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12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
 13 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

14 In re the Conservatorship of the Person and  
15 Estate of BRITNEY JEAN SPEARS

16 Case No. BP108870

17 Hon. Brenda J. Penny, Dept. 4

18 **BRITNEY JEAN SPEARS'S NOTICE OF**  
 19 **MOTION AND MOTION TO COMPEL**  
 20 **DEPOSITION OF JAMES P. SPEARS;**  
 21 **MEMORANDUM OF POINTS AND**  
 22 **AUTHORITIES**

23 [Filed concurrently with Declaration of Mathew S.  
24 Rosengart; and Proposed Order]

25 Date: July 13, 2022 (Date approved by Court Clerk)  
 26 Time: 1:30 p.m.  
 27 Dept: 4

1           **TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:**

2           **PLEASE TAKE NOTICE** that on July 13, 2022 at 1:30 p.m, or as soon thereafter as the matter  
3 may be heard in Department 4 of the above-captioned Court, located at 111 North Hill Street, Los  
4 Angeles, California 90012, Britney Jean Spears will and hereby does move, pursuant to California Code  
5 of Civil Procedure sections 2025.280, and 2025.450 *et seq.*, for an order compelling James P. Spears to  
6 appear for deposition at a date and time set by the Court, promptly after the motion is heard.<sup>1</sup>

7           Good cause exists to grant this Motion because James P. Spears’s deposition was first noticed for  
8 October 20, 2021, and despite two subsequent Notices, Mr. Spears still has not appeared for his  
9 deposition, has not agreed to any of the numerous deposition dates proposed in a good faith effort to  
10 accommodate him and his counsel, and has not volunteered any available dates for his deposition.

11           Mr. Spears can run, but he cannot forever hide from his legal and fiduciary obligations. His  
12 stonewalling and obfuscation must not stop the truth from coming to light; it has only required that the  
13 parties expend unnecessary resources in a protracted battle to obtain his compliance. But, after using his  
14 daughter’s money for more than 13 years to fund his legal fees and expenses, for the first time, Mr.  
15 Spears will now have to pay his own legal fees. (See *People ex rel. Harris v. Shine* (2017) 16  
16 Cal.App.5th 524, 540; *Conservatorship of Lefkowitz* (1996) 50 Cal.App.4th 1310, 1316-1317.)

17           Counsel for Britney Spears engaged in extensive meet-and-confer discussions with counsel for  
18 Mr. Spears, over many months. Mr. Spears failed to appear for depositions that were noticed for October  
19 20, 2021, November 10, 2021, and April 6, 2022. Most recently, by letters dated April 26 and May 2,  
20 2022, counsel for Ms. Spears offered no fewer than eight dates for Mr. Spears’s deposition, with more  
21 than one month’s notice: June 3, 7, 8, 9, 10, 14, 15, or 16. Mr. Spears’s counsel failed to accept any of  
22 these dates; nor did he offer any alternative dates. Based on the above, it is evident that Mr. Spears will  
23 not voluntarily sit for his deposition and that he must be compelled to do so.

24           This Motion, necessitated by the above, is based upon this Notice of Motion, the accompanying  
25 Memorandum of Points and Authorities, the Declaration of Mathew S. Rosengart and exhibits, the  
26

27 \_\_\_\_\_  
28 <sup>1</sup> Ms. Spears expressly reserves all rights to bring an additional motion to compel Mr. Spears to produce documents at or  
before his deposition and to expedite the hearing on this Motion.

1 pleadings, papers and other documents on file in this matter, all matters upon which judicial notice may  
2 be taken, and the argument of counsel at the time of oral argument at the hearing on this Motion.

3  
4 Dated: May 25, 2022

Respectfully Submitted,

5 GREENBERG TRAUERIG, LLP

6  
7 By: /s Mathew S. Rosengart  
8 Attorneys for Britney Jean Spears

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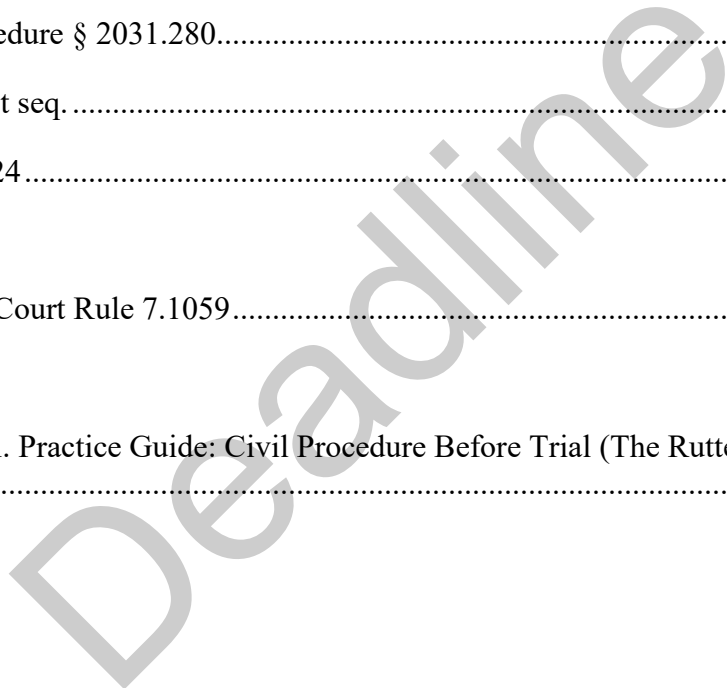
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1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I. PRELIMINARY STATEMENT AND SUMMARY OF ARGUMENT

3 Despite his demonstrably false claims that he has “nothing to hide” and would therefore “hide  
4 nothing,”<sup>2</sup> James P. Spears has been running and hiding from his deposition and accounting for his  
5 misconduct—under oath—as required by law. Indeed, while representing that he would “unconditionally  
6 cooperate” and act with “complete transparency without conditions,” Mr. Spears has engaged in  
7 stonewalling and obstruction—for over six months—dodging his deposition and repeatedly failing to  
8 respond to simple requests for basic information, including the following, among others:

- 9
- 10 • “What were the total fees obtained or received by James Spears (or any entity in which he  
11 had any interest) from Britney Spears or the Estate?”
  - 12 • “What were the total fees obtained or received by Tri Star Sports & Entertainment (or any  
13 of its affiliates) from Britney Spears or the Estate?”

