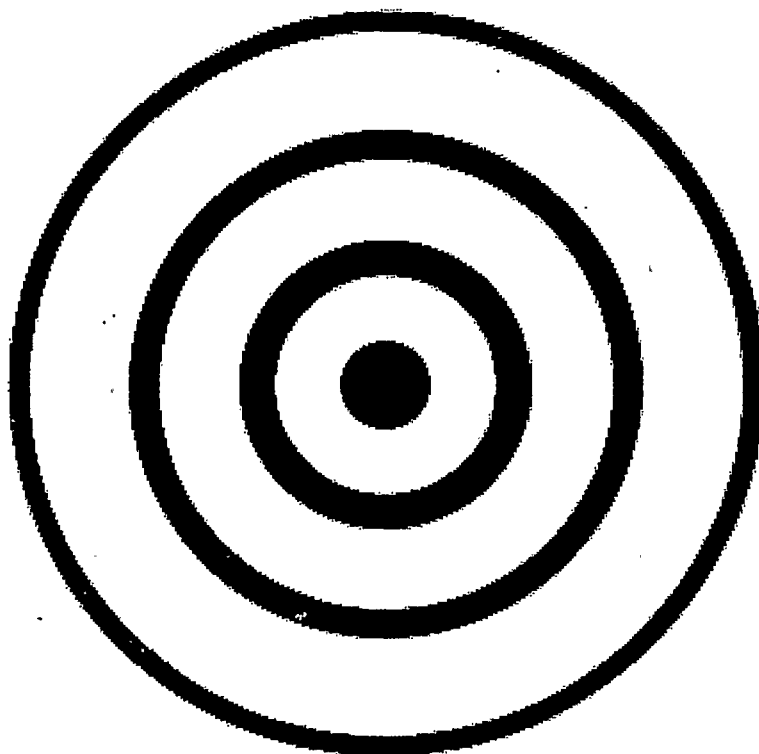


NEWDOC



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3 9440 Santa Monica Boulevard  
Suite 510  
4 Beverly Hills, California 90210-4608  
5 Telephone: (310) 556-9751  
Fax: (310) 556-1311  
6 E-mail: singham@inghamlaw.com  
7 Court-Appointed Counsel For  
8 BRITNEY JEAN SPEARS, Conservatee

**FILED**  
Superior Court of California  
County of Los Angeles

SEP 21 2012

John A. Clarke, Executive Officer/Clerk

By: *[Signature]* Deputy

*Andrea M. Morduck*

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

11 In the Matter of the  
12 Conservatorship of the Person  
13 and Estate of:

No. BP 108 870

REQUEST FOR JUDICIAL NOTICE  
IN SUPPORT OF:

PETITION FOR INSTRUCTIONS

[Evid. Code §452(d);  
CRC 3.1306(c)]

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16  
17 BRITNEY JEAN SPEARS,  
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22

Assigned To: TBD  
Room 258  
Hearing Date: 9/21/12  
Hearing Time: 8:30 a.m.

Conservatee.

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1           Petitioner, SAMUEL D. INGHAM III, as Court-Appointed  
2 Counsel For BRITNEY JEAN SPEARS, Conservatee, requests the Court to  
3 take judicial notice under Evidence Code §§452-453, specifically  
4 §452(d), of the records of the Los Angeles County Superior Court in  
5 the following case: *Sam Lutfi v. Lynne Irene Spears et al.*, Los  
6 Angeles Superior Court case no. BC 406 904.

7           Pursuant to California Rules of Court, Rule 3.1306(c),  
8 the part of the foregoing court file sought to be judicially  
9 noticed is:

10           1. First Amended Complaint For: (1) Libel; (2) Defama-  
11 tion; (3) Battery; (4) Intentional Infliction Of Emotional  
12 Distress; (5) Breach of Contract; and (6) Quantum Meruit filed on  
13 April 16, 2009, a true and correct copy of which is attached as  
14 Exhibit "1" and incorporated by this reference.

15           2. "Renewed Notice To Produce Britney Spears, James  
16 Parnell Spears and Andrew Wallet as Witness At Trial and Demand For  
17 Production Of Documents At Trial" filed on August 17, 2012, a true  
18 and correct copy of which is attached as Exhibit "2" and incorpo-  
19 rated by this reference.

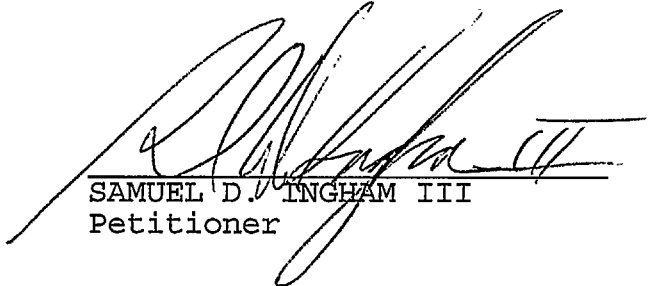
20           3. "Motion To Compel Compliance With C.C.P. §1987(b)  
21 Notice To Make Britney Spears Available At Trial As Witness For  
22 Plaintiff and Declaration of Joseph D. Schleimer, Esq." filed on  
23 August 30, 2012, a true and correct copy of which is attached as  
24 Exhibit "3" and incorporated by this reference.

25           4. "The Co-Conservators Motion In Limine No. 1: To Quash  
26 Plaintiff's Renewed Notice To Produce Conservatee Britney Spears  
27 as A Witness At Trial" filed on August 31, 2012, a true and correct  
28 copy of which is attached as Exhibit "4" and incorporated by this

1 reference.

2 5. On September 12, 2012, counsel for Plaintiff filed an  
3 "Opposition To Conservators' Motion In Limine No. 1" filed on  
4 September 12, 2012, a true and correct copy of which is attached as  
5 Exhibit "5" and incorporated by this reference.

6 Dated: September 20, 2012

  
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8 SAMUEL D. INGHAM III  
9 Petitioner  
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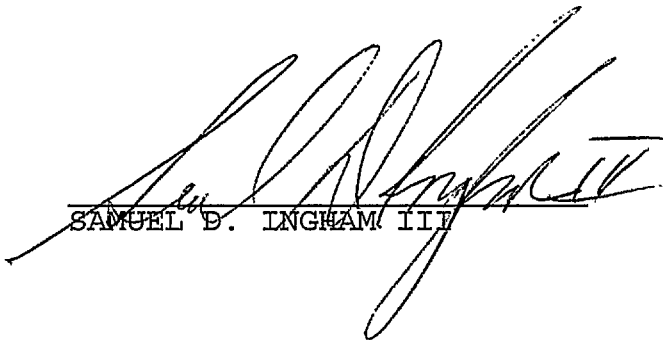
1 VERIFICATION

2  
3 STATE OF CALIFORNIA )

4 COUNTY OF LOS ANGELES )

5 I have read the foregoing REQUEST FOR JUDICIAL NOTICE IN  
6 SUPPORT OF: PETITION FOR INSTRUCTIONS and know its contents. The  
7 matters stated in the foregoing document are true of my own  
8 knowledge, except as to those matters which are stated on informa-  
9 tion and belief, and as to those matters I believe them to be true.

10 I declare under penalty of perjury under the laws of the  
11 State of California that the foregoing is true and correct and that  
12 this declaration is executed September 20, 2012 at Beverly Hills,  
13 California.

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17 SAMUEL D. INGHAM III  
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1 BRYAN J. FREEDMAN (SBN 151990)  
email: bfreedman@ftllp.com  
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1901 Avenue of the Stars, Suite 500  
5 Los Angeles, California 90067  
Tel: (310) 201-0005  
6 Fax: (310) 201-0045

7 Attorneys for Plaintiff Sam Lutfi

8  
9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
10 **FOR THE COUNTY OF LOS ANGELES**

11  
12 SAM LUTFI, an individual,

13 Plaintiff,

14 vs.

15 LYNNE IRENE SPEARS, an individual;  
16 JAMES PARNELL SPEARS, an individual;  
17 BRITNEY JEAN SPEARS, an individual; and  
DOES 1 through 25, inclusive,

18 Defendants.  
19  
20  
21

Case No. BC 406904

**FIRST AMENDED COMPLAINT FOR:**

- (1) **LIBEL;**  
(2) **DEFAMATION;**  
(3) **BATTERY;**  
(4) **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS;**  
(5) **BREACH OF CONTRACT; AND**  
(6) **QUANTUM MERUIT**

22 Plaintiff Sam Lutfi, an individual, does hereby allege as follows:

23 1. From the moment plaintiff Sam Lutfi became involved in the life of Britney  
24 Spears, Jamie Spears and Lynne Spears have seen him as a threat. Consequently, since that time,  
25 Jamie Spears and Lynne Spears have engaged in a relentless campaign of lies and intimidation  
26 designed to destroy Lutfi and drive him out of Britney's life. Thus, having no alternative, Lutfi  
27 brings this action to defend himself against Jamie's and Lynne's persistent attacks and clear his  
28 good name and reputation.

First Amended Complaint

**EXHIBIT 1**

GENERAL ALLEGATIONS

2. Plaintiff Sam Lutfi ("Lutfi") is an individual who, for all times relevant hereto, was residing, and did reside, in the County of Los Angeles, State of California.

3. Lutfi is informed and believes, and thereon alleges, that defendant Lynne Irene Spears ("Lynne") is an individual who, for all times relevant hereto, was residing, and did reside, in Tangipahoa Parish, State of Louisiana.

4. Lutfi is informed and believes, and thereon alleges, that defendant James Parnell Spears (a/k/a Jamie Spears) ("Jamie") is an individual who, for all times relevant hereto, was residing, and did reside, in the County of Los Angeles, State of California.

5. Lutfi is informed and believes, and thereon alleges, that defendant Britney Jean Spears ("Britney") is an individual who, for all times relevant hereto, was residing, and did reside, in the County of Los Angeles, State of California. Britney is sued herein as a nominal defendant since it is understood that she will appear by and through her conservators including, without limitation, Jamie.

6. Lutfi is ignorant of the true names and capacity of the defendants sued herein as DOES 1 through 25, inclusive, and, therefore sues these defendants by such fictitious names. Lutfi is informed and believes, and thereon alleges, that each such DOE defendant is liable to Lutfi for the actions hereinafter set forth. Lutfi will amend this Complaint to allege the true names and capacities of each such DOE defendant when ascertained.

7. Lutfi is informed and believes, and thereon alleges, that at all times herein mentioned, each defendant, including DOE defendants, was the agent, servant, employee and/or representative of each of the other defendants and, that at all times herein mentioned, was acting within the course and scope of and pursuant to said agency, service, employment and/or representation.

8. Jurisdiction and venue for this action in the County of Los Angeles are proper pursuant to California Code of Civil Procedure Sections 393 and 395.

///

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1                    **ALLEGATIONS COMMON TO ALL CAUSES OF ACTION**

2            9.        In early 2007, Britney met Lutfi at a Los Angeles area nightclub. Lutfi was  
3 relatively well known within certain circles as a businessman who spent much of his time  
4 counseling and assisting homeless and wayward teens in the Hollywood area.

5            10.       Although they were never formally introduced, Britney approached Lutfi and  
6 began discussing her family situation with him. In particular, Britney asked Lutfi whether he  
7 knew of any lawyers who could help her get restraining orders issued against her family,  
8 including, without limitation, Jamie and Lynne.

9            11.       Although Lutfi did not know of anyone at that time, Lutfi offered to make  
10 inquiries and provide Britney with the names of lawyers who might be able to assist her and  
11 offered Britney his telephone number in the event she wanted to contact him again.

12           12.       Over the next few weeks, Britney telephoned Lutfi on numerous occasions and  
13 sent him hundreds of text messages. Throughout these communications, Britney constantly  
14 sought advice from Lutfi as to how to prevent Jamie and Lynne from having any further  
15 involvement in her life, including, without limitation, advice as to how she might obtain a  
16 restraining order against Jamie and Lynne from the Court.

17           13.       During the ensuing months, a friendship began to develop between Lutfi and  
18 Britney. In fact, the relationship between Britney and Lutfi grew so strong that Britney sought  
19 Lutfi's advice and counsel in connection with almost every important decision in her life  
20 including, without limitation, the ongoing divorce proceedings and custody battle with Kevin  
21 Federline, the ongoing feud between Britney and her family, as well as Britney's new album.

22           14.       Lutfi, for his part, was always willing to listen to Britney and offer his advice and  
23 support, and would often accompany her to important business meetings, such as a June 2007  
24 meeting with high-level talent agency executives.

25           15.       In or about September 2007, at Britney's request, Lutfi accompanied Britney to a  
26 meeting with record company executives to discuss production and release of Britney's new  
27 album, "Blackout".

28           16.       At this meeting, the record company executives were initially reluctant to discuss

1 details concerning "*Blackout*" in front of Lutfi, with whom they were not familiar. In order to  
2 remedy this situation, Britney, without previously having discussed the matter with Lutfi,  
3 informed the record company executives that Lutfi was her new "manager" and gave them  
4 authorization to discuss "*Blackout*" with her in front of Lutfi.

5 17. Pleased with the idea of Lutfi being her "manager", in the days that followed,  
6 Britney repeatedly asked and urged Lutfi to take on that role. Ultimately, out of a concern for  
7 Britney and her well being, Lutfi did, in fact, agree to become Britney's personal "manager".

8 18. Beginning in or about October 2007, Lutfi performed a variety of services for  
9 Britney. Among other things, Lutfi (a) facilitated booking, arranging and coordinating every  
10 legal meeting, court hearing, doctor visit, child visitation and other matters related to Britney's  
11 custody dispute and a then pending hit and run action; (b) coordinated and scheduled recording  
12 studio sessions and interfaced with music producers in connection with the album "*Blackout*"  
13 including, without limitation, assisting Britney in song selection for the album; (c) advised and  
14 consulted with Britney on the artwork for the album "*Blackout*"; (d) coordinated, scheduled and  
15 escorted Britney to all photo shoots and promotional events related to her album, "*Blackout*";  
16 (e) coordinated and consulted with Britney in connection with the music videos for her album,  
17 "*Blackout*"; (f) coordinated, scheduled and escorted Britney to production meetings for Britney's  
18 music video for the song "*Piece of Me*"; (g) advised Britney in connection with the production,  
19 post-production and editing of Britney's music video for the song "*Piece of Me*"; (h) assisted  
20 Britney with the interviewing and selection of choreographers for Britney's tour in support of her  
21 album, "*Blackout*"; (i) scheduled and escorted Britney to dance studio sessions in preparation for  
22 her tour in support of the album, "*Blackout*"; (j) scheduled and escorted Britney to dance studio  
23 sessions in preparation for music videos related to the album, "*Blackout*"; (k) assisted Britney  
24 with the selection and hiring of hair and makeup professionals and fashion stylists for photo  
25 shoots, music videos and public appearances; (l) advised Britney with regard to potential charity  
26 opportunities and escorted Britney to charity appearances; (m) scheduled, coordinated and  
27 escorted Britney to business meetings with her agents and business manager; (n) participated in  
28 weekly accounting meetings with Britney wherein Lutfi would review each and every bill and

1 invoice delivered by Britney's business manager and review checks drafted for Britney's  
2 signature; and (o) assisted Britney with interviewing and hiring legal counsel.

3 19. In addition, Lutfi provided other personal services for Britney, including, without  
4 limitation, (a) assisting Britney with the purchase of automobiles; (b) arranging birthday parties  
5 for Britney's children; (c) arranging holiday events (i.e., Thanksgiving, Christmas and New  
6 Years) for Britney and her children; (d) hiring decorators and lighting companies to install  
7 holiday lights at Britney's home; (e) selecting and hiring a company to child-proof Britney's  
8 residences; (f) selecting and hiring a professional photographer to photograph Britney and her  
9 children; (g) selecting and hiring real estate brokers to assist Britney in selling and purchasing  
10 residences; (h) escorting Britney to various open houses; (i) assisting Britney with the hiring and  
11 firing of personal assistants; maids and nannies; (j) selecting and hiring a company to install new  
12 carpet in Britney's residence; (k) selecting and hiring a lighting company to install new  
13 chandeliers and lighting in Britney's residence; (l) purchasing consumer goods for Britney's  
14 residence; and (m) purchasing toys for Britney's children on birthdays, holidays and other special  
15 events.

16 20. During the time Lutfi was acting as Britney's "manager", Lynne and Jamie began  
17 making attempts to re-establish contact with Britney and regain control of her life, career and  
18 fortune.

19 21. Although Lutfi encouraged Britney to reconcile with her parents, Lutfi  
20 represented a significant impediment to Lynne and Jamie's regaining control of Britney's life and  
21 career. Thus, as they had done so many times before, Jamie and Lynne began a campaign of  
22 slander, libel and defamation aimed at discrediting, destroying and physically and emotionally  
23 intimidating Lutfi in order to drive him out of Britney's life.

24 22. Lutfi is informed and believes, and thereon alleges, that, in furtherance of her  
25 efforts to discredit and destroy Lutfi, Lynne went so far as to request that Britney's then  
26 boyfriend, Adnan Ghalib, give a television interview, insinuating that Lutfi had provided Britney  
27 with illegal drugs and blaming him for all of Britney's bizarre behavior.

28 ///

1 FIRST CAUSE OF ACTION - LIBEL

2 (Against Lynne and Does 1 through 25)

3 23. Lutfi hereby incorporates by reference each and every allegation set forth in  
4 paragraph numbers 1 through 22 as if set forth in full herein.

5 24. Lutfi is informed and believes, and thereon alleges, that in or about 2008, Lynne  
6 authored a book entitled, *"Through the Storm, A Real Story of Fame and Family in a Tabloid*  
7 *World"* (the "Book").

8 25. In the Book, Lynne purports to tell the story of her life as the mother of pop-  
9 superstar, Britney Spears, and how Britney's meteoric rise to fame and fortune affected her life  
10 and the lives of her family members.

11 26. In Chapters 27, 28 and 29 of the Book, entitled "Jerked Around", "The General"  
12 and "Breaking the Stranglehold", respectively, Lynne tells the story of how she first met Lutfi  
13 and how he purportedly kept Britney under his control. A true and correct copy of Chapters 27,  
14 28 and 29 of the Book are attached hereto as Exhibit "1" and incorporated herein by this  
15 reference.

16 27. The following statements as set forth in Chapters 28 of the Book are false as they  
17 apply to Lutfi:

18 (a) "[Sam] told us that he threw away all of Britney's phone chargers and disabled the  
19 house phones by cutting the wires." (Chapter 28, p. 176).

20 (b) "[Sam] told [Jackie and Lynne] to tell Britney that Adnan is gay." (Chapter 28, p.  
21 176).

22 (c) "Sam told Jackie and me that he grinds up Britney's pills, which were on the  
23 counter and included Risperdol and Seroquel, and puts them in her food. He said that was the  
24 reason she had been quiet for the last three days. She had been drugged and asleep. He said that  
25 her doctor was trying to get her into a sleep-induced coma so that they could then give her other  
26 drugs to treat her." (Chapter 28, p. 176-77).

27 ///

28 ///

1           28.     Lutfi is informed and believes, and thereon alleges, that the following statements  
2 as set forth in Chapters 28 of the Book are also false as they apply to Lutfi:

3           (a)     "Adnan [Ghalib] told me that Sam hid Britney's cell phones and told her that he  
4 lost them." (Chapter 28, 176).

5           (b)     "Adnan told me that Sam also would hide Britney's dog, London. She would  
6 look all over the house, crying, and then Sam would bring out the dog and act like some sort of  
7 savior." (Chapter 28, p. 176).

8           29.     Lutfi is informed and believes, and thereon alleges, that the following statement as  
9 set forth in Chapters 28 of the Book is false and was made by Lynne without personal knowledge  
10 or regard for the truth: "[Sam] also disabled several of Britney's cars so she couldn't leave  
11 unattended." (Chapter 28, p. 176).

12           30.     Since the publication of the Book, Lutfi has been subjected to unfathomable  
13 amounts of ridicule and public scorn. Lutfi is constantly bombarded by magazine headlines,  
14 television shows and internet gossip sites that have propagated Lynne's lies and fabrications.  
15 Lutfi can no longer find work as a counselor of at-risk teens. Lutfi has received numerous death  
16 threats from overzealous fans and, as such, is no longer able to venture into the public without  
17 being harassed and ridiculed.

18           31.     The false statements within Chapter 28 of the Book are libelous on their face in  
19 that they accuse Lutfi of conduct that is despicable, dishonest, improper, immoral and potentially  
20 criminal, thereby exposing Lutfi to hatred, contempt, ridicule, and obloquy.

21           32.     The aforementioned statements were published by Lynne with actual malice in  
22 that they were published by Lynne with the knowledge that they were false and/or with reckless  
23 disregard for their truth.

24           33.     Lutfi is informed and believes, and thereon alleges, that, since its publication,  
25 Lynne has sold tens of thousands of copies of the Book worldwide. In addition, the Book has  
26 received a significant amount of media attention including, without limitation, on public  
27 television and internet sites. As such, the number of persons who have read or viewed the Book  
28 and in particular, the false statements within Chapter 28 of the Book, is unlimited.



1       34. As a result of the foregoing, Lutfi has suffered loss of his reputation, shame,  
2 mortification and hurt feelings, all to his general damage as well as special damages including,  
3 without limitation, injury to Lutfi's business, medical expenses, attorneys' fees and costs.

4       35. In addition, as alleged above, the statements identified above were published  
5 intentionally and with actual malice and for the purpose of depriving Lutfi of property or legal  
6 rights or otherwise causing injury and, therefore, was despicable conduct that subjected Lutfi to a  
7 cruel and unjust hardship in conscious disregard of Lutfi's rights, so as to justify an award of  
8 exemplary and punitive damages.

9                               **SECOND CAUSE OF ACTION - DEFAMATION**

10                              (Against Lynne and Does 1 through 25)

11       36. Lutfi hereby incorporates by reference each and every allegation set forth in  
12 paragraph numbers 1 through 29 as if set forth in full herein.

13       37. In Chapters 27, 28 and 29 of the Book, Lynne pejoratively refers to Lutfi as,  
14 among other things, "fake", "Svengali", "a predator", "a gatekeeper" and "the General".

15       38. In Chapters 27, 28 and 29 of the Book, Lynne accuses Lutfi of using paparazzi as  
16 his "foot soldiers" and "henchmen".

17       39. Throughout Chapters 27, 28 and 29 of the Book, Lynne indirectly accuses Lutfi of  
18 conduct that is despicable, dishonest, improper, immoral and potentially criminal.

