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FILED
LOS ANGELES SUPERIOR COURT

AUG 23 2011
JOHN A. CLARKE, CLERK
D. Goodwin
BY D. GOODWIN, DEPUTY

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

11
12 In re the Conservatorship of the Person and the
Estate of

13 BRITNEY JEAN SPEARS,

14 Conservatee,
15
16

CASE NO. BP108870

[Assigned to the Honorable Reva G. Goetz,
Department 9]

**REPLY BRIEF IN SUPPORT OF MOTION
TO UNSEAL DOCUMENTS AND SET
ASIDE ORDERS OF MAY 25 AND JUNE 7,
2011**

Date: August 30, 2011

Time: 10:00 a.m.

Dept.: 9

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Brand Sense Partners, LLC ("Brand Sense") hereby submits this Reply Brief in Support of Motion to Unseal Documents and Set Aside Orders of May 25 and June 7, 2011 (the "Motion").

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

The meaning of "interested person" under Probate Code § 48(b) is to be broadly construed and with "flexibility" to confer standing on parties within a wide range of circumstances. *In re Estate of Prindle*, 173 Cal.App.4th 119, 126 (2009). The Opposition identifies the interest required to be an "interested person" as an interest in protecting the health and well-being of the conservatee. This is not the required interest. An interested person is anyone with a substantial individual interest "which may be affected by a probate proceeding." *Id.* at 127 (citation omitted).

Under this standard, Brand Sense has standing to challenge the petition and proceedings which led to this Court's June 7, 2011 order instructing conservators (the "Final Order"). The particular purpose of the petition and proceedings was to obtain an order effectively quashing the deposition notice of Brand Sense to the conservatee Britney Spears. Brand Sense had and has a substantial interest that was not only "affected" by the proceedings, but extinguished by them.

The Opposition relies on *In re Stewart*, 276 Cal.App.2d 211 (1969), for the erroneous assertion that an "interested person" must be interested in protecting "the conservatee's health and well-being." However, *In re Stewart* does not address the meaning of "interested person" or involve proceedings similar to these. It addresses the issue of standing to object to termination of a conservatorship under repealed Probate Code § 1755. Brand Sense is not seeking to object to the termination of Ms. Spears' conservatorship and *In re Stewart* is not relevant.

Likewise, the Opposition's recitals of the judicial functions entrusted to this Court and to the general purpose of the conservatorship proceedings do nothing to further the analysis of the standing issue. Probate Code § 48(b) calls for a consideration of the "particular purposes" of the proceedings, not the general underlying purpose of and authority for all conservatorships. Every proceeding in this Court has as a general purpose the "health and well-being" of the conservatee; the Opposition ignores the "particular" purpose of the proceedings at issue. Again, in this case, the

1 “particular” purpose of the proceedings in question was to determine whether Britney Spears would
2 be required to respond to the Brand Sense notice of deposition.

3 Furthermore, the fact that Brand Sense does not fall within the four categories of the persons
4 statutorily entitled to notice does not mean that it was not entitled to notice in the proceedings. As
5 set forth in the Motion, due process is a flexible concept whose application depends on the
6 circumstances, not a wooden rule of statutory application. Notice to the individual or entity
7 adversely affected by a court ruling is the very touchstone of procedural due process and there can
8 be no denying that Brand Sense was adversely affected by the Court’s ruling. While the Opposition
9 offers its own view of the relative prejudice, or lack thereof, caused by the petition and Final Order,
10 it is not for Ms. Spears’ attorneys to determine what discovery Brand Sense needs to prepare its case.
11 Brand Sense is suing and has been sued by Ms. Spears and is entitled to make its own determination
12 as to what discovery it needs and how to obtain it.