14 Mr. Spears has also failed, among other things, to produce communications concerning the  
15 shocking electronic surveillance apparatus set up to spy on his daughter, including those involving (i) his  
16 or his team’s contemporaneous, real-time capturing and monitoring of Ms. Spears’s private  
17 communications with third parties—including *sacrosanct, privileged communications with her prior*  
18 *counsel*, and (ii) placing a bug in his daughter’s bedroom. As a suspended conservator, Mr. Spears is  
19 legally required to produce all such email and text message communications, including communications  
20 with his counsel.<sup>3</sup>

21 Further, despite (i) running a corrupted and conflicted conservatorship that stripped his daughter  
22 of certain fundamental liberties; (ii) enriching himself from the conservatorship by reaping at least \$6.3  
23 million from it while paying his associates tens of millions more;<sup>4</sup> and (iii) being suspended from his

24 <sup>2</sup> See James P. Spears November 1, 2021 “Status Report;” see also November 5, 2021 email to Mr. Spears’s counsel Alex Weingarten and October 25 and November 2, 2021 letters to Tri Star’s counsel, copies of which are annexed to the Rosengart Declaration as Exhibits I and J, respectively.

25 <sup>3</sup> See *Stine v. Dell’Osso* (2014) 230 Cal.App.4th 834, 843; *Moeller v. Superior Court* (1997) 16 Cal.4th 1124, 1129-1135; see  
26 also Cal. Probate Code, § 8524, subd. (c); Day and Stark, *The Surveillance Apparatus That Surrounded Britney Spears*, *The New York Times* (Sept. 24, 2021), a copy of which is annexed to the Rosengart Declaration as Exhibit L.

27 <sup>4</sup> This figure is based upon Quick Books data obtained by Kroll Associates, Inc. Mr. Spears has failed and refused to  
28 separately answer this direct question and due to his failure to cooperate, Kroll cannot at this time independently verify the accuracy of the figure.

1 post on September 29, 2021, Mr. Spears continues to harass and bully Britney Spears by, among other  
2 things, failing to cooperate with his discovery and fiduciary obligations and serving intrusive and abusive  
3 discovery on his own daughter. Even worse, despite the prior trauma Ms. Spears has endured, Mr.  
4 Spears is now seeking to take his daughter's deposition (*his own daughter's deposition*), even as he  
5 hides from answering essential deposition questions concerning, among other things, the substantial pre-  
6 conservatorship loan he obtained from Tri Star and whether it was used to implement the  
7 conservatorship, *see infra* at 10-11; any and all other actual or apparent conflicts of interest; efforts to  
8 control his daughter via lithium; the spying operation alleged and exposed by a whistleblower and *The*  
9 *New York Times*; how many of his daughter's private, attorney-client privileged communications were  
10 contemporaneously captured and read, and to what end; all payments to Tri Star, Black Box Security and  
11 other third parties from his daughter's Estate; the purposes of all such payments, and whether those  
12 purposes were concealed from the Court; the total sums he paid himself and others; the use or diversion  
13 of conservatorship resources for his own benefit; charging the Estate for certain costs or fees including  
14 payment of Lou Taylor's personal legal fees; using Britney Spears's resources to oppose or suppress the  
15 #FreeBritney Movement; and his unexplained use of funds generally and in connection with what the  
16 Court correctly identified as the "extraordinarily high expenses" for the Louisiana residence including  
17 payments to his son-in-law's company Advanced Media Partners.

18 Specifically, on October 1, 2021, Britney Spears served Mr. Spears's then-counsel at Holland &  
19 Knight with a Notice of Deposition, setting the deposition for October 20, 2021. Holland & Knight  
20 requested an extension but failed to object to the Notice. The extension was granted as a courtesy, based  
21 upon the understanding that Mr. Spears would abide by his legal and fiduciary obligations and appear, to  
22 account for his conduct under oath, on cross examination. Despite two other noticed depositions  
23 requiring him to appear for deposition on November 10, 2021 and then April 6, 2022, Mr. Spears still has  
24 failed to do so.

25 Most recently, in an effort to resolve the issue, by email dated May 2, 2022, Mr. Spears was  
26 offered no less than *eight dates* from which he could to appear: June 3, 7, 8, 9, 10, 14, 15, or 16. Mr.  
27 Spears failed to select any of these eight dates; nor did he offer any other dates or any justification for his  
28 stonewalling. Instead, he in effect sought an improper *quid pro quo*, seeking to barter his deposition for



1 his daughter’s. Further, even as he failed to appear for deposition or produce documents and information  
2 in a timely, organized, and professional manner (including documents to which he no longer holds any  
3 privilege, following his September 29 suspension), Mr. Spears has purported to serve on his daughter 145  
4 document requests and more than 75 other discovery requests. This is improper and abusive. Sadly,  
5 these tactics represent an effort (indeed, a grotesque and diabolical “strategy”) to traumatize and bully his  
6 daughter—his own daughter—all in the hopes of intimidating and causing her distress.