19       40. Since the publication of the Book, Lutfi has been subjected to unfathomable  
20 amounts of ridicule and public scorn. Lutfi is constantly bombarded by magazine headlines,  
21 television shows and internet gossip sites that have propagated Lynne's lies and fabrications.  
22 Lutfi can no longer find work as a counselor of at-risk teens. Lutfi has received numerous death  
23 threats from overzealous fans and, as such, is no longer able to venture into the public without  
24 being harassed and ridiculed.

25       41. The text of Chapters 27, 28 and 29 of the Book was published with actual malice  
26 in that it was published with knowledge that it contained false statements and/or with reckless  
27 disregard for the truth and with the intent of falsely representing Lutfi as dishonest, untrustworthy  
28 and manipulative and as a freeloader intent on controlling, manipulating and harming Britney for

1 his own personal gain.

2 42. The text of Chapters 27, 28 and 29 of the Book was clearly understood as alleged  
3 by all who saw and read as evidenced by the fact that since the publication of the Book, Lutfi has  
4 been constantly bombarded by magazine headlines, television shows and internet gossip sites that  
5 have propagated Lynne's lies and fabrications. Lutfi can no longer find work as a counselor of  
6 at-risk teens. Lutfi has received numerous death threats from overzealous fans and, as such, is no  
7 longer able to venture into the public without being harassed and ridiculed.

8 43. Lutfi is informed and believes, and thereon alleges, that, since its publication,  
9 Lynne has sold tens of thousands of copies of the Book worldwide. In addition, the Book has  
10 received a significant amount of media attention including, without limitation, on public  
11 television and internet sites. As such, the number of persons who have read or viewed the Book  
12 and in particular, the Chapters 27, 28 and 29 of the Book, is unlimited.

13 44. As a result of the foregoing, Lutfi has suffered loss of his reputation, shame,  
14 mortification and hurt feelings, all to his general damage as well as special damages including,  
15 without limitation, injury to Lutfi's business, medical expenses, attorneys' fees and costs.

16 45. In addition, as alleged above, the statements identified above were published  
17 intentionally and with actual malice and for the purpose of depriving Lutfi of property or legal  
18 rights or otherwise causing injury and, therefore, was despicable conduct that subjected Lutfi to a  
19 cruel and unjust hardship in conscious disregard of Lutfi's rights, so as to justify an award of  
20 exemplary and punitive damages.

21 **THIRD CAUSE OF ACTION - BATTERY**

22 (Against Jamie and Does 1 through 25)

23 46. Lutfi hereby incorporates by reference each and every allegation set forth in  
24 paragraph numbers 1 through 22 as if set forth in full herein.

25 47. On or about January 29, 2008, Lutfi was standing in the kitchen of Britney's  
26 residence.

27 48. Jamie entered the residence and immediately charged at Lutfi, screaming that he  
28 had been told that Lutfi had made a rude comment to Lynne the night before. Then, upon

1 reaching Lutfi, Jamie intentionally punched him in the chest. Jamie then threatened to kill Lutfi  
2 if he ever again heard that Lutfi had made a rude comment about Lynne or any other member of  
3 his family.

4 49. At no time did Lutfi ever consent to Jamie making physical contact, of any kind,  
5 with Lutfi or his person.

6 50. As a proximate result of Jamie's conduct, as alleged herein, Lutfi was hurt and  
7 injured in his health, strength, and activity, sustaining injury to his nervous system and person, all  
8 of which have caused, and continue to cause, Lutfi great mental, physical, and nervous pain and  
9 suffering. Consequently, Lutfi has suffered, and will continue to suffer, general damages in an  
10 amount according to proof at trial.

11 51. The aforementioned conduct of Jamie was willful, malicious and intentional and  
12 done for the purpose of depriving Lutfi of property or legal rights or otherwise causing injury,  
13 and, therefore, was despicable conduct that subjected Lutfi to a cruel and unjust hardship in  
14 conscious disregard of Lutfi's rights, so as to justify an award of exemplary and punitive  
15 damages.

16 **FOURTH CAUSE OF ACTION - INTENTIONAL INFLICTION OF EMOTIONAL**  
17 **DISTRESS**

18 (Against Jamie, Lynne and Does 1 through 25)

19 52. Lutfi hereby incorporates by reference each and every allegation set forth in  
20 paragraph numbers 1 through 22, 24-35, 37-45 and 47-51 as if set forth in full herein.

21 53. The conduct of Jamie and Lynne, and each of them, as alleged above, was  
22 extreme and outrageous, beyond the reasonable bounds of decency, intentional and malicious and  
23 done for the purpose of causing Lutfi to suffer humiliation, mental anguish, and emotional and  
24 physical distress and with a wanton and reckless disregard of the consequences to Lutfi.

25 54. As the proximate result of the acts of Jamie and Lynne, and each of them, as  
26 alleged above, Lutfi suffered, and continues to suffer, humiliation, mental anguish, and emotional  
27 and physical distress, and injury to his nervous system and person, all of which have caused, and  
28 continue to cause, Lutfi great mental, physical, and nervous pain and suffering.

1           55.     In addition, as a further result of the acts of Jamie and Lynne, and each of them, as  
2 alleged above, Lutfi has suffered loss of his reputation, shame, mortification and hurt feelings, all  
3 to his general damage as well as special damages including, without limitation, injury to Lutfi's  
4 business, medical expenses, attorneys' fees and costs.

5           56.     The acts of Jamie and Lynne, and each of them, as alleged above, were willful,  
6 malicious and intentional and done for the purpose of depriving Lutfi of property or legal rights  
7 or otherwise causing injury, and, therefore, were despicable conduct that subjected Lutfi to a  
8 cruel and unjust hardship in conscious disregard of Lutfi's rights, so as to justify an award of  
9 exemplary and punitive damages.

10                   **FIFTH CAUSE OF ACTION - BREACH OF CONTRACT**

11                   (Against Britney and Does 1 through 25)

12           57.     Lutfi hereby incorporates by reference each and every allegation set forth in,  
13 paragraph numbers 1 through 22 as if set forth in full herein.

14           58.     In or about June 2007, Britney and Lutfi began negotiating the terms under which  
15 Lutfi would agree to act as Britney's personal "manager".

16           59.     On October 13, 2007, Britney sent Lutfi a text message reading, in relevant part,  
17 "sam, so thats fine, i want you to be my manager. you were right its 15 percent of my money but  
18 for 4 years not 5."

19           60.     Thereafter, on or about October 13, 2007, Lutfi and Britney entered into an oral  
20 agreement (the "Agreement") whereby Lutfi would act as Britney's personal "manager".

21           61.     The relevant material terms of the Agreement are as follows:

22           (a)     The Agreement is for an initial term of four (4) years;

23           (b)     Lutfi is to advise and counsel Britney with respect to decisions concerning  
24 employment opportunities presented by Britney's business manager and agents,  
25 publicity, selection of literary, artistic and musical material, wardrobe, public  
26 relations and advertising, selection of theatrical and booking agencies or agents  
27 and all other matters pertaining to Britney's life;

28           (c)     Lutfi is to be compensated for his services at a rate of 15% of all gross revenues

1 earned and received by Britney during the duration of the Agreement;

2 (d) The Agreement may be terminated by Lutfi, for cause, upon thirty days written  
3 notice from Lutfi to Britney; and

4 (e) The Agreement may be terminated by Lutfi, without cause, upon ninety days  
5 written notice from Lutfi to Britney.

6 62. As alleged in paragraphs 18 and 19, above, beginning in October 2007, Lutfi  
7 performed a variety of services for Britney. Lutfi timely and fully performed all of his  
8 obligations pursuant to the terms of the Agreement, with the exception of those obligations that  
9 have been excused, prevented or released by Britney as a matter of law.

10 63. In or about February 2008, Jamie was appointed as conservator over Britney.  
11 Since that time, Jamie has prevented Lutfi from performing his obligations under the Agreement.

12 64. Lutfi has made numerous demands on Jamie, as conservator for Britney, for  
13 payment of fees due under the Agreement for the period from approximately mid-October 2007  
14 to early-February 2008, as well as other amounts that would have been due under the Agreement  
15 but for its premature termination. However, such demands have been, and continue to be,  
16 ignored. As such, to date, Lutfi has not received payment for any of his services as was required  
17 under the terms of the Agreement.

18 65. The failure to pay fees and premature termination of the Agreement, as alleged  
19 above, constitute breaches of the Agreement.

20 66. Lutfi is informed and believes, and thereon alleges, that Britney's gross monthly  
21 income during the calendar year 2007 was approximately \$800,000. Lutfi is further informed  
22 and believes, and thereon alleges, that Britney's gross monthly income was the same, or greater,  
23 during the calendar year 2008.

24 67. As a proximate and foreseeable consequence of the breach of the Agreement as  
25 alleged herein, Lutfi has suffered, and will continue to suffer, damages in an amount in excess of  
26 the minimum jurisdiction of the court, according to proof at trial.

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1           3.     For punitive damages in an amount appropriate to punish Lynne and Does 1  
2 through 25, and each of them, and deter others from engaging in similar misconduct;

3           On Lutfi's Second Cause of Action for Defamation:

4           4.     For general damages in a sum in excess of the minimum jurisdiction of the court,  
5 according to proof at trial;

6           5.     For special damages in an a sum according to proof at trial;

7           6.     For punitive damages in an amount appropriate to punish Lynne and Does 1  
8 through 25, and each of them, and deter others from engaging in similar misconduct;

9           On Lutfi's Third Cause of Action for Battery:

10          7.     For general damages in a sum in excess of the minimum jurisdiction of the court,  
11 according to proof at trial;

12          8.     For punitive damages in an amount appropriate to punish Jamie and Does 1  
13 through 25, and each of them, and deter others from engaging in similar misconduct;

14          On Lutfi's Fourth Cause of Action for Intentional Infliction of Emotional Distress:

15          9.     For general damages in a sum in excess of the minimum jurisdiction of the court,  
16 according to proof at trial;

17          10.    For special damages in an a sum according to proof at trial;

18          11.    For punitive damages in an amount appropriate to punish Jamie, Lynne and Does  
19 1 through 25, and each of them, and deter others from engaging in similar misconduct;

20          On Lutfi's Fifth Cause of Breach of Contract:

21          12.    For compensatory damages in a sum in excess of the minimum jurisdiction of the  
22 court, according to proof at trial;

23          13.    For consequential damages according to proof at trial;

24          On Plaintiff's Sixth Cause of Quantum Meruit:

25          14.    For compensatory damages in a sum in excess of the minimum jurisdiction of the  
26 court, according to proof at trial;

27          15.    For consequential damages according to proof at trial;

28          ///

1 On All Causes of Action:

2 16. For costs of suit incurred herein;

3 17. For pre-judgment interest in an amount according to proof at trial; and

4 18. For such other and further relief as the court may deem proper.

5  
6 Dated: April 16, 2009

FREEDMAN & TAITELMAN, LLP

7  
8 By: 

Bryan J. Freedman  
Attorneys for Plaintiff Sam Lutfi



EXHIBIT "1"

# THROUGH *the* STORM

A REAL STORY of FAME AND FAMILY  
*in a* TABLOID WORLD

LYNNE SPEARS

WITH

LORILEE CRAKER



THOMAS NELSON  
Since 1798

NASHVILLE DALLAS MEXICO CITY RIO DE JANEIRO BEIJING

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*twenty-seven*

## JERKED AROUND

*20*

Right before Britney went into Promises, after she shaved her head, I got an anonymous call from a man while I was driving in Los Angeles.

"There are drugs planted in Britney's Malibu house," he said, going on to tell me that there was a conspiracy with Kevin and Britney's assistants to make my daughter look like a bad mother. I was so unnerved by the call, I missed my exit—in more ways than one.

Immediately, I called the security guards at the Malibu house and asked them to check the house for drugs. While I knew Kevin would never hurt my daughter like that, and I highly doubted her assistants would either, things were so fragile with Britney at the time that I wasn't taking any chances. She had just lost custody of the boys to Kevin, and she was at a very low ebb. It was midnight, but I turned around and drove to Britney's house and met her assistant, Allie. Along with the guards, we combed through the house, and no drugs whatsoever were to be found. Nonetheless, Allie and I were scared to death.

I didn't hear from this mysterious person again until months later. Right away, I recognized his voice. "Are you the same guy who called me

## THROUGH THE STORM

with a conspiracy theory about drugs being planted in Britney's house?" I asked him.

"Yeah," he said. "It's me." When I told him his theory had proved wrong, he protested: "There *were* drugs; you just didn't find them," he said, earnestly.

I should have hung up the phone right then and there.

I didn't, and the man plunged into a proposal he had for me, to be the spokesperson for a company he represented that wanted to sell high-quality cubic zirconia jewelry on a home shopping network. Again, it sounded dubious at best, but the call had come during a time when I had been thinking and praying for a job, my own thing, where I could go to work every day and regain some of the structure I lost when I gave up teaching. Talking about jewelry on TV? That sounded like fun! I actually have quite a zest for cheap jewelry, or, I should say, beautiful jewelry that looks as if it cost a mint but is really affordable. If you ever look at a photo of me and think I am dripping in diamonds, don't be deceived: it's really a mixture of the real stuff and three-dollar zirconium dioxide, bought from a Los Angeles street vendor! I was intrigued, and I figured I had nothing to lose but a few hours if I did meet with this guy.

I said I would meet with him, but only with an attorney present. I called up my friend Jackie, and we decided to check it out together.

And so we met the anonymous caller, a swarthy man in his late twenties or early thirties who appeared to be of Middle Eastern heritage. That's the first time I laid eyes on Sam Lutfi.

### *Fake in More Ways Than One*

He had two attorneys with him, but I could tell instantly this was not a legitimate meeting. The man, wearing a ratty baseball hat, T-shirt, and

## JERKED AROUND

jeans, was sweating profusely and looked extremely nervous. It was the strangest meeting I have ever had! No one seemed to have any pitch whatsoever, including the caller, Sam, who hemmed and hawed and talked in circles, at one point pulling out some crummy-looking boxes with so-so costume jewelry inside. Finally, we just left. Obviously, nothing was going to come of this. Interestingly, during the meeting, Sam wanted to have his picture taken with me, which struck me as strange at the time, and I can't even remember if I consented. Now I know what he was up to, all right.

Awhile later, Sam called and invited Jamie Lynn, Jackie, and me to a taping of the finale of *Dancing with the Stars* with our old friend Joey Fatone, whom we knew from the days of Justin and \*NSYNC, hoofing it in the finale. He excitedly told me he had an endorsement deal cooking with a shoe company, possibly for Jamie Lynn or Jackie's son, who also starred on *Zoey 101*.

"What about the jewelry deal?" I asked suspiciously.

"Oh, well, Britney put out a negative thing about you and her relationship with you online, and that kind of blew the jewelry deal out of the water."

My suspicions didn't totally subside, but he made it all sound somehow credible, reasonable. Even when the shoe deal "fell through," and we were this close to pulling the plug on this guy, he rallied just in the nick of time, inviting us to a meeting with the head of one of the top talent agencies in Hollywood. Jackie and I thought this agent would be an excellent contact for her son, Paul, a budding musician.

Jackie and I had our doubts, all right. But Sam had one more chance. If this agency executive indeed showed, then it meant Sam was legitimate. If this once again fell through, we would wash our hands of him.

The day of the meeting arrived, and, lo and behold, we got a phone call from Sam half an hour before we were set to meet. "I have a broken tooth," he explained.

## THROUGH THE STORM

Jackie was dubious, and firm: "Listen, buddy, you better just take some pain pills and come anyway," she said. "We are really going to doubt your story if this meeting doesn't happen." He balked, and we stopped answering his texts, hoping this would be the end of our association with this shifty man.

What we didn't know then was that Sam had also met Britney's then assistant, Allie, at a club, and she in turn introduced him to Britney. The two of them hit it off with Sam, and they all began to hang out together. So it was really just the beginning. He was looking for a back door, and ~~it appeared he found one.~~

### *Syngali*

Sam came into my daughter's life at a time when she was at her most vulnerable. Brokenhearted about losing custody of her precious boys, she was sad, floundering, ripe (if you ask me) for a predator to come along. If you're bleeding by the side of the road, and someone drove up and offered

IF YOU'RE BLEEDING BY  
THE SIDE OF THE ROAD,  
AND SOMEONE DROVE UP  
AND OFFERED YOU A  
RIDE TO THE HOSPITAL,  
WOULDN'T YOU ACCEPT?  
THIS IS THE PICTURE I  
HAVE OF MY CHILD  
DURING THAT TIME PERIOD:  
DEFENSELESS AND EXPOSED.

you a ride to the hospital, wouldn't you accept? This is the picture I have of my child during that time: defenseless and exposed, she was much more open than she ever would have been to this man, who rode in on a white horse, personable, charming, and with an air of authority, promising her he would help her get her kids back, that he would get her life back on track.

Why didn't I ride in on my own horse to help my own child? If only I could have. I felt so helpless, yearning

## JERKED AROUND

with every cell in my body to be with her, help her, and hold her, but I wasn't able to do that. Our estrangement was so complete at that time that I couldn't even get her phone number.

Within a month or so of meeting, Sam was in complete control of her life, labeling himself her friend, her manager, her life coach. Everyone deferred to him—Britney's business manager, her record company, her lawyers—they had no choice.

He appointed himself as her gatekeeper, and there was no one he wanted to keep the gate closed to more than Britney's family. While he shut Jamie out completely, he would crack open the door a bit for me, texting me with updates on my daughter, lording over me the fact that he had complete access while I had no right of entry to my own child. But he also seemed to sense the exact moment when I was most susceptible, and he would drop his voice to a soothing, kind modulation—as if we were confidants. "I know you want to see Britney, and trust me, I am working on her. She'll let you back into her life soon." That man jerked me around like a master puppeteer.

In October of that year, I got a call I had been praying for: It was Allie. "Brit's ready to reconcile," she said. I dropped everything and caught the next flight to LA, arriving at 9 p.m., California time. As per my instructions, I met Bret, another of Brit's assistants, at the Starbucks in Malibu. Several paparazzi met us there as well, and they ended up taking us to her house, where Sam, the figurative gatekeeper, ordered the physical gatekeeper to let us in. Everyone treated him by now like a general.

Britney and I just held on to each other for the longest time. I was so happy to see her and hold her in my arms again. But in the midst of my joy, part of me wondered: was this reunion orchestrated by Sam, to help Britney get her boys back? You see, the courts looked at me as a stabilizing factor, and Sam knew that a reconciliation between Britney and me could only be a step in the right direction as far as her hopes of



## THROUGH THE STORM

regaining custody. Was this a true reunion, or just another pawn in Sam's game?

### *Three Months Later*

I had just come home with Jamie Lynn, after we went to Connecticut for a couple of weeks during Christmas to hide from the media fallout of her pregnancy. I was exhausted, physically and emotionally, and it was soothing to be back home with my dogs, sleeping in my bed, and getting my clothes out of my drawers instead of a suitcase.

One night the phone rang, and it was Sam. He was crying.

He told me Britney had been visiting with the boys, but when it was time for them to go home to Kevin's with Lonnie, their bodyguard, she locked herself and little Jayden in the bathroom. Later, I found out Sam had told Britney that Kevin had called and told her she could keep the boys longer.

I was terrified of what would happen next. I frantically called Jamie and Bryan, begging them to go see what was going on, but they had a much more blasé attitude than me, saying that Sam was blowing things out of proportion. Neither one of them would ever have anything to do with Sam, and the only reason I did was because he was the only link to my daughter, and I just *couldn't* sever it. They reminded me that Britney did not want to see any of us. "But what if she calls out for me in the crowd? I just want to be there if she needs me!" I pleaded. But the two of them were firm with a "wait and see" attitude. I can't blame them, but the whole thing was driving me frantic.

Thank God for Lonnie, the little boys' bodyguard, who called me repeatedly and assured me that Preston was just fine, asleep in the back of the SUV, and that he would not leave the premises without Jayden in his arms. Do you know how comforting that was for this mother and grand-

## JERKED AROUND

mother? Still, I was a wreck, worrying myself sick many miles from my confused, hurting daughter. If it weren't for the fact that I had to be with Jamie Lynn at that time, I would have flown to Los Angeles on the next flight.

It felt as if I were being split in two pieces as I was pulled, on one hand by the needs of my pregnant sixteen-year-old, and on the other by my twenty-six-year-old daughter, who was obviously in deep crisis; both girls seemed to need me with the same intensity. I honestly didn't know where I was supposed to be.

Things happened so quickly. The next thing I knew, Britney was being taken by ambulance to Cedars-Sinai Medical Center and placed under a 5150 hold, which is an involuntary psychiatric hold, for seventy-two hours. At least it was supposed to be seventy-two hours; she was actually released in twenty-four hours, at her own request. I stayed up late into the night, following my daughter's ordeal on TV and the Internet and via phone updates from Jamie and Bryan. I was horrified to see all those helicopters and fire trucks and ambulances surrounding my child's house. Why were they there? To contain one small woman, who was by then completely subdued? When I saw the photo of her in the ambulance, her beautiful brown eyes pained and haunted, something inside me broke.

What on earth was going on with my beloved child?

THANK GOD FOR LONNIE,  
THE LITTLE BOYS'  
BODYGUARD, WHO CALLED  
ME REPEATEDLY AND ASSURED  
ME THAT PRESTON WAS  
JUST FINE, ASLEEP IN THE  
BACK OF THE SUV, AND  
THAT HE WOULD NOT LEAVE  
THE PREMISES WITHOUT  
JAYDEN IN HIS ARMS.

*twenty-eight*

## THE GENERAL



I spent the next three weeks on my knees, in a fog of worry and confusion. All I could do was offer up prayer after prayer for Britney, wondering all the while if I should go to her, even though there was a good chance I wouldn't be allowed in the gate.

I was feeling as if my arms might as well be pulled out of their sockets. All of me longed to go be with Britney, to see if she would let me in her life and help her, but the problem was, that all of me also knew I was in the right place, right there at home with Jamie Lynn. I have never felt so cruelly divided in all of my life.

When it seemed as if Jamie Lynn had stabilized and that I could leave her in the care of a close friend, I did. I flew to Los Angeles for a four-day weekend to see my grandchildren, whom I hadn't seen in a couple of months. Of course, I hoped to see Britney with all my heart, but I wasn't really expecting to. But on the night of January 28, everything changed. I was at Kevin's, just having put the babies to bed, when I got a text from Lou: GO OVER THERE. THEY HAD A FIGHT.

