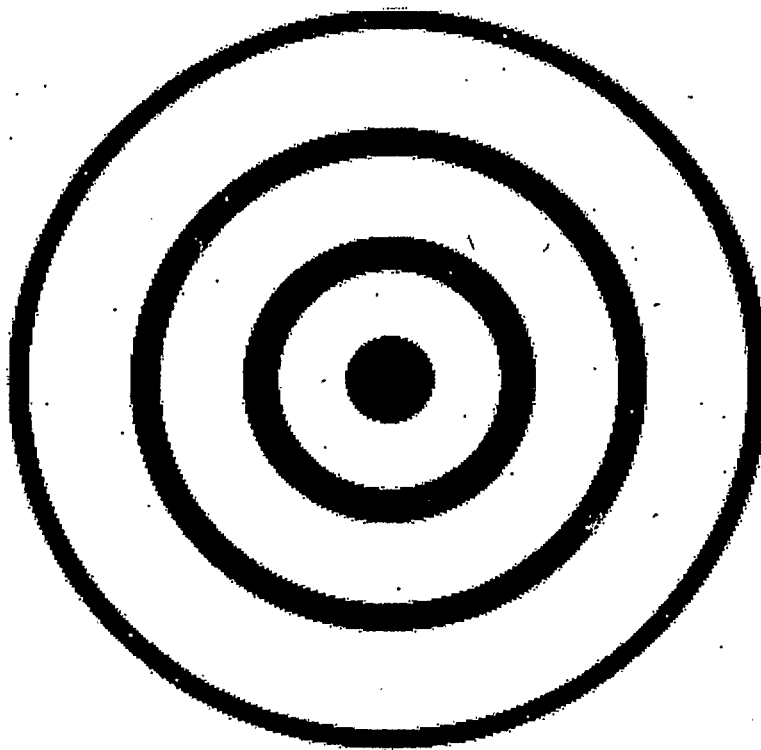


NEWDOC.



1

1 NOTICE IS HEREBY GIVEN THAT:

2 Jon Eardley, as a party and interested party, and Britney J. Spears, both to the  
3 extent allowed by law and the operation of law; and consistent with the lawful orders  
4 of this court and this court's appellate and original jurisdiction, hereby appeal in their  
5 entirety the orders of Permanent Conservatorship over the person and the estate,  
6 dated January 5, 2009; and the Letters of Conservatorship over the person and the  
7 estate, dated January 9, 2009. Attached and incorporated herein as Exhibit 1 are true  
8 and correct copies of the orders of Permanent Conservatorship, dated January 5,  
9 2009 over the person and the estate. Attached and incorporated herein as Exhibit 2  
10 are true and correct copies of the Letters of Conservatorship, dated January 9, 2009  
11 over the person and the estate. Further, the Temporary Restraining Order issued  
12 against Jon Eardley, dated January 30, 2009 is also appealed in its entirety. Attached  
13 and incorporated herein as Exhibit 3 is a true and correct copy of the Temporary  
14 Restraining Order, dated January 30, 2009.  
15  
16  
17  
18  
19  
20  
21

22 Date: March 6, 2009

By: 

23 Jon Eardley, Esq.  
24  
25  
26  
27  
28

## INTRODUCTION

The courts of this state have recognized that it is fundamental law to seek the assistance of the court of appeal, particularly in complex cases and where prophylactic intervention is necessary. The right to seek assistance of an appellate court whether by appeal or by writ is dependent upon the person being aggrieved, injuriously affected or prejudiced by the challenged judgment order or decree. In this case, there is no question that Mr. Eardley, Ms. Spears, and the state of California are injuriously effected by the orders of the lower court upon the presentation, without any notice whatsoever, of the conservatorship's application for a Temporary Restraining Order; and the Permanent Orders of Conservatorship over the person and estate of Britney J. Spears. ( Estate of Colton (1912) 164 Cal. 1, 5 [127 P. 643]; Guardianship of Pankey (1974) 38 Cal.App.3d 919, 925 [113 Cal.Rptr. 858]; Mize v. Crail (1973) 29 Cal.App.3d 797, 805 [106 Cal.Rptr. 34]; Edwards v. City of Santa Paula (1956) 138 Cal.App.2d 375 [292 P.2d 31].)

The application for a Temporary Restraining Order presented "facts" entirely predicated upon speculation, hearsay, and innuendo. Essentially, the conservatorship obtained an order barring constitutionally protected speech and mischaracterized the interviewing of witnesses as unlawful associations, even though such conduct as alleged is consistent with the California Probate Code. Taken to its logical extreme, every lawyer in the United States Department of Justice would be "tainted" for merely obtaining information from witnesses, informants, defendants, co-defendants

1 and the like; and for maintaining a political and legal viewpoint that is inconsistent  
2 with the power of entrenched and self-serving economic interests.

3  
4 Such a contention is untenable in an ordered system of liberty, much less one  
5 where its principal constituent is the Bill of Rights. To succumb to this level of  
6 materialistic perfidiousness is inherently inconsistent with the belief that the United  
7 States is worth fighting for in the preservation of liberties guaranteed to all by the  
8 Constitution, irrespective of wealth, public perception, celebrity, or status. These  
9 rights are not held exclusively by banks, international financiers, and Wall Street  
10 corporate interests, but are by constitutional and divine design the possession of  
11 every American man and woman.  
12  
13

14  
15 1. THE LOWER COURT IS DIVESTED OF SUBJECT MATTER  
16 JURISDICTION AS A RESULT OF THE FAILURE TO PROVIDE THE  
17 CONSERVATEE WITH THE MANDATORY 5 DAY NOTICE REQUIRED  
18 BY PRINCIPLES OF DUE PROCESS AND CALIFORNIA LAW.  
19  
20

21  
22 A. Without The Required 5 Day Notice To The Conservatee, The  
23 Conservatorship Is A Jurisdictional Nullity That Cannot Support The  
24 Issuance Of A TRO Against Mr. Eardley.  
25  
26

27 Attached hereto As Exhibit 4 is the declaration of U.C.L.A. Law Professor  
28 NOTICE OF APPEAL; ELECTION TO PROCEED PURSUANT TO  
CALIF. RULE OF COURT RULE 8.124

1 William McGovern, filed in the above captioned case. The declaration and its  
2 accompanying material demonstrate why the conservatorship is a nullity as a matter  
3 of law. The declaration of Professor McGovern is incorporated herein by reference  
4 for the establishment of the lack of the conservatorship's standing to initiate a  
5 restraining order proceeding against Mr. Eardley.  
6  
7  
8

9 B. The Points And Authorities Contained Therein Amply Demonstrate The  
10 Requirement Of The 5 Day Notice And That The Supporting Declaration Of  
11 Lynn Spears Is Not Adequate For The Dispensing With Of The Required 5  
12 Day Notice.  
13  
14

15 The supporting declaration of Lynn Spears does not meet the legal sufficiency  
16 requirement for the disposing with of the required 5 day notice mandated by  
17 California Law. The McGovern declaration establishes that the 5 day notice  
18 requirement has never been met in this case and thus the conservatorship case is  
19 without jurisdiction and therefore lacks standing to prosecute a TRO against Mr.  
20 Eardley. Said Declaration is incorporated herein by reference for the establishment  
21 of the lack of standing to initiate a restraining order proceeding against Mr. Eardley.  
22  
23

24 Consistent with the McGovern declaration is attached herein as Exhibit 5 the  
25 letter from the California Department of Justice, Office of the Attorney General. The  
26 letter, among other things, indicates that Ms. Spears was entitled to trial prior to  
27

1 being declared a permanent conservatee. She has never even received a hearing  
2 consistent with due process or the California Probate Code.  
3  
4

5 2. BY THE CONSERVATORSHIP'S OWN ADMISSION, THE FEDERAL  
6 REMOVAL HAD THE EFFECT OF DIVESTING THE STATE COURT OF  
7 JURISDICTION AND ALL SUBSEQUENT ORDERS FROM THAT DATE  
8 FORWARD ARE INVALID FOR LACK OF SUBJECT MATTER  
9 JURISDICTION.  
10  
11  
12

13 There are many other reasons why the conservatorship is invalid. However, one  
14 of the most important and salient reasons relates to the jurisdiction of the state  
15 conservatorship court on February 14, 2008, *after* the case was removed to federal  
16 court at exactly 2:03 P.M. PST. The conservatorship is well aware of this fatal error  
17 on its part and has disseminated a campaign of misinformation in its pleadings filed  
18 with the state court and has utilized a campaign of misinformation to profit from its  
19 knowing violations of federal law.  
20  
21

22 In the recent papers to obtain a TRO against Mr. Eardley, the conservatorship  
23 recites the time line of the proceedings in state court on February 14, 2008 with  
24 respect to the federal removal notice filed at exactly 2:03 P.M. PST in the United  
25 States District Court, Central District of California. The conservatorship lawyers  
26 proceeded at 2:04 P.M. PST to conclude the hearing to extend the temporary  
27

1 conservatorship over Ms. Spears. According to the papers recently filed to obtain the  
2 TRO against Mr. Eardley, the conservators recite the timeline of that day:  
3  
4

5 “The Court completed the February 14, 2008 hearing at about 2:04 p.m.

6 Immediately after that hearing, the Court signed the Orders extending the Letters  
7 and issued new Letters of Temporary Conservatorship of the Person and the  
8 Estate.”  
9

10  
11 This knowing admission of the timeline, accompanied by the  
12 conservatorship’s other statements, also contained in the restraining order papers,  
13 reveals its knowledge that the conservatorship was, is, and always will be a nullity,  
14 as a matter of law. The statement, contained in footnote number 2 of the recent  
15 restraining order papers, states as follows:  
16  
17

18  
19 “The timing of the Notice of Removal supports an inference that it was filed  
20 for the purpose of derailing the conservatorship proceedings and, in particular,  
21 in an attempt to divest the Court of jurisdiction to extend the conservatorship  
22 past February 14, 2008, with the intended result of the expiration of the  
23 conservatorship on that day. If Mr. Eardley had filed the Notice of Removal  
24 with the court a half hour earlier on February 14, 2008, the Court would have  
25  
26 been unable to extend the conservatorship, and Mr. Spears would not have had  
27



1 enough time to seek relief from the district court to extend the conservatorship  
2 before it expired later that day.”  
3  
4

5 Federal case law is clear on this point of jurisdiction. In the interim time  
6 period that occurs between the filing of the federal removal papers in federal court  
7 and the time of the filing of the copy of the removal notice in state court, all  
8 jurisdiction resides in the federal court, and thus the order by the Commissioner  
9 extending the conservatorship was invalid as a matter of law. As a matter of law, the  
10 conservatorship was extended in direct contravention of federal law, thus, according  
11 to the conservatorship’s own admissions, the conservatorship is invalid, as all  
12 subsequent orders extending the temporary conservatorship were and are invalid.  
13  
14

15 In Barrett v. Southern Railway Company, 68 F.R.D. 413 (E.D.S.C. 1975), the  
16 court stated as follows:  
17

18 “This court adopts the reasoning set forth in 1A Moore’s Federal Practice P.  
19 0.168 (3.-8 p. 509-510):  
20

21 When a copy of the removal petition is filed in the state court this operates to  
22 ‘effect the removal’ as of the date of filing the original removal petition in the federal  
23 court; and in the event of conflicting proceedings during the interim period the  
24 federal jurisdiction predominates.” Id., at 419-420.  
25  
26  
27

1 The United States District Court for the District of North Dakota, in Hornung  
2 v. Master Tank & Welding Co., 151 F. Supp. 169 (D.N.D.1957), discussed the effect  
3 of federal and state jurisdiction during this time interval as follows:  
4

5 "The state court acquired jurisdiction of the present action when the Summons  
6 and Complaint were duly served upon the defendants in accordance with the  
7 Nonresident Motorist Statute. That jurisdiction was active until the removal was  
8 finally effected by the filing of a copy of the Petition for Removal with the state  
9 court clerk. 28 U.S.C.A. § 1446(e). It then became passive or dormant, pending  
10 disposition of the case in federal court. Doerr v. Warner, 1956, 247 Minn. 98, 76  
11 N.W.2d 505. Federal jurisdiction vested for all purposes when the Petition was filed  
12 in this court, the later notice thereof and the filing of a copy thereof in state court  
13 operating retroactively to 'effect the removal' as of the date of filing the Petition in  
14 federal court. Shenandoah Chamber of Progress v. Frank Associates, D.C.Pa.1950,  
15 95 F. Supp. 719.  
16  
17  
18

19 "This all indicates that Federal jurisdiction exists even before completion of  
20 the removal proceedings in State court. The delay between the petition in Federal  
21 court and filing in State court is within the purview of 'promptly' as set forth in §  
22 1446. Master Equipment, Inc. v. Home Ins. Co., 342 F. Supp. 549, 552  
23 (E.D.Pa.1972)." Hornung at 172.  
24  
25

26 For this reason and many others, the conservators are well aware of the  
27 invalidity of the conservatorship as a matter of law. When this is coupled with the

1 additional fact that she never received a jury trial, or even a hearing in court before  
2 her constitutional rights were permanently stripped away from her by the Orders of  
3 Permanent Conservatorship, it is no wonder why the conservatorship would resort to  
4 anything to keep the truth silenced.  
5

6  
7 3. THE CONSERVATORSHIP OVER THE PERSON AND THE ESTATE OF  
8 BRITNEY J. SPEARS IS IN DIRECT CONFLICT WITH VARIOUS  
9 PROVISIONS OF § 18 OF THE UNITED STATES CODE AND  
10 THEREFORE CANNOT SUPPORT A TRO OVER MR. EARDLEY.  
11  
12  
13

14 The conservatorship over Ms. Spears is in direct contravention of federal law and  
15 therefore cannot support a TRO as to Mr. Eardley; a conservatorship over the person  
16 and the estate, when the conservatee is engaged in labor of any kind, as a matter of  
17 federal law, violates 18 U.S.C. § 1589, et seq. The applicable statutes state as  
18 follows:  
19

20 **18 U.S.C. § 1589**  
21  
22

23 Whoever knowingly provides or obtains the labor or services of a person—  
24

25 (1) by threats of serious harm to, or physical restraint against, that person or  
26 another person;  
27

28 NOTICE OF APPEAL; ELECTION TO PROCEED PURSUANT TO  
CALIF. RULE OF COURT RULE 8.124

1  
2 (2) by means of any scheme, plan, or pattern intended to cause the person to  
3 believe that, if the person did not perform such labor or services, that person or  
4 another person would suffer serious harm or physical restraint; or  
5

6  
7 (3) by means of the abuse or threatened abuse of law or the legal process,  
8  
9  
10 shall be fined under this title or imprisoned not more than 20 years, or both. If death  
11 results from the violation of this section, or if the violation includes kidnapping or an  
12 attempt to kidnap, aggravated sexual abuse or the attempt to commit aggravated  
13 sexual abuse, or an attempt to kill, the defendant shall be fined under this title or  
14 imprisoned for any term of years or life, or both.  
15  
16

17  
18 **18 U.S.C. § 1591**  
19

20 Whoever knowingly—  
21  
22

23 (1) in or affecting interstate or foreign commerce, or within the special maritime and  
24 territorial jurisdiction of the United States, recruits, entices, harbors, transports,  
25 provides, or obtains by any means a person; or  
26  
27

1 (2) benefits, financially or by receiving anything of value, from participation in a  
2 venture which has engaged in an act described in violation of paragraph (1), knowing  
3 that force, fraud, or coercion described in subsection (c)(2) will be used to cause the  
4 person to engage in a commercial sex act, or that the person has not attained the age  
5 of 18 years and will be caused to engage in a commercial sex act, shall be punished  
6 as provided in subsection (b).  
7  
8

9  
10 **18 U.S.C. § 1592**  
11

12  
13 (a) Whoever knowingly destroys, conceals, removes, confiscates, or possesses any  
14 actual or purported passport or other immigration document, or any other actual or  
15 purported government identification document, of another person—  
16

17  
18 (1) in the course of a violation of section 1581, 1583, 1584, 1589, 1590, 1591,  
19 or 1594(a);  
20

21  
22 (2) with intent to violate section 1581, 1583, 1584, 1589, 1590, or 1591; or  
23

24 (3) to prevent or restrict or to attempt to prevent or restrict, without lawful  
25 authority, the person's liberty to move or travel, in order to maintain the labor or  
26 services of that person, when the person is or has been a victim of a severe form of  
27

1 trafficking in persons, as defined in section 103 of the Trafficking Victims Protection  
2 Act of 2000, shall be fined under this title or imprisoned for not more than 5 years, or  
3 both.  
4

5 (b) Subsection (a) does not apply to the conduct of a person who is or has been a  
6 victim of a severe form of trafficking in persons, as defined in section 103 of the  
7 Trafficking Victims Protection Act of 2000, if that conduct is caused by, or incident  
8 to, that trafficking.  
9

10 Additional provisions of the TVPA provide for mandatory restitution (18  
11 U.S.C. § 1593) and forfeiture (18 U.S.C. § 1594(b)), criminalize attempt (18 U.S.C.  
12 § 1594(a)), and give victims an avenue for civil lawsuits (18 U.S.C. § 1595).  
13

14 Counsel is informed and believes that an enhancing factor is that the  
15 conservatorship has obtained a large “key man” policy on Ms. Spears that ostensibly  
16 required her to be a “conservatee” for its issuance; or in the alternative that she was  
17 informed of such an unlawful justification for her continued status as a conservatee.  
18 Further the conservatorship, by and through the testimony of James Spears, co-  
19 conservator, is intent on removing her from the United States for commercial  
20 purposes.  
21  
22

23 When a conservatorship over the estate and the person, as in this case, exists in  
24 tandem, each and every prong of 18 U.S.C. § 1589 is satisfied. The fact that the  
25 conservatorship is authorized by state law is of no moment under the federal statute  
26 because pursuant to 18 U.S.C. § 1589 (3) the abuse of state law is inherent in the  
27

1 plain meaning of the statute, but when coupled with the jurisdictional violations  
2 stated above and the justification of the need for the status of a conservatee to  
3 comply with unlawful provisions of an insurance policy that is inherently against  
4 public policy, federal law is even more significantly violated. Further, the  
5 transportation of the person in interstate commerce, while the conservatorship over  
6 the estate is in place provides financial gain to all involved, and therefore 18 U.S.C.  
7 §§ 1591 and 1592 are violated.  
8

9  
10 Irrespective of the disbelief that may, at first impression, strike the  
11 conservators, the federal statutes are clear and unequivocal in their mandate. Ms.  
12 Spears is not incompetent; she is not gravely disabled by the direct testimony on  
13 February 23, 2009 of co-conservator James Spears; and she should no longer be  
14 subject to a conservatorship over the person and estate, thereby requiring, among the  
15 myriad of other reasons heretofore raised, the dismissal of the TRO over Mr.  
16 Eardley.  
17

18  
19 From the testimony of the co-conservator James Spears and other related facts,  
20 the underlying premise of the conservatorship of Ms. Spears rests upon two pillars  
21 that are invidious to California and federal law:  
22

- 23 1) As a matter of law, forced labor by a conservatee, who is by  
24 definition gravely disabled and/or incompetent; and  
25 2) Surveillance;  
26  
27

1 As in the instant case, the "nanny" eavesdropped on telephone calls and other  
2 communications prohibited by the co-conservator James Spears and reported said  
3 communications to the co-conservator, and Ms. Spears cell phone was even further  
4 restricted and taken away from her altogether, thus preventing her from contacting a  
5 legal representative of her own choosing. To this extent, the paradigm of the  
6 conservatorship is reminiscent of the principal mechanism of restricted and  
7 controlled labor, as elucidated in Solzhenitsyn's masterpiece *The Gulag Archipelago*.  
8 Parallel to this historical and legal narrative, Solzhenitsyn follows the typical course  
9 of a *zek* (person who engages in freedom of expression) through the Gulag system,  
10 starting with arrest, show trial and initial internment; and transport to the  
11 "archipelago". In the instant case, it is worth noting that there has not even been a  
12 "show trial" for Ms. Spears.

13  
14 This court should not be dissuaded from recognizing the applicability of the  
15 Gulag paradigm because the living circumstances and material accommodations of  
16 every *zek* differed consistent with their stature in society. For instance, it was within  
17 the Gulag system where Andrei Sakharov and his team of prisoner-scientists  
18 developed the hydrogen bomb, among other Soviet scientific breakthroughs. As  
19 well, many artists, writers, musicians, philosophers, lawyers and other free thinkers  
20 were controlled in the same manner.



1 Nevertheless, just as in the instant case, communication with a legal  
2 representative of the person's own choosing was strictly prohibited.<sup>1</sup> By effect, a  
3 TRO without notice has been issued against Mr. Eardley for no legitimate reason  
4 whatsoever upon the conservatorship's application, which is entirely and erroneously  
5 based upon speculation and innuendo.  
6

7  
8  
9 4. BECAUSE THE CONSERVATORSHIP HAS NOTED ITS "FIRST  
10 ANNIVERSARY" THE PROVISIONS OF 18 U.S.C. § 1961 ARE  
11 APPLICABLE.  
12

13  
14 18 U.S.C. § 1961 states as follows:

15 As used in this chapter—

16 (1) "racketeering activity" means (A) any act or threat involving murder,  
17 kidnapping, gambling, arson, robbery, bribery, extortion, dealing in obscene  
18 matter, or dealing in a controlled substance or listed chemical (as defined in  
19 section 102 of the Controlled Substances Act), which is chargeable under State  
20 law and punishable by imprisonment for more than one year; (B) any act which is  
21  
22

---

23  
24 <sup>1</sup> Finished in 1968, The Gulag Archipelago was microfilmed and smuggled out to  
25 Solzhenitsyn's main legal representative, Dr Kurt Heeb of Zürich, to await publication (a later  
26

1 indictable under any of the following provisions of title 18, United States Code:  
2 Section 201 (relating to bribery), section 224 (relating to sports bribery), sections  
3 471, 472, and 473 (relating to counterfeiting), section 659 (relating to theft from  
4 interstate shipment) if the act indictable under section 659 is felonious, section  
5 664 (relating to embezzlement from pension and welfare funds), sections 891–  
6 894 (relating to extortionate credit transactions), section 1028 (relating to fraud  
7 and related activity in connection with identification documents), section 1029  
8 (relating to fraud and related activity in connection with access devices), section  
9 1084 (relating to the transmission of gambling information), section 1341  
10 (relating to mail fraud), section 1343 (relating to wire fraud), section 1344  
11 (relating to financial institution fraud), section 1425 (relating to the procurement  
12 of citizenship or nationalization unlawfully), section 1426 (relating to the  
13 reproduction of naturalization or citizenship papers), section 1427 (relating to the  
14 sale of naturalization or citizenship papers), sections 1461–1465 (relating to  
15 obscene matter), section 1503 (relating to obstruction of justice), section 1510  
16 (relating to obstruction of criminal investigations), section 1511 (relating to the  
17 obstruction of State or local law enforcement), section 1512 (relating to  
18 tampering with a witness, victim, or an informant), section 1513 (relating to  
19  
20  
21  
22  
23  
24  
25

26 paper copy, also smuggled out, was signed by Heinrich Böll at the foot of each page to prove  
27 against possible accusations of a falsified work).

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CALIF. RULE OF COURT RULE 8.124

1 retaliating against a witness, victim, or an informant), section 1542 (relating to  
2 false statement in application and use of passport), section 1543 (relating to  
3 forgery or false use of passport), section 1544 (relating to misuse of passport),  
4 section 1546 (relating to fraud and misuse of visas, permits, and other  
5 documents), **sections 1581–1592 (relating to peonage, slavery, and trafficking**  
6 **in persons).**,[1] section 1951 (relating to interference with commerce, robbery, or  
7 extortion), section 1952 (relating to racketeering), section 1953 (relating to  
8 interstate transportation of wagering paraphernalia), section 1954 (relating to  
9 unlawful welfare fund payments), section 1955 (relating to the prohibition of  
10 illegal gambling businesses), section 1956 (relating to the laundering of monetary  
11 instruments), section 1957 (relating to engaging in monetary transactions in  
12 property derived from specified unlawful activity), section 1958 (relating to use  
13 of interstate commerce facilities in the commission of murder-for-hire), section  
14 1960 (relating to illegal money transmitters), sections 2251, 2251A, 2252, and  
15 2260 (relating to sexual exploitation of children), sections 2312 and 2313  
16 (relating to interstate transportation of stolen motor vehicles), sections 2314 and  
17 2315 (relating to interstate transportation of stolen property), section 2318  
18 (relating to trafficking in counterfeit labels for phonorecords, computer programs  
19 or computer program documentation or packaging and copies of motion pictures  
20 or other audiovisual works), section 2319 (relating to criminal infringement of a  
21 copyright), section 2319A (relating to unauthorized fixation of and trafficking in  
22  
23  
24  
25  
26  
27  
28

1 sound recordings and music videos of live musical performances), section 2320  
2 (relating to trafficking in goods or services bearing counterfeit marks), section  
3 2321 (relating to trafficking in certain motor vehicles or motor vehicle parts),  
4 sections 2341–2346 (relating to trafficking in contraband cigarettes), sections  
5 2421–24 (relating to white slave traffic), sections 175–178 (relating to biological  
6 weapons), sections 229–229F (relating to chemical weapons), section 831  
7 (relating to nuclear materials), (C) any act which is indictable under title 29,  
8 United States Code, section 186 (dealing with restrictions on payments and loans  
9 to labor organizations) or section 501 (c) (relating to embezzlement from union  
10 funds), (D) any offense involving fraud connected with a case under title 11  
11 (except a case under section 157 of this title), fraud in the sale of securities, or the  
12 felonious manufacture, importation, receiving, concealment, buying, selling, or  
13 otherwise dealing in a controlled substance or listed chemical (as defined in  
14 section 102 of the Controlled Substances Act), punishable under any law of the  
15 United States, (E) any act which is indictable under the Currency and Foreign  
16 Transactions Reporting Act, (F) any act which is indictable under the  
17 Immigration and Nationality Act, section 274 (relating to bringing in and  
18 harboring certain aliens), section 277 (relating to aiding or assisting certain aliens  
19 to enter the United States), or section 278 (relating to importation of alien for  
20 immoral purpose) if the act indictable under such section of such Act was  
21  
22  
23  
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28

1 committed for the purpose of financial gain, or (G) any act that is indictable under  
2 any provision listed in section 2332b (g)(5)(B);

3  
4 (2) "State" means any State of the United States, the District of Columbia, the  
5 Commonwealth of Puerto Rico, any territory or possession of the United States,  
6 any political subdivision, or any department, agency, or instrumentality thereof;

7  
8 (3) "person" includes any individual or entity capable of holding a legal or  
9 beneficial interest in property;

10 (4) "enterprise" includes any individual, partnership, corporation, association, or  
11 other legal entity, and any union or group of individuals associated in fact  
12 although not a legal entity;

13  
14 (5) "pattern of racketeering activity" requires at least two acts of racketeering  
15 activity, one of which occurred after the effective date of this chapter and the last  
16 of which occurred within ten years (excluding any period of imprisonment) after  
17 the commission of a prior act of racketeering activity;

18  
19 (6) "unlawful debt" means a debt

20 (A) incurred or contracted in gambling activity which was in violation of the law  
21 of the United States, a State or political subdivision thereof, or which is  
22 unenforceable under State or Federal law in whole or in part as to principal or  
23 interest because of the laws relating to usury, and

24  
25 (B) which was incurred in connection with the business of gambling in violation  
26 of the law of the United States, a State or political subdivision thereof, or the  
27

business of lending money or a thing of value at a rate usurious under State or Federal law, where the usurious rate is at least twice the enforceable rate;

(7) "racketeering investigator" means any attorney or investigator so designated by the Attorney General and charged with the duty of enforcing or carrying into effect this chapter;

(8) "racketeering investigation" means any inquiry conducted by any racketeering investigator for the purpose of ascertaining whether any person has been involved in any violation of this chapter or of any final order, judgment, or decree of any court of the United States, duly entered in any case or proceeding arising under this chapter;

(9) "documentary material" includes any book, paper, document, record, recording, or other material; and

(10) "Attorney General" includes the Attorney General of the United States, the Deputy Attorney General of the United States, the Associate Attorney General of the United States, any Assistant Attorney General of the United States, or any employee of the Department of Justice or any employee of any department or agency of the United States so designated by the Attorney General to carry out the powers conferred on the Attorney General by this chapter. Any department or agency so designated may use in investigations authorized by this chapter either the investigative provisions of this chapter or the investigative power of such department or agency otherwise conferred by law.