7 It has been our honor to represent Britney Spears and to seek to protect her from further trauma,  
8 bullying, or abuse, at the hands of her father or others. Whether Mr. Spears’s latest ill-advised efforts are  
9 the product of cruelty, spite, or just poor judgment, they should cease. Indeed, we submit that a father  
10 who truly loved and wished to “protect” his daughter (as Mr. Spears professes) would place his  
11 daughter’s interests above his own—as a fiduciary is also required to do. Such a father would show  
12 grace and decency. *Even if he subjectively disagreed* with the evidence of the trauma and abuse his  
13 daughter has endured, and *even if he disagreed* with the specific and credible allegations against him  
14 (although he has already been forced to admit to several, including his violations of Rule 7.1059 of the  
15 California Rules of Court), that is what a decent man and father would do.

16 First as a father, but also as a fiduciary, Mr. Spears should abide by his legal (and moral)  
17 obligations to his daughter. He should cooperate and tell the truth rather than obfuscating and  
18 stonewalling. He should stop hiding. He should sit for his deposition and testify under oath. He should  
19 waive the Fifth Amendment. He should transfer *all* files in a coherent and organized manner, with Bates  
20 labels (including all communications with his counsel during the conservatorship); and he should answer  
21 all questions regarding his administration of the conservatorship, including concerning the *Times* expose  
22 of illicit surveillance activities. Then, he should finish his final ministerial duties, file the final  
23 accounting, and move on. *This* is what a father who truly “loved” his daughter would do. *This* is what a  
24 decent man and father would do. And *this* is what Mr. Spears should do—comply with his obligations,  
25 leave his daughter alone, and *move on*.

26 Even setting aside Mr. Spears’s severe alcoholism (which tainted the conservatorship from the  
27 outset), as well as (i) his obvious conflicts of interest in violation of Rule 7.1059 of the California Rules  
28 of Court, (ii) the monies he extracted and continues to seek to extract from his daughter, and (iii) his

1 administration of the conservatorship, his cruel and misguided post-conservatorship conduct evokes the  
2 statement of attorney Joseph N. Welch during the infamous Army-McCarthy Senate hearings: “*You’ve*  
3 *done enough. Have you no sense of decency, sir, at long last? Have you left no sense of decency?*”

4 But regardless of whether he persists in trying to bully, harass, and abuse the legal process against  
5 his daughter, there can be no question, as a matter of law, that Mr. Spears must soon sit for his deposition  
6 and that, given the above, he now must be compelled to do so.

## 7 **II. PROCEDURAL HISTORY AND THE PRESENT MOTION**

8 For purposes of this Motion only, certain applicable facts are set forth below. A more complete  
9 set of facts is set forth in the record, including in the Declaration of former FBI Special Agent Sherine  
10 Ebadi, filed on January 14, 2022, which provides a roadmap of Mr. Spears’s misconduct.<sup>5</sup> Mr. Spears  
11 deposition, if he testifies truthfully, is expected to reveal further misconduct.

### 12 **A. Brief Summary of Mr. Spears’s Misconduct**

13 It cannot be disputed, and even Mr. Spears does not dispute, that Mr. Spears, who reigned over  
14 the conservatorship for 13 years, has crucially-relevant information concerning pending matters. For the  
15 limited purposes of this Memorandum and by way of brief illustration only, we focus herein on just a few  
16 components of his conduct. *First*, after initially denying it, Mr. Spears’s counsel was forced to admit that  
17 in or about 2008, he borrowed a substantial sum of money from a then-fledgling management company  
18 called Tri Star Sports & Entertainment (“Tri Star”) and that as of early 2008 when he put his daughter  
19 into the conservatorship (the wrong type of conservatorship),<sup>6</sup> he still owed Tri Star at least \$40,000—a  
20 substantial sum of money by 2008 standards, especially for Mr. Spears who had recently filed for  
21 Chapter 7 bankruptcy and had no discernible income.

22 Shortly after placing his daughter in the conservatorship, Mr. Spears hired Tri Star as Britney  
23 Spears’s business manager and sent his daughter on a grueling 97-show international tour and onto other  
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25 <sup>5</sup> See also Objections to James P. Spears Petition for Fees, filed January 14, 2022, a true and correct copy of which is annexed  
26 to the Rosengart Declaration as Exhibit A.

27 <sup>6</sup> Instead of seeking to place her into a short-term LPS conservatorship with a higher initial burden and a statutory framework  
28 that presumes the conservatee’s mental health can improve and contains stringent requirements and protections for the  
conservatee, Mr. Spears placed his daughter into a long-term probate court conservatorship generally intended for those with  
“dementia,” whose situations cannot or most likely will not improve, without filing a declaration of incapacity.

1 work from which he and Tri Star reaped many millions of dollars.<sup>7</sup> Ms. Spears testified, and it has been  
2 corroborated, that she was often forced to work against her will and was, in effect, treated like Mr.  
3 Spears’s “racehorse.” It is no wonder that Anthony Palmieri, the President of the National Guardianship  
4 Association, an organization representing conservators, recently expressed concern regarding the  
5 arrangement. As Mr. Palmieri told *The New York Times*, “It makes me wonder where the allegiance lies.  
6 Is the conservator making decisions in the best interest of the conservatee or the business manager who  
7 they owe a debt to? ***It reeks of conflict of interest.***” (*Id.* at n.7.) Indeed, the California Rules of Court  
8 Governing Conservators are clear. Among other things, those Rules provide that “[t]he conservator must  
9 avoid actual conflicts of interest and, consistent with his or her fiduciary duty to the conservatee, the  
10 appearance of conflicts of interest. . . . The conservator must avoid any personal, business, or  
11 professional interest or relationship that is or reasonably could be perceived as being self-serving or  
12 adverse to the best interest of the conservatee.” (See Cal. Rules of Court, Rule 7.1059, subds. (a) (2)-(4)  
13 and (b).)