Was this the breakthrough we were looking for? Sam and Britney had gotten into a terrible argument. I later learned that he called her,

## THE GENERAL

among other things, a "piece of trash." He said she cared more about Adnan, her current boyfriend, than her children, and that she didn't deserve to get her kids back.

We didn't know it at the time but Lou, Jamie, and I had been hoping for the very same thing: we all believed the only way to loosen Sam's stranglehold on Britney was for them to turn on each other.

And we all had been praying for it. I was so very tired of playing games with Sam. *Please God, let this be the end.*

I WAS SO VERY TIRED OF  
PLAYING GAMES WITH  
SAM. PLEASE GOD,  
LET THIS BE THE END.

### Going Inside

I jumped in the backseat of Jackie's car, and we drove as fast as we could to Britney's house. On the way, I phoned my friend Joy at home in Kenwood, asking her to pray. "You might see my tail end on TV, crawling over the fence," I said, only half-joking. I was willing to do anything to rescue my daughter.

The paparazzi were teeming outside Britney's house in Beverly Hills, but they didn't even look twice at us. They knew all the makes and models of all our family's cars, but they didn't recognize Jackie's car, and I was crouched down in the backseat. Even when a paparazzo came to the car and spoke to Jackie, between her tinted windows and the fact that I was ducking down as far as I could, with my hood pulled over my head, he couldn't see a speck of me.

"There's been a fight," Jackie told Britney's gatekeeper quietly. "I have Lynne here with me, and she wants to see how her daughter is doing."

"They are not answering right now," he said, referring, of course, to Sam, the general.

## THROUGH THE STORM

So we waited a little while.

Meanwhile, Jamie drove from the opposite end of town and arrived right at the perfect moment. "If I get in," I whispered to him, still hunkered down, on my cell phone, "you just come in after me." There were probably twenty paparazzi, swarming Jamie's truck, jumping on the car, and screaming, while there I was, hiding in plain sight, just a few feet away.

Knowing the paparazzi, they would have given up eating for a week to have known I was hiding in Jackie's car! It was so obvious to me that God was in the details, in the perfect timing of Jamie's arrival,

"HIDE ME FROM THE  
CONSPIRACY OF THE WICKED,  
FROM THAT NOISY CROWD  
OF EVILDOERS."

and in concealing me so flawlessly from paparazzi eyes and cameras. It reminded me of that verse from the Psalms: "Hide me from the conspiracy of the wicked, from that noisy crowd of evildoers."

Sam okayed the gatekeeper to let me in, though he never in a million years would have let Jamie in. When the gate finally swung open, there was a delay of about a minute or so, and Jamie zoomed in right after me.

Sam met Jackie, Jamie, and me at the door.

He said that Britney only wanted to see me, that she was afraid to see her dad. More like Sam was afraid. He was visibly upset to see Jamie and, believe me, the feeling was mutual.

"Her *family* is here," Jamie said, glowering. "You have to go now."

Jamie was stomping, spitting mad, but I could tell he was keeping a tight rein on his emotions. He didn't want to lose control and give Sam the chance to bring charges against him. At one point, he stalked Sam around and around the bar. "You better not be hurting my daughter," he said, over and over again, in a low, menacing voice. "Where is my daughter?"

## THE GENERAL

Britney was gone, and Sam kept saying he didn't know where she was. None of us bought it for a second.

"Sam, c'mon," Jackie said, in her reasonable way. "I know you. You can track her. You can get her back here."

After about an hour, a security guard came and asked Jamie to leave. "I'm sorry," he said. "I know you're her dad, and I'm a dad too. I'm just carrying out orders."

Jamie really had no choice, leaving Jackie and me to deal with Sam and his subordinates. *We need to outsmart this guy*, I remember thinking.

*We have to pretend we are not a threat.* It seemed to work: I believe Sam thought we were swallowing the idea that he was really helping Britney. Though I was afraid of him, of his hostility, cruelty, and lies, a new kind of courage kicked in that night, a God-given boldness that hadn't emerged in me until I was standing face-to-face with what I feared most: that harm would come to my child.

## *The General at Work*

After Jamie left, two or three paparazzi came inside and made their way to the kitchen. They greeted Sam and reported Britney's whereabouts to the general. It was clear to me from the conversation that Sam had given a paparazzo one of Britney's cars to get her out of the house when he heard that Jamie and I were on our way to see Britney. Sam apparently told her that Jamie and I were coming to do an intervention.

The paparazzi seemed like his foot soldiers, his henchmen. They reported to Sam and addressed him with great respect. He instructed them to get her back to the house.

Britney came back with Adnan, who is also a paparazzo. Sam told Jackie that we needed to do whatever he tells us to do. I objected. "I'm the one who spends 24/7 with your daughter," he shot back. "I sleep in

## THROUGH THE STORM

cars outside her house so she can't leave." He then said, "You people throw everyone under the bus; if you don't listen to me I'm going to make your name s---t in the papers."

The level of control he exerted was bewildering. Adnan told me that Sam hid Britney's cell phones and told her that he lost them. I believe it wholeheartedly. As I looked around the kitchen, I noticed that in the middle of the kitchen table, there was a large car battery. It was for Sam to charge his cell phone. The general told us that he threw away all of Britney's phone chargers and disabled the house phones by cutting the wires. ~~He also disabled several of Britney's cars so she couldn't leave unattended.~~ And how's this? Adnan told me that Sam also would hide Britney's dog, London. She would look all over the house, crying, and then Sam would bring out the dog and act like some sort of savior.

The whole scene was surreal.

Sam was visibly jealous of Adnan. He told Jackie and me to tell Adnan to leave Britney alone and to "get the f---k out of the house." Jackie refused. He then told us to tell Britney that Adnan is gay. Sam finally spoke to Adnan himself, and Adnan left.

It wasn't long before Britney came looking for Adnan. Sam told her that he was in the bathroom. "Is Adnan gay?" she asked me. Clearly Sam was playing up this angle however he could. While Britney was out of earshot, Sam told Jackie and me that we should pretend that Adnan was in the bathroom so Britney wouldn't leave.

Britney was so agitated she couldn't stop moving. She cleaned the house. She changed her clothes, many times. She also changed her three dogs' clothes several times. We talked, but it was as if she wasn't really there. She spoke in a tone and with the level of understanding of a little girl.

Britney then picked up a bottle of pills and read part of the label. "What does insomnia mean?" she asked. Sam told her that the pills will help her stay awake. Sam told Jackie and me that he grinds up Britney's pills, which were on the counter and included Risperdol and Seroquel,

## THE GENERAL

and puts them in her food. He said that was the reason she had been quiet for the last three days. She had been drugged and asleep. He said that her doctor was trying to get her into a sleep-induced coma so that they could then give her other drugs to treat her. I was breaking inside at every syllable he uttered about my daughter.

### *The Waking Nightmare*

Maybe Sam could see I was distressed. He encouraged us to relax and "do tequila shots." Jackie and I protested. Britney seemed to follow our lead, but Sam kept pushing. He got out some wine and suggested that we "all do toasts." He offered us tumblers. We took the wine and went into another room, but Britney objected and said that she wanted a nicer glass with a long stem. She had caught on to the fact that if she drank something from his hand, she could sleep for days, so she was actually stalling. Sam found a proper wine glass and poured one for Britney while our backs were turned. They then joined us in the other room, but Britney refused to drink her wine and asked to drink mine.

Shortly afterward, Sam went back into the kitchen. He stood behind a raised bar so that we could not see what his hands were doing on the counter. By then Britney had calmed down some, and Sam suggested they both go upstairs.

When they came back down a little while later, Britney was agitated again. She said she wanted to go to Rite-Aid to get lipstick. It was now past midnight, but maybe this was our chance to get her out of this madness. Jackie and I seized the chance. We would take her, we said. Sam jumped in and said he wanted to follow in his car. We told him that he shouldn't because the paparazzi were in front and would harass us. He seemed to relent, but as we were about to drive off, Sam jumped into the backseat with me. He said that when they were upstairs together, he gave



## THROUGH THE STORM

Britney something to pick up her mood. The paparazzi followed us to the store.

When we got to Rite-Aid, we all went inside, and Britney chose her lipstick. She drifted in and out of British accent the whole time. When we got to the register, Britney's card didn't work. I paid for the lipstick, and the manager told us we could leave through the side door so no one could see us. That wasn't to Sam's liking. He insisted we leave through the front door, and he wrapped his arms around Britney and me for the paparazzi to take photos. My skin crawled.

~~"You'd better learn that I control everything," he said. "I control~~  
Howard Grossman, Britney's business manager. I control her attorneys and the security guards at the gate. They don't listen to Britney, they listen to me." *That's why Jamie was gone tonight.* Back at the house he told me that if he weren't in the house to give Britney her medicine, she would kill herself. "If you try to get rid of me, she'll be dead, and I'll piss on her grave."

He then boasted that he had been in our family for a year and that he had done nothing but good for Britney. At one point he screamed at me.

"Sam treats me like that," Britney said, as if it were the most normal thing in the world.

It was about two or three in the morning, and Britney was meandering aimlessly around the house. She would let me hug her, but she was completely out of it. She asked about Preston and Jayden.

"When do I get to see my babies?"

"Wednesday," Sam answered.

"What do I have to do to see them?"

"Take the pills I tell you to take."

"I don't like the pills, and I don't like the psychiatrist," she protested.

"Can't I see another psychiatrist so I can see my babies?"

"If I told you to take ten pills a day, you should do what I tell you to see your babies."

## THE GENERAL

I was frozen by the exchange, but Jackie jumped in: "Britney, your parents can help you find a psychiatrist. The psychiatrist needs to get to know you to give you the right medicine."

Sam couldn't stand losing control of the conversation. He butted in with his voice raised. "Why don't you get back with Kevin?" he said.

"I'll do anything to get them back."

Another opportunity came around for us to steer things away from Sam.

Britney said she wanted her daddy. "I want my daddy up here. I want to talk to my daddy."

I reached Jamie on the phone and gave the phone to Britney. I heard her say that she wanted to see him.

"Right now, baby?" She said no. "Ten in the morning?"

"No, noon."

It was something.

I spent the rest of the night at Britney's house and finally got to sleep about four in the morning. For the longest time I couldn't sleep. I was so worked up, so agitated by the situation. I don't think Britney ever went to bed that night. All night long, I went through the motions of pretending I believed Sam's lies, while inside I was revolted and full of questions. How could this possibly have a good ending? It was a sense of deep shock that things had spiraled downward so fast, yet I had to control myself and not let anyone sense what I was really feeling, that my head was spinning.

## *The Thank-You Note*

Jamie came to pick me up the next morning. Jamie gave Britney a big hug and said to her, "Baby, you're OK?"

Britney said, "I'm fine," then burst into tears.

## THROUGH THE STORM

Later the next day, on January 29, Jackie showed me a text message she had received from Sam: "Thanks for telling Jamie all your bulls—t. He just hit me. Now you guys did your deed. Much accomplished. Good job."

But he still had my daughter in his clutches. We didn't accomplish enough.

*twenty-nine*

## BREAKING THE STRANGLEHOLD

*29*

I didn't see Britney again for two and a half days, until Wednesday night, when Sam called me and asked me to come over to the house. Since I had seen her last, I had been in a state of anguish. Clearly, this was a life-or-death situation, and I prayed without stopping for another opening. Quiet plans had been underway for six weeks for Jamie to petition the court for temporary conservatorship of Britney, but it seemed like an impossible dream at that point, with Sam still so entrenched in her life. In fact, Jamie was going to file for the conservatorship on January 22, eight days beforehand, but he and his business manager, Lou, felt God leading them to wait, fast, and pray, despite the frustration of a phalanx of lawyers.

Something drastic would have to happen for Sam to lose control and for Jamie to gain control of his daughter, who was, after all, an adult woman; I shuddered to think of what depths of desperation we would have to plumb to regain charge of our child.

When Sam called, he said he had been tipped off that somebody was coming to try to commit Britney again. "What are you talking about?" I said. "They can't take her like that!"

"Yes they can," he said, acting as if it was out of his hands. But when

## THROUGH THE STORM

I got to the house, Sam was nowhere to be found, something I thought was very odd at the time. In a flash of panic, I knew who was really behind this.

"Britney, get out of here now!" I shouted to her. "Sam wants you to be committed again! He says there are people coming to get you!" Sam showed up then and looked at me as if I had lost my mind. Poor Britney didn't know who to believe. "Come with me right now!" I begged.

Before we could act, there was a pounding knock on the door; within seconds, at least twenty police officers stormed into the house. One of them announced that they were there to apprehend Britney and take her to the UCLA Medical Center, on another 5150 hold.

"On what grounds are you taking my daughter?" I said as firmly as I could, though I was trembling.

"We have our orders," the officer practically barked at me. I was afraid to move a muscle. *Why are all these huge guys here to take my one-hundred-twenty-pound daughter?*

Britney in no way resisted them. She was polite and subdued, even as they strapped her into a gurney.

"Why do you have to strap her down like that?" I demanded. "She's not resisting you!" One of the cops glared at me. "We'll restrain *you* if you cause any problems," he said. "Just sit over there and be quiet." At this point, they had us all standing in different parts of the room, separated as if we were common criminals. I had called Jamie to let him know what was happening to Britney, and both of us were crying. How could this be happening to our daughter? She started crying for me, "Mama, Mama!" I was in agony.

"I'm here, I'm here, baby," I said, tears streaming down my face. "Please let me ride with her!" I pleaded. But they wouldn't budge. I was more afraid than when they had airlifted my comatose little boy, all those years ago.

The admittance slip of the psychiatric ward of UCLA Medical

## BREAKING THE STRANGLEHOLD

Center said she had been driving recklessly, not taking her medicine as directed, and wasn't sleeping properly. *Aha*, I thought. *No one could know that except for Sam*. Later, I found out that he had been working in conjunction with the Smart Team, a branch of the police force that watches for DUI and reckless drivers.

Jackie; Adnan, Britney's paparazzi boyfriend; and I raced out the door after Britney as she was put into an ambulance. I could hear the whirring of helicopters circling the sky overhead, and I could see police on motorcycles and in cars, and all kinds of emergency vehicles. Afterward, I would wonder how many thousands of dollars were spent capturing one hurting, vulnerable young woman and bringing her to the hospital. It was ludicrous! We jumped in Jackie's car and followed the caravan of vehicles all the way to UCLA Medical Center, where Britney was admitted, at 4 a.m., for the second time in one month, into the psych ward of a hospital.

AFTERWARD, I WOULD  
WONDER HOW MANY  
THOUSANDS OF DOLLARS  
WERE SPENT CAPTURING  
ONE HURTING, VULNERABLE  
YOUNG WOMAN AND BRINGING  
HER TO THE HOSPITAL.

### *God's Plan Trumps Sam's*

Hours passed before we were allowed to see Britney. None of the doctors would speak to any of the family members, including me—they would only talk to Sam. We knew he was there, because some of the paparazzi were texting Jackie and me, telling us that Sam had been texting them, feeding them details of Britney's condition and her surroundings in the hospital.

When we were finally allowed to visit Britney in a room, I was incensed to find Sam sitting on her bed, laughing. "What are *you* doing

## THROUGH THE STORM

here?" I railed at him. "You put her in here!" He had a look on his face like the cat who got the cream.

"You're the one who always causes drama," he said, grinning. "They should put *you* in here."

He calmly paged a nurse, and when she got to the room, he said, gesturing to me, "Nurse, she's causing a disturbance." It was absolutely maddening. I was tearing my hair out, trying to think of a way to get this man out of my daughter's hospital room, and out of her life for good. "Just calm down, Mama," Britney said, looking at Sam for his approval.

~~But God had answered our prayers, and he planted a seed of doubt~~ in the doctor's mind about Britney's gatekeeper while Sam ran out to get some food for her. Jamie and I went to the team of doctors caring for Britney and pleaded our case, telling them all I had observed at Britney's house a few nights before. The main doctor suddenly decided that he didn't have an adequate grasp on Britney's condition, or the situation as a whole; he decreed that there would be no more visitors until he could ascertain more information. When Sam sailed in about an hour later, smiling at photographers and clutching a bag of food from In-N-Out Burger, he was denied entry to Britney's room. We weren't allowed in either, but it was no small victory to have Sam barred from her side.

For three more days, Britney underwent tests and evaluation to deter-

I MUST ADMIT, I PROBABLY  
NEVER WOULD HAVE  
HAD THE COURAGE TO  
COMMIT HER TO A PSYCH  
WARD, BUT IT ENDED UP  
BEING THE TURNING POINT  
FOR HER, AND FOR ALL OF US.

mine what exactly was going on with her. We spent much of our time in the hospital, waiting, worrying, praying. To see my child like that—at the lowest ebb of her life—almost killed me. I was overcome with a feeling of sadness and helplessness. Britney was under the impression we had put her in there, and we told her over and over again we hadn't. I must admit, I probably never

## BREAKING THE STRANGLEHOLD

would have had the courage to commit her to a psych ward, but it ended up being the turning point for her, and for all of us.

Not only would Britney finally receive the medical care and counseling she needed, but her second committal ended up being the catalyst for driving Sam out of her life. He pulled the trigger, so to speak, setting up the whole scenario so she would be committed again, based on the belief that this would drive Adnan out of Britney's life. Sam was bitterly jealous of Adnan and knew he couldn't control him. But his plan backfired, and he was the one who ended up being driven out of her life. I kept thinking of that verse from the final chapter in Genesis: "You planned evil against me but God used those same plans for my good." That verse certainly jumps off the page for me now.

Because of all the horrible things Jackie and I saw and heard that night at Britney's house, we had the ammunition to file for a restraining order against Sam. Before my daughter was released from the hospital, a lawyer came to Jamie's apartment, where Jackie and I were asked to give an account of the events of that night. First thing Monday morning, we were in court, presenting our deposition and petitioning the judge for a restraining order against Sam and for a temporary conservatorship for Jamie. After a long day of sitting and waiting, the judge granted us both the restraining order and the conservatorship. Tears of relief and joy filled my eyes. *Thank you. Thank you. Thank you, God.* Sam was out. I could be Britney's mother again, and Jamie could be her daddy. As we walked out of the courtroom, we were taking our first steps on the road to healing our family.



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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 April 16, 2009, I served the following document(s) described as **FIRST AMENDED COMPLAINT FOR: (1) LIBEL; (2) DEFAMATION; (3) BATTERY; (4) LIED; (5) BREACH OF CONTRACT; AND (6) QUANTUM MERUIT** on the interested parties in this action as follows:

☒ **STATE**

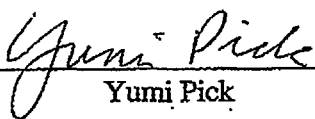
☐ by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m. from (310) 201-0045 to \_\_\_\_\_. The transmission was reported as complete and without error, and a transmission report was properly issued by the transmitting facsimile machine.

☒ 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 **April 16, 2009** at Los Angeles, California.

  
Yumi Pick

SERVICE LIST

LUTFI v. SPEARS, ET AL.

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Bird Marella Boxer Wolpert Nessim Dooks & Lincenberg  
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7 Attorney for Plaintiff Sam Lutfi

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

AUG 17 2012

John A. Clarke, Executive Officer/Clerk  
BY Gloria Robinson Deputy

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SUPERIOR COURT OF CALIFORNIA  
FOR LOS ANGELES COUNTY

SAM LUTFI, an individual,  
Plaintiff,

vs.

LYNNE IRENE SPEARS, an  
individual; JAMES PARNELL  
SPEARS, an individual; BRITNEY  
JEAN SPEARS, an individual; and  
DOES 1 through 25, inclusive,

Defendants.

Case No. BC 406904

RENEWED NOTICE TO PRODUCE  
BRITNEY SPEARS, JAMES  
PARNELL SPEARS AND ANDREW  
WALLET AS WITNESS AT TRIAL

-and-

DEMAND FOR PRODUCTION OF  
DOCUMENTS AT TRIAL

[C.C.P. §1987]

TRIAL: October 1, 2012  
Time: 10:00 a.m.  
Dept.: 71 (Hon. Soussan G.  
Bruguera)

TO THE CONSERVATORS OF BRITNEY SPEARS AND TO THE  
CONSERVATEE AND TO HER/THEIR COUNSEL OF RECORD HEREIN:

PLEASE TAKE NOTICE that Plaintiff Sam Lutfi hereby demands,  
pursuant to C.C.P. §1987, the attendance of Britney Spears and Conservators  
James Parnell Spears and Andrew Wallet at the trial of this action as  
witnesses for Plaintiff. Plaintiff is prepared to enter into an agreement for said  
witnesses to be "on call." Unless and until such an agreement is reached, this  
demand requires the attendance of said witnesses commencing at 10:00 a.m.

RENEWED Notice to Produce Britney Spears as Trial Witness  
and Demand for Production of Documents at Trial  
LASC No. BC406904

Exhibit 16A

EXHIBIT 2

1 on October 1, 2012, in Department 71 of the Los Angeles Superior Court,  
2 located at 111 N. Hill Street, Los Angeles, California.

3 **PLEASE TAKE FURTHER NOTICE** that, pursuant to C.C.P. §1987©,  
4 Conservators James Parnell Spears and Andrew Wallet and the Defendant-  
5 Conservatee, are instructed to produce the documents identified in Exhibit  
6 "A" at the trial of this matter, for use as evidence for Plaintiff.

7 **PURSUANT TO CODE OF CIVIL PROCEDURE §1987, THIS NOTICE**  
8 **HAS THE SAME FORCE AND EFFECT AS A SUBPOENA DUCES TECUM.**

9 Dated: August 7, 2012

JOSEPH D. SCHLEIMER  
ATTORNEY AT LAW

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13 BY:   
14 Joseph D. Schleimer, Attorney for  
15 Plaintiff Sam Lutfi  
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RENEWED Notice to Produce Britney Spears as Trial Witness  
and Demand for Production of Documents at Trial  
LASC No. BC406904

1 **Exhibit "A"**

2 **Documents to be Produced by James Parnell Spears,**  
3 **Andrew Wallet and Britney Spears at Trial**

4 **Demand for Production No. 1**

5 The original of all of the pre-marked exhibits in this case.

6 **Demand for Production No. 2:**

7 The DRUG TEST REPORTS concerning Britney Spears covering the  
8 period October 1, 2007 through March 1, 2008.

9 "DRUG TEST REPORT," as used in these document demands,  
10 refers to any DOCUMENT written by or memorializing information  
11 supplied by any individual, entity or laboratory engaged to take a  
12 sample, analyze a sample, or report on laboratory analysis of a  
13 human drug test.