13 Finally, assuming the Court agrees that Brand Sense has standing to challenge the petition
14 and resulting order, Brand Sense’s motion to unseal should be granted to allow Brand Sense to
15 meaningfully oppose it. Brand Sense cannot oppose a petition it cannot view or challenge evidence
16 that it cannot view. The separate Opposition of the co-conservators to the motion to unseal (“Unseal
17 Opposition”) is mostly devoted to an analysis of Ms. Spears’ confidential medical records. However,
18 Brand Sense is not seeking to expose private medical records to the public. It is seeking Ms. Spears
19 deposition. Brand Sense should be shown evidence of Ms. Spears’ medical condition, under a
20 suitable protective order if need be, so that it can challenge the notion that Ms. Spears medical
21 condition, whatever it may be, renders her vulnerable to a deposition. In addition, the court records
22 should be redacted of Ms. Spears’ medical information and unsealed. The California Supreme Court
23 has made clear that all civil proceedings, including conservatorships, are to be open and transparent.

24 **II. ARGUMENT IN REPLY**

25 **A. Brand Sense Has Standing to Bring the Motion**

26 **1. *Brand Sense is an Interested Person Under Probate Code § 48***

27 Section 48 subdivision (b) of the Probate Code states that “[t]he meaning of “interested
28 person” as it relates to particular persons may vary from time to time and shall be determined

1 according to the particular purposes of and matter involved in, any proceeding." (underscore added).
2 Courts have construed section 48 subdivision (b) to give the Probate Court broad discretion to
3 determine that a particular person or entity is "interested" for the purposes of a Probate Court
4 proceeding. *In re Estate of Prindle* ("Prindle"), 173 Cal.App.4th 119, 127 (2009). "Thus, a party
5 may qualify as an interested person entitled to participate for purposes of one proceeding but not for
6 another." *Estate of Davis*, 219 Cal.App.3d 663, 668 (1990).

7 The Opposition mistakenly assumes that Section 48's "interested person" language only
8 applies to parties who have an interest in the conservatee's personal well-being. (See Opposition at
9 3 ("Brand Sense lacks standing because it has not legitimate interest in the conservatee's personal
10 well-being."); 6 ("Brand Sense has no interest whatsoever in protecting [the conservatee's] personal
11 health and well-being."); 12 ("Brand Sense lacks standing to challenge the merits . . . because its
12 motion has not articulated, and cannot articulate, any interest in protecting Conservatee's health.")).
13 The standard is not whether the "interested person" has an interest in the health and well-being of the
14 conservatee; the correct standard for purposes of Probate Code § 48(b) is whether the party seeking
15 to take part in the proceedings has its own individual interest "which may be affected by a probate
16 proceeding." *Prindle, supra*, 173 Cal.App.4th at 127.

17 In *Prindle*, Traveler's Insurance Company sought to file a petition in a probate action and the
18 administrator of the estate demurred to the petition on the ground that Travelers did not have
19 standing. *Id.* at 508. The probate court overruled the demurrer, ruling that Travelers had standing
20 because it was an "interested person" based on the negative impact a ruling in the probate court
21 could have on Travelers. *Id.* at 509. The Court of Appeal explained that the "interested person"
22 standard of Probate Code section 48 confers standing on anyone having an interest that "may be
23 affected by a probate proceeding. . . . Travelers undoubtedly has an interest that *may* be affected."
24 *Id.* at 510-11 (italics in the original).

25 The *Prindle* court also cited to other probate court cases demonstrating the "flexibility"
26 afforded under Probate Code § 48(b). Thus, for example, in *Estate of Maniscalco*, 9 Cal.App.4th
27 520 (1992), the Court of Appeal concluded that a prospective bidder on estate property that had no
28 other preexisting relationship to the estate or to the property, was an interested person. The Court of

1 Appeal explained that Probate Code section 48 subdivision (a) provides a nonexclusive list of
2 recognizable interests. On the other hand, section 48 subdivision (b) “broadly permits the court to
3 determine the sufficiency of a party’s interest for the purposes of each proceeding conducted.” *Id.* at
4 522. Section 48 provides the Probate Court with “flexibility to control its proceedings to both
5 further the best interests of the estate and to protect the rights of interested persons to those
6 proceedings.” 9 Cal.App.4th at 523-24 (bold and underscore added). *See also Estate of Davis*, 219
7 Cal.App.3d 663, 668 (1990) (surety of probate administrator determined to be an interested person).