1  
2 18 U.S.C. §§ 1581-1592 are predicate acts under § 1961. There are additional  
3 predicate acts, which are unnecessary to note at this time. The conservatorship is a  
4 legal entity and therefore an “enterprise” as defined by § 1961 (4) and a pattern of  
5 two acts has occurred pursuant to § 1961 (5). There has unquestionably been a  
6 violation of the statute upon numerous counts.  
7  
8

9  
10 5. THE LAW OF FEDERAL CONFLICT PREEMPTION INTERDICTS THE  
11 ENTERPRISE OF THE CONSERVATORSHIP AND THUS THE TRO  
12 AGAINST MR. EARDLEY MUST BE DISMISSED.  
13

14  
15 **Conflict Preemption**  
16

17  
18 Under the Supremacy Clause, any state law that conflicts with a federal law is  
19 preempted. Gibbons v. Ogden, 22 U.S. 1 (1824). A conflict exists if a party cannot  
20 comply with both state law and federal law (for example, if state law forbids  
21 something that federal law requires). Florida Lime & Avocado Growers, Inc. v. Paul,  
22 373 U.S. 132, 142-43 (1963). In addition, even in the absence of a direct conflict  
23 between state and federal law, a conflict exists if the state law is an obstacle to the  
24 accomplishment and execution of the full purposes and objectives of Congress.  
25  
26  
27 Crosby v. Nat’l Foreign Trade Council, 530 U.S. 363, 372-73 (2000).  
28

1 Because the conservatorship as it is presently constituted is in direct conflict  
2 with the statutes of the United States, the court must dismiss the TRO against Mr.  
3 Eardley, as the conservatorship is an unlawful enterprise from which no process may  
4 lawfully issue.  
5

6  
7  
8 6. ADDITIONAL ISSUES WILL BE RAISED IN THE APPEAL.  
9

10 Many additional issues will be raised in the appeal and the above stated issues are  
11 by no means exclusive.  
12

13  
14 Date: March 6, 2009

By: 

Jon Eardley, Esq.





ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Geraldine A. Wyle 089735, Jeryll S. Cohen, 125392 LUCE, FORWARD, HAMILTON & SCRIPPS LLP 601 S. Figueroa Street, Suite 3900 Los Angeles, CA 90017 TELEPHONE NO: (213) 892-4992 FAX NO. (Optional): (213) 892-7731 E-MAIL ADDRESS (Optional): gwyle@luce.com ATTORNEY FOR (Name): James P. Spears, Conservator of the Person		FOR COURT USE ONLY  <b>FILED</b> LOS ANGELES SUPERIOR COURT  JAN 05 2009 JOHN A. CLARKE, CLERK <i>Amundach</i> BY ANDREA MURDOCK, DEPUTY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 N. Hill Street MAILING ADDRESS: Same as above. CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Central District		
CONSERVATORSHIP OF (Name): BRITNEY JEAN SPEARS <div style="text-align: right;">CONSERVATEE</div>		
ORDER APPOINTING <input type="checkbox"/> SUCCESSOR PROBATE CONSERVATOR OF THE <input checked="" type="checkbox"/> PERSON <input type="checkbox"/> ESTATE <input type="checkbox"/> Limited Conservatorship		CASE NUMBER: BP 108870

**WARNING: THIS APPOINTMENT IS NOT EFFECTIVE UNTIL LETTERS HAVE ISSUED.**

1. The petition for appointment of ☐ successor conservator came on for hearing as follows  
 (check boxes c, d, e, and f or g to indicate personal presence):
- Judicial officer (name): Reva G. Goetz, Judge Pro Tem
  - Hearing date: October 28, 2008 Time: 8:30 a.m. ☐ Dept.: 9 ☐ Room:
  - ☐ Petitioner (name): James P. Spears
  - ☒ Attorney for petitioner (name): James P. Spears
  - ☒ Attorney for ☐ person cited ☒ the conservatee on petition to appoint successor conservator;  
 (Name): Samuel D. Ingham, III (Telephone): (310) 556-9751  
 (Address): 9440 Santa Monica Boulevard, Suite 510  
 Beverly Hills, CA 90210-4608
  - ☒ Person cited was ☐ present. ☐ unable to attend. ☒ able but unwilling to attend. ☐ out of state.
  - ☐ The conservatee on petition to appoint successor conservator was ☐ present. ☐ not present.

**THE COURT FINDS**

- All notices required by law have been given.
- Granting the conservatorship is the least restrictive alternative needed for the protection of the conservatee.
- (Name): Britney Jean Spears
  - ☒ is unable properly to provide for his or her personal needs for physical health, food, clothing, or shelter,
  - ☐ is substantially unable to manage his or her financial resources or to resist fraud or undue influence,
  - ☐ has voluntarily requested appointment of a conservator and good cause has been shown for the appointment.
- The conservatee
  - ☒ is an adult,
  - ☐ will be an adult on the effective date of this order,
  - ☐ is a married minor,
  - ☐ is a minor whose marriage has been dissolved.
- ☐ There is no form of medical treatment for which the conservatee has the capacity to give an informed consent.  
☐ The conservatee is an adherent of a religion defined in Probate Code section 2355(b).
- ☐ Granting the ☐ successor conservator powers to be exercised independently under Probate Code section 2590  
☒ is to the advantage and benefit and in the best interest of the conservatorship estate.
- ☐ The conservatee is not capable of completing an affidavit of voter registration.

Do NOT use this form for a temporary conservatorship.

Page 1 of 3

Exl

CONSERVATORSHIP OF (Name): <b>BRITNEY JEAN SPEARS, Conservatee</b>	CASE NUMBER: <b>BP 108870</b>
CONSERVATEE	

9. ☐ The conservatee has dementia as defined in Probate Code section 2356.5, and the court finds all other facts required to make the orders specified in item 27.
10. ☒ Attorney (name): **Samuel D. Ingham, III** has been appointed by the court as legal counsel to represent the conservatee in these proceedings. The cost for representation is: \$  
 The conservatee has the ability to pay ☒ all ☐ none ☐ a portion of this sum (specify): \$
11. ☒ The conservatee need not attend the hearing.
12. ☒ The appointed court investigator is (name): **Frank Cowen**  
 (Address and telephone): **111 N. Hill Street, Los Angeles, CA 90012**  
**(213) 893-0473**
13. ☐ (For limited conservatorship only) The limited conservatee is developmentally disabled as defined in Probate Code section 1420.
14. ☐ The ☐ successor conservator is a professional fiduciary as defined by Business and Professions Code section 6501(f).
15. ☐ The ☐ successor conservator holds a valid, unexpired, unsuspended license as a professional fiduciary issued by the Professional Fiduciaries Bureau of the California Department of Consumer Affairs under chapter 6 (commencing with section 6500) of division 3 of the Business and Professions Code.  
 License no.: Issuance or last renewal date: Expiration date:
16. (Either a, b, or c must be checked):
- a. ☒ The ☐ successor conservator is not the spouse of the conservatee.
- b. ☐ The ☐ successor conservator is the spouse of the conservatee and is not a party to an action or proceeding against the conservatee for legal separation, dissolution, annulment, or adjudication of nullity of their marriage.
- c. ☐ The ☐ successor conservator is the spouse of the conservatee and is a party to an action or proceeding against the conservatee for legal separation, dissolution, annulment, or adjudication of nullity of their marriage. It is in the best interest of the conservatee to appoint the spouse as ☐ successor conservator.
17. (Either a, b, or c must be checked):
- a. ☒ The ☐ successor conservator is not the domestic partner or former domestic partner of the conservatee.
- b. ☐ The ☐ successor conservator is the domestic partner of the conservatee and has neither terminated nor intends to terminate their domestic partnership.
- c. ☐ The ☐ successor conservator is the domestic partner or former domestic partner of the conservatee and intends to terminate or has terminated their domestic partnership. It is in the best interest of the conservatee to appoint the domestic partner or former domestic partner as ☐ successor conservator.

## THE COURT ORDERS

18. a. (Name): **James P. Spears** (Telephone): **(213) 892-4992**  
 (Address): **601 S. Figueroa Street, Suite 3900**  
**Los Angeles, CA 90017**  
 is appointed ☐ successor ☒ conservator ☐ limited conservator of the PERSON of (name):  
**Britney Jean Spears** and Letters of Conservatorship shall issue upon qualification.
- b. (Name): (Telephone):  
 (Address):
- is appointed ☐ successor ☐ conservator ☐ limited conservator of the ESTATE of (name):  
 and Letters of Conservatorship shall issue upon qualification.
19. ☒ The conservatee need not attend the hearing.
20. a. ☐ Bond is not required.
- b. ☒ Bond is fixed at: \$ to be furnished by an authorized surety company or as otherwise provided by law.
- c. ☐ Deposits of: \$ are ordered to be placed in a blocked account at (specify institution and location):  
 and receipts shall be filed. No withdrawals shall be made without a court order.  
☐ Additional orders in attachment 20c.

CONSERVATORSHIP OF (Name): <b>BRITNEY JEAN SPEARS, Conservatee</b>	CASE NUMBER: <b>BP 108870</b>
CONSERVATEE	

20. (cont.) d. ☐ The ☐ successor conservator is not authorized to take possession of money or any other property without a specific court order.
21. ☒ For legal services rendered, ☐ conservatee ☒ conservatee's estate shall pay the sum of: \$  
 to (name): **Samuel D. Ingham, III**
- ☐ forthwith ☒ as follows (specify terms, including any combination of payors):  
 The Order previously made with regard to Samuel D. Ingham, III, for his services as PVP counsel for the Conservatee, is to remain in full force and effect. (Prior Order: Samuel D. Ingham, III is to receive weekly compensation for legal services rendered on account of no more than \$10,000 per week.)
- ☐ Continued in attachment 21
22. ☐ The conservatee is disqualified from voting.
23. ☐ The conservatee lacks the capacity to give informed consent for medical treatment and the ☐ successor conservator of the person is granted the powers specified in Probate Code section 2355.  
☐ The treatment shall be performed by an accredited practitioner of a religion as defined in Probate Code section 2355(b).
24. ☐ The ☐ successor conservator of the estate is granted authorization under Probate Code section 2590 to exercise independently the powers specified in attachment 24 ☐ subject to the conditions provided.
25. ☐ Orders relating to the capacity of the conservatee under Probate Code sections 1873 or 1901 as specified in attachment 25 are granted.
26. ☐ Orders relating to the powers and duties of the ☐ successor conservator of the person under Probate Code sections 2351–2358 as specified in attachment 26 are granted. (Do not include orders under Probate Code section 2356.5 relating to dementia.)
27. ☐ Orders relating to the conditions imposed under Probate Code section 2402 on the ☐ successor conservator of the estate as specified in attachment 27 are granted.
28. ☐ a. ☐ The ☐ successor conservator of the person is granted authority to place the conservatee in a care or nursing facility described in Probate Code section 2356.5(b).  
 b. ☐ The ☐ successor conservator of the person is granted authority to authorize the administration of medications appropriate for the care and treatment of dementia described in Probate Code section 2356.5(c).
29. ☒ Other orders as specified in attachment 29 are granted.
30. ☐ The probate referee appointed is (name and address):
31. ☐ (For limited conservatorship only) Orders relating to the powers and duties of the ☐ successor limited conservator of the person under Probate Code section 2351.5 as specified in attachment 31 are granted.
32. ☐ (For limited conservatorship only) Orders relating to the powers and duties of the ☐ successor limited conservator of the estate under Probate Code section 1830(b) as specified in attachment 32 are granted.
33. ☐ (For limited conservatorship only) Orders limiting the civil and legal rights of the limited conservatee as specified in attachment 33 are granted.
34. ☐ This order is effective on the ☐ date signed ☐ date minor attains majority (specify):
35. Number of boxes checked in items 18–34: \_\_\_\_\_
36. Number of pages attached: \_\_\_\_\_

Date:

JUDICIAL OFFICER

☒ SIGNATURE FOLLOWS LAST ATTACHMENT

ORDER APPOINTING PROBATE CONSERVATOR (PERSON)

Attachment 29

1. The Conservator of the Person is granted the following powers in addition to the powers provided by law:

- a. The Conservator shall have the power to restrict and limit visitors by any means, provided that the Conservator shall not prevent the Conservatee from meeting with her court-appointed attorney, Mr. Ingham, except to approve the location for any meetings or visits in advance of any such meetings or visits, and to arrange for appropriate security, in order to protect the Conservatee.
- b. The Conservator shall have the power to retain caretakers for the Conservatee on a 24 hour/7 day basis. The power to retain security guards for the Conservatee on a 24 hour/7 day basis.
- c. The Conservator shall have the power to prosecute civil harassment restraining orders that the Conservator deems appropriate.
- d. The Conservator shall have the power to communicate with treating and other expert medical personnel regarding the Conservatee, and to have access to any and all records (except psychiatric records) regarding the Conservatee's medical treatment, diagnosis and testing. The Conservator shall have access, subject to the reasonable discretion of the Conservatee's primary treating psychiatrist located in Los Angeles County, to any and all records regarding the Conservatee's psychiatric treatment, diagnosis and testing.

2. The Court grants other Orders as specified below:

The Court appointed 730 expert, Dr. Stephen S. Marmer, M.D., Ph.D., is to remain in place. Further testing is to be conducted as deemed appropriate,

ORDER APPOINTING PROBATE CONSERVATOR (PERSON)

Attachment 29

necessary, and as directed by Dr. Marmer. The Court's prior sealing orders, regarding HIPPA protected information, remain in full force and effect, to wit:

(1) all documents that would be protected under the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), including any and all medical and mental health records that falls within HIPAA, (collectively, "Medical Records") shall be filed under seal;

(2) all pleadings containing confidential information taken from Medical Records or other confidential medical information that falls within HIPAA shall be filed under seal in unredacted form, but shall be publicly filed in redacted form if feasible to do so; and

(3) the courtroom shall be closed whenever there is any discussion or argument concerning confidential information taken from Medical Records or other confidential medical information that falls within HIPAA.

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Conservatorship of BRITNEY JEAN SPEARS, Conservatee,  
LASC Case No. BP108870

ORDER APPOINTING PROBATE CONSERVATOR (PERSON)

Attachment 29

3. It is further ordered that, to the extent that the Conservator wishes to file under seal financial records or to seal the courtroom for proceedings concerning information contained in financial records, he may file a motion to seal pursuant to the procedures and standards set forth in Cal. R. Court 2.550 and 2.551.

APPROVED AS TO FORM AND CONTENT:

Dated: January \_\_\_\_, 2009

\_\_\_\_\_  
Samuel D. Ingham, III  
PVP Attorney for Conservatee, Britney Jean Spears

Dated: January 5, 2009

\_\_\_\_\_  
Andrew M. Wallet  
Co-Conservator of the Estate of Britney Jean Spears

IT IS SO ORDERED.

Dated: JAN 05 2009

\_\_\_\_\_  
Hon. Reva Goetz, Judge Pro Tem  
Superior Court, State of California

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

Department LA 9

12/22/2008

Court Convened at: 0130PM

Honorable Commr Reva G. Goetz, Judge Pro Tem  
none, Deputy Sheriff

Andrea Murdock, Deputy Court Clerk  
Tamara Vogl CSR #10186, Reporter

BP-108870 502 SPEARS, BRITNEY JEAN - CONSERVATORSHIP

ALLOWANCE OF FEES

Petitioner(s):

Attorney(s): Ingham, Samuel D., III, Esq.

Continuance Number:

Continuance From:

Last Date Changed: 12/19/2008 11:15:51AM

Last Note Changed By: SRILEY

Conservatorship-Pers

*C. Bryan* ✓ *A. Waller* ✓  
~~*S. Ingham*~~ *G. Wyle* ✓  
*J. Chen* ✓

To clear probate notes "filed documents" must be submitted to Rm 258, within time frames set forth in Rule 10.3 of LASC Rules. You may contact the Probate Attorney whose E-Mail address appears at the end of these notes, subject to compliance with all conditions governing the use of Interactive E-Mail. E-mail Rules are available in Rm 258 and on the Court's web site at [www.LASuperiorCourt.org](http://www.LASuperiorCourt.org).

**SUMMARY:**

petnr is PVP counsel

**MATTERS TO CLEAR:**

- A. No ntc to consee
- B. No ntc to consor

**FACTS:** requests fees for period 9/1/08 to 12/5/08

**RELIEF:**

- 1. JTD fees 143,152.50 & costs 491.14 - see decl in support of fees attached at Exh 1

PA's COMMENTS: if ntes given, T/T

[sriley@lasuperiorcourt.org](mailto:sriley@lasuperiorcourt.org)

SRR 12/19/08

**MINUTE ORDER**

- And the prior fee service order remains in full force and effect*
- |   |  |   |  |   |  |
|---|--|---|--|---|--|
| <input checked="" type="checkbox"/> Granted   | <input type="checkbox"/> Denied Without Prejudice                                      | <input type="checkbox"/> Completed                              | <input type="checkbox"/> Continued to _____                                    | <input type="checkbox"/> Submitted      | <input type="checkbox"/> Off-calendar        |
| <input type="checkbox"/> As Supplemented  | <input type="checkbox"/> Person and Estate   | <input type="checkbox"/> No Bond                                | <input type="checkbox"/> Bond of \$ _____ Additional                           | <input type="checkbox"/> Will and _____ | <input type="checkbox"/> Codicil(s) Admitted |
| <input type="checkbox"/> Full/Limited/No IAEA   | <input type="checkbox"/> Lacks Medical Capacity and Voting Capacity                    | <input type="checkbox"/> Fees Granted in the Amount of \$ _____ | County/Estate  |   |  |
| <input type="checkbox"/> Dementia Powers Granted  | <input type="checkbox"/> Medical and Placement   | <input type="checkbox"/> PC 2351.5 powers granted               | <input type="checkbox"/> Supplemental Probate Investigator/DCFS Report Ordered |   |  |
| <input type="checkbox"/> Court has Read and Considered/Approved Report  | <input checked="" type="checkbox"/> Parties stipulate to Judge Pro Tem- <i>written</i> | <input type="checkbox"/> Give Notice Waived                     | <input type="checkbox"/> Bond Exonerated                                       |   |  |
| <input type="checkbox"/> Court Investigation/DCFS/Regional Center Report is placed in the Confidential Envelope / is admitted into evidence as Court's Exhibit 1 and sealed | <input type="checkbox"/> Appearance of Minor(s)/counsel waived for next hearing        | <input type="checkbox"/> No further review required             |  |   |  |
| <input type="checkbox"/> PVP/Attorney/Citee/Party Ordered Back/Discharged/As Prayed   | <input type="checkbox"/> PVP Appointed/Remains/Discharged                              |   |  |   |  |
| <input type="checkbox"/> New Citation to Issue/personal service   | <input type="checkbox"/> Re: if proof of deposit to a blocked account filed            |   |  |   |  |
| <input type="checkbox"/> Confirmed for \$ _____, Commissions: _____, Title: _____   |  |   |  |   |  |
| <input type="checkbox"/> Time to Administer Estate // Special/Temporary Letters Extended/Granted to _____   |  |   |  |   |  |
| <input type="checkbox"/> Accounting to be filed by _____ and Set for Hearing on //Statue re: Accounting/Status Hearing is Set for _____                                     |  |   |  |   |  |

**RECOMMENDED DISPOSITION:**

Order to be Prepared By:

Clerk: \_\_\_\_\_ Attorney: *X*

**12/22/2008**

**RELATED ITEMS:**

**SPEARS, BRITNEY JEAN - CONSERVATORSHI**

**LA**

**9**

**BP-108870**

**502**



Court and counsels confer in chambers, off the record.

**On the Record:**

Counsels are heard.

Additional fee orders are made as follows:

Fees and costs are approved to the firm of Hinojosa & Wallet in the amount of \$81,849.21 for the period from September 4, 2008 to November 30, 2008. All other outstanding fees are also approved.

Fees and costs are approved to the firm of Luce Forward Hamilton & Scripps in the amount of \$329,080.00 and \$180,000.00 for the period from August 1, 2008 to November 30, 2008. Outstanding fees are ordered paid. Payment for cost for the period from August 1, 2008, forward is deferred.

Fees and costs are approved to Ivan Taback in the amount of \$16,496.05 for the period from September 2008 to November 2008.

Fees and costs are approved to Clark Byam in the amount of \$9,049.50 for the period from September 2, 2008 to November 2008.

Fees and costs are approved to the firm of Flannigan Ungar and Grover in the amount of \$11,811.00 for trial fees and costs.

The retainer for the firm of Wasser Cooperman and Carter shall be replenished to the amount of \$15,275.00.

The firm of Holland & Knight shall be reimbursed the sum of \$2,546.23. \$4,500.00 remains outstanding to Holland & Knight as of November 30, 2008.

Jaime Spears shall be compensated \$51,290.40 and \$31,556.33. Additionally, commencing December 1, 2008 for the duration of the conservatorship or until further court order, he shall receive \$1,200.00 a month to defer his office expenses. Mr. Spears shall continue to receive compensation in the amount of \$2,500.00 per week.

Brian Spears shall receive \$200,000.00 for services he rendered prior to the conservatorship, payable from the Estate.

Each conservator of the estate shall be bonded in the amount of \$1.5 million dollars.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Geraldine A. Wyle, 089735, Jeryll S. Cohen, 125392 LUCE, FORWARD, HAMILTON & SCRIPPS LLP 601 S. Figueroa Street, Suite 3900 Los Angeles, CA 90017 TELEPHONE NO.: (213) 892-4992 FAX NO. (Optional): (213) 892-7731 E-MAIL ADDRESS (Optional): gwyle@luce.com ATTORNEY FOR (Name): James P. Spears, Co-Conservator of the Estate		FOR COURT USE ONLY  <b>FILED</b> LOS ANGELES SUPERIOR COURT  JAN 05 2009 JOHN A. CLARKE, CLERK <i>Amundach</i> BY ANDREA MURDOCK, DEPUTY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 N. Hill Street MAILING ADDRESS: Same as above. CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Central District		
CONSERVATORSHIP OF (Name): BRITNEY JEAN SPEARS <div style="text-align: right;">CONSERVATEE</div>		
ORDER APPOINTING <input type="checkbox"/> SUCCESSOR PROBATE CONSERVATOR OF THE <input type="checkbox"/> PERSON <input checked="" type="checkbox"/> ESTATE <input type="checkbox"/> Limited Conservatorship		CASE NUMBER: BP 108870

**WARNING: THIS APPOINTMENT IS NOT EFFECTIVE UNTIL LETTERS HAVE ISSUED.**

1. The petition for appointment of ☐ successor conservator came on for hearing as follows  
 (check boxes c, d, e, and f or g to indicate personal presence):
- a. Judicial officer (name): Reva G. Goetz
- b. Hearing date: October 28, 2008 Time: 8:30 AM ☒ Dept.: 9 ☐ Room:
- c. ☐ Petitioner (name): James P. Spears
- d. ☒ Attorney for petitioner (name): James P. Spears
- e. ☒ Attorney for ☐ person cited ☒ the conservatee on petition to appoint successor conservator:  
 (Name): Samuel D. Ingham, III (Telephone): (310) 556-9751  
 (Address): 9440 Santa Monica Boulevard, Suite 510  
 Beverly Hills, CA 90210-4608
- f. ☐ Person cited was ☐ present. ☐ unable to attend. ☒ able but unwilling to attend. ☐ out of state.
- g. ☐ The conservatee on petition to appoint successor conservator was ☐ present. ☐ not present.

**THE COURT FINDS**

2. All notices required by law have been given.
3. Granting the conservatorship is the least restrictive alternative needed for the protection of the conservatee.
4. (Name): Britney Jean Spears
- a. ☐ is unable properly to provide for his or her personal needs for physical health, food, clothing, or shelter,
- b. ☒ is substantially unable to manage his or her financial resources or to resist fraud or undue influence,
- c. ☐ has voluntarily requested appointment of a conservator and good cause has been shown for the appointment.
5. The conservatee
- a. ☒ is an adult,
- b. ☐ will be an adult on the effective date of this order,
- c. ☐ is a married minor,
- d. ☐ is a minor whose marriage has been dissolved.
6. ☐ There is no form of medical treatment for which the conservatee has the capacity to give an informed consent.  
☐ The conservatee is an adherent of a religion defined in Probate Code section 2355(b).
7. ☒ Granting the ☐ successor conservator powers to be exercised independently under Probate Code section 2590  
 is to the advantage and benefit and in the best interest of the conservatorship estate.
8. ☐ The conservatee is not capable of completing an affidavit of voter registration.

Do NOT use this form for a temporary conservatorship.

Page 1 of 3

CONSERVATORSHIP OF (Name): <b>BRITNEY JEAN SPEARS, Conservatee</b>	CASE NUMBER: <b>BP 108870</b>
CONSERVATEE	

9. ☐ The conservatee has dementia as defined in Probate Code section 2356.5, and the court finds all other facts required to make the orders specified in item 27.
10. ☒ Attorney (name): Samuel D. Ingham, III has been appointed by the court as legal counsel to represent the conservatee in these proceedings. The cost for representation is: \$ See No. 21.  
The conservatee has the ability to pay ☒ all ☐ none ☐ a portion of this sum (specify): \$
11. ☒ The conservatee need not attend the hearing.
12. ☒ The appointed court investigator is (name): Frank Cowen, Supervising Court Investigator  
(Address and telephone): 111 N. Hill Street, Los Angeles, CA 90012  
(213) 893-0473
13. ☐ (For limited conservatorship only) The limited conservatee is developmentally disabled as defined in Probate Code section 1420.
14. ☒ The ☐ successor conservator is a professional fiduciary as defined by Business and Professions Code section 6501(f). / Co- (Andrew Wallet only)
15. ☐ The ☐ successor conservator holds a valid, unexpired, unsuspended license as a professional fiduciary issued by the Professional Fiduciaries Bureau of the California Department of Consumer Affairs under chapter 6 (commencing with section 6500) of division 3 of the Business and Professions Code. (Andrew Wallet only)  
License no.: Issuance or last renewal date: Expiration date:
16. (Either a, b, or c must be checked):
- a. ☒ The ☐ successor conservator is not the spouse of the conservatee.
- b. ☐ The ☐ successor conservator is the spouse of the conservatee and is not a party to an action or proceeding against the conservatee for legal separation, dissolution, annulment, or adjudication of nullity of their marriage,
- c. ☐ The ☐ successor conservator is the spouse of the conservatee and is a party to an action or proceeding against the conservatee for legal separation, dissolution, annulment, or adjudication of nullity of their marriage. It is in the best interest of the conservatee to appoint the spouse as ☐ successor conservator.
17. (Either a, b, or c must be checked):
- a. ☒ The ☐ successor conservator is not the domestic partner or former domestic partner of the conservatee.
- b. ☐ The ☐ successor conservator is the domestic partner of the conservatee and has neither terminated nor intends to terminate their domestic partnership,
- c. ☐ The ☐ successor conservator is the domestic partner or former domestic partner of the conservatee and intends to terminate or has terminated their domestic partnership. It is in the best interest of the conservatee to appoint the domestic partner or former domestic partner as ☐ successor conservator.

