

MAR 27 2009

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7 Specially appearing on behalf of Sam Lutfi

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9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
10 **FOR THE COUNTY OF LOS ANGELES**  
11

12 In re the Conservatorship of the Person and )  
the Estate of: )

13 BRITNEY JEAN SPEARS, )  
14 )  
15 Conservatee. )

Case No. BP 108870

16 **EVIDENTIARY OBJECTIONS TO THE**  
17 **DECLARATION OF JEFFREY D.**  
18 **WEXLER IN SUPPORT OF REQUEST**  
19 **FOR ORDERS TO STOP HARASSMENT**

20 [Evidentiary objections to the declarations of  
Nancy Kammer, John T. Anderson, Stuart  
Richards and Daniel Haines filed  
concurrently herewith]

21 Date: April 1, 2009  
22 Time: 10:00 a.m.  
23 Place: Dept. 11

24 Osama "Sam" Lutfi ("Lutfi") respectfully submits the following evidentiary objections to  
25 the Declaration of Jeffrey D. Wexler in Support of Request for Orders to Stop Harassment, as  
26 well as the evidence attached thereto, filed by Britney Jean Spears by and through her  
conservator, James P. Spears.

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I.

**SUMMARY OF APPLICABLE LAW**

In analyzing declarations and affidavits given in support or opposition to a motion, California adheres to the following principles:

1. "Personal knowledge and competency must be shown in supporting the supporting and opposing affidavits and declarations." Hayman v. Block, 176 Cal. App. 3d 629, 639 (1986).

2. "The affidavits must cite evidentiary facts, not legal conclusions or 'ultimate' facts." Id.

3. "Understandings" are ultimate conclusions by inference without evidentiary support. See, Eisenberg v. Alameda Newspapers, Inc., 74 Cal. App. 4th 1359, 1390 (1990).

4. "Matters which would be excluded under the rules of evidence if proffered by a witness in a trial as hearsay, conclusions or impermissible opinions, must be disregarded in supporting affidavits." Id.

5. Authentication of a writing is required before it, or any secondary evidence of its content may be received in evidence. California Evidence Code § 1401.

II.

**OBJECTIONS TO THE DECLARATION OF JEFFREY D. WEXLER**

Objection No. 1:

Lutfi hereby objects to, and moves to strike, Paragraph 5 of the Declaration of Jeffrey D. Wexler (§ 5, 3:1-3) that reads as follows:

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

Grounds for Objection:

1. Hearsay.

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Sustained: \_\_\_\_\_ Judge: \_\_\_\_\_

Overruled: \_\_\_\_\_

Objection No. 2:

Lutfi hereby objects to, and moves to strike, Paragraph 6 of the Declaration of Jeffrey D. Wexler (§ 6, 3:4-7) that reads as follows:

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

Grounds for Objection:

1. Best evidence.
2. Hearsay.

Sustained: \_\_\_\_\_ Judge: \_\_\_\_\_

Overruled: \_\_\_\_\_

Objection No. 3:

Lutfi hereby objects to, and moves to strike, Paragraph 11 of the Declaration of Jeffrey D. Wexler (§ 11, 3:24-26) that reads as follows:

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

Grounds for Objection:

1. Best evidence.
2. Hearsay.

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Sustained: \_\_\_\_\_

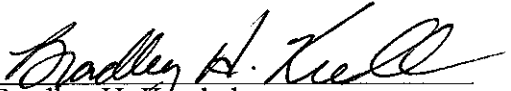
Judge: \_\_\_\_\_

Overruled: \_\_\_\_\_

Dated: March 27, 2009

FREEDMAN & TAITELMAN, LLP

By:

  
Bradley H. Kreshek,  
Attorneys for Sam Lutfi

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**PROOF OF SERVICE**

**STATE OF CALIFORNIA** ]  
]ss.  
**COUNTY OF LOS ANGELES** ]

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 1901 Avenue of the Stars, Suite 500, Los Angeles, California 90067.

On **March 27, 2009**, I served the following document(s) described as ***EVIDENTIARY OBJECTIONS TO THE DECLARATION OF JEFFREY D. WEXLER IN SUPPORT OF REQUEST FOR ORDERS TO STOP HARASSMENT*** on the interested parties in this action as follows:

☒ **STATE**

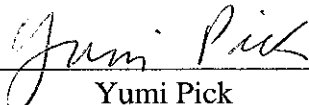
☐ by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m. from **(310) 201-0045** to \_\_\_\_\_. The transmission was reported as complete and without error, and a transmission report was properly issued by the transmitting facsimile machine.

☐ by placing a true copy of the document(s) listed above in a sealed envelope(s), with postage thereon fully prepaid, addressed as set forth below. I am readily familiar with the firm's practice for collection and processing of correspondence and other materials for mailing with the United States Postal Service. On this date, I sealed the envelope(s) containing the above materials and placed the envelope(s) for collection and mailing at the address above following our office's ordinary business practices. The envelope(s) will be deposited with the United States Postal Service on this date, in the ordinary course of business.

☒ by placing the document(s) listed above in a sealed Federal Express envelope and affixing a pre-paid air bill and causing the envelope to be delivered to a Federal Express agent for next business day delivery to the address(es) listed below.

**SEE ATTACHED SERVICE LIST**

I declare under penalty of perjury under the laws of the State of California that the above is true and correct and that this Proof of Service was executed on **March 27, 2009** at Los Angeles, California.

  
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Yumi Pick

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