8 These authorities directly address the standard to be applied in interpreting the term
9 “interested person” as set forth in Probate Code § 48(b). By contrast, the case relied on by the
10 Opposition, *In re Stewart*, 276 Cal.App.2d 211 (1969), addressed neither the term “interested
11 person” nor Probate Code § 48(b). *In re Stewart*, decided decades before Section 48(b) was drafted,
12 addresses the issue of a party’s legal interest in the termination of a conservatorship. Interpreting a
13 now-repealed section of the probate code stating that only a “relative or friend” had the requisite
14 legal interest, the *In re Stewart* court ruled that a third-party, who was not a relative or friend,
15 seeking to object to the termination of the conservator had no standing to do so. *Id.* at 213. The
16 court did not lay down any general rule regarding standing but made the unremarkable observation
17 that a party would have to show some interest in the health and welfare of the conservatee to object
18 to the end of a conservatorship. *Id.* at 213-14. What other basis for objecting could there be?

19 *In re Stewart* is not “directly on point,” as baldly asserted in the Opposition. It does not
20 address the relevant statutory language of Section 48(b) and does not address an issue that is even
21 remotely similar to the one presented here. Brand Sense is not seeking to file objections or
22 otherwise intervene in proceedings related to the termination of Ms. Spears’ conservatorship. While
23 *In re Stewart* might be interpreted as requiring a party seeking to object to the termination to
24 demonstrate some interest in the conservatee’s health and well-being, it does not hold that a party in
25 every proceeding taking place in the course of the conservatorship must demonstrate such an
26 interest.

27 The only other cases cited by the Opposition – *Estate of Davis*, 219 Cal.App.3d 663 (1990)
28 and *Arman v. Bank of America*, 74 Cal.App.4th 697 (1999) – actually directly undermine the

1 Opposition and the bifurcation procedure obtained by the Spears' attorneys. In *Estate of Davis*, the
2 Court of Appeal held that a surety did have standing as an "interested person" under Probate Code, §
3 48. The Court of Appeal held that the surety could participate in a probate proceeding as an
4 interested person under Prob. Code, § 48, without meeting the more stringent requirements set forth
5 in Code Civ. Proc., § 387, for intervention in a civil action.

6 The *Estate of Davis* Court explained that "[t]he purpose of the interested person provision, as
7 developed under California case law, differs from civil intervention . . . because all such persons
8 were to be bound by such orders [probate court orders] . . . *the Legislature expressly provided that*
9 *they might appear and protect their rights* in the proceedings which lead to such orders and
10 decrees." *Id.* at 668 (italics in the original). In concluding that the surety had standing, the *Estate of*
11 *Davis* court concluded "a party may desire to participate in only one specific probate proceeding;
12 section 48 makes it easier for that party to do so." *Id.* The court further noted the procedural
13 "anomaly" of a party "conclusively bound by a decree" but not being entitled to participating in the
14 very proceeding giving rise to the liability. *Id.* It is precisely this same procedural anomaly that
15 Brand Sense has argued at length in the Motion must be corrected: Brand Sense should not be
16 conclusively bound by the Court's Final Order having had no opportunity to view, oppose or
17 participate in the petition and proceedings leading up to it.

18 In *Arman*, the third and final case cited by the Opposition, the Court rejected the notion that
19 the issue of standing could be determined separate and apart from the merits of the proceedings
20 begin challenged:

21 Before the issue of standing can be resolved, we must understand the nature of the
22 proceedings so that we may determine the parties' relationship to it. As a practical
23 matter, standing and the merits are closely tied, and it is often necessary to come to
24 terms with the substantive claim before the issue of standing can be satisfactorily
25 resolved.

26 74 Cal.App.4th 697

27 Brand Sense believes there is no question that Brand Sense has standing to challenge the
28 petition and procedures leading to the Final Order. However, if the Court still has any reservations

1 on the issue, *Arman* suggests that the proper procedure is to address the issue in view of the merits of
2 the petition instructing conservators, which have not yet been briefed.