14 **Demand for Production No. 3:**

15 The BABY MONITOR REPORTS which refer to Plaintiff Sam Lutfi  
16 prepared between October 1, 2007 and March 1, 2008.

17 "BABY MONITOR REPORT," as used in these Demands for  
18 Production, refers to any DOCUMENT written by or memorializing  
19 information supplied by individuals retained to monitor the  
20 mothering activities of Britney Spears, the care and custody of  
21 Britney Spears' children, and/or conditions or activities taking  
22 place in Britney Spears' home.

23 **Demand for Production No. 4:**

24 The documents whereby notice was given to Plaintiff Sam Lutfi by  
25 Britney Spears' CONSERVATORS that the contract between Sam Lutfi and  
26 Britney Spears was terminated.

27 "CONSERVATORS" refers to the court-appointed  
28 conservators of Britney Spears.

1 "DOCUMENT," as used in these Demands for Production,  
2 means the original and all copies of handwriting, typewriting,  
3 printing, photostating, photographing, photocopying, electronic or  
4 facsimile transmission, electronically stored data, every other  
5 means of recording information, and any and all forms of  
6 communication or representation, including letters, words,  
7 pictures, sounds or symbols, or combinations thereof, and any  
8 record thereby created, regardless of the manner in which the  
9 record has been stored and includes (but is not limited to) any  
10 and all "writings" as defined in Evidence Code §250.

11 **Demand for Production No. 5:**

12 The FINANCIAL RECORDS covering the ARTISTIC, ENDORSEMENT  
13 AND MERCHANDISING INCOME OF BRITNEY SPEARS for the period June 1,  
14 2007 through October 31, 2011.

15 "FINANCIAL RECORDS" means ledgers, income and expense  
16 reports, and profit and loss statements; any and all contracts with and  
17 accountings or statements to or from record companies; any and all  
18 contracts with and accountings or statements to or from music  
19 publishers; any and all contracts with and accountings or statements to  
20 or from concert producers or tour promoters; any and all contracts with  
21 and accountings or statements to or from product endorsees; any and  
22 all contracts with or accountings and statements to or from artist  
23 managers; any and contracts with and accountings or statements to or  
24 from talent agents; any and all contracts with and accountings or  
25 statements to or from business managers; any and all contracts with  
26 and accountings or statements to or from accountants; all accountings  
27 or statements prepared by or for the CONSERVATORS; and all  
28 accountings or statements filed by or for the CONSERVATORS with the

1 Los Angeles Superior Court.

2 "ARTISTIC, ENDORSEMENT AND MERCHANDISING INCOME OF  
3 BRITNEY SPEARS" means income stemming from the artistic,  
4 entertainment, product endorsement or merchandising activities, work  
5 product, engagements, and related activities of Britney Spears, whether  
6 received directly by her or through one of her corporations or other  
7 business entities. "ARTISTIC, ENDORSEMENT AND MERCHANDISING  
8 INCOME OF BRITNEY SPEARS" includes (but is not limited to) any and  
9 all income generated by Britney Spears' past or present artistic,  
10 entertainment, product endorsement or merchandising services, work  
11 product or licensing in any aspect of the entertainment, creative,  
12 product endorsement and merchandising industries, including (but not  
13 limited to), singing, composing, recording, performing, touring, dancing,  
14 scoring, designing, posing, conducting, acting, writing, directing,  
15 producing, painting, drawing, creating, filming, photographing,  
16 videotaping, making personal appearances, endorsing, licensing,  
17 marketing and merchandising. "ARTISTIC, ENDORSEMENT AND  
18 MERCHANDISING INCOME OF BRITNEY SPEARS" includes (but is not  
19 limited to) advances, royalties, participations, earnings, fees, or salary;  
20 receipt of any partnership interest, stock, units or any other interest in  
21 a business or venture; bonuses, shares of profit, valuable perquisites,  
22 and any share of gross receipts; any share of net receipts, music  
23 publishing income, residuals, reuse fees, recording funds, license fees,  
24 tour support, or business gifts; and any in-kind income or other  
25 considerations of any kind or nature whatsoever earned or received  
26 directly or indirectly by Britney Spears, individually or through a  
27 corporation or other business entity.  
28

1 **Demand for Production No. 6:**

2 The ledgers, income and expense reports, and profit and loss  
3 statements PERTAINING TO BRITNEY SPEARS for the period June 1, 2007  
4 through October 31, 2011.

5 **Demand for Production No. 7:**

6 The ledgers, income and expense reports, profit and loss statements, r  
7 accountings and financial statements PERTAINING TO BRITNEY SPEARS  
8 prepared by and for the CONSERVATORS pertaining to the periods from June  
9 1, 2007 through October 31, 2011.

10 "PERTAINING TO BRITNEY SPEARS" means related to Britney  
11 Spears, whether she is doing business personally or through one of her  
12 corporations or other business entities.

13 **Demand for Production No. 8:**

14 The accountings and statements PERTAINING TO BRITNEY SPEARS  
15 filed by the CONSERVATORS with the Los Angeles Superior Court for the  
16 periods June 1, 2007 through October 31, 2011.

17 **Demand for Production No. 9:**

18 The accountings, reports, disbursements and statements from record  
19 companies PERTAINING TO BRITNEY SPEARS for the periods June 1, 2007  
20 through October 31, 2011.

21 **Demand for Production No. 10:**

22 The accountings, reports, disbursements and statements from music  
23 publishers PERTAINING TO BRITNEY SPEARS for the periods June 1, 2007  
24 through October 31, 2011.

25 **Demand for Production No. 11:**

26 The accountings, reports, disbursements and statements from licensees  
27 PERTAINING TO BRITNEY SPEARS for the periods June 1, 2007 through  
28 October 31, 2011.



1 **Demand for Production No. 12:**

2 The accountings, reports, disbursements and statements from product  
3 endorsees PERTAINING TO BRITNEY SPEARS for the periods from June 1,  
4 2007 through October 31, 2011.

5 **Demand for Production No. 13:**

6 The accountings, reports, disbursements and statements from  
7 merchandisers PERTAINING TO BRITNEY SPEARS for the periods from June  
8 1, 2007 through October 31, 2011.

9 **Demand for Production No. 14:**

10 The accountings, reports, disbursements and statements from  
11 marketers PERTAINING TO BRITNEY SPEARS for the periods from June 1,  
12 2007 through October 31, 2011.

13 **Demand for Production No. 15:**

14 The accountings, reports, disbursements and statements for Britney  
15 Spears' artist managers for the periods June 1, 2007 through October 31,  
16 2011.

17 **Demand for Production No. 16:**

18 The accountings, reports, disbursements and statements from talent  
19 agents PERTAINING TO BRITNEY SPEARS for the periods June 1, 2007  
20 through October 31, 2011.

21 **Demand for Production No. 17:**

22 The accountings, reports, disbursements and statements from personal  
23 appearance producers and promoters PERTAINING TO BRITNEY SPEARS for  
24 the periods June 1, 2007 through October 31, 2011.

25 **Demand for Production No. 18:**

26 The accountings, reports, disbursements and statements from business  
27 managers PERTAINING TO BRITNEY SPEARS for the periods June 1, 2007  
28 through October 31, 2011.

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RENEWED Notice to Produce Britney Spears as Trial Witness  
and Demand for Production of Documents at Trial  
LASC No. BC406904

1 **Demand for Production No. 19:**

2 Any and all accountings, reports, disbursements or statements to or  
3 from accountants PERTAINING TO BRITNEY SPEARS related to any period  
4 from June 1, 2007 through October 31, 2011.

5 **Demand for Production No. 20:**

6 Any and all accountings, reports, disbursements or statements to or  
7 from tour promoters PERTAINING TO BRITNEY SPEARS related to any period  
8 from June 1, 2007 through October 31, 2011.

9 **Demand for Production No. 21:**

10 Any and all accountings, reports, disbursements, or statements  
11 pertaining to any touring or live performance activity by Britney Spears  
12 related to any period from June 1, 2007 through October 31, 2011.

13 **Demand for Production No. 22:**

14 Any and all accountings, reports, disbursements, or statements from  
15 television broadcasters PERTAINING TO BRITNEY SPEARS related to any  
16 period from June 1, 2007 through October 31, 2011.

17 **Demand for Production No. 23:**

18 Any and all accountings, reports, disbursements, or statements related  
19 to personal appearances by Britney Spears between June 1, 2007 and  
20 October 31, 2011.

21 **Demand for Production No. 24:**

22 Any and all CONTRACTS with record companies PERTAINING TO  
23 BRITNEY SPEARS which were OPERATIVE at any time during the period June  
24 1, 2007 through October 31, 2011.

25 "CONTRACTS" means any DOCUMENTS which constitute, evidence or  
26 memorialize any oral or written agreement.

27 "OPERATIVE" means having some force and effect. For example, a  
28 contract which has been fully performed on one side but still obligates the

1 other party to make payments or perform in some fashion is still OPERATIVE.  
2 Similarly, a contract which has been fully performed on both sides but still  
3 has some contingency which might result in a further obligation of  
4 performance is still OPERATIVE.

5 **Demand for Production No. 25:**

6 Any and all CONTRACTS with music publishers PERTAINING TO  
7 BRITNEY SPEARS which were OPERATIVE at any time during the period June  
8 1, 2007 through October 31, 2011.

9 **Demand for Production No. 26:**

10 Any and all CONTRACTS with concert producers PERTAINING TO  
11 BRITNEY SPEARS which were OPERATIVE at any time during the period June  
12 1, 2007 through October 31, 2011.

13 **Demand for Production No. 27:**

14 Any and all CONTRACTS with product endorsees PERTAINING TO  
15 BRITNEY SPEARS which were OPERATIVE at any time during the period June  
16 1, 2007 through October 31, 2011.

17 **Demand for Production No. 28:**

18 Any and all CONTRACTS with merchandisers PERTAINING TO BRITNEY  
19 SPEARS which were OPERATIVE at any time during the period June 1, 2007  
20 through October 31, 2011.

21 **Demand for Production No. 29:**

22 Any and all CONTRACTS with marketers PERTAINING TO BRITNEY  
23 SPEARS which were OPERATIVE at any time during the period June 1, 2007  
24 through October 31, 2011.

25 **Demand for Production No. 30:**

26 Any and all CONTRACTS with tour promoters PERTAINING TO  
27 BRITNEY SPEARS which were OPERATIVE at any time during the period June  
28 1, 2007 through October 31, 2011.

1 **Demand for Production No. 31:**

2 Any and all CONTRACTS with artist managers PERTAINING TO  
3 BRITNEY SPEARS which were OPERATIVE at any time during the period June  
4 1, 2007 through October 31, 2011.

5 **Demand for Production No. 32:**

6 Any and all CONTRACTS with talent agents PERTAINING TO BRITNEY  
7 SPEARS which were OPERATIVE at any time during the period June 1, 2007  
8 through October 31, 2011.

9 **Demand for Production No. 33:**

10 Any and all CONTRACTS with business managers PERTAINING TO  
11 BRITNEY SPEARS which were OPERATIVE at any time during the period June  
12 1, 2007 through October 31, 2011.  
13  
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1 **PROOF OF SERVICE**  
2 **BY FAX & U.S. MAIL**

3 I am employed in the County of Los Angeles, State of California. I am  
4 over the age of 18 and not a party to the within action. My business address  
5 is 9401 Wilshire Boulevard, Suite 1250, Beverly Hills, California 90212.

6 On **\*August 7, 2012** I served the foregoing document described as: \*  
7 **RENEWED NOTICE TO PRODUCE BRITNEY SPEARS, JAMES PARNELL**  
8 **SPEARS AND ANDREW WALLET AS WITNESS AT TRIAL -and-**  
9 **DEMAND FOR PRODUCTION OF DOCUMENTS AT TRIAL [C.C.P. §1987]**  
10 \* on the interested parties in this action by placing a true copy thereof  
11 enclosed in sealed envelopes addressed as follows:

12 See attached service list

13 **BY U. S. MAIL**

14 I deposited the sealed envelopes in the United States mail at Beverly  
15 Hills, California, addressed as stated above. The envelopes were mailed  
16 with first class postage thereon fully prepaid.

17 **BY TELECOPIER:**

18 I transmitted a copy of this document by telecopier to each of the fax  
19 numbers set forth on the service list.

20 Executed on **\*August 7, 2012\*** at Beverly Hills, California.

21 (State) I declare under penalty of perjury under the laws of the  
22 State of California that the above is true and correct.

23 Joseph D. Schle  
24 Type or Print Name

25 [Signature]  
26 Signature

Service List  
Lutfi v Spears

Joel E. Boxer, Esq.  
Bonita D. Moore, Esq.  
Bird Marella Boxer Wolpert  
Nessim Dooks & Lincenberg  
1875 Century Park East, 23<sup>rd</sup> Floor  
Los Angeles, California 90067  
Fax No. (310) 201-2110

Leon J. Gladstone, Esq.  
Michael Aiken, Esq  
Gladstone Michel Weisberg Willner &  
Sloane ALC  
4551 Glencoe Avenue 300  
Marina Del Rey, CA 90292  
Fax No. (310) 775-8775

*Attorneys for James Spears as  
Conservator of the Estate of Britney  
Spears*

*Attorneys for Defendant James P.  
Spears*

Stephen F. Rohde, Esq.  
Rohde & Victoroff  
1880 Century Park East 411  
Los Angeles, California 90067  
Fax No. (310) 277-1485

*Attorneys for Defendant Lynne Irene  
Spears*

TRANSMISSION VERIFICATION REPORT

TIME : 08/07/2012 17:51  
NAME : J.D. SCHLEIMER  
FAX : 3102739809  
TEL : 3102739807  
SER.# : K8J788349

DATE, TIME  
FAX NO./NAME  
DURATION  
PAGE(S)  
RESULT  
MODE

08/07 17:49  
13102012110  
00:01:49  
12  
OK  
STANDARD  
ECM

TRANSMISSION VERIFICATION REPORT

TIME : 08/07/2012 17:55  
NAME : J.D. SCHLEIMER  
FAX : 3102739809  
TEL : 3102739807  
SER.# : K8J788349

DATE, TIME	08/07 17:53
FAX NO./NAME	13107758775
DURATION	00:02:12
PAGE(S)	12
RESULT	OK
MODE	STANDARD
	ECM



TRANSMISSION VERIFICATION REPORT

TIME : 08/07/2012 18:01  
NAME : J.D. SCHLEIMER  
FAX : 3102739809  
TEL : 3102739807  
SER.# : K8J788349

DATE, TIME	08/07 17:58
FAX NO./NAME	13102771485
DURATION	00:03:16
PAGE(S)	12
RESULT	OK
MODE	STANDARD
	ECM

1 **Joseph D. Schleimer - Bar No. 125049**  
 2 **9401 Wilshire Boulevard, Suite 1250**  
 3 **Beverly Hills, California 90212**  
 4 **Telephone: (310) 273-9807**  
 5 **Telecopier: (310) 273-9809**  
 6 **schleimerlaw@msn.com**

7 Attorney for Plaintiff Sam Lutfi

8 **SUPERIOR COURT OF CALIFORNIA**  
 9 **FOR LOS ANGELES COUNTY**

10 **SAM LUTFI, an individual,**

11 **Plaintiff,**

12 **vs.**

13 **LYNNE IRENE SPEARS, an**  
 14 **individual; JAMES PARNELL**  
 15 **SPEARS, an individual; BRITNEY**  
 16 **JEAN SPEARS, an individual; and**  
 17 **DOES 1 through 25, inclusive,**

18 **Defendants.**

19 Case No. BC 406904

20 **MOTION TO COMPEL**  
 21 **COMPLIANCE WITH C.C.P.**  
 22 **§1987(b) NOTICE TO MAKE**  
 23 **BRITNEY SPEARS AVAILABLE**  
 24 **AT TRIAL AS WITNESS FOR**  
 25 **PLAINTIFF**

26 **-and-**

27 **DECLARATION OF JOSEPH D.**  
 28 **SCHLEIMER, ESQ.**

**[Trial Exhibit 60 - DVD Video**  
**Lodged Concurrently Herewith]**

**[C.C.P. §1987(b)]**

**Final Status Conference:**

**Date: 9/25/12**

**Time: 10:00 a.m.**

**Dept: 71 (Hon. Soussan G.**  
**Bruguera)**

**Filed: 2/3/09**

**Trial: 10/1/12**

**DCO: 12/24/11**

**TO DEFENDANTS AND TO THEIR COUNSEL OF RECORD HEREIN:**

**PLEASE TAKE NOTICE:** At the Final Status Conference, Plaintiff Sam  
 Lutfi shall move to compel compliance with his C.C.P. §1987(b) Notice to  
 make Defendant Britney Spears available at trial as a witness for Plaintiff:

Motion to Compel Compliance With CCP §1987 Notice to  
 Make Defendant Britney Spears Available as Witness for Plaintiff at Trial  
 LASC No. BC406904

**EXHIBIT 3**

**Motion to Compel Compliance  
with C.C.P. §1987(b) Notice**

Britney Spears spent almost two years interacting with her manager, Sam Lutfi,<sup>1</sup> which makes her a material witness to most of the major issues in this case.

Plaintiff served a C.C.P. §1987(b) notice, to compel Britney's availability as a witness during trial,<sup>2</sup> but Defendant James Parnell Spears ("James Parnell"), in his role as Conservator, *objected* on the grounds Britney is supposedly *mentally incompetent* to testify.<sup>3</sup> Although Defendant claims to have *medical evidence* to support that assertion, he refuses to disclose it.<sup>4</sup>

Lodged herewith as Trial Exhibit 60 is a DVD of video footage, shot within the past three months, in which Britney is lucid, articulate, oriented, and responds intelligently to inquiries from the media. This material was taped because Fox Television paid \$15,000,000 for Britney's services as a *judge* on *The X Factor*, and she has been performing – extemporaneously – on that television program for months.<sup>5</sup> (The program debuts September 12, 2012.)

Under California law even a mentally ill person may be called to testify so long as they are capable of expressing themselves and "understanding the

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<sup>1</sup> Declaration of Joseph D. Schleimer, Esq., ¶2

<sup>2</sup> Trial Exhibit 16A

<sup>3</sup> Schleimer Dec., ¶2

<sup>4</sup> Schleimer Dec., ¶2. Pursuant to LASC Rule 3.57, Plaintiff inquired and the Conservators announced their intention to move to quash the C.C.P. §1987(b) Notice. Then, for good measure, they served a formal objection to the Notice. Since then they have made it perfectly clear they will not produce Britney as a witness unless *ordered* to do so. Schleimer Dec., ¶3

<sup>5</sup> Schleimer Dec., ¶2

1 duty of a witness to tell the truth. . . .” Evid.C. §701; People v. Anderson  
2 (2001) 25 Cal.4th 543, 572–573. “[T]he burden of proof is on the party who  
3 objects to the proffered witness.” Id., 24 Cal.4th at 573.

4 Britney is a party, she is a *material witness*, she is manifestly capable of  
5 testifying, and her testimony will refute serious allegations made by the  
6 Conservators – including the allegations that Plaintiff drugged Britney, cut her  
7 telephone wires and disabled her automobiles. In this context, Plaintiff  
8 respectfully submits he has a Due Process right to her testimony. U.S. Const.,  
9 Amend. XIV; California Const., Art. I, §§1–7

#### 10 **Materiality of Britney’s Testimony**

11 Britney is a material witness to *most* of the contested issues in this  
12 case. Here are some *examples*:

13 ▶ Britney retained Plaintiff as her manager under an oral  
14 contract. The Conservators, purporting to act *in loco* Britney, *denied* the  
15 existence of the oral contract. They also disputed the terms. Plaintiff proffers  
16 Britney’s testimony to *refute* the Conservators’ contentions, and to corroborate  
17 Plaintiff’s testimony as to the existence and terms of the oral contract.<sup>6</sup>

18 ▶ On October 13, 2007, Britney sent an email to Sam Lutfi,  
19 confirming aspects of the oral management agreement. The Conservators  
20 dispute the authenticity of the October 13 email. In the alternative, they  
21 dispute what it means. Britney was the *author* of the October 13 email, so she  
22 can authenticate it, explain what it meant, and detail the circumstances  
23 under which it was sent.<sup>7</sup>

24 ▶ Britney is a witness to her father’s *violence and threats* directed at  
25 Sam Lutfi. For example, on December 17, 2007, James Parnell sent Sam

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26  
27 <sup>6</sup> Schleimer Dec., ¶4

28 <sup>7</sup> Schleimer Dec., ¶4

1 Lutfi a text message which stated: "If and when I met u one thing is going to  
2 happen I am going to jail and u r going to the hospital."<sup>8</sup> Cell phone billing  
3 records (attached to the exhibit) show the text originated with James Parnell's  
4 cell phone, but he *denies* sending it. Britney can authenticate the December  
5 17, 2007 text message because she was with Mr. Lutfi when he received it;  
6 she was a witness to the back-and-forth communications with James Parnell  
7 which preceded it; she can authenticate her father's cell phone number and  
8 writing style; and she can authenticate her father's use of "Jamie Spears" as  
9 his text message "tag."<sup>9</sup>

10 ▶ James Parnell, as Conservator, formally accused Mr. Lutfi of  
11 "drugging" Britney and isolating her by cutting her telephone wires and  
12 disabling her automobiles and cell phones.<sup>10</sup> Who better than Britney Spears  
13 to refute those allegations? Likewise, who better than Britney to testify that  
14 the Conservators *knew* the allegations were false?

15 ▶ Britney's mother, Defendant Lynne Spears ("Lynne"), published  
16 an autobiography, *Through the Storm*, in which she accused Sam Lutfi of  
17 standing as a barrier between mother and daughter as part of a "predatory"  
18 plot to control Britney by isolating her from family, friends and advisors. In  
19 her book, Lynne also repeated the accusations that Mr. Lutfi drugged Britney,  
20 cut her telephone wires and disabled her automobiles, as part of his  
21 "Svengali" tactics.

