract an improper *quid pro quo* of preconditions

28 ³ This result will also be a major step toward Ms. Spears’s path to a fuller and far more rewarding life.

1 to his exit, which have absolutely nothing to do with Ms. Spears’s needs or best interests. In other words,
2 although Mr. Spears concedes that stepping down is the right thing to do, he is, again, trying to put his
3 interests (and those of others) ahead of the interests of his own daughter.

4 15. *Second*, Mr. Spears’s Response is a shameful attempt to redeem his reputation, at his
5 daughter’s expense. The issue, however, is not about Mr. Spears, his needs, or his image. This would be
6 true in any case. But it is particularly true in the context of the pending Petition, which is based solely
7 and exclusively on Section 2650(j), the Probate Code’s discretionary “catch all” provision warranting
8 suspension/removal where that relief “is in the best interests of” the conservatee.⁴

9 16. Specifically, while Mr. Spears *claims* to understand that “a public battle with his daughter
10 over his continuing service as her conservator would not be in her best interests,”⁵ his actions speak far
11 louder. Far from extending an olive branch, Mr. Spears’s First Response is riddled with allegations that
12 are false, stale, have no bearing on current circumstances, and serve no purpose other than hoping to
13 rehabilitate his image, while harming Ms. Spears.

14 17. Mr. Spears has become so blinded by his own (legally irrelevant) desire for redemption
15 that, notwithstanding the stringent restrictions of HIPAA, he has gone so far in his filing as to discuss
16 alleged details of Ms. Spears’s mental state. Under the guise of countering Lynne Spears’s Declaration,
17 for example, Mr. Spears levies allegations of Ms. Spears’s “issues,” makes gratuitous comments on the
18 amounts spent on Ms. Spears’s medical care, questions whether Ms. Spears understands or remembers
19 what has been done to her, and makes other inapt claims, while also attacking Conservator of the Person
20 Jodi Montgomery. (*See, e.g.*, First Response at p. 5, lines 24-25; ¶¶ 20, 22, 32.)

21 18. Not only are Mr. Spears’s self-serving contentions irrelevant to this Petition, they are a
22 quintessential indicator of an unhealthy conservator-conservatee (and conservator-conservator)
23 relationship, which can no longer be sustained. Indeed, any words in Mr. Spears’s First Response other
24 than “I recognize it is in Ms. Spears’s best interests that I resign, and I hereby do so,” are unnecessary,

25 _____
26 ⁴ Although subject to our ongoing investigation, the *other* factors under Section 2650, *e.g.*, “Gross
27 immorality” and “Failure to use ordinary care,” are not presently before the Court and they have no
28 impact on the September 29 hearing date at which time Mr. Spears must, at the very least, be suspended.

⁵ First Response, at p. 3, lines 18-20.

1 damaging and a further indicator of his unfitness to serve. If Mr. Spears truly feels he is “target of
2 unjustified attacks,” he can bring them to an end by doing the gracious, right, and necessary thing by
3 resigning without attempting to extort conditions on his departure. Relatedly, there is no reason that his
4 requested “transition” cannot occur after Mr. Spears’s resignation of suspension.

5 19. *Third*, Mr. Spears’s Response is also illustrative of why, consistent with his departure, the
6 time has come to chart a course for Ms. Spears’s freedom. Mr. Spears’s observations about his daughter
7 in his purported “defense” (which is, once again, legally-irrelevant under Section 2650(j)) actually
8 demonstrate that Ms. Spears is perfectly capable of giving an accurate opinion as to whether Mr. Spears
9 should remain in his post.

10 20. For example, Mr. Spears notes that Ms. Spears has maintained her career, while recording
11 and performing worldwide, understands her personal obligations, has not been coerced to do anything, is
12 strong, and stands up for herself. (*See, e.g.*, First Response at ¶¶ 4, 27.) These truths are not reason to
13 laud Mr. Spears; they are reason to honor Ms. Spears’s request to be released from under the thumb of
14 her father. Not even Mr. Spears denies that *this* conservatorship is, in fact, exhausting and terrifying to
15 Ms. Spears; he accepts this as fact and dismisses her experience as “[t]he reality” of being “under a
16 Conservatorship.” (First Response at ¶ 23.) But exhaustion and terror are not the goals of a
17 conservatorship, a State-imposed mechanism that should be a last resort. Mr. Spears’s distorted views of
18 a functional conservatorship further support his suspension and removal. The fact that Mr. Spears views
19 his daughter’s own experience as a necessary evil of a conservatorship shows exactly how far off the rails
20 this conservatorship has gone insofar as he is concerned.

21 21. *Finally*, it is again worth mention that Mr. Spears spends seven pages of his Response
22 airing grievances with Lynne Spears in a needless, but mean-spirited sideshow. Lynne Spears does,
23 indeed, support Mr. Spears’s suspension and removal, but the Petition must be granted regardless of her
24 views. As the Petition made abundantly clear, it is Mr. Spears’s *independent* adverse impact on his
25 daughter’s life, well-being, and best interests that requires the Petition be granted. That Mr. Spears
26 would use this solemn occasion to pick one more fight with his ex-wife (the mother of his daughter)
27 speaks volumes.
28

1 **III. MR. SPEARS’S REQUESTED PRE-CONDITIONS TO RESIGNATION**
2 **ARE SELF-INTERESTED AND CONSTITUTE AN UNACCEPTABLE AND**
3 **EXTORTIONATE QUID PRO QUO**

4 22. Lest there be any confusion about the certain “matters” Mr. Spears wishes to resolve
5 before his departure, his First Response indicates that his voluntary resignation will be contingent upon,
6 at the least, (i) approval of his latest accounting (including attorneys’ fees he has incurred) and (ii) a
7 substantial payment from Ms. Spears’s Estate to certain third parties, including Tri-Star Sports &
8 Entertainment Group.