3 **2. *Brand Sense Was Entitled to Notice of the Petition***

4 The Opposition argues that Brand Sense does not fall within any of the four categories of
5 persons entitled to notice Probate Code §1460. This is true but does not establish that a procedural
6 due process violation has not occurred. As already stated in the Motion, “[e]ven if no statute makes
7 notice a condition, notice is usually considered essential in any application affecting the rights of the
8 adverse party, unless there is pressing necessity for dispensing with it.” 6 Witkin, Cal. Proc. 5th
9 (2008), § 7 (“General Requirement of Notice”). Furthermore, as also stated in the Motion, “[t]he
10 California Supreme Court has announced the ‘general rule’ that ‘notice of motion must be given
11 whenever the order sought may affect the rights of an adverse party.’” *St. Paul Fire & Marine Ins.*
12 *Co. v. Superior Court*, 156 Cal.App.3d 82, 85 (1984) (protective order cannot be entered without
13 formal notice and hearing) (citations omitted).

14 “Due process also is a flexible concept, whose application depends on the circumstances and
15 the balancing of various factors.” *Ingrid E. v. Superior Court*, 75 Cal.App.4th 751, 757 (1999). The
16 circumstances of this case clearly called for notice to Brand Sense. The petition and resulting order
17 are the equivalent of a motion for and granting of a protective order. The Opposition cannot and
18 does not deny that the petition and order have the same effect of a protective order. If the Court
19 were to allow the Spears’ attorneys to gain the protection of a protective order without requiring
20 notice to Brand Sense or hearing opposition, it would be creating a loophole in the law and
21 sanctioning a circumvention of the notice requirements of the California Rules of Civil Procedure.

22 Finally, it is worth restating, as set forth in the Motion, that both the trial court in Brand
23 Sense’s action against and by Ms. Spears, as well as the assistant presiding judge of the Los Angeles
24 Superior Court, directed Brand Sense to file a noticed motion and seek relief with and from the
25 Probate Court. (Declaration of Geoffrey A. Neri accompanying Motion, at ¶¶ 14-15 & Ex. A 15).
26 Thus, without a ruling from this Court, Brand Sense will have no forum or avenue of relief at all,
27 apart from writ relief, to contest the deprivation of its statutory right to a deposition, which occurred
28 without notice and an opportunity to be heard.

3. *Brand Sense Is Suffering Ongoing Prejudice*

Lastly, the Opposition contends that a “finding that Brand Sense lacks standing cannot conceivably prejudice its interest.” (Opposition at 8: 1-3). It is not only conceivable but patently obvious that Brand Sense has an interest that has been and will be prejudiced. While Ms. Spears’ attorneys apparently do not view a deposition as an important discovery tool, but Brand Sense’s attorneys, California courts do not share that view. *See, e.g., Serrano v. Stefan Merli Plastering Co., Inc.*, 162 Cal.App.4th 1014, 1036 (2008) (“Depositions play an important role in litigation and trial preparation, and deposition testimony may be offered as evidence in pretrial proceedings and, in some circumstances, at trial.”) (emphasis added). Brand Sense also does not share the view that it is not important to take Ms. Spears’ depositions. Brand Sense has sued Ms. Spears and is being sued by her personal corporation, Britney Brands, Inc. It is Brand Sense’s prerogative, not Ms. Spears’ attorneys, to decide what discovery it needs and in what form. Ms. Spears’ attorneys’ views of the prejudice and alternative remedies available to Brand Sense are irrelevant and should be ignored.

B. Brand Sense’s Motion to Unseal Should Be Granted

1. *Brand Sense is Not Seeking to Expose Medical Records to the Public*

Most of the Co-Conservators separate Opposition to Motion to Unseal (the “Unseal Opposition”) is devoted to a discussion of Britney Spears’ interest in keeping her medical records private. Brand Sense agrees that any medical records of Ms. Spears should remain sealed to the public. However Brand Sense is entitled to understand the basis for the Court’s order denying its statutory right to take Ms. Spears’ deposition. Brand Sense also should be allowed to challenge the assumption that, whatever medical condition Ms. Spears has, it somehow renders her vulnerable to emotional or psychological damage by a deposition. It is puzzling that the conservators and court-appointed attorney of Ms. Spears, who are charged with guarding her emotional and psychological well-being, believe that the stress of a deposition would be damaging to Ms. Spears but not the stress of various other activities in which she is currently engaged.