### THE COURT ORDERS

18. a. (Name): (Telephone):  
(Address):
- Is appointed ☐ successor ☐ conservator ☐ limited conservator of the PERSON of (name):  
and Letters of Conservatorship shall issue upon qualification.
- b. (Name): Andrew M. Wallet and James P. Spears, as Co-Conservators (Telephone): (213) 892-4992  
(Address): 601 S. Figueroa, Suite 3900, Los Angeles, CA 90017 (213) 892-7731 fax (James P. Spears)  
2215 Colby Avenue, Los Angeles, CA 90064 (310) 473-7000 (310) 473-1730 fax (Andrew M. Wallet)
- Is appointed ☐ successor ☒ conservator ☐ limited conservator of the ESTATE of (name):  
**Britney Jean Spears** and Letters of Conservatorship shall issue upon qualification.
19. ☒ The conservatee need not attend the hearing.
20. a. ☐ Bond is not required.
- b. ☒ Bond is fixed at: \$ 50,000.00 to be furnished by an authorized surety company or as otherwise provided by law. per conservator
- c. ☐ Deposits of: \$ are ordered to be placed in a blocked account at (specify institution and location):
- and receipts shall be filed. No withdrawals shall be made without a court order.
- ☐ Additional orders in attachment 20c.

CONSERVATORSHIP OF (Name): BRITNEY JEAN SPEARS, Conservatee <div style="text-align: right;">CONSERVATEE</div>	CASE NUMBER: BP 108870
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20. (cont.) d. ☐ The ☐ successor conservator is not authorized to take possession of money or any other property without a specific court order.
21. ☒ For legal services rendered, ☐ conservatee ☒ conservatee's estate shall pay the sum of: \$ See terms below.  
to (name): Samuel D. Ingham, III
- ☐ forthwith ☒ as follows (specify terms, including any combination of payors):  
The Order previously made with regard to Samuel D. Ingham, III, for his services as PVP counsel for the Conservatee, is to remain in full force and effect. (Prior Order: Samuel D. Ingham, III is to receive weekly compensation for legal services rendered on account of no more than \$10,000 per week.)
- ☐ Continued in attachment 21
22. ☐ The conservatee is disqualified from voting.
23. ☐ The conservatee lacks the capacity to give informed consent for medical treatment and the ☐ successor conservator of the person is granted the powers specified in Probate Code section 2355.  
☐ The treatment shall be performed by an accredited practitioner of a religion as defined in Probate Code section 2355(b).
24. ☒ The ☐ successor conservator of the estate is granted authorization under Probate Code section 2590 to exercise independently the powers specified in attachment 24 ☒ subject to the conditions provided.
25. ☐ Orders relating to the capacity of the conservatee under Probate Code sections 1873 or 1901 as specified in attachment 25 are granted.
26. ☐ Orders relating to the powers and duties of the ☐ successor conservator of the person under Probate Code sections 2351–2358 as specified in attachment 26 are granted. (Do not include orders under Probate Code section 2356.5 relating to dementia.)
27. ☐ Orders relating to the conditions imposed under Probate Code section 2402 on the ☐ successor conservator of the estate as specified in attachment 27 are granted.
28. ☐ a. ☐ The ☐ successor conservator of the person is granted authority to place the conservatee in a care or nursing facility described in Probate Code section 2356.5(b).  
b. ☐ The ☐ successor conservator of the person is granted authority to authorize the administration of medications appropriate for the care and treatment of dementia described in Probate Code section 2356.5(c).
29. ☒ Other orders as specified in attachment 29 are granted.
30. ☐ The probate referee appointed is (name and address):
31. ☐ (For limited conservatorship only) Orders relating to the powers and duties of the ☐ successor limited conservator of the person under Probate Code section 2351.5 as specified in attachment 31 are granted.
32. ☐ (For limited conservatorship only) Orders relating to the powers and duties of the ☐ successor limited conservator of the estate under Probate Code section 1830(b) as specified in attachment 32 are granted.
33. ☐ (For limited conservatorship only) Orders limiting the civil and legal rights of the limited conservatee as specified in attachment 33 are granted.
34. ☐ This order is effective on the ☐ date signed ☐ date minor attains majority (specify):
35. Number of boxes checked in items 18–34: \_\_\_\_\_
36. Number of pages attached: \_\_\_\_\_

Date: \_\_\_\_\_

JUDICIAL OFFICER

☒ SIGNATURE FOLLOWS LAST ATTACHMENT

ORDER APPOINTING PROBATE CONSERVATOR (ESTATE)

Attachment 24

The Court grants the Co-Conservators the powers pursuant to Probate Code Section 2590 and the following powers set forth in Probate Code Section 2591:

- a. To contract for the conservatorship and perform outstanding contracts and thereby bind the estate, including asserting or waiving confidentiality agreements.
- b. To operate at the risk of the estate a business constituting an asset of the estate.
- c. To pay, collect, compromise, arbitrate, or otherwise adjust claims, debts, or demands upon the Conservatorship Estate.
- d. To employ attorneys, accountants, investment counsel, agents, depositaries, and employees and to pay the expenses.
- e. To sell Conservatee's residence at public or private sale. Sale may be without confirmation of the Court of this sale, if the purchase price is equal to or exceeds the value of the property as appraised by the Court appointed referee (the "Inventory Value"), or if Mr. Ingham consents to the sale without confirmation of the Court on behalf of the Conservatee; otherwise sale shall be subject to confirmation by the Court.
- f. To enter into an exclusive right-to-sell agreement with Tomer Fridman of Ewing & Associates Sotheby's International Realty, 5016 North Calabasas, Suite 100, Calabasas, CA 91302, not to exceed 90 days, for reasonable commission not to exceed 5% of the selling price; and
- g. To purchase a replacement residence for the Conservatee.

ORDER APPOINTING PROBATE CONSERVATOR (ESTATE)

Attachment 29

1. The Co-Conservators ("Conservators") of the Estate are granted the following powers in addition to the powers provided by law:

- a. The Conservators shall have the power to obtain all documents and records relating to the Conservatee and her assets, whether held in her name or in the name of another, including but not limited to, all records currently in the possession and control of the Conservatee's business manager, Howard Grossman, her attorneys, and others, all contracts, information relating to credit cards, bank statements, estate planning documents, receivables, and any and all powers of attorney.
- b. The Conservators shall have the power to take all actions necessary to secure the Conservatee's assets, including the power to enter and take possession and control of the Conservatee's residence, to remove all persons from the residence and take any and all actions necessary to secure the residence, including changing the locks, call on law enforcement and employ security guards at the expense of the Conservatorship Estate.
- c. The Conservators shall have the power to take all actions necessary to secure the Conservatee's liquid assets, including but not limited to, the power to cancel all credit cards.
- d. The Conservators shall have the power to revoke all powers of attorneys, including powers of attorney for making health care decisions and managing real estate, and to terminate any and all agencies.
- e. The Conservators shall have the power to commence and maintain litigation and participate in any litigation with respect to which the Conservatee is a party or has an interest, and the power to retain counsel and experts, and to pay same from the Conservatorship Estate, not only as to the family law case but for any other matter.
- f. The Conservators have the power to perform any and all acts that the Conservatee can perform (whether as an individual or in a representative capacity) with respect to the local, state, or federal tax liabilities of the Conservatee or any entity, trust or foundation in which the Conservatee acts in a representative or ownership capacity (collectively referred to as "Conservatee and related entities"), including but not limited to the power to receive and inspect confidential tax information; receive, and endorse or cash

ORDER APPOINTING PROBATE CONSERVATOR (ESTATE)

Attachment 29

refund checks; sign any and all tax returns, whether income, corporate, employment, partnership, or otherwise; execute a Form 2848; represent the Conservatee and related entities before all taxing authorities, participate in audits; exercise the rights of the Conservatee and related entities to protest and appeal assessments; pay amounts due to the appropriate taxing authority; execute waivers, tax returns, consents, closing agreements, and similar documents related to the tax liability of the Conservatee and related entities; participate in all procedural matters connected with the tax liability of the Conservatee and related entities; exercise any elections that may be available to the Conservatee and related entities under applicable state or federal tax laws or regulations; to substitute another representative; to request disclosure of tax returns or return information to a third party; and to perform any other acts described in California Probate Code section 4463, except those acts that conflict with or are limited by a more specific provision in this Power.

- g. The Conservators have the power to assert the Conservatee's rights in any trust established for her benefit, including but not limited to all revocable inter vivos trusts established by the Conservatee as settlor or trustor, but this power shall not include the power to modify, amend, or revoke any such trusts, without a court order.
- h. The Conservators have the power to lease one vehicle of an appropriate size.
- i. The Conservators have the power to prosecute civil harassment restraining orders that they deem to be appropriate.
- j. The Conservators have the power and are authorized to pursue opportunities related to professional commitments and activities including but not limited to performing, recording, videos, tours, TV shows, and other similar activities as long as they are approved by Ms. Spears' medical team.

///

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Conservatorship of the Estate of BRITNEY JEAN SPEARS, Conservatee.  
LASC Case No. BP108870

ORDER APPOINTING PROBATE CONSERVATOR (ESTATE)

Attachment 29

2. The Court grants other Orders as specified below:
- a. An Inventory and Appraisal is to be filed no later than November 21, 2008;  
and
  - b. A non-appearance telephonic status hearing is set for November 21, 2008 at  
1:30 P.M. in Department 9 regarding Ms. Spears' professional activities.

APPROVED AS TO FORM AND CONTENT:

*January 5 2008*  
Dated: December 1, 2008

  
Samuel D. Ingham, III  
PVP Attorney for Conservatee, Britney Jean Spears

Dated: December \_\_\_\_, 2008

\_\_\_\_\_  
Andrew M. Wallet  
Co-Conservator of the Estate of Britney Jean Spears

IT IS SO ORDERED.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Hon. Reva Goetz, Judge Pro Tem  
Superior Court, State of California

C & E Pleadings\Order-Attachment 29 Estate 10-28-08





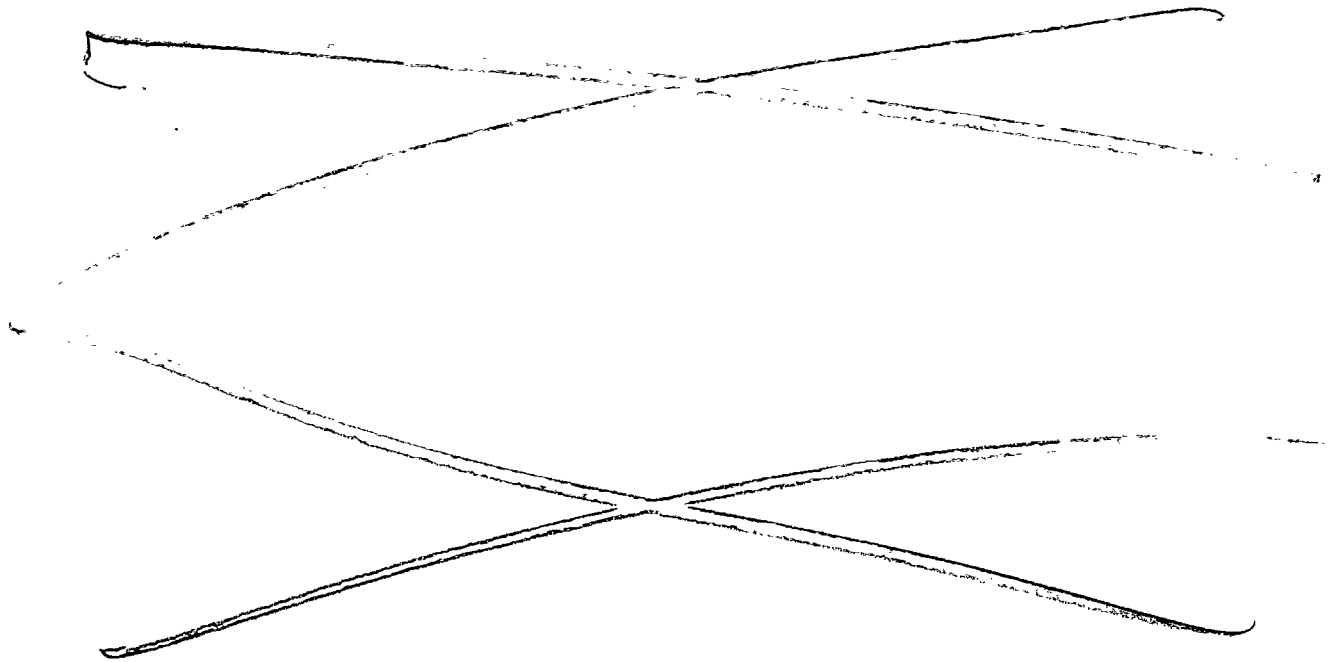


EXHIBIT 2

12/12/01

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, street number, and address):

☐ After recording return to:

Geraldine A. Wyle 89735, Jeryll S. Cohen, 125392  
 LUCE, FORWARD, HAMILTON & SCRIPPS  
 601 S. Figueroa Street, Suite 3900  
 Los Angeles, CA 90017

TELEPHONE NO.: (213) 892-4992

FAX NO. (Optional): (213) 892-7731

E-MAIL ADDRESS (Optional): gwyle@luce.com

ATTORNEY FOR (Name): James P. Spears

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles

STREET ADDRESS: 111 N. Hill Street

MAILING ADDRESS: Same as above

CITY AND ZIP CODE: Los Angeles, CA 90012

BRANCH NAME: Central District

CONSERVATORSHIP OF (Name):

BRITNEY JEAN SPEARS

FOR RECORDER'S USE ONLY

CONSERVATEE

CASE NUMBER:  
BP108870

## LETTERS OF CONSERVATORSHIP

☒ Person ☐ Estate ☐ Limited Conservatorship

1. ☒ (Name): JAMES P. SPEARS is the appointed  
☒ conservator ☐ limited conservator of the ☒ person ☐ estate  
 of (name): BRITNEY JEAN SPEARS
2. ☐ (For conservatorship that was on December 31, 1980, a guardianship of an adult  
 or of the person of a married minor) (Name):  
 was appointed the guardian of the ☐ person ☐ estate by order  
 dated (specify): and is now the conservator of  
 the ☐ person ☐ estate of (name):
3. ☒ Other powers have been granted or conditions imposed as follows:

- a. ☐ Exclusive authority to give consent for and to require the conservatee to  
 receive medical treatment that the conservator in good faith based on  
 medical advice determines to be necessary even if the conservatee  
 objects, subject to the limitations stated in Probate Code section 2356.  
 (1) ☐ This treatment shall be performed by an accredited practitioner  
 of the religion whose tenets and practices call for reliance on  
 prayer alone for healing of which the conservatee was an adherent prior to the establishment of the  
 conservatorship.
- (2) ☐ (If court order limits duration) This medical authority terminates on (date):
- b. ☐ Authority to place conservatee in a care or nursing facility described in Probate Code section 2356.5(b).
- c. ☐ Authority to authorize the administration of medications appropriate for the care and treatment of dementia described  
 in Probate Code section 2356.5(c).
- d. ☐ Powers to be exercised independently under Probate Code section 2590 as specified in Attachment 3d (specify  
 powers, restrictions, conditions, and limitations).
- e. ☐ Conditions relating to the care and custody of the property under Probate Code section 2402 as specified in Attach-  
 ment 3e.
- f. ☐ Conditions relating to the care, treatment, education, and welfare of the conservatee under Probate Code section  
 2358 as specified in Attachment 3f.
- g. ☐ (For limited conservatorship only) Powers of the limited conservator of the person under Probate Code section  
 2351.5 as specified in Attachment 3g.
- h. ☐ (For limited conservatorship only) Powers of the limited conservator of the estate under Probate Code section  
 2350(b) as specified in Attachment 3h.

Other (specify): Powers as specified in Attachment 3i.

4. ☒ The conservator is not authorized to take possession of money or any other property without a  
 specific court order. (in his capacity as conservator  
 of the person)

5. Number of pages attached: 1

WITNESS, clerk of the court, with seal of the court affixed.

Date: JAN 09 2009

Clerk, by John A. Clarke, Deputy

JOHN A. CLARKE



This form may be recorded as notice of the establishment of a conservatorship of the estate as provided in Probate Code section 1875.

Form Adopted for Mandatory Use  
 Judicial Council of California  
 GC-350 (Rev. January 1, 2003)

## LETTERS OF CONSERVATORSHIP

American LegalNet, Inc.  
 www.FormsWorkflow.com

Probate Code, § 1834

Page 1 of 2

Ex2

CONSERVATORSHIP OF (Name): BRITNEY JEAN SPEARS

CASE NUMBER:  
BP108870

CONSERVATEE

## LETTERS OF CONSERVATORSHIP

### AFFIRMATION

I solemnly affirm that I will perform according to law the duties of ☒ conservator ☐ limited conservator

Executed on (date): January \_\_\_\_, 2009, at (place): Los Angeles, California

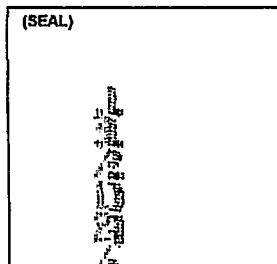
  
(SIGNATURE OF APPOINTEE)  
James P. Spears

### CERTIFICATION

I certify that this document and any attachments is a correct copy of the original on file in my office, and that the letters issued to the person appointed above have not been revoked, annulled, or set aside, and are still in full force and effect.

Date: \_\_\_\_\_

Clerk, by \_\_\_\_\_, Deputy



LETTERS OF CONSERVATORSHIP (PERSON)

Attachment 3i

The Conservator of the Person is granted the following powers in addition to the powers provided by law:

- a. The Conservator shall have the power to restrict and limit visitors by any means, provided that the Conservator shall not prevent the Conservatee from meeting with her court-appointed attorney, Mr. Ingham, except to approve the location for any meetings or visits in advance of any such meetings or visits, and to arrange for appropriate security, in order to protect the Conservatee.
- b. The Conservator shall have the power to retain caretakers for the Conservatee on a 24 hour/7 day basis. The power to retain security guards for the Conservatee on a 24 hour/7 day basis.
- c. The Conservator shall have the power to prosecute civil harassment restraining orders that the Conservator deems appropriate.
- d. The Conservator shall have the power to communicate with treating and other expert medical personnel regarding the Conservatee, and to have access to any and all records (except psychiatric records) regarding the Conservatee's medical treatment, diagnosis and testing. The Conservator shall have access, subject to the reasonable discretion of the Conservatee's primary treating psychiatrist located in Los Angeles County, to any and all records regarding the Conservatee's psychiatric treatment, diagnosis and testing.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, Street number, and address):

☐ After recording return to:

Geraldine A. Wyle 89735, Jeryll S. Cohen 125392  
 LUCE, FORWARD, HAMILTON & SCRIPPS  
 601 S. Figueroa Street, Suite 3900  
 Los Angeles, CA 90017

TELEPHONE NO.: (213) 892-4992

FAX NO. (Optional): (213) 892-7731

E-MAIL ADDRESS (Optional): gwyle@luce.com

ATTORNEY FOR (Name):

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles

STREET ADDRESS: 111 N. Hill Street

MAILING ADDRESS: Same as above

CITY AND ZIP CODE: Los Angeles, CA 90012

BRANCH NAME: Central District

CONSERVATORSHIP OF (Name):

BRITNEY JEAN SPEARS

FOR RECORDER'S USE ONLY

CONSERVATEE

CASE NUMBER:  
BP 108870

## LETTERS OF CONSERVATORSHIP

☐ Person ☒ Estate ☐ Limited Conservatorship

1. ☒ (Name): James P. Spears and Andrew M. Wallet are is the appointed  
☒ conservator ☐ limited conservator of the ☐ person ☒ estate  
 of (name): Britney Jean Spears

2. ☐ (For conservatorship that was on December 31, 1980, a guardianship of an adult  
 or of the person of a married minor) (Name):  
 was appointed the guardian of the ☐ person ☐ estate by order  
 dated (specify): and is now the conservator of  
 the ☐ person ☐ estate of (name):

3. ☒ Other powers have been granted or conditions imposed as follows:

a. ☐ Exclusive authority to give consent for and to require the conservatee to  
 receive medical treatment that the conservator in good faith based on  
 medical advice determines to be necessary even if the conservatee  
 objects, subject to the limitations stated in Probate Code section 2356.

(1) ☐ This treatment shall be performed by an accredited practitioner  
 of the religion whose tenets and practices call for reliance on  
 prayer alone for healing of which the conservatee was an adherent prior to the establishment of the  
 conservatorship.

(2) ☐ (If court order limits duration) This medical authority terminates on (date):

b. ☐ Authority to place conservatee in a care or nursing facility described in Probate Code section 2356.5(b).

c. ☐ Authority to authorize the administration of medications appropriate for the care and treatment of dementia described  
 in Probate Code section 2356.5(c).

d. ☒ Powers to be exercised independently under Probate Code section 2590 as specified in Attachment 3d (specify  
 powers, restrictions, conditions, and limitations).

e. ☐ Conditions relating to the care and custody of the property under Probate Code section 2402 as specified in Attach-  
 ment 3e.

f. ☐ Conditions relating to the care, treatment, education, and welfare of the conservatee under Probate Code section  
 2358 as specified in Attachment 3f.

g. ☐ (For limited conservatorship only) Powers of the limited conservator of the person under Probate Code section  
 2351.5 as specified in Attachment 3g.

h. ☐ (For limited conservatorship only) Powers of the limited conservator of the estate under Probate Code section  
 2351.5 as specified in Attachment 3h.

i. ☒ Other (specify): Powers as specified in Attachment 3i

☐ The conservator is not authorized to take possession of money or any other property without a  
 specific court order.

Number of pages attached: 3

WITNESS, clerk of the court, with seal of the court affixed.

Date:

JAN 09 2009

Clerk, by \_\_\_\_\_, Deputy

JOHN A. CLARKE

Page 1 of 2

This form may be recorded as notice of the establishment of a conservatorship of the estate as provided in Probate Code section 1875.

Form Adopted for Mandatory Use  
 Judicial Council of California  
 GC-350 (Rev. January 1, 2003)

## LETTERS OF CONSERVATORSHIP

American LegalNet, Inc.  
 www.FormsWorkflow.com

Probate Code, § 1834

ORIGINAL



CONSERVATORSHIP OF (Name): BRITNEY JEAN SPEARS

CASE NUMBER:  
BP108870


CONSERVATEE

## LETTERS OF CONSERVATORSHIP

### AFFIRMATION

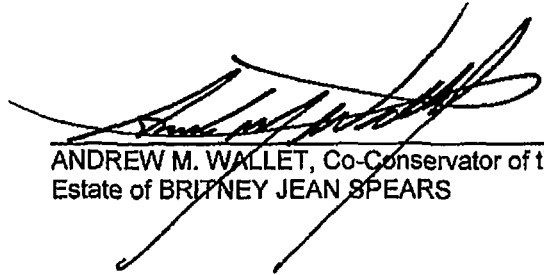
We solemnly affirm that we will perform according to law the duties of ☒ co-conservators ☐ limited conservator

Executed on (date): January 9, 2009, at (place): Los Angeles, California



(SIGNATURE OF APPOINTEE)

JAMES P. SPEARS, Co-Conservator of the Estate  
of BRITNEY JEAN SPEARS



ANDREW M. WALLET, Co-Conservator of the  
Estate of BRITNEY JEAN SPEARS

### CERTIFICATION

I certify that this document and any attachments is a correct copy of the original on file in my office, and that the letters issued to the person appointed above have not been revoked, annulled, or set aside, and are still in full force and effect.

Date:

Clerk, by \_\_\_\_\_, Deputy

(SEAL)

LETTERS OF CONSERVATORSHIP (ESTATE)  
Attachment 3.d.

The Court grants the Co-Conservators the powers pursuant to Probate Code Section 2590 and the following powers set forth in Probate Code Section 2591:

- a. To contract for the conservatorship and perform outstanding contracts and thereby bind the estate, including asserting or waiving confidentiality agreements.
- b. To operate at the risk of the estate a business constituting an asset of the estate.
- c. To pay, collect, compromise, arbitrate, or otherwise adjust claims, debts, or demands upon the Conservatorship Estate.
- d. To employ attorneys, accountants, investment counsel, agents, depositaries, and employees and to pay the expenses.
- e. To sell Conservatee's residence at public or private sale. Sale may be without confirmation of the Court of this sale, if the purchase price is equal to or exceeds the value of the property as appraised by the Court appointed referee (the "Inventory Value"), or if Mr. Ingham consents to the sale without confirmation of the Court on behalf of the Conservatee; otherwise sale shall be subject to confirmation by the Court.
- f. To enter into an exclusive right-to-sell agreement with Tomer Fridman of Ewing & Associates Sotheby's International Realty, 5016 North Calabasas, Suite 100, Calabasas, CA 91302, not to exceed 90 days, for reasonable commission not to exceed 5% of the selling price; and
- g. To purchase a replacement residence for the Conservatee.

C & E Pleadings\Letters-Attachment 3d Estate 10-28-08



LETTERS OF CONSERVATORSHIP (ESTATE)

Attachment 3i

The Co-Conservators ("Conservators") of the Estate are granted the following powers in addition to the powers provided by law:

- a. The Conservators shall have the power to obtain all documents and records relating to the Conservatee and her assets, whether held in her name or in the name of another, including but not limited to, all records currently in the possession and control of the Conservatee's business manager, Howard Grossman, her attorneys, and others, all contracts, information relating to credit cards, bank statements, estate planning documents, receivables, and any and all powers of attorney.
- b. The Conservators shall have the power to take all actions necessary to secure the Conservatee's assets, including the power to enter and take possession and control of the Conservatee's residence, to remove all persons from the residence and take any and all actions necessary to secure the residence, including changing the locks, call on law enforcement and employ security guards at the expense of the Conservatorship Estate.
- c. The Conservators shall have the power to take all actions necessary to secure the Conservatee's liquid assets, including but not limited to, the power to cancel all credit cards.
- d. The Conservators shall have the power to revoke all powers of attorneys, including powers of attorney for making health care decisions and managing real estate, and to terminate any and all agencies.
- e. The Conservators shall have the power to commence and maintain litigation and participate in any litigation with respect to which the Conservatee is a party or has an interest, and the power to retain counsel and experts, and to pay same from the Conservatorship Estate, not only as to the family law case but for any other matter.
- f. The Conservators have the power to perform any and all acts that the Conservatee can perform (whether as an individual or in a representative capacity) with respect to the local, state, or federal tax liabilities of the Conservatee or any entity, trust or foundation in which the Conservatee acts in a representative or ownership capacity (collectively referred to as "Conservatee and related entities"), including but not limited to the power to receive and inspect confidential tax information; receive, and endorse or cash

LETTERS OF CONSERVATORSHIP (ESTATE)

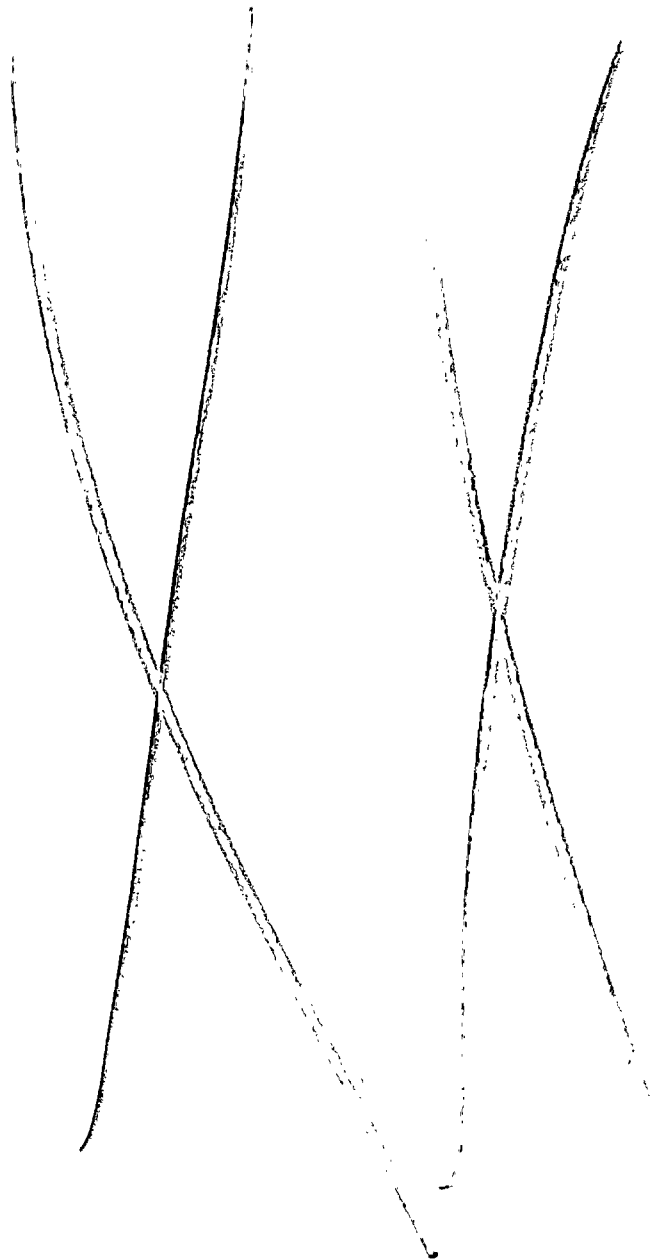
Attachment 3i

refund checks; sign any and all tax returns, whether income, corporate, employment, partnership, or otherwise; execute a Form 2848; represent the Conservatee and related entities before all taxing authorities, participate in audits; exercise the rights of the Conservatee and related entities to protest and appeal assessments; pay amounts due to the appropriate taxing authority; execute waivers, tax returns, consents, closing agreements, and similar documents related to the tax liability of the Conservatee and related entities; participate in all procedural matters connected with the tax liability of the Conservatee and related entities; exercise any elections that may be available to the Conservatee and related entities under applicable state or federal tax laws or regulations; to substitute another representative; to request disclosure of tax returns or return information to a third party; and to perform any other acts described in California Probate Code section 4463, except those acts that conflict with or are limited by a more specific provision in this Power.

