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7 Attorneys for Plaintiff  
Brand Sense Partners, LLC

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

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

13 **BRITNEY JEAN SPEARS,**  
14 **Conservatee,**

**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES  
JUL 25 2011  
JOHN A. CLARKE, EXECUTIVE OFFICER/CLERK  
BY Lisa Howard, Deputy  
LISA HOWARD

*Rev G. Goetz*  
*DW of*  
REVA G. GOETZ, Judge  
JUL 25 2011

CASE NO. BP108870

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

**EX PARTE APPLICATION FOR AN  
ORDER SHORTENING TIME FOR  
NOTICE AND HEARING ON MOTION TO  
UNSEAL DOCUMENTS; MEMORANDUM  
OF POINTS AND AUTHORITIES;  
DECLARATION OF GEOFFREY A. NERI**

[Filed concurrently with [Proposed] Order]

Date: July 25, 2011  
Time: 8:30 a.m.  
Dept.: 9

CI/CASE: BP108870 LEA/IEF#:  
RECEIPT #: F1458319004  
DATE PAID: 07/25/11 08:25:33 AM  
PAYMENT: \$40.00  
RECEIVED:  
CHECK:  
CASH:  
CHANGE:  
CARD: 40.00  
0310

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

2 **PLEASE TAKE NOTICE** that, pursuant to California Rule of Court 3.1200 and 3.1300  
3 *et seq.*, Brand Sense Partners, LLC ("Brand Sense") hereby applies *ex parte* for an Order Shortening  
4 Time for Notice of and Motion to Unseal Documents Sealed by Court Order dated May 25, 2011  
5 (the "Sealing Order"). There is good cause for an order shortening time based on the following:

- 6 1. The Sealing Order prevents Brand Sense from understanding or challenging a subsequent  
7 order by this Court instructing that Britney Jean Spears is not able to appear for a  
8 deposition noticed by Brand Sense;
- 9 2. California Rule of Court 2.551(h) contemplates expedited review of sealing orders and  
10 provides "a mechanism for third parties to correct overbroad or unsubstantiated sealing  
11 orders." *Savaglio v. Wal-Mart Stores, Inc.*, 149 Cal.App.4th 588, 592 (2007);
- 12 3. Brand Sense will be irreparably harmed by further delay in a hearing on the orders; Brand  
13 Sense is in a lawsuit by and against Ms. Spears, *inter alia*, entitled *Brand Sense Partners,*  
14 *LLC v. Britney Spears et al.*, Los Angeles Superior Court Case No. BC 458461, and  
15 cannot prosecute and defend against claims by Ms. Spears without her deposition;
- 16 4. Any party wishing to oppose Brand Sense's motion to unseal will not be prejudiced by  
17 shortened notice, as the arguments in favor of sealing were fully briefed and considered  
18 by the Court in adjudicating the motion to seal. *See In re Providian Credit Card Cases*,  
19 96 Cal.App.4th 292, 302 (2002) (a decision to unseal documents is the "functional  
20 equivalent of denying a motion to seal them");
- 21 5. Brand Sense has a constitutional right to view the documents upon which the Court based  
22 its decision to take away Brand Sense's right to testimony. *See Conservatorship of*  
23 *Schaeffer*, 98 Cal.App.4th 159, 165 (2002) (it is a clear violation of fundamental due  
24 process where disaffected party "was not even allowed to see the report the [probate]  
25 court relied on"). That right must be promptly vindicated.

26 Brand Sense's *ex parte* application is based on this notice; the accompanying Memorandum  
27 of Points and Authorities; the Declaration of Geoffrey A. Neri; the pleadings and other papers on file  
28 in this action; and all other matters of which this Court may take judicial notice. Notice has been

1 given (*see* attached Declaration of Geoffrey A. Neri at ¶ 12 & Ex. "B") to the following in  
2 compliance with California Rule of Court 3.1203:

3 Statement Pursuant to C.R.C. 3.1202(a):

4 Court-appointed attorney for Britney Jean Spears:  
5 Samuel D. Ingham III, Esq.  
6 Law Offices of Samuel D. Ingham III  
7 9440 Santa Monica Boulevard, Suite 510  
8 Beverly Hills, CA 90210  
9 Phone: (310) 556-9751  
10 Fax: (310) 556-1311