9 23. One can certainly theorize why Mr. Spears wants to ensure payment to certain third parties
10 while he perceives he still has leverage to extract concessions, but the reasons for his audacious desire to
11 divert conservatorship assets to himself and others are, at this time, beside the point. When it comes to
12 the Petition, all that matters is a single, central fact that is undisputed, even by Mr. Spears: *his*
13 *resignation (or immediate suspension if he fails to resign) is in Ms. Spears’s best interests.*

14 24. Given the above, Mr. Spears has no right to condition his departure on improper and
15 extortionate demands for payment or blanket immunity. Instead, the only honorable, decent, and humane
16 course of action is for Mr. Spears to resign now, provide all necessary information to evaluate his
17 accounting, and, if matters cannot be resolve consensually, to try to defend his accounting. Once again,
18 however—and importantly—that defense is for a later day and a different proceeding, and Mr. Spears’s
19 effort to confuse and conflate these issues, and extract a *quid pro quo*, must be rejected.⁶

20 **IV. CONCLUSION**

21 25. If ever there were any doubts as to whether Mr. Spears must be summarily suspended and
22 then removed (and there should have been no such doubts), Mr. Spears’s faithless and misguided “First
23 Response” puts them to rest. It is now self-evident that Mr. Spears is so myopically focused on his own
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25 _____
26 ⁶ Although also an issue for another day, Mr. Spears’s willingness to toss Estate dollars at others is
27 nothing new. As noted in Ms. Spears’s Objections to Mr. Spears’s 12th Account and Report of
28 Conservator, Mr. Spears readily and unilaterally approved a new, flat fee arrangement for Tri-Star (a
windfall from Tri-Star’s perspective) and a retroactive, gratuitous payment equating to an approximate
260% raise above what Tri-Star otherwise would have been entitled to receive.

1 interests that even as he is, in effect, uttering the words “you can’t fire me, I resign,” he cannot help but
2 contemplate and promote the next best steps for himself.

3 26. Ms. Spears already has provided the Court with many examples of Mr. Spears’s bullying
4 and efforts to strip her of certain fundamental rights, as well as the harm his “service” has had on her
5 well-being. For these reasons and those set forth herein and in the pending Petition, Ms. Spears renews
6 her request for the relief contained in the Petition, including immediate Suspension. A “transition” can
7 just as easily occur while Mr. Spears is suspended, as opposed to while he lingers as conservator waiting
8 for his inevitable removal. The only difference is that the former is in his daughter’s best interests, while
9 the latter severely undermines those interests.

10 27. For now, before Mr. Spears engages in further attacks on his daughter, once again
11 discusses his purported views of her mental state, or files another “Response” that would only serve to
12 demonstrate his lack of sensitivity and fidelity (while also *bolstering* the Petition and providing further
13 evidence that *he*, not the Estate, will be liable for his attorneys’ fees, *see, e.g., Conservatorship of*
14 *Lefkowitz* (1996) 50 Cal.App.4th 1310, 1316-1317), although his departure is a foregone conclusion, Mr.
15 Spears should simply agree to resign immediately. Under the circumstances, that would be the legally-
16 correct, decent, and graceful thing to do.

17
18 Dated: August 30, 2021

Respectfully Submitted,

GREENBERG TRAURIG, LLP

21 By: /s Mathew S. Rosengart
Mathew S. Rosengart

22 Attorneys for Conservatee Britney Jean Spears
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1 **PROOF OF SERVICE**

2 **STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

3 I am employed in the aforesaid county, State of California; I am over the age of 18 years and not a
4 party to the within action; my business address is **1840 Century Park East, Suite 1900, Los Angeles,
CA 90067-2121**. My email address is **cronkritec@gtlaw.com**.

5 On August 30, 2021, I served the **CONSERVATEE BRITNEY SPEARS'S**
6 **SUPPLEMENTAL PETITION FOR SUSPENSION AND REMOVAL OF JAMES P. SPEARS**
7 **PURSUANT TO PROBATE CODE SECTION 2650(j)** on the interested parties in this action by
8 placing the true copy thereof, enclosed in a sealed envelope, postage prepaid, addressed as shown on the
attached Service List

9 **(BY MAIL)**

10 I am readily familiar with the business practice of my place of employment in respect to the
11 collection and processing of correspondence, pleadings and notices for mailing with United States
12 Postal Service. The foregoing sealed envelope was placed for collection and mailing this date
consistent with the ordinary business practice of my place of employment, so that it will be picked
up this date with postage thereon fully prepaid at Los Angeles, California, in the ordinary course
of such business.

13 **(BY UPS OVERNIGHT)**

14 I am readily familiar with the business practice of my place of employment in respect to the
15 collection and processing of correspondence, pleadings and notices for delivery by overnight
16 carrier service. Under the practice it would be deposited with the overnight carrier on that same
day with postage thereon fully prepared at Los Angeles, California in the ordinary course of
business. I am aware that on motion of the party served, service is presumed invalid if delivery
by overnight carrier is more than one day after date of deposit with the carrier.

17 **(STATE)** I declare under penalty of perjury under the laws of the State of California that the
18 foregoing is true and correct.

19 Executed on August 30, 2021, at Los Angeles, California.



20 **Christine C. Cronkrite**

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Bryan Spears [address on file with the Court]	<i>Sibling of Conservatee</i>
Jamie Lynn Spears [address on file with the Court]	<i>Sibling of Conservatee</i>
Kevin Federline Sean Preston Federline and Jayden James Federline c/o Kevin Federline [address on file with the Court]	<i>Father of minor children and minor children</i>