22 Plaintiff proffers Britney as a witness on his libel claim, to refute  
23 Lynne's allegations of drugging, cutting phone wires and disabling  
24 automobiles. Britney's testimony will also refute the charge that Mr. Lutfi

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25  
26 <sup>8</sup> Trial Exhibit 11

27 <sup>9</sup> Schleimer Dec., ¶4

28 <sup>10</sup> Schleimer Dec., ¶4

1 tried to separate Britney from her mother. Among other things, Britney will  
2 testify that Mr. Lutfi made numerous efforts to bring about a *reconciliation*  
3 between mother and daughter; he worked hard to persuade Britney to end her  
4 estrangement from her mother; and Mr. Lutfi arranged a *reunion of mother*  
5 *and daughter* on October 9, 2007, as depicted in the attached photograph of  
6 said reunion.<sup>11</sup>

7       ▶ James Parnell recently filed a series of *hearsay* objections,  
8 seeking to strike portions of Mr. Lutfi's declaration on the grounds they  
9 constituted hearsay from Britney.<sup>12</sup> Concurrently, James Parnell seeks to  
10 block Plaintiff from curing said hearsay objections by calling Britney as a  
11 witness. These bad faith tactics underscore the need to make Britney  
12 available as a witness for Plaintiff at trial.

13                                   **Conclusion**

14       The Court should enforce the C.C.P. §1987(b) notice and order that  
15 Britney *shall* be made available as a witness for Plaintiff at trial.

16 ***Respectfully submitted,***

17 **Dated: August 29, 2012**

**JOSEPH D. SCHLEIMER  
ATTORNEY AT LAW**

18  
19  
20  
21 BY:   
22 **Joseph D. Schleimer, Attorney**  
23 **for Plaintiff Sam Lutfi**  
24  
25  
26

27       <sup>11</sup> Trial Exhibit 21

28       <sup>12</sup> Exhibit 16B, objections 4, 7, 8; objection to Trial Exhibit 11

1                                   **Declaration of Joseph D. Schleimer, Esq.**

2       I, *Joseph D. Schleimer*, do declare and state:

3           1.     I am an attorney at law, duly licensed to practice before this  
4       Honorable Court, and I am counsel of record herein for Plaintiff Sam Lutfi. If  
5       called and sworn as a witness, I could and would testify to the following from  
6       personal knowledge.

7           2.     The evidence will show that Britney Spears spent almost two  
8       years interacting with her manager, Sam Lutfi, and that makes her a material  
9       witness to most of the major issues in this case. I served a C.C.P. §1987(b)  
10      notice to compel Britney's availability as a witness during trial (Trial Exhibit  
11      16A) but Defendant James Parnell Spears ("James Parnell"), in his role as  
12      Conservator, objected on the grounds Britney is supposedly mentally  
13      incompetent to testify. Although Defendant claims to have medical evidence  
14      to support that assertion, I asked for that evidence and Defendants refused to  
15      disclose it. Lodged herewith as Trial Exhibit 60 is a DVD of video footage, shot  
16      within the past three months, in which Britney is lucid, articulate, oriented,  
17      and responds intelligently to inquiries from the media. This material was  
18      taped because Fox Television paid \$15,000,000 for Britney's services as a  
19      judge on *The X Factor*, and she has been performing – extemporaneously – on  
20      that television program for months. The program debuts September 12, 2012.

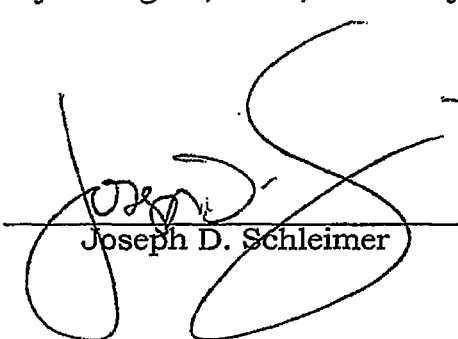
21          3.     I have complied with LASC Rule 3.57. After service of the Notice,  
22      I inquired whether Britney would be produced and counsel for the  
23      Conservators announced his intention to *move to quash* the C.C.P. §1987(b)  
24      Notice. For good measure, he then served a formal objection to the Notice.  
25      Since counsel made it perfectly clear the Conservators will not produce  
26      Britney as a witness unless *ordered* to do so, there was no further reason to  
27      "meet and confer."  
28

1           4.     The evidence will show that Britney is a material witness to *most*  
2 of the contested issues in this case. Here are some *examples*: Britney retained  
3 Plaintiff as her manager under an oral contract. The Conservators,  
4 purporting to act *in loco* Britney, *denied* the existence of the oral contract.  
5 They also disputed the terms. Plaintiff proffers Britney's testimony because we  
6 expect her to *refute* the Conservators' contentions, and to corroborate  
7 Plaintiff's testimony as to the existence and terms of the oral contract. (Trial  
8 Exhibit 4) On October 13, 2007, Britney sent an email to Sam Lutfi,  
9 confirming aspects of the oral management agreement. The Conservators  
10 dispute the authenticity of the October 13 email. In the alternative, they  
11 dispute what it means. I seek to call Britney because she was the *author* of  
12 the October 13 email, so she can authenticate it, explain what it meant, and  
13 detail the circumstances under which it was sent. I am informed that Britney  
14 is a witness to her father's *violence and threats* directed at Sam Lutfi. For  
15 example, I am informed that, on December 17, 2007, James Parnell sent Sam  
16 Lutfi a text message which stated: "If and when I met u one thing is going to  
17 happen I am going to jail and u r going to the hospital." (Trial Exhibit 11)  
18 Although cell phone billing records (attached to the exhibit) show the text  
19 originated with what I understand is James Parnell's cell phone, he *denies*  
20 sending it. I wish to call Britney to authenticate the December 17, 2007  
21 because I am informed she was with Mr. Lutfi when he received it; she was a  
22 witness to the back-and-forth communications with James Parnell which  
23 preceded it; she can authenticate her father's cell phone number and writing  
24 style; and she can authenticate her father's use of "Jamie Spears" as his text  
25 message "tag." James Parnell, as Conservator, formally accused Mr. Lutfi of  
26 "drugging" Britney and isolating her by cutting her telephone wires and  
27 disabling her automobiles and cell phones. I seek to call Britney to refute  
28 those allegations. Defendant Lynne Spears ("Lynne"), published an



1 autobiography, *Through the Storm*, in which she accused Sam Lutfi of  
2 standing as a barrier between mother and daughter as part of a "predatory"  
3 plot to control Britney by isolating her. In her book, Lynne repeated the  
4 accusations that Mr. Lutfi drugged Britney, cut her telephone wires and  
5 disabled her automobiles as part of his "Svengali" tactics. I wish to call  
6 Britney as a witness on the libel claim, to refute the allegations of drugging,  
7 cutting phone wires and disabling automobiles. I also wish to call Britney  
8 because to refute Lynne's disputed charge that Mr. Lutfi tried to separate  
9 Britney from her mother. Among other things, I expect Britney will testify that  
10 Mr. Lutfi made numerous efforts to bring about a *reconciliation* between  
11 mother and daughter; he persuaded Britney to end her estrangement from her  
12 mother; and Mr. Lutfi arranged a *reunion of mother and daughter* on October  
13 9, 2007, as depicted in the attached photograph. (Trial Exhibit 21). James  
14 Parnell recently filed a series of *hearsay* objections, seeking to strike portions  
15 of Mr. Lutfi's declaration on the grounds they constituted hearsay from  
16 Britney. (Exhibit 16B, objections 4, 7, 8; objection to Trial Exhibit 11).  
17 Concurrently, James Parnell seeks to block Plaintiff from calling Britney as a  
18 witness, which would eliminate the hearsay objection. These bad faith tactics  
19 underscore the need to make Britney available as a witness for Plaintiff at  
20 trial.

21 I hereby declare pursuant to the laws of California that the foregoing is  
22 true and correct. Executed this 29<sup>th</sup> day of August, 2012, at Beverly Hills,  
23 California.

24  
25  
26   
27 Joseph D. Schleimer  
28



NOKIA

1200 1200 1200 1200

hospital

Options



NOKIA

JAMIE SPEARS

Sender:

JAMIE SPEARS

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Itemized Details For: (310) 985-3456  
Account Number: 276934999

Customer Service Number 1-800-937-8997

Jan 10, 2008

PageA 92 of 256

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12/17/07	Incoming	4:58 PM	310-749-3202	Text	1	Incoming	\$ -
12/17/07	Beverlyhls, CA	4:59 PM	310-498-4898	Text	1	Outgoing	\$ -
12/17/07	Incoming	5:00 PM	818-422-7720	Text	1	Incoming	\$ -
12/17/07	Cmtln Grdn, CA	5:03 PM	310-749-3202	Text	1	Outgoing	\$ -
12/17/07	Incoming	5:15 PM	310-749-3202	Text	1	Incoming	\$ -

Call Type: (A) Call Waiting (B) Call Forward (C) Conference Call (E) Data/Fax (F) Mobile2Mobile (G) Voicemail (H) Free Calls

(K) WPS Call (U) HotSpot @Home (V) myFaves Call

5

13

1 **Joseph D. Schleimer - Bar No. 125049**  
2 **9401 Wilshire Boulevard, Suite 1250**  
3 **Beverly Hills, California 90212**  
4 **Telephone: (310) 273-9807**  
5 **Telecopier: (310) 273-9809**  
6 **schleimerlaw@msn.com**

7 Attorney for Plaintiff Sam Lutfi

CONFORMED COPY  
ORIGINAL FILED  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

AUG 17 2012

John A. Clarke, Executive Officer/Clerk  
BY [Signature] Deputy  
Gloria Robinson

8  
9 **SUPERIOR COURT OF CALIFORNIA**  
10 **FOR LOS ANGELES COUNTY**

11 **SAM LUTFI, an individual,**  
12 **Plaintiff,**

13 **vs.**

14 **LYNNE IRENE SPEARS, an**  
15 **individual; JAMES PARNELL**  
16 **SPEARS, an individual; BRITNEY**  
17 **JEAN SPEARS, an individual; and**  
18 **DOES 1 through 25, inclusive,**

19 **Defendants.**

Case No. BC 406904

**RENEWED NOTICE TO PRODUCE**  
**BRITNEY SPEARS, JAMES**  
**PARNELL SPEARS AND ANDREW**  
**WALLET AS WITNESS AT TRIAL**

-and-

**DEMAND FOR PRODUCTION OF**  
**DOCUMENTS AT TRIAL**

**[C.C.P. §1987]**

**TRIAL: October 1, 2012**  
**Time: 10:00 a.m.**  
**Dept.: 71 (Hon. Soussan G.**  
**Bruguera)**

20  
21 **TO THE CONSERVATORS OF BRITNEY SPEARS AND TO THE**  
22 **CONSERVATEE AND TO HER/THEIR COUNSEL OF RECORD HEREIN:**

23 **PLEASE TAKE NOTICE** that Plaintiff Sam Lutfi hereby demands,  
24 pursuant to C.C.P. §1987, the attendance of Britney Spears and Conservators  
25 James Parnell Spears and Andrew Wallet at the trial of this action as  
26 witnesses for Plaintiff. Plaintiff is prepared to enter into an agreement for said  
27 witnesses to be "on call." Unless and until such an agreement is reached, this  
28 demand requires the attendance of said witnesses commencing at 10:00 a.m.

**RENEWED Notice to Produce Britney Spears as Trial Witness**  
**and Demand for Production of Documents at Trial**  
**LASC No. BC406904**

**Exhibit 16A**

1 on October 1, 2012, in Department 71 of the Los Angeles Superior Court,  
2 located at 111 N. Hill Street, Los Angeles, California.

3 **PLEASE TAKE FURTHER NOTICE** that, pursuant to C.C.P. §1987©,  
4 Conservators James Parnell Spears and Andrew Wallet and the Defendant-  
5 Conservatee, are instructed to produce the documents identified in Exhibit  
6 "A" at the trial of this matter, for use as evidence for Plaintiff.

7 **PURSUANT TO CODE OF CIVIL PROCEDURE §1987, THIS NOTICE**  
8 **HAS THE SAME FORCE AND EFFECT AS A SUBPOENA DUCES TECUM.**

9 Dated: August 7, 2012

JOSEPH D. SCHLEIMER  
ATTORNEY AT LAW

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13 BY:   
14 Joseph D. Schleimer, Attorney for  
15 Plaintiff Sam Lutfi  
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RENEWED Notice to Produce Britney Spears as Trial Witness  
and Demand for Production of Documents at Trial  
LASC No. BC406904



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Exhibit "A"

Documents to be Produced by James Parnell Spears,  
Andrew Wallet and Britney Spears at Trial

Demand for Production No. 1

The original of all of the pre-marked exhibits in this case.

Demand for Production No. 2:

The DRUG TEST REPORTS concerning Britney Spears covering the  
period October 1, 2007 through March 1, 2008.

"DRUG TEST REPORT," as used in these document demands,  
refers to any DOCUMENT written by or memorializing information  
supplied by any individual, entity or laboratory engaged to take a  
sample, analyze a sample, or report on laboratory analysis of a  
human drug test.

Demand for Production No. 3:

The BABY MONITOR REPORTS which refer to Plaintiff Sam Lutfi  
prepared between October 1, 2007 and March 1, 2008.

"BABY MONITOR REPORT," as used in these Demands for  
Production, refers to any DOCUMENT written by or memorializing  
information supplied by individuals retained to monitor the  
mothering activities of Britney Spears, the care and custody of  
Britney Spears' children, and/or conditions or activities taking  
place in Britney Spears' home.

Demand for Production No. 4:

The documents whereby notice was given to Plaintiff Sam Lutfi by  
Britney Spears' CONSERVATORS that the contract between Sam Lutfi and  
Britney Spears was terminated.

"CONSERVATORS" refers to the court-appointed  
conservators of Britney Spears.

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RENEWED Notice to Produce Britney Spears as Trial Witness  
and Demand for Production of Documents at Trial  
LASC No. BC406904

1 "DOCUMENT," as used in these Demands for Production,  
2 means the original and all copies of handwriting, typewriting,  
3 printing, photostating, photographing, photocopying, electronic or  
4 facsimile transmission, electronically stored data, every other  
5 means of recording information, and any and all forms of  
6 communication or representation, including letters, words,  
7 pictures, sounds or symbols, or combinations thereof, and any  
8 record thereby created, regardless of the manner in which the  
9 record has been stored and includes (but is not limited to) any  
10 and all "writings" as defined in Evidence Code §250.

11 **Demand for Production No. 5:**

12 The FINANCIAL RECORDS covering the ARTISTIC, ENDORSEMENT  
13 AND MERCHANDISING INCOME OF BRITNEY SPEARS for the period June 1,  
14 2007 through October 31, 2011.

15 "FINANCIAL RECORDS" means ledgers, income and expense  
16 reports, and profit and loss statements; any and all contracts with and  
17 accountings or statements to or from record companies; any and all  
18 contracts with and accountings or statements to or from music  
19 publishers; any and all contracts with and accountings or statements to  
20 or from concert producers or tour promoters; any and all contracts with  
21 and accountings or statements to or from product endorsees; any and  
22 all contracts with or accountings and statements to or from artist  
23 managers; any and contracts with and accountings or statements to or  
24 from talent agents; any and all contracts with and accountings or  
25 statements to or from business managers; any and all contracts with  
26 and accountings or statements to or from accountants; all accountings  
27 or statements prepared by or for the CONSERVATORS; and all  
28 accountings or statements filed by or for the CONSERVATORS with the

1 Los Angeles Superior Court.

2 "ARTISTIC, ENDORSEMENT AND MERCHANDISING INCOME OF  
3 BRITNEY SPEARS" means income stemming from the artistic,  
4 entertainment, product endorsement or merchandising activities, work  
5 product, engagements, and related activities of Britney Spears, whether  
6 received directly by her or through one of her corporations or other  
7 business entities. "ARTISTIC, ENDORSEMENT AND MERCHANDISING  
8 INCOME OF BRITNEY SPEARS" includes (but is not limited to) any and  
9 all income generated by Britney Spears' past or present artistic,  
10 entertainment, product endorsement or merchandising services, work  
11 product or licensing in any aspect of the entertainment, creative,  
12 product endorsement and merchandising industries, including (but not  
13 limited to), singing, composing, recording, performing, touring, dancing,  
14 scoring, designing, posing, conducting, acting, writing, directing,  
15 producing, painting, drawing, creating, filming, photographing,  
16 videotaping, making personal appearances, endorsing, licensing,  
17 marketing and merchandising. "ARTISTIC, ENDORSEMENT AND  
18 MERCHANDISING INCOME OF BRITNEY SPEARS" includes (but is not  
19 limited to) advances, royalties, participations, earnings, fees, or salary;  
20 receipt of any partnership interest, stock, units or any other interest in  
21 a business or venture; bonuses, shares of profit, valuable perquisites,  
22 and any share of gross receipts; any share of net receipts, music  
23 publishing income, residuals, reuse fees, recording funds, license fees,  
24 tour support, or business gifts; and any in-kind income or other  
25 considerations of any kind or nature whatsoever earned or received  
26 directly or indirectly by Britney Spears, individually or through a  
27 corporation or other business entity.

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RENEWED Notice to Produce Britney Spears as Trial Witness  
and Demand for Production of Documents at Trial  
LASC No. BC406904

1    **Demand for Production No. 6:**

2           The ledgers, income and expense reports, and profit and loss  
3 statements PERTAINING TO BRITNEY SPEARS for the period June 1, 2007  
4 through October 31, 2011.

5    **Demand for Production No. 7:**

6           The ledgers, income and expense reports, profit and loss statements, r  
7 accountings and financial statements PERTAINING TO BRITNEY SPEARS  
8 prepared by and for the CONSERVATORS pertaining to the periods from June  
9 1, 2007 through October 31, 2011.

10           "PERTAINING TO BRITNEY SPEARS" means related to Britney  
11 Spears, whether she is doing business personally or through one of her  
12 corporations or other business entities.

13   **Demand for Production No. 8:**

14           The accountings and statements PERTAINING TO BRITNEY SPEARS  
15 filed by the CONSERVATORS with the Los Angeles Superior Court for the  
16 periods June 1, 2007 through October 31, 2011.

17   **Demand for Production No. 9:**

18           The accountings, reports, disbursements and statements from record  
19 companies PERTAINING TO BRITNEY SPEARS for the periods June 1, 2007  
20 through October 31, 2011.

21   **Demand for Production No.10:**

22           The accountings, reports, disbursements and statements from music  
23 publishers PERTAINING TO BRITNEY SPEARS for the periods June 1, 2007  
24 through October 31, 2011.

25   **Demand for Production No. 11:**

26           The accountings, reports, disbursements and statements from licensees  
27 PERTAINING TO BRITNEY SPEARS for the periods June 1, 2007 through  
28 October 31, 2011.

1 **Demand for Production No. 12:**

2 The accountings, reports, disbursements and statements from product  
3 endorsees PERTAINING TO BRITNEY SPEARS for the periods from June 1,  
4 2007 through October 31, 2011.

5 **Demand for Production No. 13:**

6 The accountings, reports, disbursements and statements from  
7 merchandisers PERTAINING TO BRITNEY SPEARS for the periods from June  
8 1, 2007 through October 31, 2011.

9 **Demand for Production No. 14:**

10 The accountings, reports, disbursements and statements from  
11 marketers PERTAINING TO BRITNEY SPEARS for the periods from June 1,  
12 2007 through October 31, 2011.

13 **Demand for Production No. 15:**

14 The accountings, reports, disbursements and statements for Britney  
15 Spears' artist managers for the periods June 1, 2007 through October 31,  
16 2011.

17 **Demand for Production No. 16:**

18 The accountings, reports, disbursements and statements from talent  
19 agents PERTAINING TO BRITNEY SPEARS for the periods June 1, 2007  
20 through October 31, 2011.

21 **Demand for Production No. 17:**

22 The accountings, reports, disbursements and statements from personal  
23 appearance producers and promoters PERTAINING TO BRITNEY SPEARS for  
24 the periods June 1, 2007 through October 31, 2011.

25 **Demand for Production No. 18:**

26 The accountings, reports, disbursements and statements from business  
27 managers PERTAINING TO BRITNEY SPEARS for the periods June 1, 2007  
28 through October 31, 2011.

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RENEWED Notice to Produce Britney Spears as Trial Witness  
and Demand for Production of Documents at Trial  
LASC No. BC406904

1 **Demand for Production No. 19:**

2 Any and all accountings, reports, disbursements or statements to or  
3 from accountants PERTAINING TO BRITNEY SPEARS related to any period  
4 from June 1, 2007 through October 31, 2011.

5 **Demand for Production No. 20:**

6 Any and all accountings, reports, disbursements or statements to or  
7 from tour promoters PERTAINING TO BRITNEY SPEARS related to any period  
8 from June 1, 2007 through October 31, 2011.

9 **Demand for Production No. 21:**

10 Any and all accountings, reports, disbursements, or statements  
11 pertaining to any touring or live performance activity by Britney Spears  
12 related to any period from June 1, 2007 through October 31, 2011.

13 **Demand for Production No. 22:**

14 Any and all accountings, reports, disbursements, or statements from  
15 television broadcasters PERTAINING TO BRITNEY SPEARS related to any  
16 period from June 1, 2007 through October 31, 2011.

17 **Demand for Production No. 23:**

18 Any and all accountings, reports, disbursements, or statements related  
19 to personal appearances by Britney Spears between June 1, 2007 and  
20 October 31, 2011.

21 **Demand for Production No. 24:**

22 Any and all CONTRACTS with record companies PERTAINING TO  
23 BRITNEY SPEARS which were OPERATIVE at any time during the period June  
24 1, 2007 through October 31, 2011.

25 "CONTRACTS" means any DOCUMENTS which constitute, evidence or  
26 memorialize any oral or written agreement.

27 "OPERATIVE" means having some force and effect. For example, a  
28 contract which has been fully performed on one side but still obligates the

1 other party to make payments or perform in some fashion is still OPERATIVE.  
2 Similarly, a contract which has been fully performed on both sides but still  
3 has some contingency which might result in a further obligation of  
4 performance is still OPERATIVE.

5 **Demand for Production No. 25:**

6 Any and all CONTRACTS with music publishers PERTAINING TO  
7 BRITNEY SPEARS which were OPERATIVE at any time during the period June  
8 1, 2007 through October 31, 2011.

9 **Demand for Production No. 26:**

10 Any and all CONTRACTS with concert producers PERTAINING TO  
11 BRITNEY SPEARS which were OPERATIVE at any time during the period June  
12 1, 2007 through October 31, 2011.

13 **Demand for Production No. 27:**

14 Any and all CONTRACTS with product endorsees PERTAINING TO  
15 BRITNEY SPEARS which were OPERATIVE at any time during the period June  
16 1, 2007 through October 31, 2011.

17 **Demand for Production No. 28:**

18 Any and all CONTRACTS with merchandisers PERTAINING TO BRITNEY  
19 SPEARS which were OPERATIVE at any time during the period June 1, 2007  
20 through October 31, 2011.