11 Court-appointed co-conservator Andrew M. Wallet:

12 Andrew M. Wallet, Esq.  
13 Hinojosa & Wallet, LLP  
14 2215 Colby Avenue  
15 Los Angeles, CA 90064  
16 Phone: (310) 473-7000  
17 Fax: (310) 473-1730

18 Attorneys for co-conservator Jamie Spears:

19 Howard Weitzman, Esq.  
20 Suann MacIsaac, Esq.  
21 808 Wilshire Blvd. 3rd Floor  
22 Santa Monica, CA 90401  
23 Phone: (310) 566-9800  
24 Fax: (310) 566-9850

25 None of the above responded or indicated that they would be appearing to oppose this  
26 application.

27 DATED: July 25, 2011

MILLER BARONDESS, LLP

28 By: \_\_\_\_\_

GEOFFREY A. NERI  
Attorneys for Plaintiff  
BRAND SENSE PARTNERS, LLC

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. BACKGROUND**

Brand Sense filed a Complaint in the Los Angeles Superior Court on March 30, 2011, entitled *Brand Sense Partners, LLC v. Britney Spears et al.*, Los Angeles Superior Court Case No. BC 458461 (the "*Brand Sense Action*"). The Complaint names Britney Spears and her father Jamie Spears, individually, and Ms. Spears' company Britney Brands, Inc., as defendants, *inter alia*. Brand Sense's claims all revolve around Ms. Spears. She negotiated and executed the operative agreements, the agreements were entered into solely to benefit her and her company Britney Brands, and she has personal knowledge of all of the facts alleged in the pleadings.

Therefore Brand Sense noticed Ms. Spears' deposition on April 19, 2011. (Declaration of Geoffrey A. Neri ("Neri Decl.") ¶ 2.). Over three months later, Ms. Spears has yet to appear to testify, due in part to her litigation attorneys' stalling tactics, but more importantly due to this Court's issuance of two orders. (*Id.* at ¶ 3.) Unbeknownst to Brand Sense, on May 25, 2011, while Brand Sense's motion to compel Ms. Spears' deposition was pending, Britney Spears' court-appointed attorney, Samuel Ingham III, filed a Petition for Instruction (the "Petition") with this Court. (*Id.* at ¶ 4.)

In response to the Petition, Judge Michael I. Levanas issued a temporary order dated May 25, 2011, instructing the Conservators ("the Interim Order"). (*Id.* at ¶ 5.) Judge Levanas also issued a sealing order (the "Sealing Order"), which sealed the Petition, all pleadings and the Interim Order. (*Id.* at ¶ 6.) Judge Reva G. Goetz subsequently issued a final, sealed order relating to the Petition for Instructions on June 7, 2011 (the "Final Order"). (*Id.* at ¶ 7.)

The Final Order prevents Brand Sense from obtaining Ms. Spears' testimony for reasons that are unknown to Brand Sense. The Sealing Order prevents Brand Sense from even viewing the evidence presented to support the Petition and Interim and Final Orders. (*Id.* at ¶ 8.) At the subsequent motion to compel hearing in the *Brand Sense Action*, Judge Sanchez-Gordon denied the motion, ruling that she was bound by the probate court's orders. (*Id.* at ¶ 9.) When counsel for Brand Sense observed that Brand Sense could not even review the basis for the probate court's rulings because all of the documents had been sealed, Judge Sanchez-Gordon indicated that this was

an issue to be raised before the probate court. (*Id.* at ¶ 10.) Likewise, in response to a letter written by Brand Sense's counsel to the Presiding Judge of the Los Angeles Superior Court, Hon. Lee Smalley Edmon. Assistant Presiding Judge David S. Wesley suggested that a motion to unseal documents was Brand Sense's remedy. (*Id.* at ¶ 11 & Ex. A.)