- g. The Conservators have the power to assert the Conservatee's rights in any trust established for her benefit, including but not limited to all revocable inter vivos trusts established by the Conservatee as settlor or trustor, but this power shall not include the power to modify, amend, or revoke any such trusts, without a court order.
- h. The Conservators have the power to lease one vehicle of an appropriate size.
- i. The Conservators have the power to prosecute civil harassment restraining orders that they deem to be appropriate.
- j. The Conservators have the power and are authorized to pursue opportunities related to professional commitments and activities including but not limited to performing, recording, videos, tours, TV shows, and other similar activities as long as they are approved by Ms. Spears' medical team.

EXHIBIT 3

EXHIBIT 3



ORIGINAL

CH-120

**Notice of Hearing and  
Temporary Restraining Order**

Clerk stamps date here when form is filed.

**FILED**

LOS ANGELES SUPERIOR COURT

JAN 30 2009

JOHN A. CLARKE, CLERK

BY SALVADOR JIMENEZ, DEPUTY

Fill in court name and street address:

Superior Court of California, County of  
Los Angeles  
Stanley Mosk Courthouse  
111 N. Hill St.  
Los Angeles, CA 90012

Court fills in case number when form is filed.

Case Number:

BP108870

① Name of person asking for protection:  
Britney Jean Spears (through conservator James P. Spears)

Address (skip this if you have a lawyer): (If you want your address  
to be private, give a mailing address instead):

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Your telephone number (optional): (\_\_\_\_\_)

Your lawyer (if you have one): (Name, address, telephone number, and  
State Bar number): Geraldine A. Wyle (SBN 89735)

Luce, Forward, Hamilton & Scripps LLP

601 S. Figueroa St., Suite 3900

Los Angeles, CA 90017

② Name of person to be restrained:  
Jon Jay Eardley

Description of that person:

Sex: ☒ M ☐ F Height: Unknown Weight: Unknown Race: Unknown  
Hair Color: Unknown Eye Color: Unknown Age: 48 Date of Birth: 1/22/1961  
Home Address (if known): 16020 Puesta del Sol Dr.  
City: Whittier State: CA Zip: 90603  
Work Address (if known): \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

To the person in ②:

③ **Notice of Hearing**  
A court hearing is scheduled on the request for orders against you to stop harassment:

Good Cause Appearing: Name and address of court if different from above:  
Hearing Date: 2/23/09 Time: 10:00 AM Same as above  
Dept.: 11 Rm.: 246

If you do not want the court to make orders against you, file Form CH-110. Then go to the hearing and tell the court why you disagree. You may bring witnesses and other evidence. If you do not go to this hearing, the court may make restraining orders against you that could last up to 3 years.

④ **Court Orders**

The court (check a or b):

- a. ☐ Has scheduled the hearing stated in ③. No orders are issued against you at this time.  
b. ☒ Has scheduled the hearing stated in ③ and has issued the temporary orders against you specified on page 2. If you do not obey these orders, you can be arrested and charged with a crime. And you may have to go to jail, pay a fine of up to \$1,000, or both.

**This is a Court Order.**

Judicial Council of California, www.courtinfo.ca.gov  
Revised July 1, 2007, Mandatory Form  
Code of Civil Procedure, §§ 527.8 and 527.9  
Approved by DOJ

**Notice of Hearing and Temporary Restraining Order (CLETS) CH-120, Page 1 of 4**  
(Civil Harassment)

American LegalNet, Inc.  
www.FormsWorkflow.com

EX3

Your name: Britney Jean Spears (through conservator James P. Spears)

Case Number:

BP108870

### Temporary Orders Against the Restrained Person

(Write the name of the person in ②): Jon Jay Eardley

The court has made the temporary orders indicated below against you. You must obey all these orders. These orders will expire on the date of the hearing listed in ③ unless they are extended by the court.

⑤ ☒ **Personal Conduct Orders**

You must not do the following things to the people listed in ① and ⑩:

- ☒ a. Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, destroy personal property, keep under surveillance, or block movements.
- ☒ b. Contact (directly or indirectly), telephone, send messages, mail, or e-mail.
- ☒ c. Take any action, directly or through others, to obtain the addresses or locations of the persons in ① and ⑩. (If item c is not checked, the court has found good cause not to make this order.)

Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this Order.

⑥ ☒ **Stay-Away Order**

You must stay at least (specify): 250 yards away from:

- a. ☒ The person listed in ①
- b. ☒ The people listed in ⑩
- c. ☒ The home of the persons in ① and ⑩
- d. ☒ Jobs or workplaces of the persons in ① and ⑩
- e. ☒ Vehicle of person in ①
- f. ☒ The protected children's school or child care
- g. ☒ Other (specify): Parents' homes, children's homes, siblings' homes

This stay-away order does not prevent the person in ② from going to or from that person's home or place of employment.

⑦ **No Guns or Other Firearms**

You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get a gun or firearm.

⑧ **Turn In or Sell Guns or Firearms**

You must:

- Sell to a licensed gun dealer or turn in to police any guns or firearms that you possess or control. This must be done within 24 hours of being served with this order.
- File a receipt with the court within 48 hours of receiving this order that proves guns have been turned in or sold. (You may use Form CH-145 for this.)

⑨ ☒ **Other Orders (specify):** You are prohibited from: (1) acting on Ms. Spears' behalf, or purporting to act on her behalf; (2) inducing or assisting any other person to take action on Ms. Spears' behalf, or to purport to take action on her behalf; and (3) filing, or inducing or assisting any other person to file, legal pleadings that purport to be filed on Ms. Spears' behalf.

This is a Court Order.

Case Number:

BP108870

Your name: Britney Jean Spears (through conservator James P. Spears)

**⑩ ☒ Other Protected Persons**

List of the full names of all family or household members protected by these orders:

Jamie P. Spears, Lynne Spears, Sean Preston Federline, Jayden James Federline

**Instructions for the Protected Person**

To the person in ①: (Write the name of the person in ①): \_\_\_\_\_

**⑪ Service of Order on Law Enforcement**

If the court issues temporary restraining orders, by the close of business on the date the orders are made, you or your lawyer should deliver a copy of this Order and any proof of service forms to each law enforcement agency listed below.

Name of Law Enforcement Agency:

Address (City, State, Zip)

Los Angeles Police Department

150 N. Los Angeles St., L.A., CA 90012

Beverly Hills Police Department

464 N. Rexford Drive, Beverly Hills, CA 90210

**⑫ Service of Documents**

You must have someone personally deliver to the person in ② a copy of all the documents checked below:

- a. ☒ CH-120, *Notice of Hearing and Temporary Restraining Order (CLETS)* (completed and file-stamped)
- b. ☒ CH-100, *Request for Orders to Stop Harassment* (completed and file-stamped)
- c. ☒ CH-110, *Answer to Request for Orders to Stop Harassment* (blank form)
- d. ☒ CH-145, *Proof of Firearms Turned In or Sold* (blank form)
- e. ☒ CH-151, *How Can I Answer a Request for Orders to Stop Harassment?*
- f. ☐ Other (specify): \_\_\_\_\_

You must file with the court before the hearing a proof of service of these documents on the person in ②.

**⑬ Time for Service (check a, b, or c)**

- a. ☒ A copy of the documents listed in ⑫ must be served in person to the person in ② at least 5 days before the hearing.
- b. ☐ A copy of the documents listed in ⑫ must be served in person to the person in ② at least 2 days before the hearing.
- c. ☐ A copy of the documents listed in ⑫ must be served in person to the person in ② at least \_\_\_\_\_ days before the hearing.

**⑭ ☐ No Fee for Filing**

Filing fees are waived.

**This is a Court Order.**

Revised July 1, 2007

**Notice of Hearing and Temporary Restraining Order (CLETS)**  
(Civil Harassment)

CH-120, Page 3 of 4



Your name: Britney Jean Spears (through conservator James P. Spears)

Case Number:

BP108870

- (16) ☐ **No Fee for Service of Order by Law Enforcement**  
The sheriff or marshal will serve this Order without charge because:
- a. ☐ The Order is based on stalking.
  - b. ☐ The Order is based on a credible threat of violence.
  - c. ☐ The person in (1) is entitled to a fee waiver.

Date: JAN 30 2009

  
Judicial Officer

AVIVA BOBB

**Warnings and Notices to the Restrained Person in (2)**

**You Cannot Have Guns or Firearms**

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get a gun while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to a licensed gun dealer or turn in to police any guns or firearms that you have or control in accordance with item (8) above. The court will require you to prove that you did so. If you do not obey this Order, you can be charged with a crime.

**Instructions for Law Enforcement**

This Order is effective when made. It is enforceable anywhere in all 50 states, the District of Columbia, all tribal lands, and all U.S. territories and shall be enforced as if it were an order of that jurisdiction by any law enforcement agency that has received the Order, is shown a copy of the Order, or has verified its existence on the California Law Enforcement Telecommunications System (CLETS). If the law enforcement agency has not received proof of service on the restrained person, and the restrained person was not present at the court hearing, the agency shall advise the restrained person of the terms of the Order and then shall enforce it. Violations of this Order are subject to criminal penalties.



**Requests for Accommodations**

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least 5 days before the hearing. Contact the clerk's office or go to [www.courtinfo.ca.gov/forms](http://www.courtinfo.ca.gov/forms) for *Request for Accommodations by Persons With Disabilities and Order* (Form MC-410). (Civil Code, § 54.8.)


(Clerk will fill out this part.)

**—Clerk's Certificate—**

Clerk's Certificate



I certify that this *Notice of Hearing and Temporary Restraining Order* is a true and correct copy of the original on file in the court.

Date: JAN 30 2009 Clerk, by , Deputy  
Sai Jimenez

**This is a Court Order.**

Revised July 4, 2007 (L)

**Notice of Hearing and Temporary Restraining Order (CLETS)  
(Civil Harassment)**

CH-120, Page 4 of 4

ORIGINAL

CH-100

Request for Orders to  
Stop Harassment

- ① Your name (person asking for protection):  
Britney Jean Spears (see attachment 1 re conservators)  
Your address (skip this if you have a lawyer): (If you want your  
address to be private, give a mailing address instead):  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Your telephone number (optional): (\_\_\_\_\_) \_\_\_\_\_  
Your lawyer (if you have one): (Name, address, telephone  
number, and State Bar number):  
See attachment 1

- ② Name of person you want protection from:  
See attachment 2  
Describe the person: Sex: ☐ M ☐ F Weight: \_\_\_\_\_  
Height: \_\_\_\_\_ Race: \_\_\_\_\_ Hair Color: \_\_\_\_\_  
Eye Color: \_\_\_\_\_ Age: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
Home Address (if you know): \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Work Address (if you know): \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

- ③ Besides you, who needs protection? (Family or household members)
- | Full Name                     | Sex      | Age       | Lives with you?   | How are they related to you? |
|-------------------------------|----------|-----------|---|------------------------------|
| <u>James P. Spears</u>        | <u>M</u> | <u>56</u> | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <u>Father</u>                |
| <u>Lynne Spears</u>           | <u>F</u> | <u>53</u> | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <u>Mother</u>                |
| <u>Sean Preston Federline</u> | <u>M</u> | <u>3</u>  | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <u>Son</u>                   |
| <u>Jayden James Federline</u> | <u>M</u> | <u>2</u>  | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <u>Son</u>                   |

☐ Check here if you need more space. Attach a sheet of paper and write "CH-100, item 3—Describe Protected Persons" at the top of the page.

- ④ Why are you filing in this court? (Check all that apply):  
☒ The person in ② lives in this county.  
☒ I was hurt (physically or emotionally) by the person in ② here.  
☐ Other (specify): \_\_\_\_\_
- ⑤ How do you know the person in ③? (Describe):  
See attachment 5

Clerk stamps dates here when form is filed.

**FILED**  
LOS ANGELES SUPERIOR COURT  
JAN 30 2009  
JOHN A. CLARKE, CLERK  
BY SALVADOR JIMENEZ, DEPUTY

Fill in court name and street address:

Superior Court of California, County of  
Los Angeles  
Stanley Mosk Courthouse  
111 N. Hill St.  
Los Angeles, CA 90012

Court fills in case number when form is filed.

Case Number:

BP108870

This is not a Court Order.



Your name: Britney Jean Spears (see attachment 1 re conservators)

Case Number:

BP108870

⑥ Describe how the person in ② has harassed you:

a. Date of most recent harassment: 1/27/2009

b. Who was there? See attachment 6.

c. Did the person in ② commit any acts of violence or threaten to commit any acts of violence against you?

☐ Yes ☒ No

If yes, describe those acts or threats: \_\_\_\_\_

d. Did the person in ② engage in a course of conduct that harassed you and caused substantial emotional distress? ☒ Yes ☐ No

If yes, describe: See Attachment 6

e. Did the conduct of the person in ② described above seriously alarm, annoy, or harass you? ☒ Yes ☐ No

☒ Check here if you need more space. Attach a sheet of paper and write "CH-100, item 6—Describe Harassment" at the top of the page.

Check the orders you want ☒

⑦ ☒ **Personal Conduct Orders**

I ask the court to order the person in ② to not do the following things to me or anyone listed in ③:

a. ☒ Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, destroy personal property, keep under surveillance, or block movements.

b. ☒ Contact (either directly or indirectly), or telephone, or send messages or mail or e-mail.

The person in ② will also be ordered not to take any action to get the addresses or locations of any protected persons, their family members, or their caretakers unless the court finds good cause not to make the order.

⑧ ☒ **Stay-Away Orders**

I ask the court to order the person in ② to stay at least (specify): 250 yards away from me and the people listed in ③ and the places listed below: (Check all that apply):

a. ☒ My home

d. ☒ My vehicle

b. ☒ My job or workplace

e. ☒ Other (specify): Parents' homes, children's homes,

c. ☒ My children's school or child care

siblings' homes

If the court orders the person in ② to stay away from all the places listed above, will that person still be able to get to his or her home, school, or job? ☒ Yes ☐ No

If no, explain: \_\_\_\_\_

This is not a Court Order.

Your name: Britney Jean Spears (see attachment 1 re conservators)

Case Number:

BP108870

**9 ☒ Others to Be Protected**

Should the other people listed in ③ also be covered by the orders described above?

☒ Yes ☐ No ☐ Does not apply

If yes, explain: See attachment 9

**10 ☐ Order About Guns or Other Firearms**

I ask the court to order the person in ② to be prohibited from owning, possessing, purchasing, or receiving, or attempting to purchase or receive firearms and to sell or turn in any guns or firearms that he or she controls.

**11 ☒ Other Orders**

I ask the court to order the person in ② to (specify): See attachment 11

**12 ☒ Temporary Orders**

Do you want the court to make orders now on the matters listed in ⑦, through ⑪ that will last until the hearing? ☒ Yes ☐ No

If yes, explain why you need these orders right now: See attachment 12

☒ Check here if you need more space. Attach a sheet of paper and write "CH-100, Item 12—Temporary Orders" at the top of the page.

**13 ☐ Delivery of Orders to Law Enforcement**

My lawyer or I will give copies of the orders to the following law enforcement agencies:

a. Name of Agency: Los Angeles Police Department

Address: 150 N. Los Angeles St.

City: Los Angeles

State: CA Zip: 90012

b. Name of Agency: Beverly Hills Police Department

Address: 464 N. Rexford Drive

City: Beverly Hills

State: CA Zip: 90210

**14 ☒ Other Court Cases**

Have you ever asked any court for other restraining orders against the person in ②? ☒ Yes ☐ No

If yes, specify the counties and case numbers if you know them: On February 1, 2008, Mr. Spears as conservator obtained a TRO against Mr. Lutfi in the instant case.

**This is not a Court Order.**

Case Number:

BP108870

Your name: Britney Jean Spears (see attachment 1 re conservators)

**15** ☒ **Time for Service**

You must have your papers personally served on (notify) the person in ② at least 5 days before the hearing, unless the court orders a different time for service. (Form CH-135 explains "What Is Proof of Service?" Form CH-130 may be used to show the court that the papers have been served.) If your papers cannot be served at least 5 days before the hearing and you need more time, explain why:

Because Mr. Lutfi evaded service of the prior TRO for 20 days despite intensive efforts by process servers to locate him and serve him with process, it is possible that the Co-Conservators will need additional time to serve their papers.

**16** ☐ **No Fee for Filing**

I ask the court to waive the filing fee because the person in ② has used or threatened to use violence against me, has stalked me, or has acted or spoken in some other way that makes me reasonably fear violence. I am asking for a restraining order to stop this conduct.

**17** ☐ **No Fee to Serve Orders**

I ask the court to order the sheriff or marshal to serve (notify) the person in ② about the orders for free because:

- a. ☐ My request for orders is based on stalking; or  
 b. ☐ My request for orders is based on a credible threat of violence; or  
 c. ☐ I am entitled to a fee waiver.

(If you are requesting free service of the orders based on a fee waiver, you must complete and file the Application for Waiver of Court Fees and Costs (Form FW-001).)

**18** ☒ **Lawyer's Fees and Costs**

I ask the court to order payment of my:

- a. ☒ Lawyer's fees  
 b. ☒ Out-of-pocket expenses

The amounts requested are:

Item	Amount	Item	Amount
Attorneys' fees	\$ TBD	TBD	\$ TBD
Filing costs	\$ TBD		\$
Process server fees	\$ TBD		\$

☒ Check here if you need more space. Attach a sheet of paper and write "CH-100, item 18—Lawyer's Fees and Costs" at the top of the page.

**19** **Additional Relief**

I ask the court for additional relief as may be proper.

**20** Number of pages attached to this form, if any: 19Date: January 29, 2009

Geraldine A. Wyle  
 Lawyer's name

[Signature]  
 Lawyer's signature

I declare under penalty of perjury under the laws of the State of California that the information above and on all attachments is true and correct.

Date: 1/22/09

James P. Spears, Conservator  
 Type or print your name

[Signature]  
 Sign your name

**This is not a Court Order.**

CH-100 – Item 1 – Name and Attorney Information

1  
2 1. Britney Jean Spears ("Ms. Spears") seeks this relief through James P. Spears ("Mr.  
3 Spears") as conservator of the person and co-conservator of the estate of Britney Jean Spears and  
4 Andrew M. Wallet ("Mr. Wallet") as co-conservator of the estate of Britney Jean Spears  
5 (collectively, the "Co-Conservators").

6 Mr. Spears is represented by the following counsel:

7 Geraldine A. Wyle (SBN 89735)  
8 Jeryll S. Cohen (SBN 125392)  
9 Jeffrey D. Wexler (SBN 132256)  
10 **LUCE FORWARD HAMILTON & SCRIPPS LLP**  
11 601 South Figueroa, Suite 3900  
12 Los Angeles, California 90017  
13 Telephone: (213) 892-4992  
14 Facsimile: (213) 892-7731

15 Mr. Wallet is represented by the following counsel:

16 Andrew M. Wallet (SBN 93043)  
17 Rebekah E. Swan (SBN 186307)  
18 **HINOJOSA & WALLET**  
19 2215 Colby Avenue  
20 Los Angeles, California 90064  
21 Telephone: (310) 473-7000  
22 Facsimile: (310) 473-1730  
23  
24  
25  
26  
27  
28

**CH-100 - Item 2 - Name of Person You Want Protection From**

2. The Co-Conservators, on behalf of Ms. Spears, want protection from the following

persons:

- a. Osama ("Sam") Lutfi  
Sex: M  
Weight: 170 pounds  
Height: 5' 7"  
Race: Middle Eastern  
Hair Color: Black  
Eye Color: Brown  
Age: 34  
Date of Birth: 8/16/1974  
Home Address: 12629 Caswell Ave., Apt. P2, Los Angeles, CA 90066
- b. Adnan Ghalib  
Sex: M  
Weight: 180 pounds  
Height: 5' 10"  
Race: Afghani  
Hair Color: Black  
Eye Color: Brown  
Age: 36  
Date of Birth: 9/14/1972  
Home Address: 17550 Burbank, Apt. 8, Encino, CA 91403
- c. Jon Jay Eardley  
Sex: M  
Weight: Unknown  
Height: Unknown  
Race: Unknown  
Hair Color: Unknown  
Eye Color: Unknown  
Age: 48  
Date of Birth: 1/22/1961  
Home Address: 16020 Puesta del Sol Dr., Whittier, CA 90603

1 CH-100 – Item 5 – How Do You Know the Person in 2?

2 Introductory Statement

3 In late 2007 and early 2008, Ms. Spears was extremely vulnerable and her mental and  
4 physical health had taken a steep decline, resulting in two 5150 holds in January 2008 and this  
5 Court's finding on February 1, 2008 that it was necessary that a temporary conservator be  
6 appointed for the person and estate of Ms. Spears in order to protect her. At that time, there were  
7 two individuals who were negatively impacting her health and well being – Osama ("Sam")Lutfi  
8 and Adnan Ghalib. Additionally, late in January 2008, Jon Jay Eardley, an attorney licensed to  
9 practice law in California, sent an unsolicited letter to Ms. Spears proposing a strategy to disrupt  
10 the family law proceedings and stating that he was "confident" that such strategy "will turn  
11 everything around, and ultimately garner you full custody of your children within approximately  
12 30 to 60 days." (Emphasis added.) Thereafter, Mr. Eardley, working with Mr. Lutfi, sought to  
13 disrupt the conservatorship proceedings by removing them to federal court – notwithstanding the  
14 Court's prior appointment of Samuel D. Ingham III as Ms. Spears' PVP counsel and the Court's  
15 prior finding that Ms. Spears lacked the capacity to engage counsel.

16 On the first anniversary of the establishment of the conservatorship, the Co-Conservators  
17 are informed and believe that these three figures are now working in concert to disrupt the  
18 conservatorship, with an utter disregard for Ms. Spears' health and well being and this Court's  
19 findings and Orders. The Co-Conservators believe that issuance of a Civil Harassment Order is  
20 necessary to protect Ms. Spears.

21 Knowledge of Individuals

22 a. Osama ("Sam") Lutfi. Ms. Spears met Mr. Lutfi in or about  
23 October 2007. Thereafter, Mr. Lutfi essentially moved into Ms. Spears' home and  
24 purported to take control of her life, home, and finances.<sup>1</sup> On February 1, 2008, the

25  
26 <sup>1</sup> Further information concerning the pre-February 1, 2008 relationship between Ms. Spears and  
27 Mr. Lutfi is set forth in the Declaration of Lynne Spears as an attachment to the Requests for  
28 Orders to Stop Harassment filed by Mr. Spears against Mr. Lutfi on February 1, 2008. This  
declaration is relevant for purposes of context but, in light of the July 30, 2008 Letter Agreement  
between Mr. Spears and Mr. Lutfi discussed below, the Co-Conservators do not seek relief based  
upon such conduct.

1 same date that the conservatorship was established, the Co-Conservators obtained a  
2 Temporary Restraining Order (the "TRO") that, *inter alia*, barred Mr. Lutfi from  
3 harassing or contacting Ms. Spears. The TRO was extended on several occasions.

4 On March 12, 2008, Mr. Lutfi filed a Notice of Non-Stipulation to  
5 Commissioner Reva Goetz.

6 On July 30, 2008, Mr. Spears and Mr. Lutfi entered into a Letter Agreement  
7 with regard to the issues presented by the application for the TRO. *See* Letter  
8 Agreement, Ex. A to Declaration of Geraldine A. Wyle ("Wyle Decl."). In that  
9 agreement, Mr. Spears "agree[d] to refrain from further pursuit of the existing  
10 TRO, and further agree[d] to take the TRO off calendar." *Id.*, ¶ 1. The parties  
11 agreed that the Letter Agreement would "not affect Mr. Spears' ability to seek a  
12 TRO based upon any event occurring on or after July 31, 2008." *Id.*, ¶ 3. The  
13 Letter Agreement imposed the following restrictions on Mr. Lutfi:

14 Mr. Lutfi agrees that he will not, in the future, directly  
15 contact Britney, purport to take action on Britney's behalf, induce or  
16 assist any other person to take or to purport to take action on  
17 Britney's behalf, or harass or annoy Britney. Mr. Lutfi further  
18 agrees that he will not, in the future, directly or indirectly contact, or  
19 harass or annoy Mr. Spears or Lynne Spears.

20 *Id.*, ¶ 2.

21 On July 31, 2008, counsel for Mr. Spears informed the Court that Mr. Lutfi  
22 and Mr. Spears had entered a private agreement and that no hearing or order on a  
23 permanent injunction was necessary at that time.

24 In its Order Extending Temporary Letters of Conservatorship of the Estate  
25 filed on August 22, 2008, the Court ordered that, *inter alia*, Ms. Spears "shall not  
26 have any contact, direct or indirect, with Osama aka Sam Lutfi, including telephone  
27 calls, text messaging, or email communications." *Id.*, ¶ 10. This order is  
28 incorporated by reference in the Order establishing a permanent conservatorship.

b. Adnan Ghalib. Mr. Ghalib is a member of the paparazzi who has  
been following Ms. Spears since at least 2007 and has continued to follow her since

1 the initiation of the conservatorship. Mr. Ghalib continues to communicate with  
2 Ms. Spears, and Co-Conservators are informed and believe that Ms. Spears  
3 innocently informs Mr. Ghalib of her destinations and that he then arranges for  
4 paparazzi to meet and film her to his financial benefit. After careful consideration,  
5 Co-Conservators are informed and believe that contact with Mr. Ghalib is harmful  
6 to Ms. Spears and to her recovery, as well as to the effective administration of the  
7 conservatorship.