21 **Demand for Production No. 29:**

22 Any and all CONTRACTS with marketers PERTAINING TO BRITNEY  
23 SPEARS which were OPERATIVE at any time during the period June 1, 2007  
24 through October 31, 2011.

25 **Demand for Production No. 30:**

26 Any and all CONTRACTS with tour promoters PERTAINING TO  
27 BRITNEY SPEARS which were OPERATIVE at any time during the period June  
28 1, 2007 through October 31, 2011.

1 **Demand for Production No. 31:**

2 Any and all CONTRACTS with artist managers PERTAINING TO  
3 BRITNEY SPEARS which were OPERATIVE at any time during the period June  
4 1, 2007 through October 31, 2011.

5 **Demand for Production No. 32:**

6 Any and all CONTRACTS with talent agents PERTAINING TO BRITNEY  
7 SPEARS which were OPERATIVE at any time during the period June 1, 2007  
8 through October 31, 2011.

9 **Demand for Production No. 33:**

10 Any and all CONTRACTS with business managers PERTAINING TO  
11 BRITNEY SPEARS which were OPERATIVE at any time during the period June  
12 1, 2007 through October 31, 2011.  
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1 **PROOF OF SERVICE**  
2 **BY FAX & U.S. MAIL**

3 I am employed in the County of Los Angeles, State of California. I am  
4 over the age of 18 and not a party to the within action. My business address  
5 is 9401 Wilshire Boulevard, Suite 1250, Beverly Hills, California 90212.

6 On \*August 7, 2012 I served the foregoing document described as: \*  
7 **RENEWED NOTICE TO PRODUCE BRITNEY SPEARS, JAMES PARNELL**  
8 **SPEARS AND ANDREW WALLET AS WITNESS AT TRIAL -and-**  
9 **DEMAND FOR PRODUCTION OF DOCUMENTS AT TRIAL [C.C.P. §1987]**  
10 \* on the interested parties in this action by placing a true copy thereof  
11 enclosed in sealed envelopes addressed as follows:

12 See attached service list

13 **BY U. S. MAIL**

14 I deposited the sealed envelopes in the United States mail at Beverly  
15 Hills, California, addressed as stated above. The envelopes were mailed  
16 with first class postage thereon fully prepaid.

17 **BY TELECOPIER:**

18 I transmitted a copy of this document by telecopier to each of the fax  
19 numbers set forth on the service list.

20 Executed on \*August 7, 2012\* at Beverly Hills, California.

21 (State) I declare under penalty of perjury under the laws of the  
22 State of California that the above is true and correct.

23 Joseph D. Schler  
24 Type or Print Name

25 [Signature]  
26 Signature

**Service List**  
**Lutfi v Spears**

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Joel E. Boxer, Esq.  
Bonita D. Moore, Esq.  
Bird Marella Boxer Wolpert  
Nessim Dooks & Lincenberg  
1875 Century Park East, 23<sup>rd</sup> Floor  
Los Angeles, California 90067  
Fax No. (310) 201-2110

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Spears*

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*Attorneys for Defendant James P.  
Spears*

TRANSMISSION VERIFICATION REPORT

TIME : 08/07/2012 17:51  
NAME : J.D. SCHLEIMER  
FAX : 3102739809  
TEL : 3102739807  
SER.# : K8J788349

DATE, TIME  
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TRANSMISSION VERIFICATION REPORT

TIME : 08/07/2012 17:55  
NAME : J.D. SCHLEIMER  
FAX : 3102739809  
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TRANSMISSION VERIFICATION REPORT

TIME : 08/07/2012 18:01  
NAME : J.D. SCHLEIMER  
FAX : 3102739809  
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1 Leon J. Gladstone (SBN 70967)  
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3 GLADSTONE MICHEL  
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7 Los Angeles, CA 90009-9998  
8 Location:  
9 4551 Glencoe Avenue, Suite 300  
10 Marina del Rey, CA 90292-7925  
11 Tel: (310) 821-9000 • Fax: (310) 775-8775  
12 Attorneys for Defendant JAMES PARNELL SPEARS

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

12 SAM LUTFI, an individual,  
13 Plaintiffs,

14 vs.

15  
16 LYNNE IRENE SPEARS, an  
17 individual; JAMES PARNELL  
18 SPEARS, an individual; BRITNEY  
19 JEAN SPEARS, an individual; and  
20 DOES 1 through 25, inclusive,  
21 Defendants.

CASE NO. BC 406904

[Case Assigned For All Purposes To Hon.  
Soussan G. Bruguera, Dept. 71]

**DEFENDANT'S EVIDENTIARY  
OBJECTIONS TO THE  
DECLARATION OF SAM LUTFI  
SUBMITTED IN REGARD TO  
OPPOSITION TO MOTION FOR  
SUMMARY ADJUDICATION**

Date: September 12, 2012  
Time: 1:30 p.m.  
Dept: 71

*(Filed Concurrently With:  
Reply to Plaintiff's Opposition to Motion for  
Summary Adjudication of Issues)*

Trial Date: Oct. 1, 2012  
FSC: Sept. 25, 2012  
Complaint Filed: Feb. 3, 2009

22 TO THE HONORABLE COURT, TO THE PARTIES HEREIN AND TO THEIR  
23 ATTORNEYS OF RECORD:

24 Defendant James Parnell Spears hereby submits the following Evidentiary  
25 Objections to the Declaration of Sam Lutfi in support of his opposition to motion for  
26 summary adjudication of issues:  
27  
28

56187 EvidObject to Dec of Lutfi.docx

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**DEFENDANT'S EVIDENTIARY OBJECTIONS TO THE DECLARATION OF SAM LUTFI SUBMITTED  
IN SUPPORT OF HIS OPPOSITION TO MOTION FOR SUMMARY ADJUDICATION OF ISSUES**

Exhibit 16B

**PRELIMINARY STATEMENT**

The objections are divided into two sections, one directed to portions of the Declaration of Sam Lutfi, the other directed to one or more of his evidentiary exhibits. The primary point of the objections is that the motion is directed to the fact that Lutfi, by his own admission, has not suffered the "severe" or "extreme" emotional distress that is required in order to recover for infliction of emotional distress. *See, Hughes v. Pair* (2009) 46 Cal.4th 1035, 1050-1051.

Rather than attempt to refute that or at least raise a triable issue, Lutfi presents an unfounded and offensive attack on Defendant's character and perceived motives (Lutfi, conveniently for him, claims to be the only witness to some of the most offensive remarks he attributes to Spears). Even if this were allowable at trial to prove liability (which it is *not*, under Evidence Code section 1101(a)), it is *completely irrelevant* to the issue presented here: whether Lutfi has a claim for recoverable damages. As noted in the motion, the Supreme Court has already held that anxiety, even coupled with insomnia or other related effects, is not beyond the limits of "no reasonable [person] in civilized society should be expected to endure . . ." *Hughes, supra*, 46 Cal.4th 1051.

Thus, the bulk of Lutfi's declaration (as well as his argument in opposition to the motion), is irrelevant. Evidence Code §§ 210, 350. Beyond that, much of it is based on hearsay (Evid. Code § 1200), and is, as a result, also lacking in foundation (Evid. § 702).

**PART I: OBJECTIONS TO DECLARATION OF SAM LUTFI**

Material Objected To:	Grounds for Objection:
1. Paragraph 6, at page 13, lines 1-5, which reads, in part:  "I spoke by telephone with Brifney's father, James Parnell Spears ... he made a number of bigoted remarks ... but he didn't know anything about me and	Not relevant. Evidence Code §§ 210, 350.

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**DEFENDANT'S EVIDENTIARY OBJECTIONS TO THE DECLARATION OF SAM LUTFI SUBMITTED IN SUPPORT OF HIS OPPOSITION TO MOTION FOR SUMMARY ADJUDICATION OF ISSUES**

1	none of his remarks were directed at me."	
2	2. Paragraph 6, at page 13, lines 14-	<b>Lacks foundation</b> , and the exhibit is not properly authenticated. Evidence Code §§ 702, 1400.
3	17, which reads, in part:	
4	"James Parnell responded by sending me a text message (Exhibit 11)..."	
5		
6		
7		
8	3. Paragraph 7, at page 14, lines 9-	<b>Not relevant</b> . Evidence Code §§ 210, 350. The statement also includes <b>speculation</b> and an unsupported <b>conclusion (opinion)</b> , and it lacks <b>foundation</b> . Evidence Code §§ 702, 805.
9	14, which reads, in part:	
10	"James Parnell was ... in an ugly mood, and I heard him threaten to <i>kill</i> Ms. Scott ... her firm had filed a motion to withdraw ... I assume that's what he was mad about. Because of the death threat, Ms. Scott and I beat a hasty retreat from Cedars Sinai."	
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16	4. Paragraph 10, at page 16, lines 6-	<b>Not relevant</b> . Evidence Code §§ 210, 350. This is also an <b>unfounded conclusion (opinion)</b> , which is based on, and therefore incorporates, <b>hearsay</b> . Evid. Code §§ 702, 805, 1200.
17	8, which reads, in part:	
18	"Because of her father's violence and alcoholism, and abuse she suffered ... Britney had banned James Parnell from her home."	
19		
20		
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23	5. Paragraph 10, at page 17, lines 8-	<b>Not relevant</b> . Evidence Code §§ 210, 350. Improper legal <b>conclusion and opinion</b> , lacks <b>foundation</b> . Evid. Code §§ 702, 805.
24	14, which reads, in part:	
25	"James Parnell did not have permission to be in Britney's residence ... so he was <i>trespassing</i> ... Since I was living there, he was trespassing in my residence ... This was not	
26		
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GLADSTONE MICHEL,  
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Los Angeles, CA 90009-9398

1	a 'verbal altercation' it was an	
2	<i>invasion</i> ... and an unprovoked	
3	assault."	
4	6. Paragraph 12, at page 18, lines 9-	The purported, self-serving diagnoses and
5	12, which reads, in part:	claimed causation are <b>inadmissible</b>
6	"As a result ... I suffered terror	<b>opinions</b> of a non-expert witness, and
7	and continue to suffer from	therefore lack <b>foundation</b> . Evidence Code
8	anxiety, insomnia, agoraphobia,	§§ 702, 805.
9	and an enduring fear of being	
10	hunted and beaten or killed ..."	
11	7. Paragraph 13, from page 18, line	<b>Not relevant</b> . Evidence Code §§ 210, 350.
12	13 to page 19, line 10, which reads, in part:	The statements are based on, and
13	"Before I met James Parnell, his	incorporate, <b>hearsay</b> , they include
14	daughter Britney described her	<b>speculation</b> and lack <b>foundation</b> , and they
15	father as a violent drunk ... she	end with <b>inadmissible opinions</b> and
16	was terrified of him ... My fear	<b>conclusions</b> . Evidence Code §§ 702, 805,
17	of James Parnell was heightened	1200.
18	by Britney's mother ... who	
19	described her ex-husband as a	
20	violent drunk ... told me he was	
21	a violent man ... he was a racist	
22	... he would react violently ... I	
23	had also heard from members of	
24	the news media that James	
25	Parnell was a drunk ... and	
26	might be dangerous ... I gave	
27	James Parnell the benefit of the	
28	doubt ... but I was wrong."	
	8. Paragraph 15, at page 20, lines 1-	"[C]onfidentiality of psychiatric
	9, which reads, in part:	consultations is flimsy, at best" is an
	"I did not consult with Dr.	<b>inadmissible opinion</b> and <b>conclusion</b> , and,
	Carpenter about my traumatic	<i>coming from the party who tendered the</i>
	experiences because one of	<i>issue of his emotional health by suing for</i>
	Britney's attorneys warned her	<i>damages for emotional distress</i> , is entirely
	not to say anything ... I was	
	with Britney when that advice	
	was given ... confidentiality of	
	psychiatric consultations is	

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DEFENDANT'S EVIDENTIARY OBJECTIONS TO THE DECLARATION OF SAM LUTFI SUBMITTED  
IN SUPPORT OF HIS OPPOSITION TO MOTION FOR SUMMARY ADJUDICATION OF ISSUES

GLADSTONE MICHEL  
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flimsy, at best.”

lacking in **foundation**. Evidence Code §§ 702, 805. The statement also incorporates hearsay. Evid. Code section 1200.

9. Paragraph 18, at page 21, line 13 to page 22, line 6, which reads, in part:

“My first experience with severe emotional distress was because of the threats ... I experienced terror, anxiety, insomnia, and agoraphobia, and those symptoms endure to this day. My emotional distress was aggravated when I was *smeared* by a leak of the February 1, 2008 restraining order application (sic) ... That document triggered a wave of harassment and death threats by Britney’s fans ... The severe emotional distress which began with James Parnell’s threats ... has endured to this day ... To this day I suffer anxiety, insomnia and agoraphobia stemming from my fear that James Parnell will hunt me down and attack me.”

The purported diagnoses and characterization of “severe emotional distress,” claimed causation and “aggravation” are **speculative conclusions** and **inadmissible opinions**, and lack **foundation**. Evidence Code §§ 702, 805.

The now-expanded claims are contrary to Plaintiff’s deposition testimony, and cannot be used to raise a triable issue of fact. *Thompson v. Williams* (1989) 211 Cal.App.3d 566, 573-574.

Plaintiff previously declared exactly the opposite to this Court in order to obtain a beneficial ruling against, Lynne Spears, and he should be judicially estopped from benefiting from this denial of his prior sworn statement. *MW Erectors, Inc. v. Niederhauser Ornamental & Metal Works Co., Inc.* (2005) 36 Cal.4th 412, 422.

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# AFFIDAVIT AND DECLARATION OF PROOF OF SERVICE

I am over the age of eighteen years and not a party to the within action. I am employed by Gladstone Michel Weisberg Willner & Sloane, ALC, whose business address is: 4551 Glencoe Avenue, Suite 300, Marina del Rey, California 90292 ("the firm").

On August 24, 2011, I served the within document(s) described as:  
**DEFENDANT'S EVIDENTIARY OBJECTIONS TO THE DECLARATION OF SAM LUTFI SUBMITTED IN REGARD TO OPPOSITION TO MOTION FOR SUMMARY ADJUDICATION** on the interested parties in this action:

☒ by placing ☐ the original ☒ true copy(ies) thereof enclosed in sealed envelope(s)  
☒ addressed as follows: ☐ addressed as stated on the attached mailing list.

Joseph D. Schleimer, Esq. Attorney at Law 9401 Wilshire Blvd., Suite 1250 Beverly Hills, CA 90212 Telephone: (310) 273-9807 Fax: (310) 273-9809	Attorneys for Plaintiff Sam Lutfi
Joel E. Boxer, Esq. Bonita D. Moore, Esq. BIRD, MARELLA, BOXER, WOLPERT, NESSIM, DROOKS & LINCENBERG, P.C. 1875 Century Park East, 23 <sup>rd</sup> Floor Los Angeles, CA 90067 Fax: (310) 201-2110	Attorneys for James P. Spears and Andrew Wallet as co-conservators of the Estate of Britney Jean Spears, on behalf of Defendant Britney Jean Spears
Stephen F. Rohde, Esq. Rohde & Victoroff 1880 Century Park East #411 Los Angeles, CA 90067 Fax: (310) 277-1485	Attorneys for Defendant/Appellant Lynne Spears

☒ BY MAIL (C.C.P. § 1013(a))—I deposited such envelope(s) for processing in the mail room in our offices. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Marina del Rey, California, in the ordinary course of business. I am aware that on motion of a party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.

☒ (State) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on August 24, 2011, at Marina del Rey, California

*Sandra Alvarenga*  
SANDRA ALVARENGA

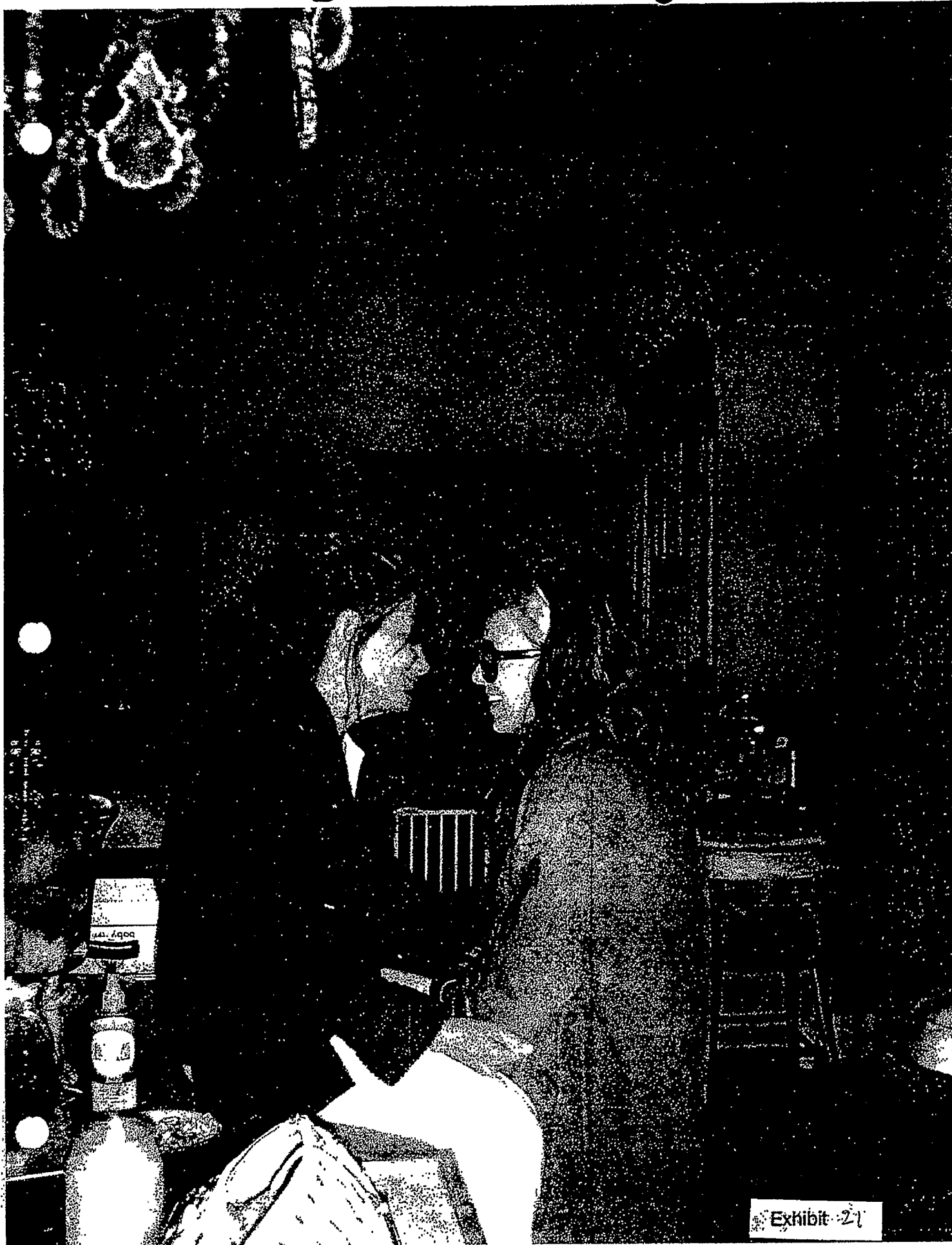


Exhibit 21

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**PROOF OF SERVICE**  
**BY FEDERAL EXPRESS**  
**[C.C.P. §1013(c)]**

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 9401 Wilshire Boulevard, Suite 1250, Beverly Hills, California 90212.

On **\*August 29, 2012\*** I served the foregoing document described as:  
**\*MOTION TO COMPEL COMPLIANCE WITH C.C.P. §1987(b) NOTICE TO MAKE BRITNEY SPEARS AVAILABLE AT TRIAL AS WITNESS FOR PLAINTIFF -and- DECLARATION OF JOSEPH D. SCHLEIMER, ESQ. [Trial Exhibit 60 - DVD Video Lodged Concurrently Herewith]**  
\* on the interested parties in this action by placing a true copy thereof enclosed in a sealed Federal Express envelope addressed as follows:

See attached service list.

**BY FEDERAL EXPRESS:**

I deposited the envelope in the Federal Express depository box in our building at 9401 Wilshire Boulevard, Beverly Hills, California, in time for the pick-up scheduled for 5:00 p.m. The Federal Express envelope was marked for overnight delivery with payment provided for.

Executed on **\*August 29, 2012\*** at Beverly Hills, California.

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

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Type or Print Name

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Signature

**Service List**  
**Lutfi v Spears**

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7  
8 Attorneys for James P. Spears and Andrew  
M. Wallet as Co-Conservators of the Estate  
of Britney Jean Spears, on behalf of  
9 Defendant Britney Jean Spears

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
11 **FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT**  
12

13 SAM LUTFI, an individual,

14 Plaintiff,

15 vs.

16 LYNNE IRENE SPEARS, an individual,  
JAMES PARNELL SPEARS, an  
17 individual, BRITNEY JEAN SPEARS, an  
individual; and DOES 1 through 25,  
18 inclusive,

19 Defendants.  
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CASE NO. BC 406904

*Assigned to the Honorable Suzanne G.  
Bruguera, Dept. 71*

**THE CO-CONSERVATORS' MOTION  
IN LIMINE NO. 1: TO QUASH  
PLAINTIFF'S RENEWED NOTICE  
TO PRODUCE CONSERVATEE  
BRITNEY SPEARS AS A WITNESS  
AT TRIAL**

**[Concurrently-Filed Request for Judicial  
Notice Nos. 1 & 2; Declaration of Joel E.  
Boxer; Declaration of Samuel D. Ingham  
III]**

Date: September 25, 2012  
Time: 10:00 a.m.  
Dept: 71

Action Filed: February 3, 2009  
Trial Date: October 1, 2012

26 **REDACTED VERSION**  
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2901847.1

**THE CO-CONSERVATORS' MOTION IN LIMINE NO. 1: TO QUASH PLAINTIFF'S RENEWED NOTICE TO  
PRODUCE CONSERVATEE BRITNEY SPEARS AS A WITNESS AT TRIAL**

**EXHIBIT 4**



1 PLEASE TAKE NOTICE that at the Final Status Conference currently set for  
2 September 25, 2012 at 10:00 a.m. in Department 71 of this Court, located at 111 North Hill  
3 Street, Los Angeles, CA 90012, or at a date, place and time set by the Court, Andrew M.  
4 Wallet and James P. Spears, as Co-Conservators of the Estate of Britney Jean Spears ("the  
5 Co-Conservators"), will and hereby move pursuant to California Code of Civil Procedure  
6 § 1987.1 to quash Plaintiff's Renewed Notice To Produce Britney Spears as a Witness at  
7 Trial ("Notice To Appear").