14 Under basic principles of conservatorship jurisprudence and fiduciary law, Mr. Spears had an  
15 obligation to elevate the interests of Britney Spears above his own. The evidence demonstrates,  
16 overwhelmingly, that he often did the exact opposite. And regrettably, he continues to elevate his  
17 interests above those of his daughter, to whom he still owes a fiduciary duty. (See, e.g., *Kasperbauer v.*  
18 *Fairfield* (2009) 171 Cal.App.4th 229, 235 [holding that even removed trustees owe ongoing fiduciary  
19 duties to account for their administration]; *Conservatorship of Lefkowitz* (1996) 50 Cal.App.4th 1310,  
20 1314 [“a conservator must exercise his or her powers solely in the interests of the conservatee”]; *Poag v.*  
21 *Winston* (1987) 195 Cal.App.3d 1161, 1176 [“As a fiduciary, a conservator owes a duty of loyalty which  
22 requires that he act in the highest good faith”]; *Hudson v. Foster* (2021) 68 Cal.App.5th 640, 662 [“The  
23 essence of a fiduciary or confidential relationship is that the parties do not deal on equal terms, because  
24 the person in whom trust and confidence is reposed and who accepts that trust and confidence is in a  
25 superior position to exert unique influence over the dependent party” (citing *Ball v. Posey* (1986) 176  
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27 <sup>7</sup> See Liz Day, Emily Steel, Rachel Abrams, and Samantha Stark, *Britney Spears Felt Trapped. Her Business Manager*  
28 *Benefited*, *The New York Times* (Dec. 19, 2021) <https://www.nytimes.com/2021/12/19/business/britney-spears-conservatorship-tri-star.html> (emphasis added), a copy of which is annexed to the Rosengart Declaration as Exhibit K.

1 Cal.App.3d 1209, 1214)]; *Richelle L. v. Roman Catholic Archbishop* (2003) 106 Cal.App.4th 257, 270  
2 [“Fiduciary” and “confidential” have been used interchangeably to describe a relationship in which one  
3 party has a duty to act in the highest good faith for the benefit of the other party].) Indeed, because the  
4 appointment of conservators (or guardians) invades the precious rights of the person in need, they are  
5 held to a necessarily high standard of conduct—“[n]ot honesty alone, but the punctilio of honor the most  
6 sensitive.” (See *Meinhard v. Salmon* (1928) 249 N.Y. 458, 464.) Mr. Spears must answer for his Rule  
7 7.1059 violation, which significantly tainted the conservatorship from its very outset, as well as his other  
8 actual or potential breaches.

9 Relatedly, as referenced above and as demonstrated in the record, although both Mr. Spears and  
10 Tri Star incessantly point to the prolix “accountings”—which raise many troubling questions and are in  
11 many respects extremely disjointed and incomplete—despite being fiduciaries, they have still refused  
12 independently, and simply, to answer basic questions or produce all relevant information including:

- 13 • The total fees obtained from Britney Spears or her Estate between 2008-2021;
- 14 • All corporate formation documents for all entities created during the conservatorship for  
15 the benefit or purported benefit of Britney Spears or her Estate;
- 16 • Tri Star’s Business Management Agreement with Britney Spears or the Estate.

17 To avoid surprising him at his deposition, Mr. Spears will also be questioned about the \$6-plus  
18 million he paid himself from the Estate (which were monies taken even though he was not a lawyer, a  
19 business manager, or a talent manager, but was instead supposed to be a fiduciary) and whether he will  
20 return them to his daughter. Additionally, as described in *The New York Times*’s extensive and  
21 corroborated reporting—which was (re)corroborated by ex-FBI Special Agent Sherine Ebadi—a  
22 courageous whistleblower named Alex Vlasov, who was formerly employed by the security company  
23 Mr. Spears hired (Black Box Security) presented specific and credible evidence that Mr. Spears directed  
24 or was involved in an intense surveillance or spying operation of his own daughter, which included  
25 (i) bugging her bedroom and (ii) capturing (in real time and contemporaneously) her private  
26 communications—***including sacrosanct, attorney-client privileged communications with her prior***  
27 ***counsel***. Did Mr. Spears disclose in the Court accountings he filed that his daughter’s bedroom had been  
28

1 bugged? Did he disclose in the Court accountings the interception or monitoring of his daughter's  
2 communications with her lawyer? Did he disclose payments made to third parties in these regards?

3 These issues are, of course, directly relevant to several pending issues including Mr. Spears's  
4 legally meritless—and morally abominable—pending petition to have his daughter pay his legal fees (on  
5 top of the millions previously paid, including for his media tour). Mr. Spears further placed these acts at  
6 issue during the January 19, 2021 hearing when his counsel made a number of representations concerning  
7 *The New York Times*'s September 24, 2021 reporting. In response to the undersigned's reference to these  
8 allegations, for example, which are directly at issue under *Shine*, Mr. Spears's counsel stated—  
9 unequivocally and without reservation—that it “**DIDN'T HAPPEN, YOUR HONOR.**”<sup>8</sup> As the *Times*  
10 reported and an ex-FBI agent corroborated, the evidence clearly demonstrates that **it did happen.** And as  
11 the following colloquy shows, Mr. Spears must account for his actions, especially (but not solely)  
12 because he himself expressly placed his misconduct directly at issue, both pursuant to these  
13 representations and his December 15, 2021 petition to have his daughter pay his legal fees:

14 MR. ROSENGART: MR. WEINGARTEN, IN HIS SPEECH, DIDN'T  
15 SAY ONE THING ABOUT WHETHER OR NOT  
16 HIS CLIENT KNEW ABOUT OR DIRECTED  
17 ELECTRONIC EAVESDROPPING ON MY  
18 CLIENT BOTH IN TERMS OF CAPTURING HER  
19 REAL TIME COMMUNICATIONS ON HER  
20 PHONE, INCLUDING COMMUNICATIONS  
21 BETWEEN MS. SPEARS AND HER LAWYER,  
22 AND PLACING A LISTENING DEVICE IN THE  
23 BEDROOM OF MY CLIENT.