8 c. Jon Jay Eardley. To the Co-Conservators' knowledge, Mr.  
9 Eardley, an attorney, has never met Ms. Spears in person. On or about January 28,  
10 2008, Mr. Eardley sent an unsolicited letter to Ms. Spears by overnight mail in  
11 which he offered to represent Ms. Spears with regard to her family court matter.  
12 See Declaration of Jeffrey D. Wexler ("Wexler Decl."), Ex. A. As discussed in  
13 more detail below: (1) on February 14, 2008, Mr. Eardley filed pleadings that  
14 purported to remove the conservatorship proceedings to the United States District  
15 Court for the Central District of California; and (2) on February 26, 2008, the  
16 Central District remanded the matter to this Court.

17 **ADDITIONAL BACKGROUND FACTS**

18 Because of Mr. Lutfi's non-stipulation to Commissioner Goetz and the relevance of past  
19 proceedings before Commissioner Goetz to issues raised by this request, the Co-Conservators  
20 provide the following more detailed factual discussion concerning the underlying proceedings and,  
21 in particular: (1) the efforts by Mr. Lutfi and Mr. Eardley in February 2008 to disrupt the  
22 conservatorship; and (2) the Court's findings that Ms. Spears lacks the capacity to retain counsel.

23 **A. The Initiation of the Conservatorship Proceedings.**

24 At a hearing on February 1, 2008, the Court, Commissioner Reva Goetz presiding, found  
25 that it was necessary that a temporary conservator be appointed for the person and estate of Ms.  
26 Spears. The Court appointed: (1) Mr. Spears as temporary conservator of Ms. Spears' person and  
27 as temporary co-conservator of Ms. Spears' estate; and (2) Mr. Wallet, an attorney, as temporary  
28 co-conservator of Ms. Spears' estate. Letters of Temporary Conservatorship were issued that day.



1 By their terms, these Letters expired on February 4, 2008, the date for which the Court set a  
2 follow-up hearing.

3 Later on February 1, 2008, the Court appointed Samuel D. Ingham III as Ms. Spears' PVP  
4 counsel.

5 **B. The February 4, 2008 Hearing and the February 6, 2008 Orders.**

6 On February 4, 2008, the Court held another hearing to determine whether to extend the  
7 Letters of Temporary Conservatorship. Mr. Ingham attended the hearing as Ms. Spears' Court-  
8 appointed counsel.

9 Adam F. Streisand of Loeb & Loeb LLP appeared at the February 4, 2008 hearing  
10 purportedly on behalf of Ms. Spears. The Court found, based upon the pleadings that had been  
11 filed, a physician's declaration, and Mr. Ingham's report, that "Ms. Spears does not have the  
12 capacity to retain counsel and she lacked the capacity to retain Adam F. Streisand as her counsel."  
13 Similarly, the Court ordered that "Ms. Spears does not have the capacity to retain counsel." The  
14 Court extended the Letters of Temporary Conservatorship from February 4, 2008 until February  
15 14, 2008, for which date it scheduled another hearing.

16 In the February 6, 2008 Orders and in Letters of Temporary Conservatorship of the Person  
17 and Letters of Temporary Conservatorship of the Estate filed on February 6, 2008, the Court  
18 expanded certain powers given to the Co-Conservators:

19 The Temporary Conservator shall have the power to restrict and limit  
20 visitors by any means, provided that the Temporary Conservator shall not prevent  
21 Conservatee from meeting with her court-appointed attorney, Mr. Ingham, except  
22 to approve the location for any meetings or visits, and to arrange for appropriate  
23 security, in order to protect the Conservatee. . . . .

24 These provisions have been incorporated into the Orders and Letters as extended and the  
25 order and letters relating to the appointment of the permanent conservators.

26 **C. The February 14, 2008 Hearing.**

27 On February 14, 2008, the date on which the letters of temporary conservatorship were to  
28 expire pursuant to the February 6, 2008 Orders, the Court held a hearing to determine whether to  
extend the Letters of Temporary Conservatorship. The Court ordered that the temporary Letters  
be extended until March 10, 2008.

1 The Court completed the February 14, 2008 hearing at about 2:04 p.m. Immediately after  
2 that hearing, the Court signed the Orders extending the Letters and issued new Letters of  
3 Temporary Conservatorship of the Person and of the Estate.

4 **D. The Purported Removal and the Subsequent Remand.**

5 Also on February 14, 2008, Mr. Eardley, purporting to act as Ms. Spears' attorney, filed a  
6 Notice of Removal with the United States District Court for the Central District of California,  
7 purporting to remove the conservatorship proceedings from the Los Angeles Superior Court in  
8 their entirety. At 2:26 p.m. on February 14, 2008 – about 20 minutes after the Court concluded its  
9 hearing – Mr. Eardley caused a copy of the Notice of Removal to be filed with the Clerk's Office  
10 of the Superior Court.<sup>2</sup>

11 According to media reports, the Notice of Removal was filed on Mr. Eardley's behalf by  
12 Michael Sands, who handed out copies of it to the media at the Court. Mr. Sands had previously  
13 been retained as a publicist by Mr. Lutfi.

14 On February 19, 2008, the Co-Conservators filed a motion in the District Court to remand  
15 the case to Los Angeles Superior Court. On February 26, 2008, the Central District, the  
16 Honorable Philip S. Gutierrez presiding, granted the motion to remand, holding that Mr. Eardley  
17 lacked the power to remove the lawsuit from state court:

18 Here, Mr. Eardley had no authority to remove the case from state court. He  
19 is neither a defendant nor a party. While he claims to be Ms. Spears' attorney, the  
20 Probate Court appointed Mr. Ingham as her attorney and found that she was  
21 incapable of retaining her own counsel. Mr. Eardley did not challenge the Probate  
22 Court's appointment of Mr. Ingham and has not attempted to intervene in the  
23 conservatorship proceeding on her behalf. Instead, Mr. Eardley caused the case to  
24 be removed to federal court while clearly lacking the authority to do so.

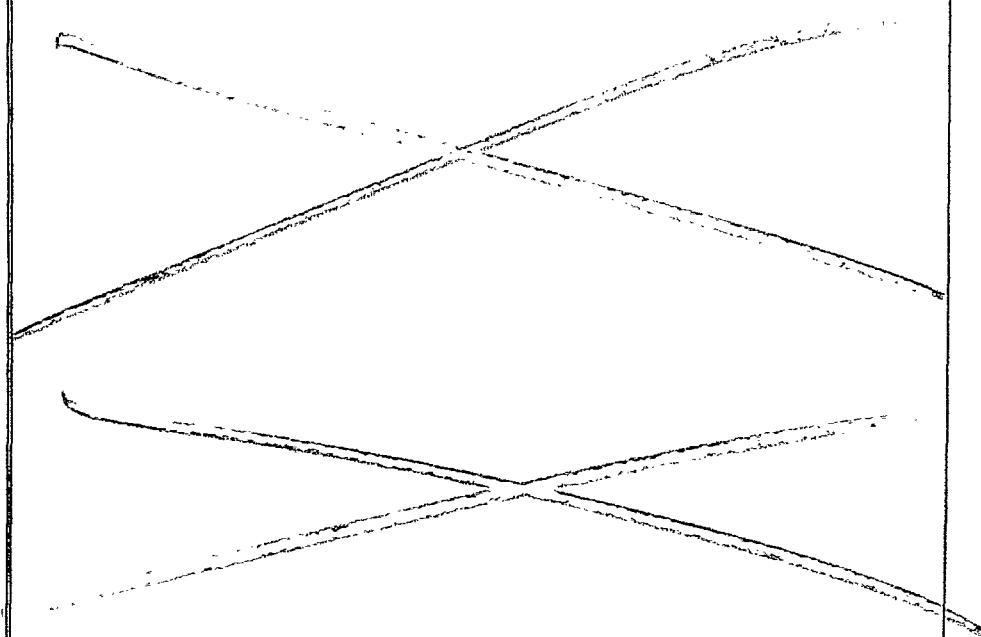
25 February 26, 2008 Civil Minutes at 3 (Ex. C to Wexler Decl.).

26 <sup>2</sup> The timing of the Notice of Removal supports an inference that it was filed for the purpose of  
27 derailing the conservatorship proceedings and, in particular, in an attempt to divest the Court of  
28 jurisdiction to extend the conservatorship past February 14, 2008, with the intended result of the  
expiration of the conservatorship on that day. If Mr. Eardley had filed the Notice of Removal with  
the Court a half hour earlier on February 14, 2008, the Court would have been unable to extend the  
conservatorship, and Mr. Spears would not have had enough time to seek relief from the district  
court to extend the conservatorship before it expired later that day.

1           **D.    Subsequent Proceedings.**

2           Since the inception of the conservatorship, the Court has on numerous occasion received  
3 expert reports of relevance to, *inter alia*, the issue of capacity, including without limitation, the  
4 capacity to retain counsel. There have been no changes in the Court's orders. Most of the  
5 evidence considered by the Court and the findings based thereon are under seal.

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1 CH-100 – Item 6 – Describe How the Person in 2 has Harassed You

2 On the evening of December 27, 2008 and the morning of December 28, 2008, Mr. Lutfi  
3 attempted to contact Ms. Spears by sending text messages to Ms. Spears' hairdresser Roberta in  
4 which he, *inter alia*, asked the hairdresser to tell Ms. Spears that he was not responsible for  
5 creating the conservatorship. *See* Declaration of James P. Spears ("Spears Decl."), ¶¶ 2-3, Ex. A.  
6 Mr. Lutfi also sent a text message stating "I've done everything I can to free her from this. Very  
7 close to getting her free now." *Id.*, Ex. A.

8 On January 10, 2009, Mr. Spears received instant messages from a person with the screen  
9 name "CityGalin 310." *See id.*, ¶ 4-5; Notice of Lodging Under Seal, Ex. A. The person – who  
10 posed as the mother of a daughter with autism – made a number of utterly false and hurtful  
11 assertions concerning Mr. Spears and his family, threatening to go public with such purported  
12 "information" unless Mr. Spears spoke with that person. *See id.* At the end of the string of instant  
13 messages, the anonymous person asked "Are you alone? you want me to call yoU???" [*sic*]. *See*  
14 *id.* Mr. Spears did not respond to the instant messages. *See* Spears Decl., ¶ 4.

15 Within 15 minutes after Mr. Spears received these instant messages, at about 6 p.m. on  
16 January 10, 2009, Mr. Spears received a telephone call from Mr. Lutfi. *See id.*, ¶ 6. Mr. Lutfi  
17 asked Mr. Spears if there was anything that he could do to help Mr. Spears and stated that he  
18 wanted to meet with Mr. Spears as soon as possible. *See id.* Mr. Spears told Mr. Lutfi that he  
19 would not meet with him without Mr. Spears' attorney Blair Berk being present, and that Mr. Lutfi  
20 should contact Ms. Blair if he wanted to pursue a meeting. *See id.*, ¶ 7. After Mr. Spears received  
21 Mr. Lutfi's telephone call, he never again received another instant message from the person with  
22 the screen name "CityGalin 310." *See id.*, ¶ 8. Over the past month, Ms. Berk has received  
23 multiple telephone calls and text messages from Mr. Lutfi. *See* Declaration of Blair Berk ("Berk  
24 Decl."), ¶ 3. Starting at 6:29 p.m. on January 10, 2009 – almost immediately after Mr. Spears'  
25 phone call from Mr. Lutfi – Ms. Berk began receiving multiple text messages and telephone calls  
26 from Mr. Lutfi in which he was trying to set up a meeting to speak with Mr. Spears and Ms. Berk  
27 with regard to alleged rumors concerning Mr. Spears and Ms. Spears. *See id.*, ¶ 3; Notice of  
28 Lodging Under Seal, Ex. B..

1 In several telephone conversations – including one at 7:27 p.m. on January 20, 2009 – Mr.  
2 Lutfi told Ms. Berk that he had been talking with Mr. Ghalib about the conservatorship and Ms.  
3 Spears' status as a conservatee. *See* Berk Decl., ¶ 4.

4 On January 27, 2009, attorney John T. Anderson of the Law Office of John T. Anderson  
5 sent counsel for Mr. Spears a proposed Ex Parte Petition seeking an order authorizing Ms. Spears  
6 to retain him as her attorney in the conservatorship proceedings and to relieve as counsel Samuel  
7 D. Ingham III, Ms. Spears' PVP counsel.<sup>3</sup> *See* Wexler Decl., ¶ 2; Notice of Lodging Under Seal,  
8 Ex. C.

9 On January 27, 2009, Mr. Anderson told counsel for Mr. Spears that he had initially been  
10 contacted by Mr. Eardley about three or four weeks previously for assistance in preparing legal  
11 papers, and that he spoke with Mr. Lutfi about two or three weeks after that. *See id.*, ¶¶ 3-5. Mr.  
12 Anderson said that he told Mr. Lutfi that he could not proceed unless Ms. Spears signed an  
13 engagement letter and other documents, and that he provided Mr. Lutfi with copies of such  
14 documents so that Mr. Lutfi could have those documents signed by Ms. Spears. *See id.*, ¶ 6. Mr.  
15 Lutfi thereafter provided Mr. Anderson with an Ex Parte Petition, an engagement letter, and a  
16 Nomination of Counsel that purport to be signed by Ms. Spears. *See id.*, ¶ 7; Notice of Lodging  
17 Under Seal, Ex. C.

18 Over the past month, Ms. Spears has had numerous telephone conversations with both Mr.  
19 Lutfi and Mr. Ghalib and has exchanged numerous text messages with both of them. Spears  
20 Decl., ¶ 9.

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28 <sup>3</sup> Mr. Anderson has not filed those *ex parte* papers. *See* Wexler Decl., ¶ 9.

CH-100 - Item 9 - Others to be Protected

As set forth in more detail in the Declaration of James P. Spears and as discussed in Item 8 above, Mr. Lutfi has sent anonymous, harassing, and threatening instant messages to Mr. Spears and has contacted him by telephone.

CH-100 - Item 11 - Other Orders

Co-Conservators ask the Court to order that the persons identified in paragraph 2 are prohibited from engaging in any of the following actions:

- (1) acting on Ms. Spears' behalf, or purporting to act on her behalf;
- (2) inducing or assisting any other person to take action on Ms. Spears' behalf, or to purport to take action on her behalf; and
- (3) filing, or inducing or assisting any other person to file, legal pleadings that purport to be filed on Ms. Spears' behalf.

CH-100 – Item 12 – Temporary Orders

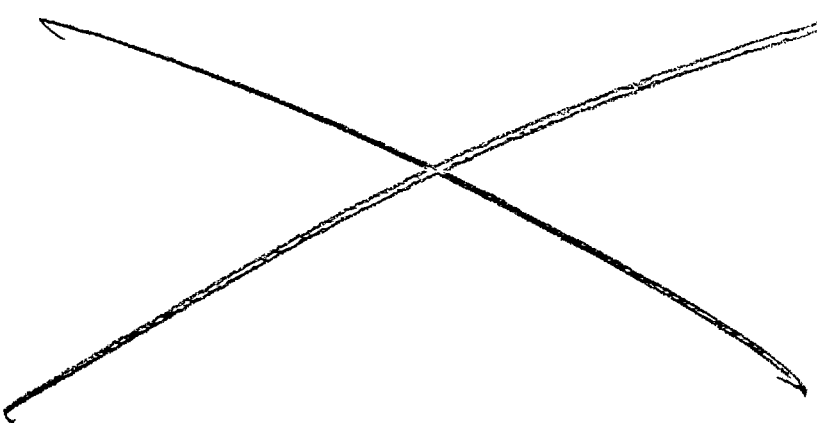
The Court has found that Ms. Spears is susceptible to undue influence and lacks the capacity to hire counsel. Especially in light of Ms. Spears' susceptibility to undue influence and lack of capacity, immediate relief is necessary to avoid the risk that the persons identified in paragraph 2: (1) will continue to harass Ms. Spears, Mr. Spears, and their family by contacting them via telephone, instant messaging, or otherwise causing distress to the entire Spears family, as well as harm to Ms. Spears' health and recovery; and (2) will continue to cause needless and substantial expense and will continue to interfere with the Co-Conservators' ability to effectively administer the conservatorship in the best interests of Ms. Spears by purporting to act on Ms. Spears' behalf and by seeking to induce others to purport to act on her behalf.



CH-100 – Item 18 – Lawyer's Fees and Costs

Co-Conservators are entitled to recover court costs and attorneys' fees under Cal. Civ. Proc. Code § 527.6(i).

Pursuant to the Elder Abuse and Dependent Adult Civil Protection Act, Cal. Welf. & Inst. Code §§ 15600 *et seq.*, Co-Conservators also seek to recover attorneys' fees and costs as authorized by Cal. Welf. & Inst. Code §§ 15657 *et seq.* based upon the abuse of Ms. Spears, a dependent adult. Co-Conservators also seek to recover compensatory damages as authorized by such statutes.



**CH-110****Answer to Request for Orders  
to Stop Harassment**

Clerk stamps date here when form is filed.

**1** Name of person who asked for the order: \_\_\_\_\_**2** Your name: \_\_\_\_\_

Your address (skip this if you have a lawyer): (If you want your address to be private, give a mailing address instead): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Your telephone (optional): (\_\_\_\_) \_\_\_\_\_

Your lawyer (if you have one): (Name, address, telephone number, and State Bar number): \_\_\_\_\_

Fill in court name and street address:

Superior Court of California, County of \_\_\_\_\_

Fill in case number:

Case Number: \_\_\_\_\_

**Use this form to give the court your answers to CH-100**

- Read Form CH-151 to protect your rights.
- Fill out this form and then take it to the court clerk.
- Serve the person in **1** with a copy of this form and any attached pages.

**3** ☐ **Personal Conduct Orders**

- a. ☐ I agree to the order requested.
- b. ☐ I do not agree to the order requested.
- c. ☐ I agree to the following order (specify): \_\_\_\_\_

The court will consider your Answer at the hearing.  
Write your hearing date and time here:Hearing  
DateDate: \_\_\_\_\_ Time: \_\_\_\_\_  
Dept.: \_\_\_\_\_ Room: \_\_\_\_\_

You must obey the court's orders until the hearing. If you do not come to this hearing, the court may make the orders requested against you last for up to 3 years.

**4** ☐ **Stay Away Orders**

- a. ☐ I agree to the order requested.
- b. ☐ I do not agree to the order requested.
- c. ☐ I agree to the following order (specify): \_\_\_\_\_

**5** ☐ **Turn In Guns or Other Firearms**

- a. ☐ I do not own or have any guns or firearms.
- b. ☐ I agree to the order requested.
- c. ☐ I do not agree to the order requested.
- d. ☐ I agree to the following order (specify): \_\_\_\_\_

**6** ☐ **Other Orders**

- a. ☐ I agree to the orders requested.
- b. ☐ I do not agree to the orders requested.
- c. ☐ I agree to the following orders (specify): \_\_\_\_\_

Judicial Council of California, www.courtinfo.ca.gov  
Revised January 1, 2005, Mandatory Form  
Code of Civil Procedure, §§ 527.8 and 527.9**Answer to Request for Orders to Stop Harassment  
(Civil Harassment)**

CH-110, Page 1 of 3

American LegalNet, Inc.  
www.USCourtForms.com

Case Number: \_\_\_\_\_

Your name: \_\_\_\_\_

**7** ☐ **Emotional Distress**

- a. ☐ The person in ① has not suffered emotional distress. *(Explain):* \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
b. ☐ A reasonable person in the same position as the person in ① would not have suffered emotional distress. *(Explain):* \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
c. ☐ If the person in ① has suffered any emotional distress, it is not because of what that person has accused me of doing. *(Explain):* \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**8** ☐ **Purpose of Actions**

What I did to the person in ①—if anything—was not done on purpose.

**9** ☐ **Denial**

- a. ☐ I did not do anything described in ⑥ of Form CH-100. *(Skip to ⑪.)*  
b. ☐ I did some or all of the things described in ⑥ of Form CH-100. *(Explain in ⑩-⑪.)*

**10** ☐ **Reason or Excuse**

I have done some or all of the things the person in ① has accused me of, but:

- a. ☐ What I did was legal. *(Explain):* \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
b. ☐ I had a good reason for doing these things. *(Explain):* \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
c. ☐ I have other reasons to justify what I did. *(Explain):* \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**11** ☐ **The court should not make an order against me because:** *(List facts or reasons below):*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☐ Check here if you need more space. Attach a sheet of paper and write "CH-110, Item 11—Facts and Reasons" at the top. Give specific facts and reasons.

11-11-03

Case Number: \_\_\_\_\_

Your name: \_\_\_\_\_

**(12) ☐ No Fee for Filing**

I ask the court to waive the filing fee because the person in ① claims that I have used or threatened to use violence against them or have acted in some other way that would make them reasonably fear violence.

**(13) ☐ Lawyer's Fees and Costs**

I ask the court to order payment of my:

a. ☐ Lawyer's fees

b. ☐ Out-of-pocket expenses

because the temporary restraining order was issued without enough supporting facts.

The amounts requested are:

Item	Amount	Item	Amount
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____

**(14) ☐ Other Relief**

I ask for additional relief as may be proper.

**(15) Number of pages attached to this form, if any: \_\_\_\_\_**

Date: \_\_\_\_\_

\_\_\_\_\_  
*Attorney's name*

\_\_\_\_\_  
*Attorney's signature*

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Type or print your name*

\_\_\_\_\_  
*Sign your name*

**CH-145****Proof of Firearms Turned In  
or Sold**

Clerk stamps date here when form is filed.

**1** Name of person asking for protection:**2** Your name:

Your address (skip this if you have a lawyer): (If you want your address to be private, give a mailing address instead):

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Your telephone (optional): (\_\_\_\_\_) \_\_\_\_\_

Your lawyer (if you have one): (Name, address, telephone number, and State Bar number): \_\_\_\_\_

Fill in court name and street address:

Superior Court of California, County of \_\_\_\_\_

Fill in case number:

Case Number: \_\_\_\_\_

**3** To the person selling or turning in firearms:

If the court has ordered you to sell or turn in your firearms, you may use this form to prove to the court that you have obeyed its orders. When you deliver your unloaded weapons, ask law enforcement or the licensed gun dealer to complete item **4** or **5** and item **6**. After the form is signed, file it with the court clerk. Keep a copy for yourself. For help, read Form CH-151.

**4 To: Law Enforcement**Fill out items **4** and **6** of this form. Keep a copy and give the original to the person who turned in the firearms.The firearms listed in **6** were turned in on:Date: \_\_\_\_\_ at: \_\_\_\_\_ ☐ a.m. ☐ p.m.To: \_\_\_\_\_  
Name and title of law enforcement agent

Name of law enforcement agency

Address

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Signature of law enforcement agent

**5 To: Licensed Gun Dealer**Fill out items **5** and **6** of this form. Keep a copy and give the original to the person who sold the firearms to you.The firearms listed in **6** were sold on:Date: \_\_\_\_\_ at: \_\_\_\_\_ ☐ a.m. ☐ p.m.To: \_\_\_\_\_  
Name of licensed gun dealer

License number \_\_\_\_\_ Telephone \_\_\_\_\_

Address

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Signature of licensed gun dealer

Case Number: \_\_\_\_\_

Your name: \_\_\_\_\_

⑥ Firearms Make	Model	Serial Number
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____

☐ Check here if you turned in or sold more firearms. Attach a sheet of paper and write "CH-145, Item 6—Firearms Turned In or Sold" at the top. Include make, model, and serial number for all firearms.

⑦ Do you have, own, possess or control any other firearms besides the firearms listed in ⑥? ☐ Yes ☐ No

⑧ If you answered yes to ⑦, have you sold or transferred those other firearms? ☐ Yes ☐ No  
If yes, check one of the boxes below:

- ☐ a. I filed the *Proof of Firearms Turned In or Sold* for those firearms with the court on (date): \_\_\_\_\_
- ☐ b. I am filing the Proof for those firearms along with this Proof.
- ☐ c. I have not yet filed the Proof for the other firearms. (Explain why not): \_\_\_\_\_

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
Type or print your name

\_\_\_\_\_  
Sign your name

## How Can I Answer a Request for Orders to Stop Harassment?

## What is a Civil Harassment Restraining Order?

**It is a court order.**

### What does the order do?

**The court can order you to:**

- Not contact the person who asked for the order
- Stay away from that person and the person's home and workplace
- Not have any guns while the order is in effect

## Who can ask for a Civil Harassment Restraining Order?

**A person who is worried about safety because they are being:**

- Stalked
- Harassed
- Sexually assaulted or
- Threatened with violence

**How long does the order last?**

If the Court makes a temporary order, it will last until your hearing date. At that time, the court will decide to continue or cancel the order. The order could last for up to 3 years.

### What if I don't obey the order?

**The police can arrest you. You can go to jail and pay a fine.**

### What if I do not agree with what the order says?

**You still must obey the order until the hearing.**

**If you disagree with the orders the person is asking for, fill out Form CH-110 before your hearing date and file it with the court.**

**Do I have to serve the other person with a copy of my answer?**

**Yes. Have someone—other than yourself—mail a copy of completed Form CH-110 to the person who asked for the order (or that person's lawyer). (This is called "Service.")**

The person who serves the form by mail must fill out Form CH-131, *Proof of Service by Mail*. Make a copy of the proof of service and file it with the court clerk.

### Should I go to the court hearing?

**Yes. Go to court on the date listed on Form CH-120. If you do not go to court, the judge can make orders without hearing from you.**

<b>CH-120</b>	<b>Notice of Hearing and Temporary Restraining Order</b>	<i>(Case starts here when time is filed)</i>
<b>1) Name of person asking for protection:</b> _____ Address: <i>Is this person a tenant?</i> <input type="checkbox"/> <i>(If you want your address in the petition, put in apartment address instead)</i> _____ City _____ State _____ Zip _____		No contact with and avoid contact with Superior Court of California, County of _____
Your telephone number (optional) _____ Your lawyer's name (if any) (Name, address, telephone number, and state bar number) _____ _____		Court Clerk's Office (County Clerk's Office) Case Number: _____
<b>2) Name of person to be restrained:</b> _____ _____		
Description of that person: Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female      Height _____ Weight _____ Race _____ Hair Color _____ Eye Color _____ Age _____ Date of birth _____ Marital Status _____ Address at home _____ City _____ State _____ Zip _____ Work Address at home _____ City _____ State _____ Zip _____		
<b>To the person in (2):</b>		
<b>3) Notice of Hearing:</b> A court hearing is scheduled on the requested for orders against you to stop harm and file: _____ Name and address of court of difference from above _____ (Hearing) Day _____ Time _____ Day _____ Time _____		
If you do not want the court to make orders against you, file Form CH-120. Then go to the hearing and tell the court why you disagree. You may bring witnesses and other evidence. If you do not go to the hearing, the court may make restraining orders against you that could last up to 3 years.		
<b>4) Court Orders</b> The court is ordered: 1. That I be prohibited from harassing or (2) _____ No orders are made against you at this time. 2. That I be prohibited from harassing or (2) _____ and that I avoid the persons against whom orders are specified on page 2. 3. If you do not obey any order above, you can be arrested and charged with a crime. And you may have to go to jail, you can be fined up to \$1,000, or both.		
<b>This is a Court Order</b>		

**Do I need a lawyer?**

No. But it is a good idea. Ask the court clerk about legal services and self-help centers in your county.

**Will I see the person who asked for the order at the court hearing?**

If the person goes to the hearing, yes. Do not talk to that person unless the judge says you can.

**Can I bring a witness to the court hearing?**

Yes. You can bring witnesses or documents that support your case. But if possible, you should also bring the witnesses' written statements of what they saw or heard to the hearing. Their statements must be made under penalty of perjury. You can use Form MC-030 for this.

**Can I bring someone with me to court?**

Yes. You can bring someone to sit with you during the hearing. But that person cannot speak for you in court. Only you or your lawyer (if you have one) can speak for you.