8 This motion is made on the following grounds:

- 9 1. Britney Spears ("Britney") is, and has since February 1, 2008 been, under a  
10 conservatorship supervised by the probate department of this Court (the  
11 "Probate Court"). The Probate Court has continuing and exclusive jurisdiction  
12 over all matters affecting the health and welfare of the Conservatee.
- 13 2. On April 27, 2011, the Probate Court, by order signed by Judge Goetz,  
14 expressly directed that Britney's Co-Conservators could not produce Britney as  
15 a witness at the trial of this action.
- 16 3. As a matter of law established by an unbroken line of appellate precedent cited  
17 below, no other judge or department of this court has jurisdiction or power to  
18 interfere with the existing and continuing Probate Court jurisdiction or to vacate,  
19 revise or countermand the Probate Court's order to the Co-Conservators. Since  
20 the Notice to Appear has the effect of a subpoena, seeking to compel Britney to  
21 appear as a witness at trial, even though the Probate Court has precluded such  
22 appearance, the Notice to Appear must be quashed as a matter of law.
- 23 4. Plaintiff has known about Judge Goetz's order for more than a year, yet has not  
24 they have not taken any action in Judge Goetz's court to modify, to vacate or to  
25 seek reconsideration of or exception to her order. Accordingly, Plaintiff has  
26 waived any right to compel Britney's appearance as a witness in this case.

27 Pursuant to Local Rule 3.57, counsel for the Co-Conservators met and conferred  
28 with Plaintiff's counsel as to the entirety of the relief herein requested. Plaintiff's counsel

1 refused to withdraw the Notice to Appear as to Britney. (Declaration of Joel E. Boxer  
2 ("Boxer Decl.") ¶ 4). Indeed, Plaintiff has moved to enforce the Notice. If the Co-  
3 Conservators' motion to quash is not granted, the Co-Conservators and Britney will suffer  
4 substantial prejudice. (Boxer Decl. ¶ 5.)

5 This motion is based on this notice, the concurrently filed Requests for Judicial  
6 Notice and Declaration of Joel E. Boxer, the attached memorandum of points and  
7 authorities, the files and records of the Court, the transcript of the June 15, 2011 hearing on  
8 a discovery motion (Boxer Decl. ¶ 14, Exh. N), and such further matters as will be  
9 considered by the Court at the time of the hearing of this motion.

10

11 DATED: August 31, 2012

Respectfully submitted,

12

Joel E. Boxer

13

Bonita D. Moore

14

Mary H. Hansel

15

BIRD, MARELLA, BOXER, WOLPERT,  
NESSIM, DROOKS & LINCENBERG, P.C.

16

17

By: 

Joel E. Boxer

18

Attorneys for James P. Spears and Andrew M.  
Wallet as Co-Conservators of the Estate of Britney  
19 Jean Spears, on behalf of Defendant Britney Jean  
20 Spears

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I**

3 **INTRODUCTION**

4 Plaintiff's Renewed Notice To Produce Britney Spears as a Witness at Trial  
5 ("Notice To Appear") must be quashed because (1) the Co-Conservators are obligated to  
6 comply with a long-existing order of the Probate Court that explicitly prohibits them from  
7 producing their Conservatee, Britney Spears ("Britney"), from appearing as a witness in the  
8 upcoming trial in this case; (2) as a matter of law established by an unbroken line of  
9 precedents, neither the Plaintiff Sam Lutfi ("Plaintiff" or "Lutfi"), nor any court (except  
10 the Probate Court that issued the order) may vacate, modify, countermand or refuse to  
11 enforce the Probate Court order; (3) by purporting to invoke this department's subpoena  
12 powers to direct the presence of a witness that the Probate Court has ordered cannot be  
13 present, Plaintiff is violating the Probate Court's directives and is seeking to interfere with  
14 the exclusive jurisdiction of another department over the subject matter, something neither  
15 he nor this Court can do; and (4) Plaintiff has known about the existence and scope of the  
16 Probate Court's preclusion order for over a year, yet he has not sought vacation,  
17 modification, reconsideration or appellate review of that order and, thus, cannot seek  
18 revision or modification of the order now, on the eve of trial.

19 For these reasons, the Notice to Appear must be quashed as a matter of law.

20 **II**

21 **FACTUAL BACKGROUND**

22 Beginning in 2007, Britney's mental and physical health was precarious; by January  
23 2008, she was placed in two involuntary psychiatric holds in Los Angeles hospitals. As a  
24 result, on February 1, 2008, Judge Goetz, sitting in the Probate Department granted  
25 temporary conservatorship petitions over her person and estate to Britney's father, James  
26 P. Spears. (Declaration of Joel E. Boxer ("Boxer Decl.") ¶ 6, Exhs. A-D.) A professional  
27 fiduciary, attorney Andrew M. Wallet, was named by the Court as a Co-Conservator of the  
28 estate. Samuel D. Ingham III, a respected, certified specialist in Probate, Estate Planning

1 and Trust law with more than 35 years of experience in conservatorship matters, was  
2 appointed by the court as Ms. Spears' personal counsel. (Boxer Decl. ¶ 7, Exh. E;  
3 Declaration of Samuel D. Ingham III ("Ingham Decl.") ¶¶ 1-2.)

4 Judge Goetz has had – and, to this day, continues to have – responsibility for  
5 supervising the Conservatee's welfare and for directing her Co-Conservators since the  
6 conservatorship proceedings began on February 1, 2008, well before the instant lawsuit  
7 was filed.<sup>1</sup> (Ingham Decl. ¶¶ 1, 4.)

8 On April 27, 2011, upon application of Britney's court-appointed personal  
9 counsel, Mr. Ingham, Judge Goetz issued the Sealed Order, prohibiting the Co-  
10 Conservators from producing Britney as a witness for trial, deposition or any other type of  
11 examination conducted in connection with this action. (Request for Judicial Notice No. 2  
12 ("RJN No. 2") ¶ 1; Exh. AA; Ingham Decl. ¶ 5.) The Sealed Order was first sealed  
13 conditionally by order of Judge Goetz on April 27, 2011 (the "Sealing Order"). (RJN No.  
14 2 ¶ 1, Exh. BB; Ingham Decl. ¶ 5.)<sup>2</sup> Judge Goetz subsequently made the Sealing Order  
15 permanent at a hearing in open court on May 12, 2011.<sup>3</sup> (Ingham Decl. ¶ 8.)

16 On May 2, 2011 — 16 months ago — Lutfi's counsel was given notice of both the  
17 Sealing Order and the then-conditionally Sealed Order, including its substance. (Ingham  
18 Decl. ¶ 6.) Lutfi has never taken any action in the Probate Court to vacate, to modify, or to  
19 request reconsideration of either the Sealed Order or the Sealing Order; nor has he sought

20  
21 <sup>1</sup> Judge Goetz's responsibilities are as to both the Conservatorship of the Person of  
22 Britney Jean Spears and the Conservatorship of the Estate of Britney Jean Spears ("Spears  
23 Conservatorship"). The authority of the Court over guardianships and conservatorships  
24 derive from "the parens patriae power of the state to protect incompetent persons."  
25 *Conservatorship of Wendland*, 26 Cal. 4th 519 (2001).

26 <sup>2</sup> A copy of the April 27, 2011 Sealing Order has also been submitted to this Court as  
27 Exhibit AAA to the concurrently-filed Request for Judicial Notice No. 1 ("RJN No. 1").

28 <sup>3</sup> By reason of the Sealing Order, the Co-Conservators are prohibited from publicly  
disclosing the content of the April 27, 2011 Sealed Order. Therefore, the Co-Conservators  
are filing sealed and unsealed versions of this motion.

1 appellate review of those orders. (Ingham Decl. ¶ 9.)

2 In this action, Lutfi moved to compel Britney's submission for an Independent  
3 Medical Examination ("IME"). At the hearing on June 15, 2011, Judge Sinanian denied  
4 Lutfi's discovery motion and suggested that he take action in the Probate Court should he  
5 desire modification of the Probate Court's Orders. (Boxer Decl. ¶ 14, Exh. N.) Lutfi  
6 failed to seek reconsideration or review of Judge Sinanian's order, and he took no action in  
7 furtherance of Judge Sinanian's suggestion that Lutfi take action in the Probate Court if  
8 Lutfi had any problem with the Probate Court's orders. (Boxer Decl. ¶ 14; Ingham Decl. ¶  
9 9.)

### 10 III

#### 11 ARGUMENT

12 A. THE NOTICE TO APPEAR MUST BE QUASHED BECAUSE CASE LAW  
13 UNEQUIVOCALLY ESTABLISHES THAT THIS COURT HAS NO  
14 JURISDICTION TO COMPEL BRITNEY SPEARS' ATTENDANCE AT  
15 TRIAL SINCE HER ATTENDANCE IS PRECLUDED BY A LONG-  
16 STANDING ORDER OF JUDGE GOETZ.

17 1. Judge Goetz Has Continuing And Exclusive Jurisdiction Over Matters  
18 Affecting The Conservatee's Health And Welfare

19 Judge Goetz, sitting as a Superior Court Judge in the Probate Department, has had  
20 continuing and exclusive jurisdiction over the Conservatorships established in 2008.<sup>4</sup> See  
21 *Guardianship of Kemp*, 43 Cal. App. 3d 758, 761 (1974) ("The probate court has exclusive  
22 jurisdiction of guardianship proceedings, and after a guardian has been appointed, the court  
23 has continuing jurisdiction over the guardian and the administration of the ward's  
24 affairs.")(emphasis added); see also *Browne v. Superior Ct.*, 16 Cal. 2d 593, 597 (1940)

25  
26 <sup>4</sup> The "probate court" is a department of the Superior Court, and is a court of general  
27 jurisdiction "with broad equitable powers." *Guardianship of Kemp*, 43 Cal. App. 3d 758,  
28 761 (1974); *Estate of Kraus*, 184 Cal. App. 4th 103, 114 (2010).

1 ("No other court, we believe, has power to interfere with that continuing control over the  
2 guardian; no other court could . . . instruct him as to his duties."); and *In re Marriage of*  
3 *Schenck*, 228 Cal. App. 3d 1474, 1477 (1991) (the law and motion department properly  
4 yielded to the family law department on an issue that would have affected its reserved  
5 jurisdiction).

6       **2. Where, As Here, The Probate Court First Assumed Jurisdiction (And**  
7       **Continues To Have Jurisdiction) Over Matters Involving Britney's**  
8       **Welfare And Has Issued Orders Precluding Her Attendance At The**  
9       **Trial Of This Action, No Other Court (Including This One) Has**  
10       **Jurisdiction to Vacate, To Modify, To Countermand Or To Issue Any**  
11       **Directive That Is Inconsistent With The Probate Court's Orders.**

12       A long and unbroken line of controlling appellate precedents establish that, where  
13 as here, a court has assumed jurisdiction over a matter and has issued orders in the case, no  
14 other court or department of the superior court can take action that contradicts those  
15 orders. *See, e.g., Williams v. Superior Ct.*, 14 Cal. 2d 656, 662 (1939) ("it is beyond the  
16 jurisdictional authority of another department of the same court to interfere with the  
17 exercise of the power of the department to which the proceeding has been so assigned. . .  
18 If such were not the law, conflicting adjudications of the same subject-matter by different  
19 departments of the one court would bring about an anomalous situation and doubtless lead  
20 to much confusion."); *Ford v. Superior Ct.*, 188 Cal. App. 3d 737, 741 (1986) (finding that  
21 and order "made in one department during the progress of a cause can neither be ignored  
22 nor overlooked in another department. . ."); *Silverman v. Superior Ct.*, 203 Cal. App. 3d  
23 145, 150-51 (1995) ("One department of the superior court cannot enjoin, restrain, or  
24 otherwise interfere with the judicial act of another department of the superior court. . . A  
25 judgment rendered in one department of the superior court is binding on that matter upon  
26 all other departments until such time as the judgment is overturned."); *In re Alberto*, 102  
27 Cal. App. 4th 421, 427-28 (2002) ("For one superior court judge, no matter how well  
28 intended, even if correct as a matter of law, to nullify a duly made, erroneous ruling of

1 another superior court judge places the second judge in the role of a one-judge appellate  
2 court.”).<sup>5</sup>

3 *Glade v. Glade*, 38 Cal. App. 4th 1441 (1995) is particularly instructive on this  
4 issue. In *Glade*, the family law court had first acquired jurisdiction over certain property  
5 by virtue of marital dissolution proceedings. *Id.* at 1445. The trustee of a family trust then  
6 brought a civil action seeking to foreclose on a residence that was community property.  
7 *Id.* The family law court issued an order staying the foreclosure action. *Id.* at 1447. The  
8 trial court judge in the foreclosure action refused to stay the foreclosure proceedings and  
9 granted summary judgment for the trust, stating that because his was a court of equal  
10 jurisdiction, the family law court had no authority to order a stay. *Id.* at 1448-49. The  
11 Court of Appeal reversed the trial court’s grant of summary judgment in the foreclosure  
12 action. *Id.* at 1448-49, 1457-58.

13 The Court of Appeal in *Glade* held that the trial court judge had been barred from  
14 proceeding by virtue of the stay order. *Id.* at 1449, 1458. The Court noted that “the first  
15 court of equal dignity to assume and exercise jurisdiction over a matter acquires exclusive  
16 jurisdiction.” *Id.* at 1450 (internal quotations omitted); *see also Williams v. Superior*  
17 *Court*, 14 Cal. 2d 656, 662-63 (1939) (finding that an order issued by another department  
18 purporting to invalidate a contempt order issued by the department before whom the  
19 proceedings were still pending was null and void). *Glade* noted this principle is  
20 particularly compelling for departments exercising distinct subject matter jurisdiction, such  
21 as “the family law court’s broad jurisdictional authority where the right to and disposition  
22 of community property are concerned.” *Id.*; *see also Slone v. Inyo County Juvenile Court*,  
23 230 Cal. App. 3d 263, 269 (1991) ( citing same principle).

24  
25 <sup>5</sup> If the law were otherwise and one department could interfere with orders issued by  
26 another department, then parties would be incentivized to forum shop until they were  
27 granted the relief they were seeking. *See In re Alberto*, 102 Cal. App. 4th at 427. “Such a  
28 procedure would instantly breed lack of confidence in the integrity of the courts.” *Id.*  
(citing *People v. Scofield*, 249 Cal. App.2d 727, 734 (1967)).

1 Similarly, here the probate department has been given distinct subject matter  
2 jurisdiction by the Legislature over all matters affecting a conservatee's health and  
3 welfare. Moreover, as to primacy, the Spears conservatorship proceedings, which continue  
4 to this day, predate by one year Lutfi's civil suit, which was not filed until 2009. Thus, the  
5 Probate Court first assumed and still retains jurisdiction over matters affecting the  
6 conservatorships. Consistent with these principles, Judge Goetz's Sealed Order states that  
7 "[t]his [Probate Court] has exclusive jurisdiction to make an order directing the  
8 conservators to act." (RJN No. 2 ¶ 1, Exh. AA, ¶ 10.)

9 **3. The Sealed Order Is Within The Jurisdiction Of The Conservatorship**  
10 **Proceedings And No Other Court Can Disregard Or Countermand the**  
11 **Order.**

12 The Sealed Order is exclusively within the province of the conservatorship  
13 proceedings pending since 2008 before Judge Goetz. [REDACTED]

14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED] (RJN No. 2 ¶ 1, Exh. AA, ¶ 10.); see  
18 also Probate Code section 1800.<sup>6</sup>

19 [REDACTED]  
20 [REDACTED] The  
21 Sealed Order was issued upon the application of the independent court-appointed counsel  
22 for Britney, Samuel D. Ingham III, whose mandate is the protection of Britney's health and  
23 [REDACTED]

24 <sup>6</sup> [REDACTED]  
25 [REDACTED] By filing this motion to quash, the Co-  
26 Conservators do not waive and intend to preserve their objections to this Court's  
27 jurisdiction over this issue. It is unnecessary for the Co-Conservators to seek relief in the  
28 Probate Court given that the Sealed Order, still in full force, already addresses Britney's  
appearance at trial.



1 welfare. (Ingham Decl. ¶ 5.) Moreover, the expert upon whose opinion Britney's court-  
2 appointed attorney relied in presenting his application to the Court, and upon whose  
3 opinion Judge Goetz expressly relied in ruling on the Sealed Order, is a medical  
4 practitioner *chosen by the Court in 2008* as its Evidence Code § 730 expert. (*Id.*) The  
5 medical practitioner was *not* selected by a party to this litigation. (*See* RJN No. 2 ¶ 1, Exh.  
6 AA, ¶ 8.)<sup>7</sup>

7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED] (RJN No. 2, ¶ 1, Exh. AA, ¶ 11.) [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED] (RJN No. 2, ¶ 1, Exh. AA, at 3.) Thus, the

15 court's instructions not to produce Britney in this action are clear and binding on the Co-  
16 Conservators; no other department may interfere with the exercise of the Judge Goetz's  
17 jurisdiction and power on these issues.

18 In light of the foregoing and the governing law, this Court has no jurisdiction to  
19 order Britney's appearance at trial in violation of the express terms of the Sealed Order.  
20 To do so would interfere with the Probate Court's preexisting and ongoing jurisdiction,  
21

22 7 [REDACTED]  
23 [REDACTED]  
24 [REDACTED] (RJN No. 2 ¶  
25 1, Exh. AA, ¶ 9.)

26 <sup>8</sup> "Instructions" are court-mandated orders to fiduciaries such as guardians or  
27 conservators. Cal. Prob. Code §§ 2359(a), 2403(a). As such, they are appealable orders.  
28 Cal. Prob. Code § 1300(c); *Guardianship of Christiansen*, 248 Cal. App. 2d 398 (1967).

1 and contravene well-established principles of judicial governance.

2 **B. Lutfi Has Had Notice Of The Sealed Order For More Than A Year And Has**  
3 **Not Sought Any Relief From Judge Goetz Or The Court Of Appeal**

4 Although Lutfi (through his counsel) had notice by May 2, 2011 of the substance of  
5 the then- conditionally Sealed Order and of the pending May 12, 2011 hearing regarding  
6 permanent sealing of the Sealed Order, Lutfi did not appear or object in the Probate Court  
7 after receiving such notice; he did not appear at the May 12, 2011 hearing before Judge  
8 Goetz when the Sealing Order was made permanent; nor has he otherwise attempted to  
9 take any steps in the Probate Court or at the appellate level to challenge Judge Goetz'  
10 orders. Even after the hearing on Lutfi's motion to compel Britney's IME, when Judge  
11 Sinanian in this action said the civil department would defer to Judge Goetz's order, Lutfi  
12 did nothing to seek reconsideration or review.<sup>9</sup> At the June 15, 2011 hearing, the parties  
13 also discussed that Britney would not be a witness at trial and Plaintiff's counsel was  
14 directed by Judge Sinanian to seek review of Judge Goetz's order from her, the issuing  
15 jurist, if Plaintiff disagreed with it. (Boxer Decl. ¶ 14, Exh. N.)<sup>10</sup>

16 As Lutfi has not brought a proper challenge to the Sealed Order in the 16 months he  
17 has had notice of it, this Court should summarily dispose of his improper and underhanded  
18 attempt to invalidate Judge Goetz's order.

19 **IV**

20 **CONCLUSION**

21 For the foregoing reasons, the Co-Conservators' motion to quash Plaintiff's Notice  
22

---

23 <sup>9</sup> Ingham Decl., ¶ 9. Lutfi has challenged (so far unsuccessfully) at the trial and  
24 appellate levels *other* orders issued by the Probate Court in the conservatorship  
25 proceedings. (Boxer Decl., ¶ 13.).

26 <sup>10</sup> Indeed, Plaintiff, recognizing the impact and authority of the Sealed Order and Judge  
27 Sinanian's June 15, 2011 ruling based on it, has recognized that these orders make Britney  
28 in effect unavailable in this action because Plaintiff, after the June 15, 2011 ruling,  
abandoned his then-pending efforts to take her deposition.

1 to Appear,<sup>11</sup> as directed to Britney Spears, should be granted because the Probate Court has  
2 exclusive jurisdiction over matters within the conservatorship proceedings, which  
3 encompass the health and welfare of the Conservatee, and any order by this Court  
4 compelling Britney's attendance at trial would be inconsistent with, and would effectively  
5 countermand, Judge Goetz's Sealed Order explicitly prohibiting the Co-Conservators from  
6 producing Britney at trial, which must be honored here.

7 DATED: August 31, 2012

Respectfully submitted,

8 Joel E. Boxer  
9 Bonita D. Moore  
10 Mary H. Hansel  
11 BIRD, MARELLA, BOXER, WOLPERT,  
12 NESSIM, DROOKS & LINCENBERG, P.C.

13 By: 

Joel E. Boxer

14 Attorneys for James P. Spears and Andrew M.  
15 Wallet as Co-Conservators of the Estate of Britney  
16 Jean Spears, on behalf of Defendant Britney Jean  
17 Spears  
18  
19  
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26  
27 <sup>11</sup> The Notice to Appear also directs the Co-Conservators to appear at trial; to that extent,  
28 they do not object to the notice.

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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 1875 Century Park East, 23rd Floor, Los Angeles, California 90067-2561.


**SEE ATTACHED SERVICE LIST**

**BY MAIL:** By placing a true copy thereof in sealed envelopes addressed to the parties listed on the attached Service List and causing them to be deposited in the mail at Los Angeles, California. The envelopes were mailed with postage thereon fully prepaid. I am readily familiar with our firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing affidavit.

**BY E-MAIL OR ELECTRONIC TRANSMISSION:** Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the document(s) to be sent from e-mail address [snj@birdmarella.com](mailto:snj@birdmarella.com) to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

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

Executed on August 31, 2012, at Los Angeles, California.

  
Shemena N. Johnson

**SERVICE LIST**  
**Lutfi v. Spears**  
**Case No. BC 406904**

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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 Steiner Attorney Service, 1513 Livonia Avenue, Los Angeles, California 90064.