24 MR. WEINGARTEN: DIDN'T HAPPEN, YOUR HONOR.

25 \*\*\*

26 MR. ROSENGART: [MR. WEINGARTEN] SAYS IT DIDN'T HAPPEN?  
27 THEN LET'S SEE WHAT MR. SPEARS SAYS  
28 UNDER OATH WHEN HE IS DEPOSED.

(Rosengart Decl., Ex. B [1/19/22 Transcript at 29:20-30:6].)

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<sup>8</sup> Unless otherwise indicated, all bold and underlined emphases are added.

1           Additionally, in submitting his periodic accountings to the Court for review and approval, Mr.  
2 Spears, at the very least, failed to disclose (and in fact apparently *concealed*) the spying operation at issue  
3 and the payments associated with it. Under these circumstances, the recently-decided Court of Appeal  
4 decision in *Hudson v. Foster* warrants a thorough review and likely the setting aside of prior accountings,  
5 whether or not they were previously approved. As *Hudson* instructs, a conservatee has no duty to  
6 investigate the accuracy of accountings before being alerted to information that would cause “a  
7 reasonably prudent person [to] suspect wrongdoing.” (*Id.*, at pp. 648, 669-670 [“Where a conservator has  
8 misrepresented a material fact in an account approved by the probate court, a party bringing a subsequent  
9 action on behalf of the conservatee does not need to show that the misrepresentation could not have been  
10 discovered prior to entry of the order approving the account.”].)

11           Applying *Hudson* to this case, there is specific and credible evidence that phones being utilized  
12 by Ms. Spears were being contemporaneously monitored or recorded and that an illicit listening device  
13 was placed her bedroom, which captured private, intimate moments and conversations. If Mr. Spears  
14 concealed from the Court that he was using Ms. Spears’s money to pay Black Box Security, Tri Star, or  
15 anyone else in connection with these gross invasions of privacy, such concealment would certainly be  
16 material, and would constitute fraud under *Hudson*, requiring prior accountings to be set aside. (See *id.*,  
17 at p. 665 [“A party may obtain relief from a judgment when the other party concealed facts in violation of  
18 a duty arising from a trust or confidential relationship...”]; *id.*, at p. 667 [“When a judgment is obtained  
19 through a fiduciary’s violation of the duty of disclosure to the moving party [ ] the moving party’s  
20 reasonable reliance on the disclosures of a fiduciary is considered a satisfactory excuse for not presenting  
21 a defense in a prior proceeding”].)

22           The same is true if Mr. Spears used monies from the Estate to pay for legal fees that should have  
23 been absorbed by Tri Star and not Britney Spears, as set forth in the November 6, 2020 Objections and  
24 confirmed during our investigation. The evidence shows, for example, that Mr. Spears improperly used  
25 his daughter’s money to pay Tri Star head Lou Taylor’s legal fees in a case brought by Ms. Taylor, as a  
26 Plaintiff, against a Britney Spears fan named Bryan Kuchar. (See *Lou M. Taylor v. Bryan S. Kuchar*,  
27 Case 1:19-cv-03028-MLB.) Mr. Spears’s own lawyer at Holland & Knight (which itself charged the  
28 Estate approximately \$540,000 for unspecified “media services”) warned him that Lou Taylor, not

1 Britney Spears, was responsible for Ms. Taylor’s personal legal fees, a proposition that should have been  
2 obvious. As Holland & Knight’s Vivian Thoreen told Mr. Spears in a February 9, 2021 email:

3 ***“The Kuchar pleadings I just forwarded to you further support my conclusion that Lou  
4 should pay the fees of the Atlanta lawyers and more specifically, reimburse the  
5 conservatorship. Neither the complaint nor the answer makes any reference to  
6 Britney. . . no connection is made between Britney and the lawsuit. [Lou] doesn’t even  
7 try to weave it into the complaint, which makes the sell that the conservatorship should  
8 pay her fees even more tenuous.”***<sup>9</sup>

7 Mr. Spears is clearly concerned about his deposition. The evidence shows that his conduct  
8 violated basic conservatorship jurisprudence, fiduciary law, and Rule 7.1059 of the California Rules of  
9 Court governing conservators; as the Declaration of former FBI Special Agent Sherine Ebadi discusses, it  
10 also implicates both state and federal criminal law. (See, e.g., Pen. Code, § 630 et seq.; 18 U.S.C. § 2511  
11 et seq.; *id.*, § 2701, subd. (a).) But while understandable, the bases for his concern (which now must  
12 include contradicting his own lawyer’s representations to the Court) do not excuse him from being  
13 deposed; to the contrary, they compel him to be deposed.<sup>10</sup>

14 **B. Mr. Spears’s Post-Conservatorship Harassment and Bullying of His Own Daughter**

15 As a suspended conservator, Mr. Spears’s focus as a fiduciary should be cooperation and filing  
16 his final accounting. Instead, his post-suspension/post-termination efforts reveal a focus on siphoning  
17 more money from his daughter’s estate and incurring greater expense and fees in needless, harassing, and  
18 abusive discovery. Worse, his strategy (***his diabolical strategy—against his own daughter***) is evidently  
19 to cause her emotional harm and distress.<sup>11</sup> Even as Mr. Spears has failed to appear for his own  
20 deposition or produce documents and information in a timely, organized, labelled, and professional  
21 manner, he has purported to serve 145 document requests and more than 75 other discovery requests,  
22 which are improper and irrelevant under the circumstances, while also seeking to harass and bully his  
23

24 \_\_\_\_\_  
25 <sup>9</sup> See February 9, 2021 email from Vivian L. Thoreen to Jamie Spears, Re: Spears Invoice 66244-40020 and 96834-40020;  
26 Declaration of Sherine Ebadi at p. 18, n.27.

