



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

4           2.       “The affidavits must cite evidentiary facts, not legal conclusions or ‘ultimate’  
5 facts.” Id.

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

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

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

13          6.       Declarations as to the intent of a document are mere opinion. See, Pepper  
14 Industries, Inc. v. Home Insurance Co., 67 Cal. App. 3d 1012, 1017 (1977).

15          7.       “[A]n affidavit is not competent evidence, although made under oath, because it is  
16 hearsay.” Estate of Horman, 265 Cal. App. 2d 796, 805 (1968).

17          8.       “Affidavits are not in the nature of the best evidence by which to prove issuable  
18 facts. They rank on no higher plane for that purpose than hearsay evidence.” Lacrabere v. Wise,  
19 141 Cal. 554, 556 (1904).

20          9.       “Computer printouts are admissible and are presumed to be an accurate  
21 representation of the data in the computer. If offered for the truth, however, they must qualify  
22 under some hearsay exception . . . .” Aguimatang v. Cal. State Lottery, 234 Cal. App. 3d 769,  
23 797 (1991).

24          10.      “[A]ffidavits may not be used in evidence unless permitted by statute.” Estate of  
25 Fraysher, 47 Cal. 2d 131, 135 (1956).

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1 II.

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

3 Objection No. 1:

4 Lutfi hereby objects to, and moves to strike, that portion of Paragraph 2 of the  
5 Declaration of Jeffrey D. Wexler (§ 2 15:9-12) that reads as follows:

6 “On May 8, 2009, Mr. Spears and Andrew M. Wallet, co-conservator of the estate  
7 of Britney Jean Spears, submitted my declaration in support of their request for an  
8 award of attorneys’ fees and costs pursuant to Cal. Civ. Proc. Code § 527.6(i) and  
9 Cal. Welf. & Inst. Code § 15657.03(n).”

9 Grounds for Objection:

- 10 1. Best evidence.  
11 2. Hearsay.  
12 3. Lack of foundation.  
13 4. Lack of personal knowledge.

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

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

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

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18 Objection No. 2:

19 Lutfi hereby objects to, and moves to strike, that portion of Paragraph 2 of the  
20 Declaration of Jeffrey D. Wexler (§ 2, 15:12-15) that reads as follows:

21 “Attached as Exhibit A to my declaration filed on May 8, 2008 [sic] is a true and  
22 correct copy of a billing information memo (‘BIM’) generated by Luce Forward’s  
23 accounting system that, *inter alia*, sets forth the costs incurred or paid by Luce  
24 Forward through April 30, 2009 in connection with this matter.”

24 Grounds for Objection:

- 25 1. Best evidence.  
26 2. Hearsay.  
27 3. Improper authentication.  
28 4. Improper opinion/conclusion.

- 1 5. Lack of foundation.  
2 6. Lack of personal knowledge.  
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4 Sustained: \_\_\_\_\_ Judge: \_\_\_\_\_  
5 Overruled: \_\_\_\_\_  
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7 Objection No. 3:

8 Lutfi hereby objects to, and moves to strike, that portion of Paragraph 3 of the  
9 Declaration of Jeffrey D. Wexler (§ 3, 1516-18) that reads as follows:

10 "Because Luce Forward has a separate matter number for its work relating to the  
11 injunction proceedings against Osama ('Sam') Lutfi, Adnan Ghalib, and Jon Jay  
12 Eardley, all costs (and fees) appearing on the BIM relate to the injunction  
13 proceedings."

13 Grounds for Objection:

- 14 1. Best evidence.  
15 2. Hearsay.  
16 3. Improper opinion/conclusion.  
17 4. Lack of foundation.  
18 5. Lack of personal knowledge.  
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20 Sustained: \_\_\_\_\_ Judge: \_\_\_\_\_  
21 Overruled: \_\_\_\_\_  
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23 Objection No. 4:

24 Lutfi hereby objects to, and moves to strike, that portion of Paragraph 4 of the  
25 Declaration of Jeffrey D. Wexler (§ 4, 15:23) that reads as follows:

26 "The BIM includes a number of entries for costs for photocopying."

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1 Grounds for Objection:

- 2 1. Best evidence.  
3 2. Hearsay.  
4 3. Lack of foundation.  
5 4. Lack of personal knowledge.