## **II. GOOD CAUSE EXISTS FOR AN ORDER SHORTENING TIME**

Pursuant to California Rule of Court 1300(b), "[t]he court, on its own motion or on application for an order shortening time supported by a declaration showing good cause, may prescribe shorter times for the filing and service of papers than the times specified in Code of Civil Procedure section 1005." Good cause exists for Brand Sense's application.

First, Brand Sense cannot prosecute and defend against claims by Ms. Spears without Ms. Spears' deposition. As of the date of this filing, it has now been over three months since Ms. Spears' deposition was noticed. The delay in discovery is creating ongoing prejudice to its case. Brand Sense is not only unable to adequately prosecute its claims against Ms. Spears, it is unable to defend against counter-claims by Ms. Spears' personal corporation. Brand Sense is entitled to speedy review of the probate court's rulings. California Rule of 2.551(h)(2) provides that a request to unseal records may be made by any member of the public not only by motion, but also by application or petition, and therefore expressly contemplates expedited review. In *Savaglio v. Wal-Mart Stores, Inc.*, 149 Cal.App.4th 588, 592 (2007), the Court of Appeal explained that "[R]ule 2.551(h) provides procedural flexibility to third parties seeking to unseal court records," and "a mechanism for third parties to correct overbroad or unsubstantiated sealing orders." *Id.* at 603, 592.

Moreover, there will be no prejudice to any party seeking to oppose the motion to unseal if time is shortened. Although Brand Sense has been unable to view the briefing filed to obtain the sealing order in this case, presumably it addressed the reasons that counsel for Ms. Spears believed justified sealing. Specifically, it must have addressed the elements of Rule 2.550 of the California Rules of Court, which are a prerequisite to sealing. Counsel for Ms. Spears must make the same arguments in opposing the motion to unseal, which, if granted, is the "functional equivalent of denying a motion to seal them." *In re Providian Credit Card Cases*, 96 Cal.App.4th 292, 302

1 (2002). That is because "in ruling on the motion [to unseal], the court considers the same matters  
2 governing a motion to seal." *Savaglio, supra*, 149 Cal.App.4th at 221-22.

3 Finally, Brand Sense has a clear constitutional right to view the documents upon which the  
4 Court based its decision to take away Brand Sense's right to testimony. *Conservatorship of*  
5 *Schaeffer*, 98 Cal.App.4th 159, 165 (2002) (it is a violation of due process where disaffected party  
6 "was not even allowed to see the report the [probate] court relied"). That right must be promptly  
7 vindicated. The Sealing Order makes it impossible for Brand Sense to understand the basis for the  
8 probate court's subsequent ruling or to even challenge the ruling. This is a denial of fundamental  
9 due process that must be addressed without delay.

10 **III. CONCLUSION**

11 For all the foregoing reasons, Brand Sense respectfully submits that there is good cause for  
12 an order shortening time.

13  
14 DATED: July 22, 2011

MILLER BARONDESS, LLP

15  
16 By: 

17 GEOFFREY A. NERI

18 Attorneys for Plaintiff

19 BRAND SENSE PARTNERS, LLC  
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**DECLARATION OF GEOFFREY A. NERI**

I, Geoffrey A. Neri, declare and state as follows:

1. I am an attorney at law, duly licensed to practice before all courts of the State of California. I am an attorney with the law firm Miller Barondess LLP, counsel of record in this matter for Brand Sense Partners, LLC ("Brand Sense"). I have personal knowledge of all of the facts contained in this declaration and, if called as a witness, I could and would competently testify to all of said facts.

2. I noticed the deposition of Britney Jean Spears on April 19, 2011.

3. Ms. Spears has yet to appear to testify, due in part to what I perceive to be stalling on the part of her attorneys, but more importantly due to this Court's issuance of two orders.

4. On May 25, 2011, while Brand Sense's motion to compel Ms. Spears' deposition was pending, Britney Spears' court-appointed attorney, Samuel Ingham III, filed a Petition for Instruction (the "Petition") with this Court.

5. In response to the Petition, Judge Michael I. Levanas issued a temporary order dated May 25, 2011, instructing the Conservators ("the Interim Order").

6. Judge Levanas also issued a sealing order (the "Sealing Order"), which sealed the Petition, all pleadings and the Interim Order.