For example, as stated in the Motion and supporting Neri Declaration, Ms. Spears is currently on a grueling world tour to promote her latest album. The tour schedule has Ms. Spears performing in a different city every two-three days. During some portions of the tour, Ms. Spears

1 performs in a different city every day. Any representation that Ms. Spears' emotional and physical
2 well-being would be compromised by sitting down for a one day deposition is disingenuous at best,
3 given Ms. Spears' apparent ability to withstand the intense physical and mental demands of a
4 strenuous tour schedule. Moreover, Ms. Spears has recently demonstrated that she is perfectly
5 capable of sitting in a room and answering a series of questions. She is frequently in the media,
6 providing televised interviews regarding her new album. She is interviewed and appears in various
7 states of undress in a March 2011 issue of "V" magazine. Ms. Spears recently provided a telephone
8 interview to Harpers' Bazaar. In all of these interviews, Ms. Spears is able to listen to questions and
9 provide a response without compromising her health in any manner. A deposition is no different.
10 Brand Sense should be allowed to oppose the petition and present evidence belying the notion that
11 Ms. Spears is unable to testify.

12 To that end, Brand Sense should be allowed to view and challenge the petition and evidence
13 submitted. California Rule of Court 2.551(h)(5), gives the power to "unseal [] the record only as to
14 certain persons." *Id.* Even accepting *arguendo* that Ms. Spears privacy interests overcome any
15 public right to access, the sealing order in this case could be narrowly tailored so that Brand Sense,
16 but not the public may access it. Unlike the public, Brand Sense has a specific right and interest in
17 knowing why it is being denied Ms. Spears' testimony. Brand Sense offered (in its opposition to
18 Ms. Spears' attorneys' Motion to Bifurcate) several options to safeguard Ms. Spears' confidential
19 medical records but also afford Brand Sense due process of the law. For example, Ms. Spears'
20 attorneys will file any confidential documents under seal, as they did in opposing the Brand Sense
21 Motion. No private or confidential documents will be open to public view if and until the Court
22 determines otherwise. In addition, Brand Sense and the Spears attorneys could stipulate to a
23 protective order with an attorneys' eyes only provision. Any confidential information discussed or
24 used by Brand Sense would also need to be filed under seal. All of the above would allow Brand
25 Sense to oppose the petition without revealing Ms. Spears' medical information.

26 The Opposition entirely ignores the Court of Appeal's decision in *Conservatorship of*
27 *Schaeffer*, 98 Cal.App.4th 159 (2002), which is directly on point and support's Brand Sense's right
28 to view and challenge the petition and supporting evidence. In that case, the probate court entered

1 an order sealing a report submitted by conservatee's appointed counsel. The sealed order prevented
2 the wife of the conservatee from challenging the probate court's ruling against her, understanding
3 the basis for the ruling or presenting any evidence of her own. *Id.* at 165. The wife appealed,
4 contending her due process rights had been violated as the result of the sealing. The Court of
5 Appeal agreed, explaining: "Mrs. Schaeffer was not even allowed to see the report the court relied
6 on. . . . Mrs. Schaeffer could not raise any of these objections or present any evidence or argument
7 to counter the report, because she was not permitted to see it." *Id.* Importantly, although a provision
8 of the Probate Code also required disclosure of the report, the Court of Appeal made clear that its
9 holding was rooted in principles of due process. *See id.* at 164 (citing *Fewel v. Fewel*, 23 Cal.2d
10 431, 433 (1943) (reliance on evidence which adversely affected party cannot view denies a "fair trial
11 in open court"))).