**What if I don't speak English?**

When you file your papers, ask the clerk if a court interpreter is available. You may have to pay a fee for the interpreter. If an interpreter is not available for your court date, bring someone to interpret for you. You cannot ask a child under 18 to interpret for you.

**What if I am deaf?**

If you are deaf, contact the clerk at least 5 days before the hearing. (See information on Requests for Accommodations below.)

**Need more information?**

Ask the court clerk about free or low-cost legal help.

**For help in your area, contact:**

[Local information may be inserted]

**Requests for Accommodations**

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least 5 days before the hearing. Contact the clerk's office for *Request for Accommodations by Persons With Disabilities and Order* (Form MC-410). (Civil Code, § 54.8)





**COPY**

1 Geraldine A. Wyle (SBN 89735)  
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3 Jeffrey D. Wexler (SBN 132256)  
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9 Attorneys for Conservator  
10 of the Person and Co-Conservator  
11 of the Estate James P. Spears

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20 Co-Conservator of the Estate

**ORIGINAL FILED**

JAN 30 2009

**LOS ANGELES  
SUPERIOR COURT**

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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 the  
Estate of:

BRITNEY JEAN SPEARS,  
Conservatee.

CASE NO. BP 108870

**DECLARATION OF BLAIR BERK IN  
SUPPORT OF REQUEST FOR ORDERS  
TO STOP HARASSMENT**

Date: January 30, 2009  
Time: 9:45 a.m.  
Department: 11  
Judge: Hon. Aviva K. Bobb

DECLARATION OF BLAIR BERK

I, Blair Berk, declare:

1. I am an attorney licensed to practice law in the State of California and am a partner at the law firm of Tarlow & Berk, PC. I am counsel for James P. Spears ("Mr. Spears"). Except as otherwise stated, the statements contained herein are based on my personal knowledge and experience. If called as a witness, I could and would testify competently to those facts.

2. Over the past month, I have received multiple telephone calls and text messages from Osama ("Sam") Lutfi.

3. Starting at 6:29 p.m. on January 10, 2009, I received multiple text messages and telephone calls from Mr. Lutfi in which he asked to set up a meeting, stating it was urgent he speak with Mr. Spears and me with regard to what he claimed was 'information he had received about Mr. Spears and his daughter, Britney Spears ("Ms. Spears") as well as others. I understand that Mr. Spears' attorneys in the above-captioned matter will be lodging with the Court a true and correct copy of a log that my assistant prepared of the date, time, and content of the text messages sent between Mr. Lutfi and me on January 10, 2009.

4. In several telephone conversations — including one at 7:27 p.m. on January 20, 2009 — Mr. Lutfi told me that he had been talking with Adnan Ghalib about the conservatorship and Ms. Spears' status as a conservatee.

Executed on January 29, 2009 at Los Angeles, California. I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct.

  
\_\_\_\_\_  
BLAIR BERK

11-11-09

**COPY**

1 Geraldine A. Wyle (SBN 89735)  
2 Jeryll S. Cohen (SBN 125392)  
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18 Facsimile: (310) 473-1730

19 Attorneys for Andrew M. Wallet,  
20 Co-Conservator of the Estate

**ORIGINAL FILED**

JAN 30 2009

LOS ANGELES  
SUPERIOR COURT

21 SUPERIOR COURT OF THE STATE OF CALIFORNIA

22 COUNTY OF LOS ANGELES, CENTRAL DISTRICT

23 In re the Conservatorship of the Person and the  
24 Estate of:

25 **BRITNEY JEAN SPEARS,**  
26  
27 Conservatee.

CASE NO. BP 108870

**DECLARATION OF JAMES P. SPEARS  
IN SUPPORT OF REQUEST FOR  
ORDERS TO STOP HARASSMENT**

Date: January 30, 2009  
Time: 9:45 a.m.  
Department: 11  
Judge: Hon. Aviva K. Bobb

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7. I told Mr. Lutfi that I would not meet with him without my attorney Blair Berk being present, and that he should contact Ms. Berk if he wanted to pursue a meeting.

8. After I received Mr. Lutfi's telephone call, I never again received another instant message from the person with the screen name "CityGalin 310."

9. Based upon my review of telephone bills and Britney's cell phone, I am aware that she has, over the last month, had numerous telephone conversations with both Mr. Lutfi and Adnan Ghalib and that she has exchanged numerous text messages with both of them.

Executed on January 30, 2009 at Los Angeles, California. I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct.

James P. Spears  
JAMES P. SPEARS

3

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SPEARS DECL. IN SUPPORT OF REQUEST FOR ORDERS TO STOP HARASSMENT

**COPY**

1 Geraldine A. Wyle (SBN 89735)  
2 Jeryll S. Cohen (SBN 125392)  
3 Jeffrey D. Wexler (SBN 132256)  
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10 of the Person and Co-Conservator  
11 of the Estate James P. Spears

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19 Attorneys for Andrew M. Wallet,  
20 Co-Conservator of the Estate

**ORIGINAL FILED**

JAN 30 2009

**LOS ANGELES  
SUPERIOR COURT**

21 SUPERIOR COURT OF THE STATE OF CALIFORNIA

22 COUNTY OF LOS ANGELES, CENTRAL DISTRICT

23 In re the Conservatorship of the Person and the  
24 Estate of:

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26  
27 Conservatee.

CASE NO. BP 108870

**DECLARATION OF JEFFREY D.  
WEXLER IN SUPPORT OF REQUEST  
FOR ORDERS TO STOP HARASSMENT**

Date: January 30, 2009  
Time: 9:45 a.m.  
Department: 11  
Judge: Hon. Aviva K. Bobb

**DECLARATION OF JEFFREY D. WEXLER**

I, Jeffrey D. Wexler, declare:

1. I am an attorney licensed to practice law in the State of California and am a partner at the law firm of Luce, Forward, Hamilton & Scripps LLP ("Luce Forward"), counsel of record for James P. Spears ("Mr. Spears"), conservator of the person and co-conservator of the estate of Britney Jean Spears. Except as otherwise stated, the statements contained herein are based on my personal knowledge and experience. If called as a witness, I could and would testify competently to those facts.

2. On January 27, 2009, attorney John T. Anderson sent a letter by facsimile to Luce Forward partners Geraldine A. Wyle and Jeryll S. Cohen. Lodged concurrently herewith is a true and correct copy of Mr. Anderson's January 27, 2009 letter to Ms. Wyle and Ms. Cohen of January 27, 2009 attaching pleadings styled as follows: (a) Ex Parte Petition for Authority by Conservatee to Retain and Pay for Independent Counsel and for the PVP Attorney to be Relieved; (b) Memorandum of Points and Authorities in Support of Ex Parte Petition for Authority by Conservatee to Retain and Pay for Independent Counsel and for the PVP Attorney to be Relieved; (c) Declaration of John T. Anderson in Support of Ex Parte Petition; (d) Nomination of Legal Counsel; and (e) Declination to Stipulate to Commissioner. (As stated below, these pleadings have not been filed with the Court.)

3. On the afternoon of Tuesday, January 27, 2009, I received a telephone call from Mr. Anderson, who told me that he had spoken earlier that day with Ms. Wyle and that he was speaking with me because Ms. Wyle was out of the office and unavailable to take his call. Mr. Anderson told me that he was calling to provide some information that Ms. Wyle had requested in their phone call earlier that day. In that conversation and in a second telephone conversation later that afternoon, Mr. Anderson provided me with the following information.

4. Mr. Anderson said that he was initially contacted by attorney Jon Eardley, who had asked him for his expertise in helping Mr. Eardley to decide what documents he would be able to file on behalf of conservatee Britney Jean Spears ("Ms. Spears"). Mr. Anderson told me that he had been contacted by Mr. Eardley about three or four weeks ago, and that he had spoken with him a couple times.

1           5.     Mr. Anderson said that he was thereafter contacted by Sam Lutfi, who said that  
2 Ms. Spears wanted to retain an attorney but was not allowed to speak to one. Mr. Anderson said  
3 that he had spoken with Mr. Lutfi about two or three weeks later.

4           6.     Mr. Anderson said that he told Mr. Lutfi that he would not talk to Ms. Spears  
5 unless he received documents with her signature. Mr. Anderson told me that he had prepared a  
6 petition, engagement letter, and related papers and sent them to Mr. Lutfi, and that Mr. Lutfi  
7 thereafter returned signed versions of those documents to him.

8           7.     I explained to Mr. Anderson that the Court had found in February 2008 that Ms.  
9 Spears lacks capacity to hire counsel. I also told Mr. Anderson that in February 2008 Mr.  
10 Eardley had filed papers removing the conservatorship proceedings to the United States District  
11 Court for the Central District of California, and that the Central District had subsequently  
12 remanded the case on the grounds that Ms. Spears lacks capacity to hire counsel and that Mr.  
13 Eardley therefore was not authorized to file the notice of removal on her behalf.

14          8.     I also told Mr. Anderson that on October 28, 2008 the Court had granted the Co-  
15 servators' *ex parte* application for a protective order against a deposition of Ms. Spears  
16 noticed by the plaintiffs in a Florida lawsuit.

17          9.     Mr. Anderson told me on January 27, 2009 that he had not yet filed the *ex parte*  
18 application and related papers with the Court. In our conversation and in two e-mails that he sent  
19 me later that day, Mr. Anderson agreed that he would not file his *ex parte* papers on Thursday,  
20 January 29, 2009, and that he would not file them at all pending his further investigation of the  
21 issues.

22          10.    On January 27, 2009, I e-mailed Mr. Anderson certain publicly filed pleadings  
23 and orders related to the Court's finding as to lack of capacity.

24          11.    In a telephone conversation on January 29, 2009, Mr. Anderson told Ms. Wyle  
25 and me that he had sent e-mails to Mr. Lutfi and Mr. Eardley telling him that he had a conflict  
26 and would have no further involvement with the matter.

27          12.    Attached hereto as Exhibit A is a true and correct copy of a letter dated January  
28 28, 2008 from Mr. Eardley to Ms. Spears.

DECLARATION



13. Attached hereto as Exhibit B is a true and correct copy of a Minute Order filed on February 26, 2008 by the United States District Court for the Central District of California, the Honorable Philip S. Gutierrez presiding.

Executed on January 30, 2009 at Los Angeles, California. I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct.

*Jeffrey D. Wexler*  
JEFFREY D. WEXLER

WEXLER DECL. IN SUPPORT OF REQUEST FOR ORDERS TO STOP HARASSMENT

**JON EARDLEY, Esq.**

ATTORNEY AT LAW

LAW OFFICES OF JON EARDLEY

16020 PUERTA DEL SOL  
WHITTIER, CALIFORNIA 90603

(TELE.) 902.947.2008

January 28, 2008

**PERSONAL AND CONFIDENTIAL**

Britney Spears  
12094 Summit Circle  
Beverly Hills, CA 90210

**BY FEDEX**

Dear Britney:

I had not been paying much attention to your case, until the LAPD and your ex-husband's lawyer conspired to have you falsely arrested and thrown into a 72 hour involuntary lock-down detention at Cedars. You may not be aware of the fact that your civil rights were violated pursuant to 42 U.S.C. § 1983 et al., as a result of these actions and the significant implications of those actions with respect to your custody case. In a way, what happened to you may be a blessing in disguise with respect to delivering a knock out punch to your ex-husband's legal team (i.e. Kaplan) and winning your custody case immediately and unconditionally.

I have developed a legal strategy for you that I am confident will turn everything around, and ultimately garner you full custody of your children within approximately 30 to 60 days. I am a father of two girls, ages 3 and a half and one and can only imagine the heartbreak you are going through. These orders that Scott Gordon has handed down are media driven, and designed to facilitate their economic motivations in denying you even the most basic custody rights, particularly at a time when toddler boys and girls need to develop a strong and consistent bond with their mother. After having practiced law for years in Los Angeles, I find myself, at many times sickened by the corruption of the downtown court system. However, your case is the worst I have ever seen because they are unabated in the

EXHIBIT A

10-1-2008

systematic destruction of your character and reputation; and they will not be happy until they have denied you your freedom and milked you for your last dime. The custody case, as you know, is nothing more than a flat out extortion scheme, with your children being used as pawns.

Thus, this situation needs to be put to an immediate end, and the only way that can happen is with the implementation of a completely innovative, tactical legal strike against the downtown court system, and your ex-husband's lawyers—all at once in a surprising and devastating strategy that will put all of them on the immediate defensive. This will allow you to be in control of the situation, instead of being controlled by it.

When the LAPD forced their way into your house for not handing your children over to a "bodyguard" of your ex-husband, they had no probable cause to search and seize your home, or to make any such entry, irrespective of the provisions contained in the court's custody order. Additionally, the LAPD had your husband's lawyer drive over to your property and had him provide them with an interpretation of the court's custody order so they could justify an illegal search, seizure, and arrest. My understanding is that he entered your property at the invitation of the police, and that you specifically instructed Kaplan to leave the premises. Then, in front of the media, they had you strapped to an ambulance gurney and hauled you away.

Secondly, Commissioner Gordon, about whom I know some interesting things, was quick to deny you all of your visitation rights, even before Cedars issued its evaluation that you were not under the influence of illegal drugs or alcohol. Commissioner Gordon clearly is biased against you. (I used to work with him when he was a deputy Los Angeles District Attorney.) He is clearly accepting media reports as evidence; additionally, he is considering declarations provided by Kaplan, based upon Kaplan's knowledge of things and events that he unlawfully obtained at your house.

Think about this for a second: in the last few days, you have been followed everywhere, nearly run off the road, and otherwise interfered with by tabloid journalists. Yesterday, I saw a recent report that questions whether you can be safe just driving to a store. Do you think Commissioner Gordon is going to be inclined to return the boys to you under these circumstances, even if all of the scurrilous tabloid coverage were wiped clean from the slate and particularly when you know other things are being

communicated behind the scenes? Not unless you have a legal strategy in place that aggressively confronts the due process, equal protection, fair trial, and other Constitutional violations that predominate in your case. The first step is in disqualifying Kaplan from further representation of your ex-husband. I need to discuss in detail with you the events surrounding the raid on your house.

Please believe me when I tell you that a conventional approach in the family law court, through the conventional emissaries of "star" family law lawyers, will not work. Your case will continue to spiral until they have denied you your freedom, your children and your assets. By then, it will be too late. (Sorrell is an excellent attorney; however, your current posture in the case is primarily defensive. You need an immediate offensive strategy to pound your ex-husband's lawyer into the ground and bring this circus to an end. My proposal is that we integrate innovative legal arguments into the matrix of your custody case to supplement and back up standard Family Law Code litigation that involves child custody issues, providing you with significantly more control over the situation. There is also the nuclear option: the filing of a lawsuit, the specifics of which I will discuss with you privately.)

I have some of the largest class-action cases in the nation pending in the downtown courts against some of the largest corporations in the world. I have affiliate offices in New York and Washington, D.C. None of the "standard" family law lawyers in this country will be able to obtain for you what you need more than anything: a devastating offensive strike against the court system, and your ex-husband's lawyers, all of whom are using you to promote their personal financial and other agendas. I will help you any way I can.

I will explain to you what needs to be done and why it will have the intended results. I will also help you completely overcome any anxieties about testifying in court or showing up at court. I am willing to take you to court and see to it that you get into the courtroom and are able to speak without any anxiety.

All I want is to see you win. I do not want anything in return and am willing to volunteer my time with you to see to it that you are successful in this custody case. I am not interested in publicity, money, or anything other than seeing you obtain full custody of your children.

Please recognize that aside from some anxiety and depression, which are totally normal under these circumstances, there is nothing wrong with you, but that the court system routinely engages in character assassination to conceal its internal bias and to break you down. You are a strong and beautiful woman who has been working all your life, and I know you can do this. They are all intensely jealous of you. It is my opinion that Kaplan and your ex-husband had this raid on your house planned well in advance, and had been waiting for an opportunity to spring it on you. What they ultimately want is to get you into a conservatorship; at that point, your freedom will be denied, giving them the full opportunity to steal all of your money and to deny you any access to your children. (This is why they keep pushing the mental illness, multiple personality issue.) You definitely do not want this to happen.

The court's order requiring you to submit to an Evidence Code § 730 evaluation can be satisfied by an out-patient evaluation pursuant to Evidence Code § 733. Evidence Code § 733 clearly states:

*"Nothing contained in this article shall be deemed or construed to prevent any party to any action from producing other expert evidence on the same fact or matter mentioned in Section 730; but, where other expert witnesses are called by a party to the action, their fees shall be paid by the party calling them and only ordinary witness fees shall be taxed as costs in the action."*

You have a right to provide your own private evaluation in lieu of submitting to a § 730 examination. Before now and the next scheduled hearing in February, it is my opinion that you should map out an evaluation plan that is consistent with § 733. As soon as you have this in place, an *ex parte* motion for reconsideration could be heard before the Commissioner. There are two advantages to this: 1) it demonstrates to the court that you are complying with the Evidence Code; and 2) it allows the court to see you. The Commissioner "noted" your absence from the last hearing. Most importantly, however, it allows you to establish a record in the event he denies your request. With a record of the proceedings, a ruling not in your favor could be reviewed by the Second District Court of Appeal through a petition for a writ of mandate. This would also provide you with the opportunity to raise other important issues. In practical effect, it would also help in your being afforded a degree of fairness at the next scheduled

hearing in February, particularly if the Commissioner knows that you intend to seek appellate relief as to every unfavorable order he issues from this point forward.

Between now and your next scheduled custody case hearing in February, there are some vitally important things that need to be done as soon as possible. There are many things I would like to discuss with you, including a strategy to disqualify Gordon from your case. Time is very much of the essence in your case.

I am in LA right now. Everything we discuss will be absolutely confidential. Call me as soon as you read this, anytime, night or day. My number is 562-947-2006; my cell is 562-298-8385. If I do not pick up, leave a number where you can be reached. My personal email is [jjeardley@aol.com](mailto:jjeardley@aol.com).

I look forward to hearing from you.

Sincerely,



Jon Eardley, Esq.

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

LA County Superior Court Case No.: BP108870

JS-6

**CIVIL MINUTES - GENERAL**

**\*\*CORRECTED\*\***

Case No. CV 08-1021 PSG (RCx) Date Feb. 26, 2008

Title In re the Conservatorship of the Person and Estate of Britney Jean Spears

Present: The Honorable Philip S. Gutierrez, United States District Judge

<u>Wendy K. Hernandez</u>	<u>Not Present</u>	<u>n/a</u>
<u>Deputy Clerk</u>	<u>Court Reporter</u>	<u>Tape No.</u>

Attorneys Present for Plaintiff(s):  
Not Present

Attorneys Present for Defendant(s):  
Not Present

Proceedings: **(In Chambers) Corrected Order on the Conservator's Motion to Remand**

Before this Court is the Conservator's Motion to Remand. The Court finds this motion appropriate for decision without oral argument. Fed. R. Civ. P. 78; Local R. 7-15.

**I. BACKGROUND**

On February 14, 2008, attorney Jon J. Eardley ("Mr. Eardley") filed a notice of removal for the conservatorship proceedings of Britney Jean Spears ("Ms. Spears") from Los Angeles Superior Court ("Probate Court") to this federal district court. Mr. Eardley claims authority to act on behalf of Ms. Spears despite the Probate Court's orders to the contrary. On February 1, 2008, the Probate Court appointed Samuel D. Ingham III ("Mr. Ingham") as Ms. Spear's attorney. Also on that date, the Probate Court appointed Mr. Spears (Ms. Spears' father) as temporary conservator of Ms. Spears' person and estate. On February 4, 2008, the Probate Court extended the conservatorship over Ms. Spears until February 14, 2008 making the explicit finding that "Ms. Spears does not have the capacity to retain counsel." Then on February 14, 2008, the Probate Court again extended the conservatorship until March 10, 2008. At no time during the conservatorship did the Probate Court find that Ms. Spears had the capacity to retain counsel.

On February 19, 2008, this Court issued an Order to Show Cause to the removing party ordering the party to explain why this action should not be remanded due to the Court's lack of subject matter jurisdiction. Also on that date, Mr. Spears filed the current motion, in which Mr. Ingham joined, to remand the case to the Probate Court. Mr. Spears also requested an award of attorney's fees and sanctions against the removing attorney.

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

JS-6

CIVIL MINUTES - GENERAL

**\*\*CORRECTED\*\***

Case No. CV 08-1021 PSG (RCx) Date Feb. 26, 2008  
Title In re the Conservatorship of the Person and Estate of Britney Jean Spears

For the following reasons, this Court grants Mr. Spear's motion to remand. Also, the Court declines to award attorney's fees.

II. LEGAL STANDARD

While 28 U.S.C. § 1441 provides that some actions filed in state court may be removed to federal district court, "[t]he removal statute is strictly construed against removal jurisdiction, and the burden of establishing federal jurisdiction falls to the party invoking the statute." *California ex rel. Lockyer v. Dynegy, Inc.*, 375 F.3d 831, 838 (9th Cir. 2004), *amended*, 387 F.3d 966 (9th Cir. 2004), *cert. denied*, 544 U.S. 974 (2005) (citation omitted). The Ninth Circuit applies a "strong presumption" against removal jurisdiction." *Gaus v. Miles, Inc.*, 980 F.2d 564, 566 (9th Cir. 1992) (citation omitted). Furthermore, "[f]ederal jurisdiction must be rejected if there is any doubt as to the right of removal in the first instance." *Id.* (citation omitted).

III. DISCUSSION

A. Mr. Eardley's Standing to Remove the State Court Case

The conservator and Ms. Spears' court-appointed attorney make a simple argument for remand: Mr. Eardley is not Ms. Spears' attorney and acted improperly by removing her conservatorship proceeding to federal court. While Mr. Eardley argues that this Court has subject matter jurisdiction over the case because Ms. Spears' due process rights were violated in the conservatorship proceeding, Mr. Eardley fails to explain why he can bring this claim for her in the first instance. He cannot.

The federal removal statute clearly allows only a defendant to remove a case to federal court. Section 1441(a) states that, under the proper circumstances, "any civil action brought in a State court ... may be removed by the defendant or the defendants." 28 U.S.C. § 1441(a). Several courts have considered the issue and have been uniform in determining that non-parties do not have a right to remove cases to federal court. *See, e.g., Newman and Cahn, LLP v. Sharp*, 388 F. Supp. 2d 115, 117 (E.D.N.Y. 2005) (Both a non-party and an individual claiming to be a real party in interest have "no authority to seek removal."); *Geiger v. Arctco Enterprises, Inc.*, 910 F. Supp. 130, 131 (S.D.N.Y. 1996) ("It is clear beyond peradventure of a doubt that the right of removal is vested exclusively in defendants."); *Kane v. Republica De Cuba*, 211 F. Supp. 855, 856-58 (D.P.R. 1962) (a non-party who has not formally intervened may not remove a case from state court).

2008-02-26



UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

JS-6

CIVIL MINUTES - GENERAL  
\*\*CORRECTED\*\*

Case No. CV 08-1021 PSG (RCx) Date Feb. 26, 2008  
Title In re the Conservatorship of the Person and Estate of Britney Jean Spears

Here, Mr. Eardley had no authority to remove the case from state court. He is neither a defendant nor a party. While he claims to be Ms. Spears' attorney, the Probate Court appointed Mr. Ingham as her attorney and found that she was incapable of retaining her own counsel. Mr. Eardley did not challenge the Probate Court's appointment of Mr. Ingham and has not attempted to intervene in the conservatorship proceeding on her behalf. Instead, Mr. Eardley caused the case to be removed to federal court while clearly lacking the authority to do so.

B. Attorney's Fees Award

The Court finds that it is inappropriate to award attorney's fees in this case.

IV. CONCLUSION

For the foregoing reasons, the Court REMANDS this case to the Probate Court.

**COPY**

1 Geraldine A. Wyle (SBN 89735)  
2 Jeryll S. Cohen (SBN 125392)  
3 Jeffrey D. Wexler (SBN 132256)  
4 **LUCE FORWARD HAMILTON & SCRIPPS LLP**  
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**ORIGINAL FILED**

JAN 30 2009

**LOS ANGELES  
SUPERIOR COURT**

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10 of the Person and Co-Conservator  
11 of the Estate James P. Spears

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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 the  
Estate of:

**BRITNEY JEAN SPEARS,**  
Conservatee.

CASE NO. BP 108870

**DECLARATION OF GERALDINE A.  
WYLE IN SUPPORT OF REQUEST FOR  
ORDERS TO STOP HARASSMENT**

Date: January 30, 2009  
Time: 9:45 a.m.  
Department: 11  
Judge: Hon. Aviva K. Bobb

DECLARATION OF GERALDINE A. WYLE

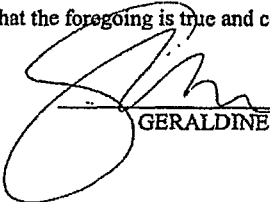
I, Geraldine A. Wyle, declare:

1. I am an attorney licensed to practice law in the State of California and am a partner at the law firm of Luce, Forward, Hamilton & Scripps LLP, counsel of record for James P. Spears ("Mr. Spears"), conservator of the person and co-conservator of the estate of Britney Jean Spears. Except as otherwise stated, the statements contained herein are based on my personal knowledge and experience. If called as a witness, I could and would testify competently to those facts.

2. On July 30, 2008, acting on behalf of Mr. Spears, I signed a Letter Agreement with Osama ("Sam") Lutfi concerning Mr. Spears' pending application for a Civil Harassment Order, which was then on calendar for hearing on July 31, 2008. Attached hereto as Exhibit A is a true and correct copy of the July 30, 2008 Letter Agreement between Mr. Spears and Mr. Lutfi.

3. Before 10 a.m. on Thursday, January 29, 2009, I left a message with the assistant to Samuel D. Ingham III, PVP counsel for conservatee Britney Jean Spears, informing Mr. Ingham of the time and place of this *ex parte* application. Thereafter, I ascertained that Mr. Ingham does not oppose this *ex parte* application and plans to attend the hearing on the application.

Executed on January 30, 2009 at Los Angeles, California. I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct.

  
GERALDINE A. WYLE

**LUCE FORWARD**

ATTORNEYS AT LAW • FOUNDED 1873  
LUCE, FORWARD, HAMILTON & SCHEPPS LLP

GERALDINE A. WYLE, PARTNER  
DIRECT DIAL NUMBER 213.892.4918  
DIRECT FAX NUMBER 213.452.8043  
EMAIL ADDRESS gwyle@luce.com

601 South Figueroa  
Suite 3900  
Los Angeles, CA 90017  
213.892.4992  
213.892.7731 fax  
www.luce.com

July 30, 2008

**VIA FACSIMILE AND U.S. MAIL**

Osama Lutfi  
c/o Stephen R. Landau  
9150 Wilshire Blvd., Ste. 209  
Beverly Hills, California 90212

Re: Temporary Restraining Order Against Osama (Sam) Lutfi

Dear Mr. Lutfi:

This letter sets forth the agreement reached between James P. Spears ("Mr. Spears"), temporary conservator of the person and temporary conservator of the estate for his daughter, Britney Jean Spears ("Britney"), and Osama ("Sam") Lutfi, on the other hand, with regard to the Temporary Restraining Order (the "TRO") filed by the Probate Department of the Los Angeles Superior Court (the "Probate Court") against Mr. Lutfi on February 1, 2008, and extended by stipulation until 1:30 p.m. on July 31, 2008. In consideration of the mutual promises and covenants contained herein, the receipt and sufficiency of which are hereby acknowledged, Mr. Spears and Sam hereto agree as follows:

1. Mr. Spears agrees to refrain from pursuit of the existing TRO, and further agrees to take the TRO off calendar.
2. Mr. Lutfi agrees that he will not, in the future, directly contact Britney, purport to take action on Britney's behalf, induce or assist any other person to take or to purport to take action on Britney's behalf, or harass or annoy Britney. Mr. Lutfi further agrees that he will not, in the future, directly or indirectly contact, or harass or annoy Mr. Spears or Lynne Spears.
3. This letter agreement does not affect Mr. Spears' ability to seek a TRO based upon any event occurring on or after July 31, 2008.
4. Nothing herein is intended to be an acknowledgment by Mr. Lutfi that he has committed any of the acts alleged in this matter.
5. This letter agreement and the terms thereof shall be kept strictly confidential. Neither Mr. Spears nor Mr. Lutfi shall directly or indirectly cause to have statements published

CARMEL VALLEY/DTL MAR • LOS ANGELES • RANCHO SANTA FE • SAN DIEGO • SAN FRANCISCO

EXHIBIT A

2008/08/01

RECEIVED JUL 30 2000

JUL 30 2000 11:17 AM

FBI/DOJ

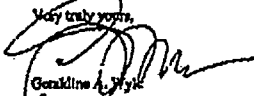
**LUCE FORWARD**  
ATTORNEYS AT LAW • FINANCIAL SERVICES  
Law, Finance, Insurance & Real Estate

Cecilia Lurie  
July 30, 2000  
Page 2

in any way or in any medium other than that Mr. Lurie and Mr. Speers have reached a private agreement and that no hearing or order is necessary at this time.