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

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

8 Overruled: \_\_\_\_\_  
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10 Objection No. 5:

11 Lutfi hereby objects to, and moves to strike, that portion of Paragraph 4 of the  
12 Declaration of Jeffrey D. Wexler (§ 4, 15:23-28) that reads as follows:

13 "I have determined that Mr. Spears incurred costs of \$1,333.20 for the exhibit  
14 binders (approximately 430 pages) and pleadings binders (approximately 681  
15 pages) provided to the Court and counsel for use as exhibits at the hearings  
16 (calculated at 15 cents per page for eight sets of binders (for the Court, the  
witness, counsel for Mr. Lutfi, counsel for Mr. Eardley, PVP counsel for Ms.  
Spears, Mr. Wallet, Mr. Boxer, and myself))."

17 Grounds for Objection:

- 18 1. Best evidence.  
19 2. Hearsay.  
20 3. Improper opinion/conclusion.  
21 4. Lack of foundation.  
22 5. Lack of personal knowledge.

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

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

25 Overruled: \_\_\_\_\_  
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27 Objection No. 6:

28 Lutfi hereby objects to, and moves to strike, Paragraph 5 of the Declaration of Jeffrey D.

1 Wexler (§ 5, 16:1-2) that reads as follows:

2 "The BIM includes a January 29, 2009 entry for \$40, which reflects the filing fee  
3 for the requests for injunctions."

4 Grounds for Objection:

- 5 1. Best evidence.  
6 2. Hearsay.  
7 3. Improper opinion/conclusion.  
8 4. Lack of foundation.  
9 5. Lack of personal knowledge.

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

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

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

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14 Objection No. 7:

15 Lutfi hereby objects to, and moves to strike, Paragraph 6 of the Declaration of Jeffrey D.

16 Wexler (§ 6, 16:3-7) that reads as follows:

17 "The three January 30, 2009 entries on the BIM for messenger fees (totaling  
18 \$213.21) were incurred to serve copies of the TROs on the Beverly Hills Police  
19 Department (\$44.47), the Los Angeles County Sheriff's Malibu/Lost Hills Station  
20 (\$140.91), and the Los Angeles Police Department (\$27.83) on the day that the  
21 TROs issued, as required by the TROs and law."

22 Grounds for Objection:

- 23 1. Best evidence.  
24 2. Hearsay.  
25 3. Improper opinion/conclusion.  
26 4. Lack of foundation.  
27 5. Lack of personal knowledge.

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

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

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

1       Objection No. 8:

2       Lutfi hereby objects to, and moves to strike, Paragraph 7 of the Declaration of Jeffrey D.  
3       Wexler (§ 7, 16:8-11) that reads as follows:

4       “The BIM includes a total of \$168 for messenger fees incurred to file papers with  
5       the Court (two \$30 entries on February 19, 2009, a \$30 entry on February 25,  
6       2009, and \$18 entry on March 2, 2009, a \$24 entry on April 2, 2009, an \$18 entry  
7       on April 3, 2009, and an \$18 entry on April 9, 2009).”

7       Grounds for Objection:

- 8       1.     Best evidence.  
9       2.     Hearsay.  
10      3.     Improper opinion/conclusion.  
11      4.     Lack of foundation.  
12      5.     Lack of personal knowledge.

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14      Sustained: \_\_\_\_\_

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

15      Overruled: \_\_\_\_\_  
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17      Objection No. 9:

18      Lutfi hereby objects to, and moves to strike, Paragraph 8 of the Declaration of Jeffrey D.  
19      Wexler (§ 8, 16:12-13) that reads as follows:

20      “The BIM includes a March 2, 2009 entry for \$45, which reflects the witness fee  
21      paid to AT&T in connection with a subpoena for telephone records.”

22      Grounds for Objection:

- 23      1.     Best evidence.  
24      2.     Hearsay.  
25      3.     Improper opinion/conclusion.  
26      4.     Lack of foundation.  
27      5.     Lack of personal knowledge.

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

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

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

Objection No. 10:

Lutfi hereby objects to, and moves to strike, Paragraph 9 of the Declaration of Jeffrey D. Wexler (§ 9, 16:15-17) that reads as follows:

“The BIM includes two April 1, 2009 entries totaling \$150 (\$75 each) for Court Call, reflecting charges for two out-of-town witnesses (Stuart Richards and another witness whom it was not necessary to call to testify) allowed by the Court to testify telephonically.”