7. Judge Goetz issued the final, sealed order relating to the Petition for Instructions on June 7, 2011 (the "Final Order").

8. Good cause exist for an order shortening time because the Final Order prevents Brand Sense from obtaining Ms. Spears' testimony for reasons that are unknown to Brand Sense. The Sealing Order prevents Brand Sense from even viewing the evidence presented to support the Petition and Interim and Final Orders.

9. At the subsequent motion to compel hearing in the Brand Sense Action, Judge Sanchez-Gordon denied the motion, ruling that she was bound by the probate court's orders.

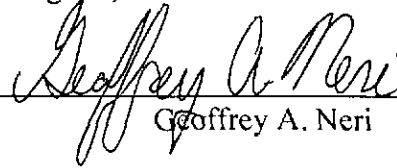
10. When I observed at the motion to compel hearing that Brand Sense could not even review the basis for the probate court's rulings because all of the documents had been sealed, Judge Sanchez-Gordon indicated that this was an issue to be directed to the probate court.

11. Likewise, in response to a letter written by my law firm to the Presiding Judge of the Los Angeles Superior Court, Hon. Lee Smalley Edmon, Assistant Presiding Judge David S. Wesley sent a letter suggesting that a motion to unseal documents was a possible avenue of relief. A true and correct copy of Judge Wesley's letter is attached hereto as Exhibit "A."

12. I provided notice to Samuel D. Ingham III, Ms. Spears' court-appointed attorney, as well as co-conservators Andrew M. Wallet and Jamie Spears, of this *ex parte* application via a letter sent by facsimile and email, both before 10 a.m. on Friday, July 22, 2011. None of these individuals indicated that they would be appearing to oppose this application. A true and correct copy of my notice is attached hereto as Exhibit "B".

I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing is true and correct.

Executed on this 22nd day of June 2011 at Los Angeles, California.

  
Geoffrey A. Neri





*The Superior Court*

LOS ANGELES, CALIFORNIA 90012

CHAMBERS OF

DAVID S. WESLEY

ASSISTANT PRESIDING JUDGE

TELEPHONE  
(213) 974-5550

July 18, 2011

Louis R. Miller, Esq.  
Miller Barondess, LLP  
1999 Avenue of the Stars, Suite 1000  
Los Angeles, California 90067

Re: Your Letter Dated July 1, 2011

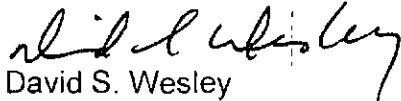
Dear Mr. Miller:

Presiding Judge Lee Smalley Edmon asked me to respond to your letter dated July 1, 2011.

The Presiding Judge's Office does not have the authority to grant the relief you seek. If you would like your request to unseal certain documents considered, you may consider seeking such relief through a properly noticed motion.

As this office can be of no further assistance, no further action will be taken and I am ordering this matter closed.

Very truly yours,

  
David S. Wesley  
Assistant Presiding Judge

DSW: rm

c: Hon. Reva Goetz  
Hon. Michael I. Levanas  
Hon. Teresa Sanchez-Gordon

MILLER BARONDESS, LLP

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July 22, 2011

GEOFFREY A. NERI  
DIRECT DIAL: (310) 552-7559  
E-MAIL: GNERI@MILLERBARONDESS.COM  
VIA FACSIMILE

Samuel D. Ingham III, Esq.  
Law Offices of Samuel D. Ingham III  
9440 Santa Monica Boulevard, Suite 510  
Beverly Hills, CA 90210  
F: 310-556-1311

Andrew M. Wallet, Esq.  
Hinojosa & Wallet, LLP  
2215 Colby Avenue  
Los Angeles, CA 90064  
F: 310-473-1730

Re: *In re the Conservatorship of the Person of Britney Jean Spears*  
Los Angeles Superior Court Case No. BP 108870

Dear Messrs. Ingham and Wallet:

This letter will serve as notice that Brand Sense Partners, LLC ("Brand Sense") will be applying *ex parte* on Monday, July 25, 2011 at 8:30 a.m. in Department 9 (Hon. Reva G. Goetz) of the Los Angeles Superior Court, located at 111 N. Hill Street, Los Angeles, California for an Order Shortening Time for Notice of and Motion to Unseal Documents Sealed By Court Order dated May 25, 2011 (the "Sealed Order"). As you know, Brand Sense is the Plaintiff and Cross-Defendant in a lawsuit against Britney Jean Spears titled *Brand Sense Partners, LLC v. Britney Spears et al.*, Los Angeles Superior Court Case No. BC 458461.