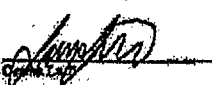
We appreciate your courtesy and cooperation in this matter.

Very truly yours,



Geraldine A. Wyle  
of  
LUCE, FORWARD, HAMILTON & SCRIFTS LLP  
GAW/llm

Accepted by:



~~\_\_\_\_\_~~

100-1001

NAME, ADDRESS AND TELEPHONE NUMBER OF ATTORNEY OR PARTY WITHOUT ATTORNEY: <u>Cecaldine Wyle #89735</u> <u>104 So Figueroa St #2100 PPS</u> <u>Los Angeles CA 90071</u>		STATE BAR NUMBER <u>89735</u>	Reserved for Clerk's File Stamp <b>FILED</b> LOS ANGELES SUPERIOR COURT JAN 30 2009 JOHN A. CLARKE, CLERK BY SALVADOR JIMENEZ, DEPUTY
ATTORNEY FOR (NAME): <u>James P. Spears 213.892.4992</u>			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURT HOUSE ADDRESS: <u>111 No Hill Street</u>			
PETITIONER / PLAINTIFF: <u>James P. Spears, Adrien Waller</u>			
RESPONDENT / DEFENDANT: <u>Osama Wafi, Adnan Wafi, J.S. Farley</u>			
CHILD'S NAME: <u>Cousins of Private Spears (Pawel)</u>		CHILD'S DATE OF BIRTH:	CASE NUMBER: <u>BP 108870</u>
DECLARATION RE: NOTICE OF EX PARTE REQUEST (NO NOTICE GIVEN) (Temporary Restraining Order)		RELATED CASES (IF ANY):	

I, Cecaldine A. Wyle, declare that:  
(PRINT NAME)

1) I did not give notice to the other party in this action because:

- ☐ I was afraid that the violence would reoccur when I gave notice that I was asking for these orders.
- ☐ I was afraid that the other party would take the children out of the area before the order could be granted and served.
- ☒ I believe that giving notice would make the orders useless because I am threatened and believe  
1. Both Mr Wafi and Mr Adnan Wafi have disappeared and are  
intentionally avoiding any contact with Mr. Spears or Mr. Spears'  
security, and given the previous history of 6 weeks' searching  
with two sets of private investigators, it is Mr. Spears' hope  
(see attachment)

2) I attempted and was unable to inform \_\_\_\_\_ or his/her attorney  
that I would be seeking a temporary restraining order. My attempts included \_\_\_\_\_

3) Other reason:

I declare that the above is true and correct, and that I executed this declaration at Los Angeles California

1/30/09  
DATE

[Signature]  
SIGNATURE OF DECLARANT:

## Attachment

1. that we will avoid a similar occurrence. Further, ~~I am~~ <sup>I am</sup> informed and believe that based upon previous history, either of them could well either attempt to deprive this court of jurisdiction over the matter or take other action involving Mr. Spears that could be harmful to her. Further, we do not have good service addresses or phone numbers they will conform.
2. Mr. Eardley is working in concert with Mr. Lutfi, and I am informed and believe, Mr. Ghali's. As Mr. Eardley has once removed this matter to federal court and has a history of multiple removals and disruptive acting in other proceedings, I am informed and believe that notice to him would cause inordinate difficulty, risk and disruption.

Declaration Re Notice

157-1-1-1-1-1

**COPY**

1 Geraldine A. Wyle (SBN 89735)  
2 Jeryll S. Cohen (SBN 125392)  
3 Jeffrey D. Wexler (SBN 132256)  
4 **LUCE FORWARD HAMILTON & SCRIPPS LLP**  
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9 Attorneys for Conservator  
10 of the Person and Co-Conservator  
11 of the Estate James P. Spears

12 Andrew M. Wallet (SBN 93043)  
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19 Attorneys for Andrew M. Wallet,  
20 Co-Conservator of the Estate

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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 the  
Estate of:

**BRITNEY JEAN SPEARS,**  
  
Conservatee.

CASE NO. BP 108870

**APPLICATION TO FILE UNDER SEAL  
THREE DOCUMENTS REFERRED TO IN  
PAPERS IN SUPPORT OF REQUEST FOR  
ORDERS TO STOP HARASSMENT;  
MEMORANDUM OF POINTS AND  
AUTHORITIES**

Date: January 30, 2009  
Time: 9:45 a.m.  
Department: 11  
Judge: Hon. Aviva K. Bobb



1 Pursuant to Cal. R. Court 2.550 and 2.551, James P. Spears ("Mr. Spears") as conservator  
2 of the person and co-conservator of the estate of Britney Jean Spears will, and hereby does,  
3 respectfully apply to the Court for an Order sealing the following three documents lodged in  
4 support of his Request for Orders to Stop Harassment:

5 A Instant messages sent to Mr. Spears on January 10, 2009, as referred to in  
6 the Declaration of James P. Spears filed concurrently herewith;

7 B Transcript of text messages sent between Osama ("Sam") Lutfi on January  
8 10, 2009, as referred to in the Declaration of Blair Berk filed concurrently  
9 herewith; and

10 C January 27, 2009 letter from John T. Anderson to Geraldine A. Wyle and  
11 Jeryll S. Cohen attaching pleadings styled as follows: (a) Ex Parte Petition  
12 for Authority by Conservatee to Retain and Pay for Independent Counsel  
13 and for the PVP Attorney to be Relieved; (b) Memorandum of Points and  
14 Authorities in Support of Ex Parte Petition for Authority by Conservatee  
15 to Retain and Pay for Independent Counsel and for the PVP Attorney to be  
16 Relieved; (c) Declaration of John T. Anderson in Support of Ex Parte  
17 Petition; (d) Nomination of Legal Counsel; and (e) Declination to  
18 Stipulate to Commissioner, as referred to in the Declaration of Jeffrey D.  
19 Wexler filed concurrently herewith.

20 Mr. Spears seeks such relief because those documents include false and hurtful  
21 allegations concerning Mr. Spears, conservatee Britney Jean Spears ("Ms. Spears"), and the  
22 Spears family that, if made public, would cause distress to the entire Spears family and harm to  
23 Ms. Spears' health and recovery.

24 This application is made on the grounds that a sealing order is required under Cal. R.  
25 Court 2.550(d) because the facts establish:

26 (1) There exists an overriding interest that overcomes the right of  
27 public access to the record;

28 (2) The overriding interest supports sealing the record;

1 (3) A substantial probability exists that the overriding interest will be  
prejudiced if the record is not sealed;

2 (4) The proposed sealing is narrowly tailored; and

3 (5) No less restrictive means exist to achieve the overriding interest.

4 *Id.*

5 This application is based on this Application, the Memorandum of Points and Authorities  
6 attached hereto, the Declarations of James P. Spears, Blair Berk, and Jeffrey D. Wexler filed  
7 concurrently herewith, the [Proposed] Order lodged concurrently herewith, and such argument as  
8 may be presented in connection with the Application.

9 DATED: January 30, 2009

Respectfully submitted,

10 LUCE, FORWARD, HAMILTON & SCRIPPS LLP

11  
12 By:   
13 Jeffrey D. Wexler

14 Attorneys for Conservator of the Person and Co-  
15 Conservator of the Estate James P. Spears

1 **INTRODUCTION**

2 James P. Spears ("Mr. Spears") as conservator of the person and co-conservator of the  
3 estate of Britney Jean Spears is asking the Court to enter a Civil Harassment Order because, *inter*  
4 *alia*, Osama ("Sam") Lutfi has been making false and hurtful allegations concerning Mr. Spears,  
5 conservatee Britney Jean Spears ("Ms. Spears"), and the Spears family. In support of his  
6 application, Mr. Spears wishes to provide the Court with evidence of these false and hurtful  
7 allegations. Mr. Spears asks the Court to seal three documents in which such allegations are  
8 made in order to prevent the very harm that has helped prompt the application – the danger that  
9 such false allegations, if made public, would cause distress to the entire Spears family and harm  
10 to Ms. Spears' health and recovery.

11 **FACTUAL BACKGROUND**

12 Because the underlying facts are set forth in the Request for Orders to Stop Harassment  
13 and related papers, Mr. Spears will not burden the Court by repeating all of such facts here. For  
14 purposes of this application, the most important facts are that, as shown in the documents  
15 attached to Mr. Spears' Notice of Lodging: (1) Mr. Lutfi has sent text messages and instant  
16 messages that contain false and hurtful allegations concerning Mr. Spears, Ms. Spears, and the  
17 Spears family; and (2) the Ex Parte Petition and related papers that Mr. Lutfi, Adnan Ghalib, and  
18 Jon Eardley sought unsuccessfully to induce an attorney to file – ostensibly on Ms. Spears'  
19 behalf, notwithstanding the Court's finding that Ms. Spears lacks capacity to engage counsel –  
20 contain certain false statements.

21 **LEGAL ARGUMENT**

22 **I. THE COURT SHOULD SEAL THE THREE DOCUMENTS TOWARDS WHICH**  
23 **THIS APPLICATION IS DIRECTED.**

24 This motion to seal is subject to the standard and procedures set forth in Cal. R. Court  
25 2.550 and 2.551.<sup>1</sup> Under Cal. R. Court 2.550(d), which is based on the standards enunciated by  
26 the Supreme Court in *NBC Subsidiary (KNBC-TV), Inc. v. Superior Court*, 20 Cal. 4th 1178  
27 (1999), a court may seal the record "if it expressly finds facts that establish":

28 <sup>1</sup> Prior to January 1, 2007, these standards and procedures were designated as Cal. R. Court  
243.1 and 243.2, respectively.

1 (1) There exists an overriding interest that overcomes the right of  
2 public access to the record;

3 (2) The overriding interest supports sealing the record;

4 (3) A substantial probability exists that the overriding interest will be  
5 prejudiced if the record is not sealed;

6 (4) The proposed sealing is narrowly tailored; and

7 (5) No less restrictive means exist to achieve the overriding interest.

8 *Id.* See Advisory Committee Comment to Cal. R. Court 2.550 ("[c]ourts have found that, under  
9 appropriate circumstances, various statutory privileges, trade secrets, and privacy interests, when  
10 properly asserted and not waived, may constitute 'overriding interests'").

11 These factors are all present here.

12 First, there is an overriding interest in maintaining the confidentiality of the three  
13 documents that Mr. Spears seeks to lodge under seal. Those documents include false and hurtful  
14 allegations concerning Mr. Spears, Ms. Spears, and the Spears family that, if made public, would  
15 cause distress to the entire Spears family and harm to Ms. Spears' health and recovery. While  
16 the public has a general right of public access to the record, any interest that the public might  
17 have in such access is overcome by the overriding interest in avoiding the distress to the Spears  
18 family and the harm to Ms. Spears' health and recovery that would result from the dissemination  
19 of these false and hurtful allegations. See Cal. R. Court 2.550(d)(1).

20 Second, the overriding interest in avoiding the distress to the Spears family and the harm  
21 to Ms. Spears' health and recovery that would result from the dissemination of these false and  
22 hurtful allegations supports sealing the record. See Cal. R. Court 2.550(d)(2), (3).

23 Third, the proposed sealing is as narrowly tailored as possible – Mr. Spears seeks to file  
24 under seal only three supporting documents, not the Request for Orders to Stop Harassment or  
25 the supporting declarations – and no less restrictive means exist to achieve the overriding  
26 interest; a delay in making public information concerning the conservatorship until the  
27 conservator has taken the necessary steps would have a minimal effect on the public. See Cal. R.  
28 Court 2.550(d)(4), (5).

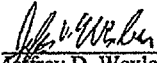
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For these reasons, Mr. Spears respectfully asks the Court to seal the record of this conservatorship proceeding pending further Order of the Court.

DATED: January 30, 2009

Respectfully submitted,

LUCE, FORWARD, HAMILTON & SCRIPPS LLP

By:   
Jeffrey D. Wexler  
Attorneys for Conservator of the Person and Co-  
Conservator of the Estate James P. Spears

FILED

**COPY**

1 Geraldine A. Wyle (SBN 89735)  
2 Jeryll S. Cohen (SBN 125392)  
3 Jeffrey D. Wexler (SBN 132256)  
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19 Attorneys for Andrew M. Wallet,  
20 Co-Conservator of the Estate

**ORIGINAL FILED**

JAN 30 2009

**LOS ANGELES  
SUPERIOR COURT**

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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 the  
Estate of:

**BRITNEY JEAN SPEARS,**  
Conservatee.

CASE NO. BP 108870

**NOTICE OF LODGING UNDER SEAL  
THREE DOCUMENTS REFERRED TO IN  
PAPERS IN SUPPORT OF REQUEST FOR  
ORDERS TO STOP HARASSMENT**

Date: January 30, 2009  
Time: 9:45 a.m.  
Department: 11  
Judge: Hon. Aviva K. Bobb

**[FILED CONDITIONALLY UNDER SEAL]**

1 PLEASE TAKE NOTICE that James P. Spears ("Mr. Spears") as conservator of the  
2 person and co-conservator of the estate of Britney Jean Spears hereby files conditionally under  
3 seal the following documents:

- 4 A Instant messages sent to Mr. Spears on January 10, 2009, as referred to in  
5 the Declaration of James P. Spears filed concurrently herewith;
- 6 B Transcript of text messages sent between Osama ("Sam") Lutfi on January  
7 10, 2009, as referred to in the Declaration of Blair Berk filed concurrently  
8 herewith; and
- 9 C January 27, 2009 letter from John T. Anderson to Geraldine A. Wyle and  
10 Jeryll S. Cohen attaching pleadings styled as follows: (a) Ex Parte Petition  
11 for Authority by Conservatee to Retain and Pay for Independent Counsel  
12 and for the PVP Attorney to be Relieved; (b) Memorandum of Points and  
13 Authorities in Support of Ex Parte Petition for Authority by Conservatee  
14 to Retain and Pay for Independent Counsel and for the PVP Attorney to be  
15 Relieved; (c) Declaration of John T. Anderson in Support of Ex Parte  
16 Petition; (d) Nomination of Legal Counsel; and (e) Declination to  
17 Stipulate to Commissioner, as referred to in the Declaration of Jeffrey D.  
18 Wexler filed concurrently herewith.

19 DATED: January 30, 2009

Respectfully submitted,

20 LUCE, FORWARD, HAMILTON & SCRIPPS LLP

21  
22 By: 

23 Jeffrey D. Wexler

24 Attorneys for Conservator of the Person and Co-  
25 Conservator of the Estate James P. Spears  
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1 Geraldine A. Wyle (SBN 89735)  
2 Jeryll S. Cohen (SBN 125392)  
3 Jeffrey D. Wexler (SBN 132256)  
4 **LUCE FORWARD HAMILTON & SCRIPPS LLP**  
5 601 South Figueroa, Suite 3900  
6 Los Angeles, California 90017  
7 Telephone: (213) 892-4992  
8 Facsimile: (213) 892-7731

9 Attorneys for Conservator  
10 of the Person and Co-Conservator  
11 of the Estate James P. Spears

12 Andrew M. Wallet (SBN 93043)  
13 Rebekah E. Swan (SBN 186307)  
14 **HINOJOSA & WALLET**  
15 2215 Colby Avenue  
16 Los Angeles, California 90064  
17 Telephone: (310) 473-7000  
18 Facsimile: (310) 473-1730

19 Attorneys for Andrew M. Wallet,  
20 Co-Conservator of the Estate

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In re the Conservatorship of the Estate of:

BRITNEY JEAN SPEARS,

Proposed Conservatee.

CASE NO. BP 108870

**[PROPOSED] ORDER GRANTING  
APPLICATION TO FILE UNDER SEAL  
THREE DOCUMENTS REFERRED TO IN  
PAPERS IN SUPPORT OF REQUEST FOR  
ORDERS TO STOP HARASSMENT**

Date: January 30, 2009  
Time: 9:45 a.m.  
Department: 11



1           The application of James P. Spears ("Mr. Spears") as conservator of the person and co-  
2 conservator of the estate of Britney Jean Spears pursuant to Cal. R. Court 2.550 and 2.551 for an  
3 Order sealing three documents lodged in support of his Request for Orders to Stop Harassment  
4 came on regularly before this Court.

5           The Court finds as follows:

6           1.       There is a strong interest in maintaining the confidentiality of the three documents  
7 that Mr. Spears seeks to lodge under seal. Those documents include false and hurtful allegations  
8 concerning Mr. Spears, conservatee Britney Jean Spears ("Ms. Spears"), and the Spears family  
9 that, if made public, would cause distress to the entire Spears family and harm to Ms. Spears'  
10 health and recovery. While the public has a general right of public access to the record, any  
11 interest that the public might have in such access is overcome by the overriding interest in  
12 avoiding the distress to the Spears family and the harm to Ms. Spears' health and recovery that  
13 would result from the dissemination of these false and hurtful allegations.

14          2.       The overriding interest in avoiding the distress to the Spears family and the harm  
15 to Ms. Spears' health and recovery that would result from the dissemination of these false and  
16 hurtful allegations supports sealing the record.

17          3.       A substantial probability exists that the overriding interest in ensuring Britney's  
18 safety and securing the assets of the estate will be prejudiced if the record is not unsealed until  
19 the newly appointed conservator has had the opportunity to take the steps necessary to secure the  
20 assets of the estate.

21          4.       The proposed sealing is as narrowly tailored as possible.

22          5.       No less restrictive means exist to protect the overriding interest in ensuring  
23 Britney's safety and securing the assets of the estate.

1 Accordingly, it is ORDERED that the following three documents may be filed under seal:

- 2 A Instant messages sent to Mr. Spears on January 10, 2009, as referred to in  
3 the Declaration of James P. Spears filed concurrently herewith;  
4 B Transcript of text messages sent between Osama ("Sam") Lutfi on January  
5 10, 2009, as referred to in the Declaration of Blair Berk filed concurrently  
6 herewith; and  
7 C January 27, 2009 letter from John T. Anderson to Geraldine A. Wyle and  
8 Jeryll S. Cohen attaching pleadings styled as follows: (a) Ex Parte Petition  
9 for Authority by Conservatee to Retain and Pay for Independent Counsel  
10 and for the PVP Attorney to be Relieved; (b) Memorandum of Points and  
11 Authorities in Support of Ex Parte Petition for Authority by Conservatee  
12 to Retain and Pay for Independent Counsel and for the PVP Attorney to be  
13 Relieved; (c) Declaration of John T. Anderson in Support of Ex Parte  
14 Petition; (d) Nomination of Legal Counsel; and (e) Declination to  
15 Stipulate to Commissioner, as referred to in the Declaration of Jeffrey D.  
16 Wexler filed concurrently herewith.

17  
18 DATED: \_\_\_\_\_, 2009

19 The Honorable Aviva K. Bobb  
20 Judge of the Superior Court  
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**COPY**

1 Geraldine A. Wyle (SBN 89735)  
2 Jeryll S. Cohen (SBN 125392)  
3 Jeffrey D. Wexler (SBN 132256)  
4 **LUCE FORWARD HAMILTON & SCRIPPS LLP**  
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17 Telephone: (310) 473-7000  
18 Facsimile: (310) 473-1730

19 Attorneys for Andrew M. Wallet,  
20 Co-Conservator of the Estate

**ORIGINAL FILED**

JAN 30 2009

**LOS ANGELES  
SUPERIOR COURT**

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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 the  
Estate of:

**BRITNEY JEAN SPEARS,**  
Conservatee.

CASE NO. BP 108870


**JOINDER OF ANDREW M. WALLET,  
CO-CONSERVATOR OF THE ESTATE  
OF BRITNEY JEAN SPEARS, TO  
REQUEST FOR ORDERS TO STOP  
HARASSMENT**

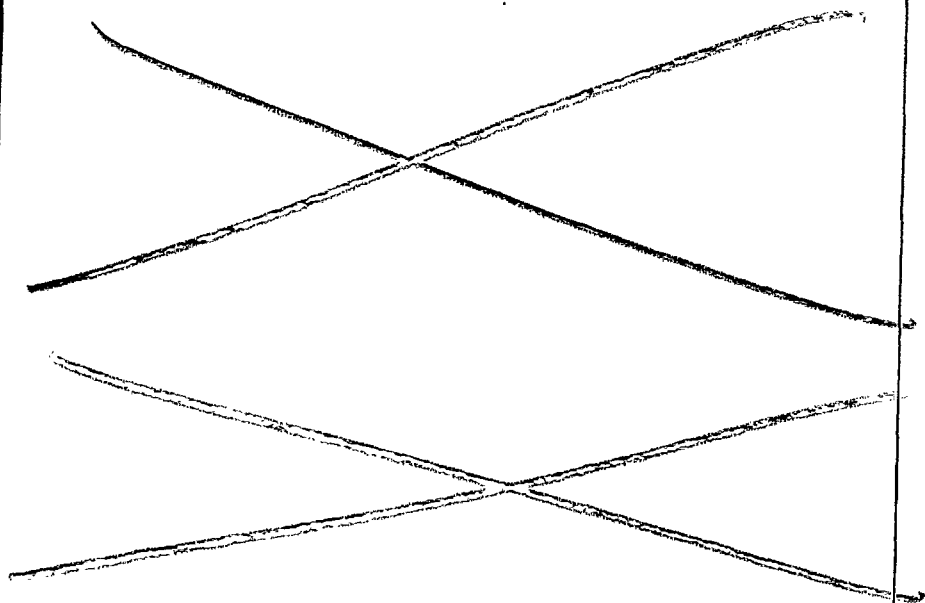
Date: January 30, 2009  
Time: 9:45 a.m.  
Department: 11  
Judge: Hon. Aviva K. Bobb

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I, ANDREW M. WALLET, am the Co-Conservator of the Estate of Britney Jean Spears.  
I hereby join in the Request for Orders to Stop Harassment being filed on January 30, 2009 by  
James P. Spears as Conservator of the Person of Britney Jean Spears and Co-Conservator of the  
Estate of Britney Jean Spears.

Dated: January 27, 2009

By:   
Andrew M. Wallet,  
Co-Conservator of the Estate of Britney  
Jean Spears



2009-01-27

ORIGINAL

CH-120

Notice of Hearing and  
Temporary Restraining Order

Clerk stamps date here when form is filed.

**FILED**  
LOS ANGELES SUPERIOR COURT

JAN 30 2009

JOHN A. CLARKE, CLERK  
BY SALVADOR JIMENEZ, DEPUTY

- ① Name of person asking for protection:  
Britney Jean Spears (through conservator James P. Spears)

Address (skip this if you have a lawyer): (If you want your address  
to be private, give a mailing address instead):

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Your telephone number (optional): (\_\_\_\_\_)

Your lawyer (if you have one): (Name, address, telephone number, and  
State Bar number): Geraldine A. Wyle (SBN 89735)

Luce, Forward, Hamilton & Scripps LLP

601 S. Figueroa St., Suite 3900

Los Angeles, CA 90017

- ② Name of person to be restrained:  
Adnan Ghalib

Description of that person:

Sex: ☒ M ☐ F Height: 5' 10" Weight: 180 pounds Race: Afghani  
Hair Color: Black Eye Color: Brown Age: 36 Date of Birth: 9/14/1972  
Home Address (if known): 17550 Burbank, Apt. 8  
City: Encino State: CA Zip: 91403  
Work Address (if known): \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

To the person in ②:

- ③ Notice of Hearing  
A court hearing is scheduled on the request for orders against you to stop harassment:

Good Cause Appearing: \_\_\_\_\_ Name and address of court if different from above:  
Hearing → Date: 3/23/09 Time: 10:00 A.M. Same as above  
Date Dept.: 11 Rm.: 246

If you do not want the court to make orders against you, file Form CH-110. Then go to the hearing and tell the court why you disagree. You may bring witnesses and other evidence. If you do not go to this hearing, the court may make restraining orders against you that could last up to 3 years.

- ④ Court Orders

The court (check a or b):

- a. ☐ Has scheduled the hearing stated in ③. No orders are issued against you at this time.  
b. ☒ Has scheduled the hearing stated in ③ and has issued the temporary orders against you specified on page 2. If you do not obey these orders, you can be arrested and charged with a crime. And you may have to go to jail, pay a fine of up to \$1,000, or both.

This is a Court Order.

Judicial Council of California, www.courtinfo.ca.gov  
Revised July 1, 2007, Mandatory Form  
Code of Civil Procedure, §§ 527.5 and 527.9  
Approved by DOJ

Notice of Hearing and Temporary Restraining Order (CLETS) CH-120, Page 1 of 4  
(Civil Harassment)

American LegalNet, Inc.  
www.FormsWorkflow.com

Your name: Britney Jean Spears (through conservator James P. Spears)

Case Number:

BP108870

### Temporary Orders Against the Restrained Person

(Write the name of the person in ②): Adnan Ghalib

The court has made the temporary orders indicated below against you. You must obey all these orders. These orders will expire on the date of the hearing listed in ③ unless they are extended by the court.

⑤ ☒ **Personal Conduct Orders**

You must not do the following things to the people listed in ① and ⑩:

- ☒ a. Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, destroy personal property, keep under surveillance, or block movements.
- ☒ b. Contact (directly or indirectly), telephone, send messages, mail, or e-mail.
- ☒ c. Take any action, directly or through others, to obtain the addresses or locations of the persons in ① and ⑩. (If item c is not checked, the court has found good cause not to make this order.)

Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this Order.

⑥ ☒ **Stay-Away Order**

You must stay at least (specify): 250 yards away from:

- a. ☒ The person listed in ①
- b. ☒ The people listed in ⑩
- c. ☒ The home of the persons in ① and ⑩
- d. ☒ Jobs or workplaces of the persons in ① and ⑩
- e. ☒ Vehicle of person in ①
- f. ☒ The protected children's school or child care
- g. ☒ Other (specify): Parents' homes, children's homes, siblings' homes

This stay-away order does not prevent the person in ② from going to or from that person's home or place of employment.

⑦ **No Guns or Other Firearms**

You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get a gun or firearm.

⑧ **Turn-in or Sell Guns or Firearms**

You must:

- Sell to a licensed gun dealer or turn in to police any guns or firearms that you possess or control. This must be done within 24 hours of being served with this order.
- File a receipt with the court within 48 hours of receiving this order that proves guns have been turned in or sold. (You may use Form CH-145 for this.)

- ⑨ ☒ **Other Orders (specify):** You are prohibited from: (1) acting on Ms. Spears' behalf, or purporting to act on her behalf; (2) inducing or assisting any other person to take action on Ms. Spears' behalf, or to purport to take action on her behalf; and (3) filing, or inducing or assisting any other person to file, legal pleadings that purport to be filed on Ms. Spears' behalf.

This is a Court Order.