12 As in *Conservatorship of Schaeffer*, basic principles of fundamental fairness and procedural
13 due process require that Brand Sense be given the opportunity to view and oppose the petition and
14 supporting evidence leading to the Court's Final Order.

15 **2. The Sealed Records Should be Unsealed, Redacted of Medical Information**
16 **and Publicly Filed**

17 Furthermore, unless it is the case that every record filed in the proceedings leading up to the
18 Final Order is a private medical record of Ms. Spears, the Sealing Order is not sufficiently narrowly
19 tailored. For example, the Petition for an Order Instructing Conservators, while it may refer to
20 medical records, is a court pleading. Insofar and to the extent it refers to private medical
21 information, it should simply be redacted. Likewise, any other documents referring to medical
22 records should be redacted, unsealed and filed publicly. Under the California Rules of Court, an
23 order sealing documents must not only (1) specifically set forth the facts that support the findings,
24 but also (2) *direct the sealing of only those documents and pages, or, if reasonably practicable,*
25 *portions of those documents and pages that contain the material that needs to be placed under seal.*
26 CAL. R. CT. 2.550(e). All other portions of each document or page must be included in the public
27 file. While the Opposition states that such a procedure would lead to a "nonsensical" pleading, this

1 is no basis for a blanket sealing. Brand Sense and the public should be able to determine for
2 themselves if the redacted documents make any sense.

3 Additionally, while the Opposition's points to the "Google" hit count (Unseal Opposition at
4 2: 22-23), and the "media frenzy" around Ms. Spears, as a basis for sealing, the popularity of an
5 individual and the media interest generated by her is not a legitimate basis for sealing. As set forth
6 in more detail in the Motion, this is precisely the basis for sealing rejected in *NBC Subsidiary*
7 (*KNBC TV, Inc. v. Sup. Ct.*, 20 Cal.4th 1178, 1226 (1999) (court refused to seal "private facts" in
8 Sondra Locke's palimony case against Clint Eastwood). As the Court of Appeal reaffirmed last year
9 in *In re Marriage of Nicholas*, 186 Cal.App.4th 1566 (2010), even where a case involves "intense
10 media scrutiny and interest," those factors do not outweigh the public's right to access. As explained
11 by the Court of Appeal, "[o]pen court records safeguard against unbridled judicial power, thereby
12 fostering community respect for the rule of law" and counter public perceptions of "favoritism." *Id.*

13 Suffice it to say, there is no "Google" hit threshold for determining when an individual
14 celebrity should be guarded from public scrutiny. Otherwise, the entire constellation of celebrities
15 living in Los Angeles County would be entitled their own system of private justice conducted in
16 secret. Obviously, this is not the case. As stated in *In Estate of Hearst*, 67 Cal.App.3d 777 (1977):
17 "[W]hen individuals employ the public powers of state courts to accomplish private ends, ... they do
18 so in full knowledge of the possibly disadvantageous circumstance that the documents and records
19 filed . . . will be open to public inspection." *Id.* at 779. Ms. Spears' conservators are employing the
20 powers of the state courts for a private end, to assist in managing Ms. Spears' financial and personal
21 affairs, at public expense. Ms. Spears' conservatorship proceedings should therefore remain open
22 and transparent, except for in the rarest of circumstances.¹

23
24
25
26 ¹ The Opposition relies heavily on *People v. Dixon*, 148 Cal. App. 4th 414 (2007) for the proposition
27 that there is no First Amendment right to public access to conservatorship proceedings. *Dixon*
28 involved the right to broadcast coverage of civil commitment proceedings under the Sexually
Violent Predators Act (SVPA). It does not address the issue of First Amendment rights to access to
conservatorship proceedings such as Ms. Spears. Likewise, Ms. Spears' conservatorship is not
under the Lanterman Petris Short ("LPS") Act, and there is no case law stating that the privacy
presumption of proceedings under that act should also apply to other conservatorship proceedings.