Relief will be sought pursuant to California Rules of Court, Rules 3.1200 and 3.1300 et seq., and on the grounds that Brand Sense is suffering ongoing prejudice by the inability to conduct discovery necessary to the prosecution of its case in a timely manner. The Sealed Order prevents Brand Sense from understanding or challenging the Probate Court's subsequent order instructing the conservators not to allow Ms. Spears to appear for a deposition. Any delay in challenging the Probate Court's orders will further aggravate the prejudice to Brand Sense.

Please advise whether your office will appear and/or oppose Brand Sense's *ex parte* application. Thank you.

Very truly yours,



Geoffrey A. Neri

**Geoffrey A. Neri**

**From:** Geoffrey A. Neri  
**Sent:** Friday, July 22, 2011 9:51 AM  
**To:** smacisaac@kwikalaw.com; Howard L. Weitzman (HWeitzman@kwikalaw.com)  
**Subject:** Ex parte application  
**Attachments:** Scanned from a Xerox multifunction device001 (4).pdf

Suann, Howard –

Please see attached and forward to your client Jamie Spears. Thank you.

Regards,  
Geoff

**PROOF OF SERVICE**

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

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

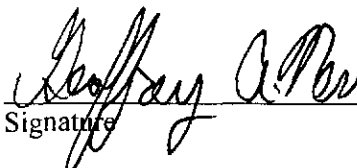
On July 24, 2011, I served ☐ the original ☒ a true copy of the within document(s) described as (1) **EX PARTE APPLICATION FOR AN ORDER SHORTENING TIME FOR NOTICE AND HEARING ON MOTION TO UNSEAL DOCUMENTS; MEMORANDUM OF POINTS AND AUTHORITIES; DECLARATION OF GEOFFREY A. NERI; and (2) [PROPOSED] ORDER GRANTING EX PARTE APPLICATION** on all interested parties:

**SEE ATTACHED SERVICE LIST**

- ☐ **PERSONAL DELIVERY:** I caused such envelope to be delivered by hand to the named addressee(s) on the attached Service List.
- ☐ **BY MAIL:** I am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service. This correspondence shall be deposited with the United States Postal Service this same day in the ordinary course of business at our Firm's office address in Los Angeles, California. Service made pursuant to this paragraph, upon motion of a party served, shall be presumed invalid if the postal cancellation date of postage meter date on the envelope is more than one day after the date of deposit for mailing contained in this affidavit.
- ☒ **BY FACSIMILE:** I caused such envelope to be delivered via facsimile to the offices of the addressee(s) at the facsimile numbers listed below. I certify that said transmission was completed and that all pages were received and that a report was generated by the facsimile machine which confirms said transmission and receipt.
- ☒ **BY ELECTRONIC MAIL:** by transmitting via electronic mail a true copy of the above listed document(s) to the email addresses set forth below on this date before 5:00 p.m.:
- ☒ **(State)** I declare under penalty of perjury under the laws of the State of California that the above is true and correct.
- ☐ **(Federal)** I declare that I am employed in the office of a member of the State Bar of this Court at whose direction the service was made.

Executed on July 24, 2011, at Los Angeles, California.

Geoffrey A. Neri, Esq.

  
Signature

SERVICE LIST

Samuel D. Ingham III, Esq.  
Law Offices of Samuel D. Ingham III  
9440 Santa Monica Boulevard, Suite 510  
Beverly Hills, CA 90210  
Phone: (310) 556-9751  
Fax: (310) 556-1311

*Court-Appointed Attorney for Conservatee  
Britney Jean Spears*

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