27 <sup>10</sup> During his tenure as Conservator, Mr. Spears was also subjected to a Domestic Violence Restraining Order, resulting from  
28 allegations of harassment or abuse of his own daughter’s child or children.

<sup>11</sup> This includes his or his team’s leak of his lawyer’s January 26, 2022 email that he wished to take his daughter’s deposition,  
which leak included his purported interest in questioning his daughter about “child safety . . . and [possible] drug use.”

1 daughter via deposition.

2 Mr. Spears has repeatedly represented that he would (i) “**unconditionally** cooperate in  
3 transferring *all* files regarding the estate to Britney’s counsel without delay,” (ii) “**unconditionally**  
4 cooperate” with Ms. Spears’s undersigned counsel, and (iii) act with “*complete transparency without*  
5 **conditions.**” (See November 1, 2021 “Status Report.”) Contrary to these “unconditional”  
6 representations, Mr. Spears continues to hide and obstruct. Mr. Spears has failed to cooperate by  
7 properly transferring “all files” in a proper, labelled, and organized manner or to answer fundamental  
8 questions or produce all information concerning the above, including (i) the spying operation; (ii) his  
9 approval of payments (from conservatorship funds) to third parties who were involved in or implemented  
10 that spying; (iii) the total fees *and/or benefits* taken or received by Mr. Spears (or any entity in which he  
11 had any interest) from Britney Spears or her estate; (iv) why Ms. Spears’s net worth was so “shockingly  
12 low” relative to her gross earnings of hundreds of millions of dollars during the past decade (see *Britney*  
13 *Spears’ Net Worth Revealed—And It’s Shockingly Low Compared to Her Pop Peers*, Forbes, Feb. 17,  
14 2021); (v) all corporate formation documents for all entities created for the purported benefit of Britney  
15 Spears or her Estate; and (vi) other economic and related questions concerning how he administered the  
16 conservatorship for 13 years before his 180-degree reversal—on the heels of his suspension. And if Mr.  
17 Spears has, as his counsel claims, produced all of his communications concerning the spying operation  
18 (which he has *not*), he should identify them now, by Bates numbers.

19 In sum, for self-serving (and, we submit, immoral) reasons, Mr. Spears appears intent on  
20 harassing and bullying his daughter, while stonewalling and obfuscating the facts. This must stop. After  
21 entering the case, we invited him to voluntarily resign his position as conservator. He refused and the  
22 Court suspended him. We now invite him to change the course he is on. We hope he accepts and does  
23 what is right, both legally and morally.

### 24 **C. The Present Dispute—Mr. Spears’s Refusal to Appear for Deposition**

25 On October 1, 2021, Mr. Spears’s deposition was noticed for October 20, 2021, at Greenberg  
26 Traurig in Los Angeles, California; the Notice required that documents be produced at the deposition.  
27 (Rosengart Decl., Ex. C.) The document requests called for the production of “All DOCUMENTS and  
28 COMMUNICATIONS RELATING TO the electronic surveillance” of Britney Spears, including but not



1 limited to “All DOCUMENTS and COMMUNICATIONS RELATING TO any recording or listening  
2 device in the home or bedroom of” Britney Spears. (*Id.*)

3 Mr. Spears did not object to the Deposition Notice or accompanying document requests. Instead,  
4 by email dated October 13, 2021, his former counsel advised that “Jamie is in the process of hiring new  
5 counsel” and that she was “not available” to defend Mr. Spears on October 20th. (*Id.*, ¶ 4, Ex. D.)  
6 Counsel for Ms. Spears granted the courtesy of rescheduling the deposition, based upon the  
7 understanding that Mr. Spears would abide by his obligation to submit to a deposition while also making  
8 it clear that the “notice of deposition remains in effect.” (*Id.*) Specifically, we wrote:

9 We can discuss the deposition date, although . . . Mr. Spears already has at  
10 least two other lawyers from the Freeman law firm (Geraldine Wyle and  
11 Jerryl Cohen), who have been on this matter for numerous years and it is  
12 unclear why you (or at least they) cannot timely produce the documents and  
13 respond to discovery, especially given the initial extension [of time].

14 I was happy to extend the professional courtesy but, candidly, after many  
15 years, with the discovery due this week, and the hearing set for next month,  
16 this seems like a way for your client Mr. Spears to seek to create further  
17 delay.

18 (*Id.*, Ex. D.) Unfortunately, this initial delay was just the beginning.

19 After Mr. Spears represented in his November 1, 2021 Court filing that he would  
20 “unconditionally cooperate” with the undersigned counsel and would act with “complete transparency  
21 without conditions,” Mr. Spears’s deposition was noticed for November 10, 2021. (Rosengart Decl., Ex.  
22 E.) Again, Mr. Spears inexcusably failed to appear for his deposition. (Rosengart Decl., ¶ 5.)