Grounds for Objection:

1. Best evidence.
2. Hearsay.
3. Improper opinion/conclusion.
4. Lack of foundation.
5. Lack of personal knowledge.

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

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

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

Objection No. 11:

Lutfi hereby objects to, and moves to strike, that portion of Paragraph 10 of the Declaration of Jeffrey D. Wexler (§ 10, 16:19-21) that reads as follows:

“Splitting the costs three ways, Mr. Lutfi, Mr. Ghalib, and Mr. Eartley would each be responsible for \$649.80 in costs incurred by Luce Forward.”

Grounds for Objection:

1. Improper opinion/conclusion.
2. Lack of foundation.



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

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

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4 Objection No. 12:

5 Lutfi hereby objects to, and moves to strike, that portion of Paragraph 11 of the  
6 Declaration of Jeffrey D. Wexler (§ 11, 16:22-27) that reads as follows:

7 "On May 8, 2009, the Co-Conservators submitted the Declaration of Jorge Reano  
8 itemizing the costs incurred by Chameleon Strategic Operations, Inc.  
9 ('Chameleon') in serving the CH-120 forms Notice of Hearing and Temporary  
10 Restraining Orders on Mr. Lutfi (at least \$10,705.95), Mr. Ghalib (at least  
11 \$9,736.80, including nearly \$1,000 for damage caused when Mr. Ghalib assaulted  
12 Chameleon process server Ram Moskowitz with his vehicle), and Mr. Eardley (at  
13 least \$1,297.75)."

11 Grounds for Objection:

- 12 1. Best evidence.  
13 2. Hearsay.  
14 3. Improper authentication.  
15 4. Improper opinion/conclusion.  
16 5. Lack of foundation.  
17 6. Lack of personal knowledge.

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

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

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22 Objection No. 13:

23 Lutfi hereby objects to, and moves to strike, that portion of Paragraph 11 of the  
24 Declaration of Jeffrey D. Wexler (§ 11, 16:27-17:1) that reads as follows:

25 "I spoke with Mr. Reano on May 21, 2009, and he confirmed that the amounts set  
26 forth in his declaration were actually incurred in effecting services, including, but  
27 not limited to, a stake out or other means employed in locating the persons to be  
28 served."

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1 Grounds for Objection:

- 2 1. Best evidence.  
3 2. Hearsay.  
4 3. Lack of foundation.  
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6 Sustained: \_\_\_\_\_

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

7 Overruled: \_\_\_\_\_  
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9 Objection No. 14:

10 Lutfi hereby objects to, and moves to strike, Paragraph 12 of the Declaration of Jeffrey D.  
11 Wexler (¶ 12, 17:3-7) that reads as follows:

12 "Adding the costs referenced in paragraph 9 above, incurred by Luce Forward  
13 (split three ways among Mr. Lutfi, Mr. Ghalib, and Mr. Eardley) to the actual  
14 costs incurred by Chameleon specifically for serving the respective CH-120 forms  
15 on Mr. Lutfi, Mr. Ghalib, and Mr. Eardley results in the following allocation of  
these total recoverable costs: (a) Mr. Lutfi (\$11,355.75); (b) Mr. Ghalib  
(\$10,026.60); and (c) Mr. Eardley (\$1,947.55)."

16 Grounds for Objection:

- 17 1. Improper opinion/conclusion.  
18 2. Lack of foundation.  
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20 Sustained: \_\_\_\_\_


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

21 Overruled: \_\_\_\_\_  
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24 Dated: May 26, 2009

FREEDMAN & TAITELMAN, LLP

25  
26 By:

  
Bradley H. Kreshek,  
Attorneys for Sam Lutfi

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**PROOF OF SERVICE**

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

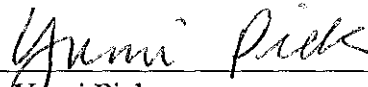
I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 1901 Avenue of the Stars, Suite 500, Los Angeles, California 90067.

On **May 27, 2009**, I served the following document(s) described as: **EVIDENTIARY OBJECTIONS TO THE SUPPLEMENTAL DECLARATION OF JEFFREY D. WEXLER IN REPLY TO OBJECTIONS RE: ATTORNEYS' FEES** 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.

**PLEASE SEE THE 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 **May 27, 2009** at Los Angeles, California.

  
\_\_\_\_\_  
Yumi Pick

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