1 Finally, since the Unseal Opposition appears to be nearly identical in substance and form to
2 an application Ms. Spears' attorneys submitted in relation to these proceedings approximately two
3 and a half years ago, *see* Memorandum of Points and Authorities in Support of Application to Seal
4 Record re Conservatorship of the Person, 2008 WL 460948 (filed February 1, 2008), it is worth
5 noting the passage of time since these proceedings were first instituted and that application was filed.
6 Whatever mental or psychological disorder Britney Spears had or has that led to the institution of a
7 conservatorship, it is no longer impeding Ms. Spears from enjoying a productive and happy
8 professional and personal life. As set forth in the Motion, and read by the Court into the record at
9 the parties' last hearing, "Ms. Spears currently has the mental, emotional and physical capacity to
10 endure the strain of a months-long international concert tour, make numerous public appearances,
11 engage in frequent interviews with the media, participate in numerous promotional campaigns for
12 her various business enterprises, and take care of her minor children. She has admitted in prominent
13 publications that she has "never been happier" in her life." (Motion at 5: 18-21). How can it be that
14 Ms. Spears is perfectly capable of doing all of the above and yet too vulnerable and psychologically
15 fragile to sit for a deposition? Brand Sense respectfully requests that this Court allow it to see the
16 petition and evidence leading to the Court's Final Order; Brand Sense will thereby be enabled to
17 develop and present its argument that these conservatorship proceedings are being improperly used
18 by Ms. Spears and her attorneys as a matter of convenience to avoid her testimonial obligations.

19 **III. CONCLUSION**

20 For all the foregoing reasons and the reasons previously set forth in the Motion, the relief
21 requested in the Motion should be granted.

22 DATED: August 23, 2011

MILLER BARONDESS, LLP

23
24 By: _____

Geoffrey A. Neri

Attorneys for Moving Party

BRAND SENSE PARTNERS, LLC

PROOF OF SERVICE

STATE OF CALIFORNIA,)
) SS.
COUNTY OF LOS ANGELES)

I am a citizen of the United States and employed in the County of Los Angeles, State of California. I am over the age of eighteen (18) years and not a party to the within action. I am employed by MILLER BARONDESS, LLP and my business address is 1999 Avenue of the Stars, Suite 1000, Los Angeles, California 90067.


On **August 23, 2011**, I served ☐ the original ☒ a true copy of the within document(s) described as **REPLY BRIEF IN SUPPORT OF MOTION TO UNSEAL DOCUMENTS AND SET ASIDE ORDERS OF MAY 25 AND JUNE 7, 2011** on all interested parties in this action:

SEE ATTACHED SERVICE LIST

- ☐ **PERSONAL DELIVERY:** I caused such envelope to be delivered by hand to the named addressee(s) on the attached Service List.
- ☒ **BY MAIL:** I am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service. This correspondence shall be deposited with the United States Postal Service this same day in the ordinary course of business at our Firm's office address in Los Angeles, California. Service made pursuant to this paragraph, upon motion of a party served, shall be presumed invalid if the postal cancellation date of postage meter date on the envelope is more than one day after the date of deposit for mailing contained in this affidavit.
- ☐ **BY OVERNIGHT DELIVERY SERVICE:** I served the foregoing document by FedEx, an express service carrier which provides overnight delivery, as follows. I placed true copies of the foregoing document in sealed envelopes or packages designated by the express service carrier, addressed to each interested party as set forth above, with fees for overnight delivery paid or provided for.
- ☐ **BY FACSIMILE:** I caused such envelope to be delivered via facsimile to the offices of the addressee(s) at the facsimile numbers listed below. I certify that said transmission was completed and that all pages were received and that a report was generated by the facsimile machine which confirms said transmission and receipt.
- ☐ **BY ELECTRONIC MAIL:** by transmitting via electronic mail a true copy of the above listed document(s) to the email addresses set forth below on this date before 5:00 p.m.:
- ☒ **(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 State Bar of this Court at whose direction the service was made.

Executed on **August 23, 2011**, at Los Angeles, California.

ADRIANA PRECIADO


Signature

SERVICE LIST

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Served pursuant to special notice

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