23 Given Mr. Spears’s failure to cooperate and his ongoing efforts to avoid his deposition, on March  
24 2, 2022, a Second Amended Notice of Deposition was served, providing more than one month’s advance  
25 notice for the deposition, which was set for April 6, 2022 (the “Second Amended Notice”). (Rosengart  
26 Decl., Ex. F.) The Second Amended Notice was served with a cover letter advising that if the noticed  
27 date of April 6, 2022 was not available, we would be “amenable to rescheduling the deposition [date] in  
28 early April.” (Rosengart Decl., ¶ 6.) Mr. Spears did not provide any such alternative date in early April.  
Instead, on April 1, 2022, he baldly objected to the Second Amended Notice. (Rosengart Decl., ¶ 7.) He  
advised that he would not appear and for the very first time after more than five months of delay claimed

1 the deposition could not occur in Los Angeles because he resided in Kentwood, Louisiana. (*Id.*)

2 On April 25, 2022, counsel for Britney Spears sent another letter to Mr. Spears’s counsel  
3 explaining that Ms. Spears had been seeking to take Mr. Spears’s deposition since October 2021, and that  
4 despite his claims that he would “unconditionally cooperate” and provide “complete transparency  
5 without conditions,” Mr. Spears had continually failed to appear and also failed to provide *any* alternate  
6 dates for his deposition. (Rosengart Decl., ¶¶ 6, 10.) Accordingly, as another accommodation to Mr.  
7 Spears, we proposed no less than *eight* possible dates for Mr. Spears’s deposition: **June 3, 7, 8, 9, 10,**  
8 **14, 15, or 16.** Each of those proposed dates was well over one month away, giving Mr. Spears ample  
9 time to prepare, on top of the prior six-months. We also advised that although “Los Angeles is the most  
10 convenient and efficient location,” we would take the deposition in Louisiana. (*Id.*, Ex. G.)

11 As of May 2, 2022, Mr. Spears’s counsel had failed to respond to the above. Accordingly, on that  
12 same day, the undersigned sought to confirm a date for his client’s deposition, reminding him again of his  
13 previously-promised “unconditional cooperation,” asking for confirmation of one of the above-referenced  
14 dates, and informing him that we would be willing “take the deposition in Louisiana, or any city in the  
15 country with a suitable facility.” (Rosengart Decl., Ex. H.) Counsel for Mr. Spears responded on May 4,  
16 2022, but rather than agreeing to any of the eight proposed deposition dates—and despite his promises of  
17 “unconditional cooperation”—he conditioned producing Mr. Spears for deposition on the undertaking of  
18 discovery *from* Britney Spears (after effectively seeking a *quid pro quo* exchange of his deposition for his  
19 daughter’s).

20 In short, not only has Mr. Spears been hiding; now, he is hiding behind his own daughter. It was  
21 reasonable to hope that after the exposure of the conflicted, abusive, and potentially criminal manner in  
22 which he ran the conservatorship, Mr. Spears would, at last, cooperate with his discovery obligations,  
23 even if he failed to show his own daughter a measure of grace and decency. Regrettably, however, Mr.  
24 Spears’s pattern of cruelty and bullying continues.

1           **III.    LEGAL DISCUSSION**

2                   **A.    An Order Compelling Mr. Spears’s Deposition Is Necessary to Put an End to His**  
3                   **Dilatory Tactics and Gamesmanship**

4           The initial Deposition Notice alone was sufficient to compel Mr. Spears’s attendance, and Mr.  
5 Spears had, and has, no valid legal grounds on which to refuse to appear for his deposition. (Code Civ.  
6 Proc., § 2025.280 [“[t]he service of a deposition notice under Section 2025.240 is effective to require any  
7 deponent who is a party to the action . . . to attend and to testify”].) Section 2025.450 of the Code of  
8 Civil Procedure provides that a court may issue an order compelling the appearance of a party for  
9 deposition if, after service of a deposition notice, the party fails to appear for a deposition without having  
10 served a valid objection under Section 2025.410 of the Code of Civil Procedure. (*Id.*, § 2025.450, subd.  
11 (a).) Moreover, Courts generally will issue orders that depositions be conducted and completed in the  
12 order noticed. (Weil & Brown, Cal. Practice Guide: Civil Procedure Before Trial (The Rutter Group  
13 2008) ¶ 8:497 [“Even in the absence of statutory authority or rule, many judges will order depositions to  
14 be taken and completed in the order noticed.”]; see also Code Civ. Proc., § 2019.020, subd. (a).)

15           There is no basis for Mr. Spears’s continuous efforts to flout these basic rules. (See Code Civ.  
16 Proc., § 2025.450(a) [court may grant motion to compel against a party who fails to appear for deposition  
17 without valid objection].) This is particularly true given the numerous opportunities with which he was  
18 provided to comply with his obligation to appear. (See Cal. Code Civ. Proc., § 2025.420.) For each of  
19 these reasons, good cause exists to order Mr. Spears to comply with his obligation to appear for his  
20 deposition forthwith.<sup>12</sup>

21  
22  
23 <sup>12</sup> Mr. Spears’s belated claim, that he is somehow absolved of his obligation to sit for deposition until he obtains discovery,  
24 fails. It is another delay tactic. During the meet-and-confer process, Mr. Spears contended that *Perlan Therapeutics, Inc. v. Superior Court* (2009) 178 Cal.App.4th 1333, 1353 and *Kayne v. The Grand Holdings Ltd.* (2011) 198 Cal.App.4th 1470, 1473 support his position. Not so. *Perlan* is inapplicable because it is premised on Code of Civil Procedure section 2019.210, which requires that a plaintiff suing for misappropriation of trade secrets identify those trade secrets with “reasonable particularity” before commencing discovery relating to them. The identification of trade secrets is not at issue here. Accordingly, Code of Civil Procedure section 2019.210 does not apply, thus rendering *Perlan Therapeutics, Inc. v. Superior Court* inapplicable. *Kayne v. The Grande Holdings Limited* (2011) 198 Cal.App.4th 1470 is also inapplicable. In *Kayne*, the parties had a discovery dispute regarding document production and reached an agreement regarding the scope and timing of that document production. (198 Cal.App.4th at p. 1472.) Thereafter, the producing party produced documents late and in disarray, which the requesting party argued was in violation of Code of Civil Procedure section 2031.280. (*Id.*, at pp. 1472-1473.) *Kayne* did not involve one party bartering his deposition for documents or his adversary’s deposition.