Revised July 1, 2007

Notice of Hearing and Temporary Restraining Order (CLETS)  
(Civil Harassment)

CH-120, Page 2 of 4



Case Number:

BP108870

Your name: Britney Jean Spears (through conservator James P. Spears)

**⑩ ☒ Other Protected Persons**

List of the full names of all family or household members protected by these orders:

Jamie P. Spears, Lynne Spears, Sean Preston Federline, Jayden James Federline

**Instructions for the Protected Person**

To the person in ①: (Write the name of the person in ①): \_\_\_\_\_

**⑪ Service of Order on Law Enforcement**

If the court issues temporary restraining orders, by the close of business on the date the orders are made, you or your lawyer should deliver a copy of this Order and any proof of service forms to each law enforcement agency listed below.

Name of Law Enforcement Agency:

Address (City, State, Zip)

Los Angeles Police Department

150 N. Los Angeles St., L.A., CA 90012

Beverly Hills Police Department

464 N. Rexford Drive, Beverly Hills, CA 90210

**⑫ Service of Documents**

You must have someone personally deliver to the person in ② a copy of all the documents checked below:

- a. ☒ CH-120, *Notice of Hearing and Temporary Restraining Order (CLETS)* (completed and file-stamped)
- b. ☒ CH-100, *Request for Orders to Stop Harassment* (completed and file-stamped)
- c. ☒ CH-110, *Answer to Request for Orders to Stop Harassment* (blank form)
- d. ☒ CH-145, *Proof of Firearms Turned In or Sold* (blank form)
- e. ☒ CH-151, *How Can I Answer a Request for Orders to Stop Harassment?*
- f. ☐ Other (specify): \_\_\_\_\_

You must file with the court before the hearing a proof of service of these documents on the person in ②.

**⑬ Time for Service (check a, b, or c)**

- a. ☒ A copy of the documents listed in ⑫ must be served in person to the person in ② at least 5 days before the hearing.
- b. ☐ A copy of the documents listed in ⑫ must be served in person to the person in ② at least 2 days before the hearing.
- c. ☐ A copy of the documents listed in ⑫ must be served in person to the person in ② at least \_\_\_\_\_ days before the hearing.

**⑭ ☐ No Fee for Filing**

Filing fees are waived.

**This is a Court Order.**

Revised July 1, 2007

**Notice of Hearing and Temporary Restraining Order (CLETS)  
(Civil Harassment)**

CH-120, Page 3 of 4



Case Number:

BP108870

Your name: Britney Jean Spears (through conservator James P. Spears)

**(15) ☐ No Fee for Service of Order by Law Enforcement**

The sheriff or marshal will serve this Order without charge because:

- a. ☐ The Order is based on stalking.
- b. ☐ The Order is based on a credible threat of violence.
- c. ☐ The person in ① is entitled to a fee waiver.

Date: JAN 9 0 2009

Judicial Officer

AVIVA BOBB

**Warnings and Notices to the Restrained Person in ②**

**You Cannot Have Guns or Firearms**

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get a gun while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to a licensed gun dealer or turn in to police any guns or firearms that you have or control in accordance with item ⑥ above. The court will require you to prove that you did so. If you do not obey this Order, you can be charged with a crime.

**Instructions for Law Enforcement**

This Order is effective when made. It is enforceable anywhere in all 50 states, the District of Columbia, all tribal lands, and all U.S. territories and shall be enforced as if it were an order of that jurisdiction by any law enforcement agency that has received the Order, is shown a copy of the Order, or has verified its existence on the California Law Enforcement Telecommunications System (CLETS). If the law enforcement agency has not received proof of service on the restrained person, and the restrained person was not present at the court hearing, the agency shall advise the restrained person of the terms of the Order and then shall enforce it. Violations of this Order are subject to criminal penalties.



**Requests for Accommodations**

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least 5 days before the hearing. Contact the clerk's office or go to [www.courtinfo.ca.gov/forms](http://www.courtinfo.ca.gov/forms) for Request for Accommodations by Persons With Disabilities and Order (Form MC-410). (Civil Code, § 54.8.)

(Clerk will fill out this part.)

**—Clerk's Certificate—**

I certify that this Notice of Hearing and Temporary Restraining Order is a true and correct copy of the original on file in the court.

Date: JAN 9 0 2009

Clerk, by

Deputy



JOHN A. CLARKE

Sai Jimenez

This is a Court Order.

Revised July 1, 2001

Notice of Hearing and Temporary Restraining Order (CLETS)  
(Civil Harassment)

CH-120, Page 4 of 4



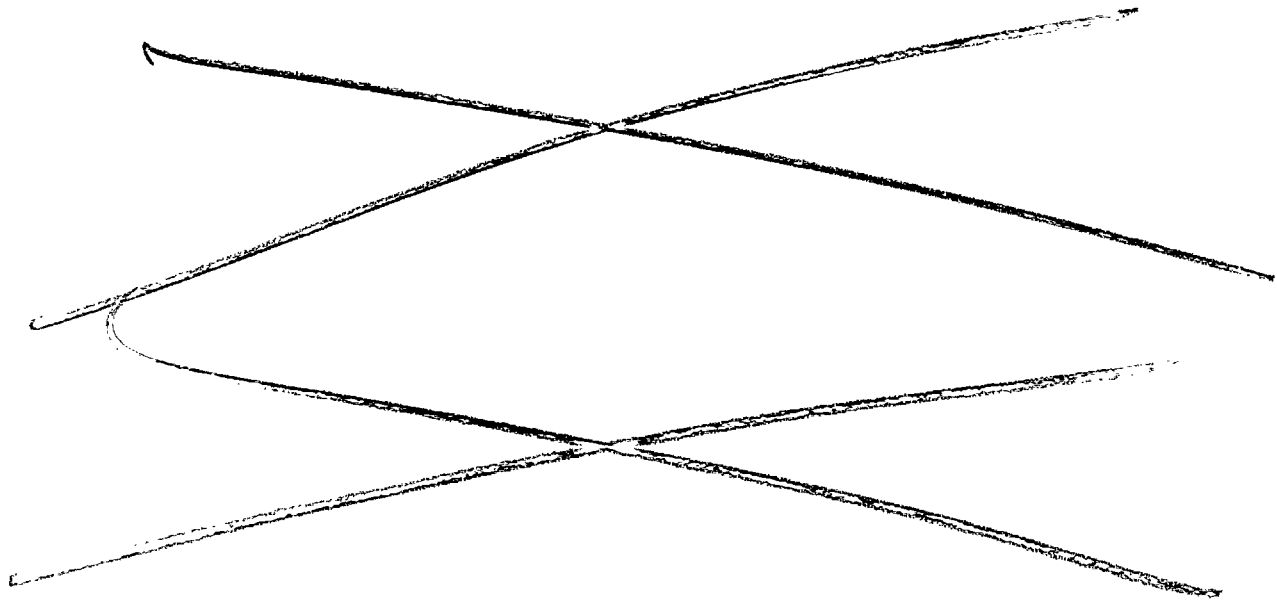


EXHIBIT 4

2025-11-14

1 Jon Eardley, Esq. CA Bar No. 132577

2 **LAW OFFICES OF JON EARDLEY**

3 50 Jericho Turnpike

4 Suite 201

5 Jericho, New York 11753

6 516-876-4213

7 516-876-6906 (fax)

8 **LAW OFFICES OF JON EARDLEY**

9 1707 N Street, N.W.

10 Washington, D.C. 20036

11 202-223-4884

12 **LAW OFFICES OF JON EARDLEY**

13 16020 Puesta Del Sol Dr.

14 Whittier, CA 90603

15 (562) 947-2006

16 (562) 947-2006 fax

17 Attorney for Britney J. Spears

18 **SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE COUNTY OF LOS**  
 19 **ANGELES—STANLEY MOSK**

20 In re Conservatorship of the Person and the ) CASE NO. BP108870  
 21 Estate of BRITNEY JEAN SPEARS )

22 ) **DECLARATION OF PROFESSOR**  
 23 ) **WILLIAM MCGOVERN**

24 ) [Dept. 9]  
 25 )  
 26 )  
 27 )  
 28 )

29 I, William McGovern do state and declare as follows:

- 30 1. I am a Professor of Law, Emeritus, at UCLA. My educational background and publications are listed in an appendix to this declaration.
- 31 2. I have examined the orders entered by the Superior Court on February 2, 2008 in the above case, including the Order Appointing Temporary Conservator of the Estate, the Letters

32 **DECLARATION OF PROFESSOR WILLIAM MCGOVERN**

**CONFORMED COPY**  
 OF ORIGINAL FILED  
 Los Angeles Superior Court

MAR 17 2008

John A. Clarke, Executive Officer/Clerk

BY

A. Watts

EX4

- 1 accompanying the order, Order Appointing Temporary Conservator of the Person and the  
2 accompanying letters, and the Order Dispensing with Notice. I have also examined the  
3 Petitions for Appointment of Conservator of the Person and Estate filed by James Spears,  
4 pursuant to which the foregoing orders were issued, and the Declaration of Lynne Spears in  
5 Support of the Ex Parte Application.
- 6 3. These orders are all defective in that no notice of the hearing was "personally delivered to  
7 the proposed conservatee" as required by California Probate Code § 2250(c)(2). No reason  
8 for dispensing with this requirement was suggested by the Order Dispensing with Notice.  
9 Checking a box on a printed form stating that "notice of hearing is dispensed with" for no  
10 stated reason does not comply with the statute. The statute is designed to limit exceptions  
11 to the notice requirement "to only cases when waiver of the notice is essential to protect the  
12 proposed conservatee. . . or the estate of the proposed conservatee. . . from substantial  
13 harm." CPC § 2250(k). Nothing in the Declaration of Lynne Spears suggest that giving the  
14 conservatee notice of the proceedings would be prejudicial to her, much less that lack of  
15 notice was "essential to protect her from substantial harm."
- 16 4. This statute was amended in 2007 because "a perceived failure of the current  
17 conservatorship was the imposition of temporary conservatorships with virtually no notice  
18 to conservatees. . . The Legislature expressed particular concern about abuse of the good  
19 cause exception for personal service on the conservatee and required the Judicial Council to  
20 adopt a rule of court establishing uniform standards for determining what is good cause."  
21 Corey, Lodise and Stern, *Crisis in Conservatorships*, 12 California Estates and Trusts  
22 Quarterly, No 4, p. 43, (Winter 2007). The more specific language of this rule Rule 7.1012  
23 (see Appendix) confirms that failure to give notice was not warranted in this case.
- 24 5. Under California Probate Code § 1823(b)(6), a proposed conservatee "has the right to  
25 choose and be represented by counsel." This right was infringed by the Order Appointing  
26 Temporary Conservator of the Person which allowed the Temporary Conservator "to restrict  
27 and limit visitors" to the conservatee and allowing him to approve the location for any  
28 meeting with counsel. This restriction also is contrary to Section 2113 which requires  
conservators to "accommodate the desires of the conservatee" with limited exceptions.
6. California Probate Code § 1301(a) limiting appeals from the "granting . . . letters of . . .  
temporary conservatorship" should not apply in this case. Under Section 2250(f) such  
orders when granted ex parte require that a hearing be held within 30 days, with notice to  
"the proposed ward if 12 years of age or older" under Section 1511. To permit a  
"temporary" conservatorship created ex parte to last more than 30 days without giving the  
conservatee an opportunity to appear and be heard infringes her rights to due process under  
the U.S. and California constitutions as well as the spirit of the Probate Code.

#### Appendix A

#### **Rule 7.1012. The good cause exception to notice of the hearing on a petition for appointment of a temporary guardian**

##### **(a) Purpose**

The purpose of this rule is to establish uniform standards for the good cause exception to the notice of the hearing required on a petition for appointment of a temporary guardian under Probate Code section 2250(c).

##### **(b) Good cause for exceptions to notice limited**

DECLARATION OF PROFESSOR WILLIAM MCGOVERN

1 Good cause for an exception to the notice required by section 2250(c) must be based on a showing  
2 that the exception is necessary to protect the proposed ward or his or her estate from immediate and  
substantial harm.

3 **(c) Court may waive or change the time or manner of giving notice**

4 An exception to the notice requirement of section 2250(c) may include one or any combination of  
the following:

5 (1) Waiving notice to one, more than one, or all persons entitled to notice;

6 (2) Requiring a different period of notice; and

7 (3) Changing the required manner of giving notice, including requiring notice by telephone, fax, e-  
mail, or a combination of these methods, instead of notice by personal delivery to the proposed  
ward's parents or to a person with a visitation order.

8 **(d) Good cause exceptions to notice**

9 Good cause for an exception to the notice requirement of section 2250(c) may include a showing  
of:

10 (1) Harm caused by the passage of time. The showing must demonstrate the immediate and  
substantial harm to the ward or the ward's estate that could occur during the notice period.

11 (2) Harm that one or more persons entitled to notice might do to the proposed ward, including  
abduction; or harm to the proposed ward's estate if notice to those persons is given. Such a  
showing would not support an exception to the requirement to give notice to any other person  
entitled to notice unless it also demonstrates that notice cannot reasonably be given to the other  
person without also giving notice to the persons who might cause harm.

12 (3) The death or incapacity of the proposed ward's custodial parent and the petitioner's status as the  
custodial parent's nominee.

13 (4) Medical emergency. The emergency must be immediate and substantial and treatment (1) must  
be reasonably unavailable unless a temporary guardian is appointed and (2) cannot be deferred for  
the notice period because of the proposed ward's pain or extreme discomfort or a significant risk of  
harm.

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DECLARATION OF PROFESSOR WILLIAM MCGOVERN

(5) Financial emergency. The emergency must be immediate and substantial and other means shown likely to be ineffective to prevent loss or further loss to the proposed ward's estate or loss of support for the proposed ward during the notice period.

**(e) Contents of request for good cause exception to notice**

A request for a good cause exception to the notice requirement of section 2250(c) must be in writing, separate from the petition for appointment of a temporary guardian, and must include:

- (1) An application containing the case caption and stating the relief requested;
- (2) An affirmative factual showing in support of the application in a declaration under penalty of perjury containing competent testimony based on personal knowledge;
- (3) A declaration under penalty of perjury based on personal knowledge containing the information required for an ex parte application under rule 3.1204(b);
- (4) A memorandum; and
- (5) A proposed order.

**Appendix B**

NAME: William M. McGovern

ADDRESS: UCLA Law School, Box 954176 Los Angeles, CA 90095-1476

Tel. 310-825-1137 Fax 310-267-0158 email: mcgovern@law.ucla.edu

BIRTH DATE: July 9, 1934

EDUCATION: A.B. Princeton University, 1955

LL.B. Harvard University, 1958

Member of Illinois Bar, Associate, Sidley & Austin, Chicago, 1959-63

**ACADEMIC APPOINTMENTS:**

Professor of Law, Northwestern University 1963-1971

Visiting Professor, University of Minnesota Law School, 1979-80

Visiting Professor, University of Virginia Law School, Spring 1983

Professor of Law, UCLA 1971-94, currently Emeritus

Universities of Jena and Erlangen, Germany (Spring 2001)

**OTHER APPOINTMENTS:**

Adviser to Restatement (Third) of Trusts and Restatement (Third) of Property (Wills and Other Donative Transfers) (from 1997)

Member, Commission on National Probate Standards

**BIBLIOGRAPHY: Books:**

Restatement (Third) of Trusts (in progress, Associate Reporter with Edward Halbach, 1996-98)

Annotated California Probate Code (1995 and following)

Trusts and Estates: Wills, Trusts, Future Interests and Taxation West, 1988 (3d ed. 2004)  
(with Sheldon Kurtz)

National Probate Court Standards (with others) 1993

**Papers:**

"Contract in Medieval England: Wager of Law and the Effect of Death," 54 Iowa L. Rev. 19-62 (1968)

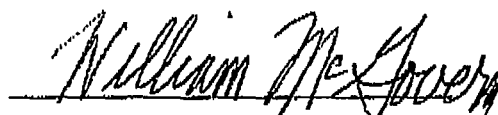
"Contract in Medieval England: The Necessary for Quid pro Quo and a Sum Certain," 13 Amer. J. of Leg. Hist. 173-201 (1969)

"Homicide and Succession to Property," 68 Mich. L. Rev. 65-110 (1969)

DECLARATION OF PROFESSOR WILLIAM MCGOVERN

- 1 "The Enforcement of Oral Covenants Prior to Assumpsit," 65 Nw. U.L. Rev. 576-614  
2 (1970)  
3 "The Enforcement of Informal Contracts in the Later Middle Ages," 59 Calif. L. Rev.  
4 1145-1192 (1971)  
5 "Perpetuities Pitfalls and How Best To Avoid Them," 6 Real Prop., Prob. & Trust L.J.  
6 155-77 (1971)  
7 "The Payable on Death Account and Other Will Substitutes," 67 Nw. U. L. Rev. 7-41  
8 (1972)  
9 "The Historical Conception of a Lease for Years," 23 UCLA L. Rev. 501-28 (1976)  
10 "Dependent Promises in the History of Leases and Other Contracts," 52 Tul. L. Rev.  
11 659-705 (1978)  
12 "Facts and Rules in the Construction of Wills," 26 UCLA L. Rev. 285-321 (1978)  
13 "Forfeiture, Inequality of Bargaining Power, and the Availability of Credit: An Historical  
14 Perspective," 74 Nw. U.L. Rev. 141-65 (1979)  
15 "Nonprobate Transfers under the Revised Uniform Probate Code," 55 Albany L. Rev.  
16 1329-53 (1992)  
17 "Trusts, Custodianships and Durable Powers of Attorney," 27 Real Property Probate and  
18 Trust Journal 1-47 (1992)  
19 "Undue Influence and Professional Responsibility," 28 REAL PROPERTY, PROBATE AND  
20 TRUST J 643-81 (1994)  
21 "The Increasing Malpractice Liability of Will Drafters," 133 Trusts and Estates (Dec. 1994)  
22 p. 10  
23 "Rules of Construction: Probate Code Sections 21101-21140," study for the California Law  
24 Revision Commission (2000).

15 I declare under penalty of perjury of the laws of the State of California that the foregoing is true and  
16 correct, and as to those matters stated upon information and belief, I believe them to be true and  
17 correct. Executed this 14<sup>th</sup> day of March 2008 in Los Angeles, California.

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20 

21 William McGovern

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28 DECLARATION OF PROFESSOR WILLIAM MCGOVERN

*(Faint handwritten notes at the bottom of the page)*

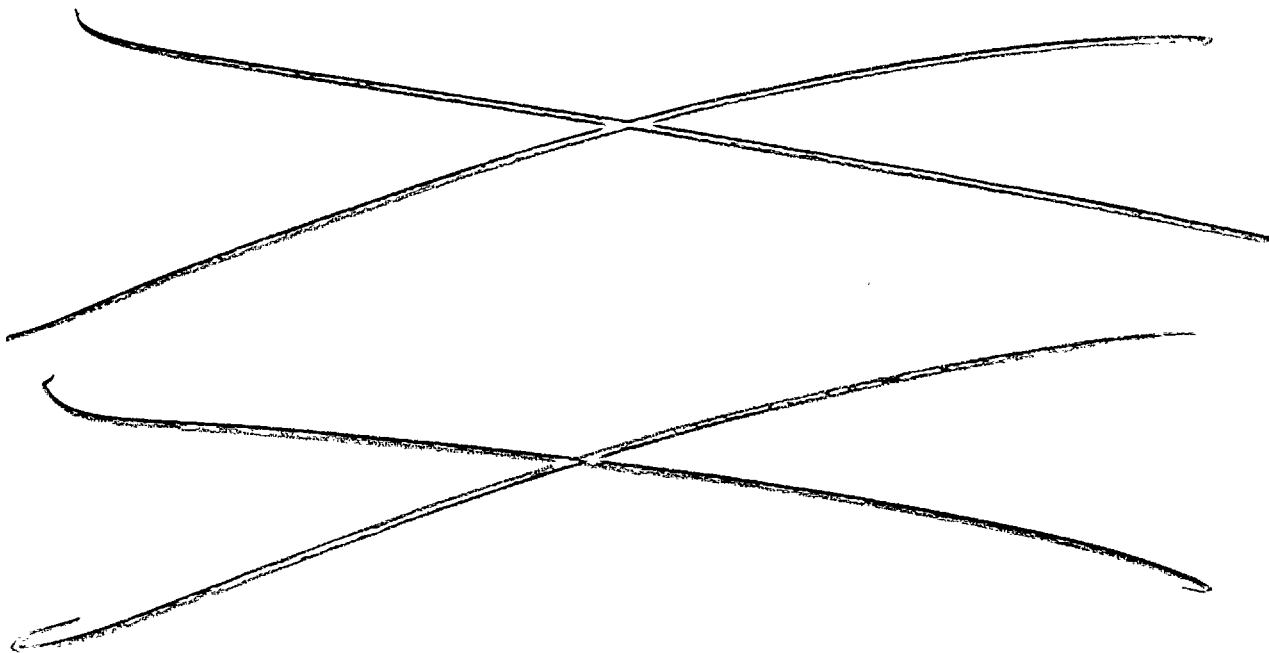


EXHIBIT 5

2025-11-14





300 SOUTH SPRING STREET, SUITE 1702  
LOS ANGELES, CA 90013

Public: (213) 897-2000  
Telephone: (213) 897-2365  
Facsimile: (213) 897-2806  
E-Mail: Jim.Root@doj.ca.gov

August 22, 2008

Jon Eardley  
Law Offices of Jon Eardley  
16020 Puesta Del Sol Drive  
Whittier, CA 90603

RE: Conservatorship of Britney J. Spears, BP108870  
AG No. LA2008302510

Dear Mr. Eardley,

Thank you for your inquiry on behalf of your client, Britney Spears. In the many documents you have provided, and in our discussions concerning them, you have thoughtfully explained the difficult situation in which Ms. Spears finds herself as a temporary conservatee. On several occasions, you have pointed out that Ms. Spears was not given proper notice of the initial hearing for the appointment of a temporary conservator, that she personally opposes the conservatorship, and that she is not a suitable candidate for a permanent conservatorship.

Based on these concerns, you request the Attorney General intervene in the conservatorship proceeding as an "interested party," and oppose the appointment of a conservator for Ms. Spears. Such a step is appropriate in your view because the Attorney General has a duty to insure that the laws governing conservatorships are properly administered and free from abuse.

The Attorney General's Office acknowledges its duty "to see that the laws of the State are uniformly and adequately enforced." (Cal. Const., art., § 13.) However, the action you propose is an extraordinary one since this office is not a party to, and has no direct or statutory role in, Ms. Spears' case. Therefore, your request requires careful evaluation, beginning with the relevant legal principles.

California's Probate Code provides several methods to challenge a conservatorship, including opposition to a petition to appoint a conservator, a petition to remove a conservator, and a petition to terminate a conservatorship. (Prob. Code, §§ 1829, 2651, 1861(a).) The Code also liberally confers standing on a broad class of individuals who may want to oppose a conservatorship. It allows a conservator, conservatee, spouse, friend, relative, or any interested party to contest the appointment of a conservator, or to petition to remove a conservator or terminate a conservatorship. These parties have the right to file written oppositions with the court and to be present at resulting hearings. (Prob. Code, §§ 1021(a), 1043, 2653.) A

EX 5

conservatee also possesses special protections under state law. He or she must be given notice of conservatorship proceedings and has a right to appear at all hearings. In addition, the court must appoint an independent attorney and investigator for the conservatee and must consider reports which include the perspectives of relatives, friends, professionals, and all interested parties. (Prob. Code, §§ 2250.6, 2253(f).)

As you have correctly pointed out, an interested party includes "any interested state, local, or federal entity or agency" or any "interested public officer or employee of this state . . . ." (Prob. Code, § 1424.) Under normal circumstances, "interested" government officials are those with direct roles in the conservatorship process, such as mental and health professionals, social workers, public guardians, etc.

However, putting aside the question of whether the Attorney General is an "interested" public officer in this case, it appears that Ms. Spears' rights are being adequately protected by the court overseeing her case. On February 1, 2008, Commissioner Goetz of the Superior Court of Los Angeles County appointed Ms. Spears' father, Jamie, as a temporary conservator. On July 31, 2008, the temporary conservatorship was extended to December 31, 2008, when it will expire or become permanent following a hearing. In addition, the court has set an interim status hearing on October 28, 2008.

The court also appointed attorney Samuel Ingham to represent Ms. Spears and appointed a physician to evaluate Ms. Spears. While our office does not have access to reports by court-appointed investigators and experts, it must be assumed, without strong evidence to the contrary, that the court is appropriately supervising the evaluation process and will properly weigh information it receives when considering whether to appoint a permanent conservator.

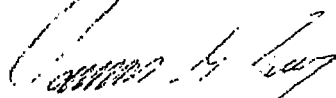
You have particularly stressed that Ms. Spears was not given notice of the initial petition for temporary conservatorship, and that good cause to dispense with the notice requirement, under section 2250(c), was never demonstrated. In addition to obtaining a declaration by Prof. William McGovern supporting your position, you filed an appeal in the California Court of Appeal and sought to remove the probate case to United States District Court. While both efforts were unsuccessful, the Court of Appeal merely found that an appeal could not be taken from the appointment of a temporary conservator. As a result, Ms. Spears still retains the ability to challenge the notice issue by filing a petition for writ of mandamus or prohibition.

Because the superior court appears to be properly exercising its authority under state law and because Ms. Spears has adequate means to challenge the imposition of a conservatorship, there is no compelling basis for the Attorney General to intervene in her conservatorship proceeding. Under the circumstances, it would be far more appropriate for Ms. Spears herself or individuals close to her, including concerned friends and relatives, to oppose the conservatorship, rather than a public official with no direct involvement in the case or knowledge of relevant facts. As noted above, almost anyone familiar with Ms. Spears is authorized by law to file petitions to terminate the temporary conservatorship, to oppose the appointment of a permanent conservator, or to remove the conservator in the best interests of Ms. Spears.

Without question, conservatorships can be difficult and emotional undertakings, and for good reason, since cherished personal freedoms are at stake. Your diligent efforts to insure the integrity of the judicial process are, therefore, greatly appreciated and in the highest tradition of the legal profession. Based on the information you have shared with this office, it is clear that the conservatorship proceedings in this case have touched on intense emotional and financial issues within the Spears family, and that Ms. Spears believes the conservatorship to be unlawful, onerous, and contrary to her best interests. While mindful of these serious concerns, the Attorney General's Office trusts that the process put in place by the Legislature is being properly implemented by the courts and will afford Ms. Spears every opportunity to obtain a just and fair result.

Again, thank you for your inquiry. If you wish to discuss this matter further, please do not hesitate to contact me at (213) 897-2365.

Sincerely,



JAMES G. ROOT  
Deputy Attorney General

For EDMUND G. BROWN JR.  
Attorney General

cc: Attorney General Edmund G. Brown Jr.

10-1-08

## PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 16020 Puesta Del Sol, Whittier, CA.

On March 6, 2009 I served the foregoing document, described as NOTICE OF APPEAL; AND ELECTION TO PROCEED PROSUANT TO CALIF. RULES OF COURT, RULE 8.124 BY WAY OF APPENDIX IN LIEU OF CLERK'S TRANSCRIPT on the interested parties in this action by placing a true copy thereof, in sealed envelopes addressed as follows:

Geraldine A. Wyle, Esq.  
Luce, Forward, Hamilton, & Scripps LLP  
601 S. Figueroa Street, Suite 3900  
Los Angeles, CA 90017

☒ By mail. I am readily familiar with the firm's practice of collection and sending of correspondence. Pursuant to this practice of collection and processing correspondence, it is mailed on date of this service.

Executed this 6<sup>th</sup> day of March 2009 in Whittier, CA 90603. I declare under penalty of perjury that the foregoing is true and correct.

  
\_\_\_\_\_  
Michelle Spirtos

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R. 7

NEWDOC