1                    **B. Mr. Spears’s Objection to the Location of the Deposition is Meritless and Moot**

2                    After six months of delay, Mr. Spears recently objected to the date and location of the deposition  
3 noticed in the Second Amended Notice of Deposition. His objections are meritless.

4                    Regarding the date of the deposition, Mr. Spears objected that the deposition was “unilaterally  
5 noticed” without inquiring as to his availability, Rosengart Decl., ¶ 7, but the Code contains no such  
6 requirement. (See Code Civ. Proc., § 2025.280.) Moreover, the cover letter accompanying the April 6  
7 Notice offered to accommodate other potential dates, providing that if “you or your client have actual  
8 conflicts on that day, we will be amenable to rescheduling the deposition in early April.” (*Id.*, ¶ 6.) Mr.  
9 Spears and his counsel ignored that invitation. Further, Ms. Spears had already twice amended the date  
10 of the deposition to try to accommodate Mr. Spears and his counsel, while continuing to provide Mr.  
11 Spears’s counsel with alternative dates. (See, e.g., Rosengart Decl., ¶¶ 4-6, 8.) Most recently, by letter  
12 dated April 25, we provided no less than eight dates, with more than one month’s advance notice for the  
13 deposition. Mr. Spears and his counsel also ignored this overture.

14                    Regarding the location of the deposition, Mr. Spears objected to the Second Amended Notice of  
15 Deposition because he lives in Kentwood, Louisiana. (Rosengart Decl., ¶ 7.) This objection does not  
16 have merit. *First*, any objection regarding the location of the deposition was waived. The first two  
17 deposition notices set the deposition location in Los Angeles. Los Angeles is the most logical location  
18 for the deposition because it is where Ms. Spears, the Court, and counsel for the parties reside. It is also  
19 where many of the relevant acts occurred. Moreover, Mr. Spears did not initially object to this location.  
20 If Mr. Spears had an objection to the deposition taking place in Los Angeles, it was incumbent upon him  
21 to object on that basis at least three days before the originally-noticed October 20, 2021 date. (See Code  
22 Civ. Proc., § 2025.410 [“Any party served with a deposition notice that does not comply with Article 2  
23 (commencing with Section 2025.210) waives any error or irregularity unless that party promptly serves a  
24 written objection specifying that error or irregularity at least three calendar days prior to the date for  
25 which the deposition is scheduled, on the party seeking to take the deposition and any other attorney or  
26 party on whom the deposition notice was served.”]; see also *Parker v. Wolters Kluwer United States, Inc.*  
27 (2007) 149 Cal.App.4th 285, 295 [discussing deponent’s waiver].)

28                    *Second*, any objection regarding the deposition’s location is now moot because although Los

1 Angeles is the most logical and convenient location for the deposition, Ms. Spears’s counsel has already  
2 advised Mr. Spears’s counsel that he will take the deposition “*in any city in the country.*” (Rosengart  
3 Decl., Ex. G.) Still, Mr. Spears continues to run and hide.<sup>13</sup>

4 \* \* \*

5 Because it is impossible to sum up in one paragraph, or even in a full motion, the myriad reasons  
6 Mr. Spears can no longer avoid answering for his deeds, we conclude simply with this: since childhood  
7 and certainly over the past decade, Britney Spears has been forced to live under her father’s thumb, even  
8 as she gave him an identity and supported him financially; yet he has never been required to answer for  
9 his conduct, including his gross, self-interested misuse of his fiduciary position. For Mr. Spears to  
10 contend that he will answer for his actions if (and only if) his daughter’s personal, private life is further  
11 exposed demonstrates just how misguided he is as a fiduciary and as a father. Enough is enough.  
12 Britney Spears will tolerate it no longer, and with respect, neither should this Court.

13 Finally, we once again ask and implore, in all sincerity, that Mr. Spears and his counsel do what is  
14 right, voluntarily. Be decent. Please, stop harassing and bullying your daughter. Please, leave your  
15 daughter alone. To once again quote attorney Joseph N. Welch, “*You’ve done enough. Have you no*  
16 *sense of decency, sir, at long last?*”

17 **IV. CONCLUSION**

18 For all of the foregoing reasons, an Order should be issued compelling Mr. Spears to appear for  
19 his deposition.

20 Dated: May 25, 2022

Respectfully Submitted,

21 GREENBERG TRAUIG, LLP  
22

23 By: /s/ Mathew S. Rosengart  
24 Attorneys for Britney Jean Spears

25 \_\_\_\_\_  
26 <sup>13</sup> Although not part of this application as a matter of restraint, Ms. Spears reserves the right to seek sanctions, if necessary.  
27 Where a party refuses to appear in response to repeated deposition notices, the party noticing the deposition may bring a  
28 motion to compel and, if successful, sanctions are mandatory unless the deponent “acted with substantial justification or that  
other circumstances make the imposition of the sanction unjust.” (Code Civ. Proc., § 2025.450; see also *Snyder v. Superior  
Court of Los Angeles Cty.* (1970) 9 Cal.App.3d 579, 585-587.) There is no such “substantial justification” or unjust  
circumstance here.