**Joseph D. Schleimer**  
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**Attorney for Sam Lutfi**

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

## Melvin Steiner

1 **Joseph D. Schleimer - Bar No. 125049**  
2 **9401 Wilshire Boulevard, Suite 1250**  
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7 Attorney for Plaintiff Sam Lutfi

8  
9 **SUPERIOR COURT OF CALIFORNIA**  
10 **FOR LOS ANGELES COUNTY**

11 **SAM LUTFI, an individual,**

12 **Plaintiff,**

13 **vs.**

14 **LYNNE IRENE SPEARS, an**  
15 **individual; JAMES PARNELL**  
16 **SPEARS, an individual; BRITNEY**  
17 **JEAN SPEARS, an individual; and**  
18 **DOES 1 through 25, inclusive,**

19 **Defendants.**

Case No. BC 406904

**OPPOSITION TO CONSERVATORS'**  
**MOTION IN LIMINE NO. 1**

**[Quash C.C.P. §1987 Notice -**  
**Britney Spears to Testify at Trial]**

**Final Status Conference:**

**Date: 9/25/12**

**Time: 10:00 a.m.**

**Dept: 71 (Hon. Soussan G.**  
**Bruguera)**

**Filed: 2/3/09**

**Trial: 10/1/12**

**DCO: 12/24/11**

20 **TO THIS HONORABLE COURT AND TO DEFENDANTS AND TO THEIR**  
21 **COUNSEL OF RECORD HEREIN:** Plaintiff Sam Lutfi hereby respectfully  
22 submits his Opposition to Motion in Limine No. 1 filed by the Conservators,  
23 *in loco* Britney Spears:

24  
25 **CONDITIONALLY UNDER SEAL**  
26 **PURSUANT TO PROTECTIVE ORDER**  
27 **This Document is Subject to a**  
28 **Notice Given Under CRC §2.551(b)(3)**

Opposition to Motion in Limine No. 1 filed by Conservators  
(Quash C.C.P. §1987 Notice for Britney Spears to Testify at Trial)  
LASC No. BC406904

**EXHIBIT 5**

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1  
2                   **Opposition to Conservators' Motion in Limine No. 1**  
3                   **(Quash C.C.P. §1987 Notice for Britney Spears to Testify at Trial)**

4           Under California law even a gravely mentally ill person may testify so  
5 long as they are capable of expressing themselves and "understanding the  
6 duty of a witness to tell the truth. . . ." Evid.C. §701; People v. Anderson  
(2001) 25 Cal.4th 543, 572-573.

7           The Conservators object to Britney's testimony on grounds of mental  
8 incapacity. As such, they have the *burden* of proving incompetency. See,  
9 Anderson, supra, 25 Cal.4th at 573 ("[T]he burden of proof is on the party who  
10 objects to the proffered witness [as mentally incompetent].")

11          The Conservators' Motion to Quash the C.C.P. §1987 notice does not  
12 include any medical evidence. As such, they failed to meet their burden of  
13 proof and the motion should be summarily denied.

14          Alternatively, the Court could conduct a *competency hearing* and  
15 examine Britney Spears to determine whether she can testify. This procedure  
16 was endorsed by the California Supreme Court in Anderson, a case where a  
17 prosecution witness suffered from delusions – including a belief that her  
18 *imaginary son* was present during a murder. The Court held that allowing the  
19 delusional witness to testify was proper because:

20                   "[T]he grounds upon which a trial court may disqualify a witness  
21 as incompetent. . .are exceptionally narrow. The witness must be  
22 allowed to testify unless he or she cannot communicate  
23 intelligibly or understand the duty to tell the truth. . . .In many  
24 cases, psychiatric testimony, itself 'inherently [subject to] expert  
25 debate' (People v. Gonzalez (1990) 51 Cal.3d 1179, 1247), would  
26 be less useful on these issues than the court's own evaluation of  
27 the witness's demeanor and responses in light of all the evidence.  
28 (See, e.g., Alcala, supra, 4 Cal.4th 742, 781.) ¶Here, the extensive

1 record of the competence hearing manifestly discloses that Baros  
2 was a coherent communicator, and her understanding of the  
3 specific duty to give truthful testimony was also not in serious  
4 dispute or doubt. Thus, there seems little basis on which a  
5 psychiatric evaluation could have affected a ruling on her  
6 qualifications as a competent court witness." Anderson, supra, 25  
7 Cal.4th at 576-577.

8  
9 **A. Offer of Proof: The Testimony of Britney Spears**

10 Sam Lutfi was with Britney Spears for more than a year, so she is a  
11 percipient witness to almost all of the factual disputes in the case. In that  
12 context, Mr. Lutfi proffers Britney's testimony as follows:

13 • Britney's testimony should rebut the Conservators' denial there  
14 was a management contract. Moreover, Britney is expected to testify that she  
15 *told* her father, Conservator James Parnell Spears ("James Parnell"), that she  
16 *did* have an contract with Mr. Lutfi, but James Parnell issued discovery  
17 responses, purportedly on behalf of Britney, *falsely denying* the existence of  
18 the oral management contract.<sup>1</sup>

19 • Britney should testify the management relationship with Mr. Lutfi  
20 commenced in June, 2007; it was expressly agreed (and memorialized) on  
21 October 13, 2007 that it would last for four years; it was further agreed that  
22 either party could terminate without cause on 90 days notice or with cause on  
23  
24  
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26 <sup>1</sup> Declaration of Joseph D. Schleimer, ¶2  
27  
28

1 30 days notice.<sup>2</sup>

2 • Britney should testify she agreed that Mr. Lutfi would receive a  
3 management fee of 15% of Britney's gross income, and she understood that is  
4 a standard rate for managers in the music industry.<sup>3</sup>

5 • Britney should testify she told Sam Lutfi his 15% management fee  
6 would yield \$120,000 a month while she wasn't working, based on her passive  
7 income from record sales, music publishing and product endorsements; and  
8 this figure would skyrocket when she released an album and a music video  
9 (which Britney and Lutfi were working on together), and went on tour,  
10 because she could generate tens of millions of dollars a month while on tour.<sup>4</sup>

11 • Britney's testimony should refute the allegation by the  
12 Conservators, and by Lynne Spears ("Lynne") in her libelous book, that Mr.  
13 Lutfi "drugged" Britney's food and supplied her with amphetamine.<sup>5</sup>

14 • Britney is expected to testify that, throughout the relationship,  
15 Mr. Lutfi made energetic efforts to *stop* her from abusing drugs.<sup>6</sup>

16 • Britney's testimony should refute the allegation by the  
17 Conservators, and in Lynne's libelous book, that Sam Lutfi sought to isolate  
18 Britney by cutting her telephone wires, disabling her automobiles and  
19 disabling her cell phones. Among other things, Britney should testify the  
20

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21 <sup>2</sup> Schleimer Dec., ¶2

22 <sup>3</sup> Schleimer Dec., ¶2

23 <sup>4</sup> Schleimer Dec., ¶2

24 <sup>5</sup> Schleimer Dec., ¶2

25 <sup>6</sup> Schleimer Dec., ¶2

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1 telephones worked, the cell phones worked, the automobiles worked, and  
2 there was never any factual basis for Lynne's allegations.<sup>7</sup>

3 • Britney's testimony should disprove the "Svengali"  
4 characterization in Lynne's libelous book, including the false allegation Mr.  
5 Lutfi tried to drive a wedge between mother and daughter. Among other  
6 things, Britney is expected to testify that Sam Lutfi encouraged her to  
7 *reconcile* with her mother; and toward that end Mr. Lutfi engineered an  
8 emotional mother-daughter reunion in October, 2007 at Britney's home.<sup>8</sup>

9 • Britney should testify she was estranged from her mother when  
10 she met Sam Lutfi, but he persuaded her to end the estrangement. As part of  
11 this testimony, Britney will authenticate Exhibit 21 – a photograph of Lynne  
12 and Britney hugging each other during the October, 2007, mother-daughter  
13 reunion which Mr. Lutfi organized.<sup>9</sup>

14 • Britney should testify she was planning to seek a Temporary  
15 Restraining Order (TRO) against her abusive, alcoholic father, James Parnell,  
16 who moved from Louisiana to Los Angeles, was working part time as a cook,  
17 needed money, and was *harassing* her.<sup>10</sup>

18 • Britney should further testify that Sam Lutfi talked her out of  
19 seeking a TRO against James Parnell because Mr. Lutfi felt that "suing her  
20  
21

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22 <sup>7</sup> Schleimer Dec., ¶2

23 <sup>8</sup> Schleimer Dec., ¶2

24 <sup>9</sup> Schleimer Dec., ¶2

25 <sup>10</sup> Schleimer Dec., ¶2

1 father" would be a public relations disaster.<sup>11</sup>

2 • Britney should testify she told Sam Lutfi her father was a violent  
3 racist and she predicted James Parnell would ultimately attack Mr. Lutfi  
4 because of his dark complexion and foreign-sounding name.<sup>12</sup>

5 • Britney should testify that, despite this concern, Mr. Lutfi urged  
6 her to "make peace" with her father.<sup>13</sup>

7 • Britney should testify that Sam Lutfi's effort to reconcile Britney  
8 with her father ended abruptly – when James Parnell threatened Mr. Lutfi  
9 with violence in the text message of December 17, 2007.<sup>14</sup>

10 • Britney is expected to authenticate Exhibit 11, since she was with  
11 Mr. Lutfi on December 17, 2007, when James Parnell sent Plaintiff the  
12 following text message:

13 "If and when I met u one thing is going to happen I am going to  
14 jail and u r going to the hospital."<sup>15</sup>

15 • Britney is expected to testify she said "I told you so" to Sam Lutfi,  
16 when the above-quoted text message was received from her father.<sup>16</sup>

17 • Britney should testify that, when Mr. Lutfi first agreed to serve as  
18 her manager in June, 2007, he imposed a *condition*: Britney had to agree to

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20 <sup>11</sup> Schleimer Dec., ¶2

21 <sup>12</sup> Schleimer Dec., ¶2

22 <sup>13</sup> Schleimer Dec., ¶2

23 <sup>14</sup> Schleimer Dec., ¶2; Exhibit 11

24 <sup>15</sup> Schleimer Dec., ¶2; Exhibit 11

25 <sup>16</sup> Schleimer Dec., ¶2

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1 stop using drugs.<sup>17</sup>

2 • Britney should testify that she *agreed* to that condition, and as  
3 part of the June, 2007 agreement she consented to Mr. Lutfi bringing *drug-*  
4 *sniffing dogs* into her home, to locate and destroy her “stash.”<sup>18</sup>

5 • Britney should testify that Mr. Lutfi brought the drug-sniffing  
6 dogs into her home on June 13, 2007, and they found a cache of crystal  
7 methedrine, which was destroyed.<sup>19</sup>

8 • Britney should further testify the drug dogs found “hot spots” of  
9 drug residue in the carpeting, where her young sons (ages 1 and 3) played  
10 during visits.<sup>20</sup>

11 • Britney should testify that Sam Lutfi shampooed, then ripped out  
12 and replaced, *all of the carpeting in the residence*, to get rid of the drug residue  
13 “hot spots.”<sup>21</sup>

14 • Britney should testify she relapsed and breached their agreement  
15 by abusing drugs and alcohol in September, 2007; and Mr. Lutfi threw his  
16 hands up, walked away, and stayed away for approximately two weeks.<sup>22</sup>

17 • Britney should further testify that, on or about October 1, 2007,  
18 she lost custody of her children due to her drug and alcohol abuse; and then  
19

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20 <sup>17</sup> Schleimer Dec., ¶2

21 <sup>18</sup> Schleimer Dec., ¶2

22 <sup>19</sup> Schleimer Dec., ¶2

23 <sup>20</sup> Schleimer Dec., ¶2

24 <sup>21</sup> Schleimer Dec., ¶2

25 <sup>22</sup> Schleimer Dec., ¶2

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1 she contacted Mr. Lutfi, begged him to return as her manager, and promised  
2 to get "clean."<sup>23</sup>

3 • Britney should testify that, when Mr. Lutfi agreed to return, on or  
4 about October 1, 2007, he *moved into her residence* and began spending 24  
5 hours a day as her "minder," to keep her off drugs.<sup>24</sup>

6 • Britney should testify that, before hiring Mr. Lutfi, she had *fired*  
7 her previous manager, talent agent, and lawyer; and Mr. Lutfi then tried to  
8 build her a new "varsity" team by taking her to see Donald S. Passman, Esq.,  
9 of Gang Tyre Ramer & Brown, one of the most respected and powerful music  
10 lawyers in the industry; and Kevin Huvane, a managing partner at CAA, the  
11 most powerful talent agency in the world.<sup>25</sup>

12 • Britney should testify that Lynne Spears lied in her book when  
13 she wrote that Mr. Lutfi was a "Svengali" who sought to isolate, dominate and  
14 control Britney. Among other things, Britney should testify that Mr. Lutfi did  
15 the exact opposite by, *inter alia*, urging her to retain powerful – and  
16 independent – legal and career advisors.<sup>26</sup>

17 • Britney should testify that Lynne Spears lied when she accused  
18 Mr. Lutfi of taking control of Britney's money. Britney is expected to testify  
19 that Harold Grossman, C.P.A. was her business manager and she selected  
20 him herself; that Mr. Grossman reported to her, not to Mr. Lutfi; that Britney

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22 <sup>23</sup> Schleimer Dec., ¶2

23 <sup>24</sup> Schleimer Dec., ¶2

24 <sup>25</sup> Schleimer Dec., ¶2

25 <sup>26</sup> Schleimer Dec., ¶2

1 signed her own checks; and Mr. Lutfi never attempted to gain control of her  
2 money.<sup>27</sup>

3 • Britney should testify that, as of the date of the assault of  
4 January 28, 2008, her father, James Parnell, was permanently banned from  
5 her home, and James Parnell knew it; that James Parnell snuck past the  
6 security gate that evening without her consent; that she learned her father  
7 was past the gate and on his way to her residence; and she feared violence  
8 from her father, so she fled in an automobile, called security and had him  
9 ejected.<sup>28</sup>

10 • Britney's testimony should lay a foundation for the admission of  
11 Exhibits 4, 4A, 7-13A, 19-21, 31, 32, 35-40, 43, 47, and 60-62.<sup>29</sup>

12 Plaintiff contends the Conservators seek to bar Britney from testifying  
13 because their case is built on *falsehoods* and Britney will *contradict* them.  
14 Hence, the unusual situation where the defense attorneys seek to prevent the  
15 *primary defense witness* from testifying; whereas the Plaintiff wishes to call  
16 Defendant as the cornerstone of his case-in-chief.

17 Plaintiff contends he will not get a fair trial unless he is allowed to  
18 present Britney's testimony – to refute a long list of *smears* perpetrated by  
19 Lynne Spears and Conservator James Parnell Spears. Accordingly, the motion  
20 should be denied and Plaintiff's motion to compel compliance with the C.C.P.  
21 §1987 notice should be *granted*.

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24 <sup>27</sup> Schleimer Dec., ¶2

25 <sup>28</sup> Schleimer Dec., ¶2

26 <sup>29</sup> Schleimer Dec., ¶2



1  
2 **B. This Court Has Plenary Jurisdiction To Determine**  
3 **Whether Britney Spears is Competent to Testify**

4 Instead of submitting medical evidence, the Conservators move to  
5 quash based solely on their assertion this Court *lacks jurisdiction* to call  
6 Britney Spears to the witness stand.<sup>30</sup>

7 Plaintiff disagrees. The L.A. Superior Court Assignment Order gives  
8 *plenary* jurisdiction over this case to the assigned I/C Department, and the  
9 case is assigned to Department 71.<sup>31</sup> The "all purposes" Assignment Order  
10 instructs counsel to comply with the Superior Court Rules, and former LASC  
11 Rule 7.3(i) and new Rule 3.3.(i) clearly state that the I/C Judge "shall  
12 schedule, hear and decide" *all* matters in the case.

13 Since this Department clearly does have jurisdiction, the Conservators'  
14 argue that jurisdiction over Britney was divested by an 18-month-old order by  
15 the probate department.<sup>32</sup>

16 The easiest way to dispose of that argument is, by observing that order  
17 is *stale*, since it is based on Britney's supposed mental state 18 months ago.  
18 Since then, she has performed a \$15,000,000, Court-approved personal  
19 services contract as a judge on the television program the *X Factor*.<sup>33</sup> The DVD  
20 video from that program, which Plaintiff submitted, demonstrates that Britney  
21

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22 <sup>30</sup> Conservators MIL 1 at 1:13-15

23 <sup>31</sup> Exhibit 65 (emphasis added)

24 <sup>32</sup> Exhibit 64

25 <sup>33</sup> Schleimer Dec., ¶  
26  
27  
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1 is lucid, alert, oriented, articulate, and perfectly capable of testifying.<sup>34</sup> As  
2 such, the 18-month-old probate order is *obsolete*.

3 The Court should be aware of the highly-irregular proceeding in which  
4 the probate order issued. The procedural history is set forth in the  
5 Declaration of Joseph D. Schleimer, Esq.:

6 "On April 13, 2011, I served a notice setting Britney Spears  
7 deposition for April 28, 2011. Exhibit 63. I was informed she  
8 wasn't going to appear and expected a standard 'meet and confer'  
9 to follow, to be resolved by the Hon. Zaven V. Sinanian, who was  
10 then presiding in this case. Instead, on April 27, 2011 attorneys  
11 Samuel Ingham, Jeryl Cohen and Andrew Wallet went 'judge  
12 shopping' and presented a secret, ex parte 'Petition for  
13 Instructions' in the matter styled In re Conservatorship of Britney  
14 Jean Spears, No. BP 108870, asking the probate department to  
15 prohibit the taking of Britney Spears' deposition in *this* case, Lutfi  
16 v Spears, BC406904. Although I was counsel of record in Lutfi v  
17 Spears, I was not given notice of the ex parte hearing, which took  
18 place in secret, with only attorneys from the other side present.  
19 To this day I have never been allowed to see the Petition, nor the  
20 evidence submitted with it, which remain secret and under seal.  
21 On May 2, 2011, I received a letter from Joel Boxer, Esq.,  
22 transmitting the orders which the probate department executed  
23 during the secret hearing. (Exhibit 64) The letter from Mr. Boxer  
24 was the first time I heard about the secret petition and private

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25  
26 <sup>34</sup> Exhibit 60, on file herein.

1 meeting with the Judge in the probate department. I asked Mr.  
2 Boxer for a copy of the 'Petition for Instructions' but he refused to  
3 give me a copy. I asked the identity of the medical expert referred  
4 to in the order, but that information was withheld. To prevent any  
5 public scrutiny of the secret proceedings, the probate department  
6 sealed the entire record on the Petition, including the secret order  
7 itself.<sup>35</sup>

8 In other words, rather than moving for a protective order from Judge  
9 Sinanian, who was presiding in this case, the Conservators raced to the  
10 courthouse, took the issue to another department in violation of the I/C  
11 Rules, then aggravated their misconduct by *meeting privately* with the Judge  
12 in the other department without giving notice to Mr. Lutfi. The probate  
13 department then ruled based on *secret evidence*, which Plaintiff's counsel has  
14 yet to see, then sealed the file, so its actions would not be subject to public  
15 scrutiny.

16 Mr. Lutfi was not a party to the irregular proceedings in the probate  
17 department, so the now-stale order which emerged from the private meeting  
18 in that department is not binding on Mr. Lutfi. Hernandez v. City of Pomona  
19 (2009) 46 Cal.4th 501, 511 ("[T]he party against whom preclusion is sought  
20 must be the same as. . .the party to the former proceeding."); Plumley v.  
21 Mockett (2008) 164 Cal.App.4th 1031, 1048-1049 ("Collateral estoppel  
22 precludes the relitigation of an issue only if. . .the party against whom  
23 collateral estoppel is asserted was a party to the prior proceeding. . .")

24 Plaintiff submits the probate order should be *narrowly construed*

25 \_\_\_\_\_  
26 <sup>35</sup> Schleimer Dec., ¶3  
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1 because of the irregular procedure which generated it. By its terms, that order  
2 is directed at the Conservators, purporting to give them "instructions." The  
3 Conservators sought an order *directed at themselves*, and that is all they  
4 procured, since the order cannot bind Mr. Lutfi, who was not a party to the  
5 proceedings.

6 The impropriety of the secret meeting from which the order emerged is  
7 underscored by the absence of any *emergency*. The one-sided ex parte took  
8 place the day before Britney Spears' deposition, but the deposition was not  
9 going forward and the "meet and confer" had not even begun. This was not  
10 the kind of emergency which justifies a private meeting with a Judge without  
11 notice to the other side. Such a meeting requires proof of "irreparable harm,  
12 immediate danger, or other statutory basis for granting ex parte relief" as  
13 required by CRC 3.1202(c). As stated in former LASC Rule 7.12(j)(3):

14 "Where the Rules permit an ex parte application or  
15 communication to the court in an emergency situation,  
16 a lawyer should make such an application or communication  
17 . . . only where there is a *bona fide emergency* such that the  
18 lawyer's client will be seriously prejudiced by a failure to make  
19 the application or communication on regular notice."

20 By conducting a *private meeting* with the probate department, excluding  
21 Plaintiff, and in that fashion purporting to adjudicate Mr. Lutfi's right to call a  
22 crucial witness, the Conservators' attorneys acted unethically. They also  
23 infringed Plaintiff's Due Process rights. As stated in Carabini v. Superior  
24 Court (1994) 26 Cal.App.4th 239, 243-244:

25 "Code of Civil Procedure section 1005 specifies those motions  
26 requiring written notice. . . . However, section 1005 is not all-  
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1 inclusive. . . ¶ *Due process* requires an order with such significant  
2 impact on the viability of a case not be made without a full  
3 opportunity to brief the issues and present evidence. This is true  
4 whether the issue is presented in a motion or by way of an order  
5 to show cause issued by the court."

6 **Conclusion**

7 The Conservators had the burden of proof but presented *no evidence* to  
8 support their claim of mental incapacity. On that basis alone, the motion  
9 should be denied.

10 Alternatively, this Court should conduct a *competency hearing*, examine  
11 Britney Spears on the record, and make a direct determination whether she  
12 has the capacity to testify.

13 ***Respectfully submitted,***

14 **Dated: September 10, 2012**

**JOSEPH D. SCHLEIMER  
ATTORNEY AT LAW**

15  
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18 BY:   
19 **Joseph D. Schleimer, Attorney  
for Plaintiff Sam Lutfi**  
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1                                   **Declaration of Joseph D. Schleimer, Esq.**

2                                   **in Opposition to Conservators' Motion in Limine No. 1**

3       I, *Joseph D. Schleimer*, do declare and state:

4               1.     I am an attorney at law, duly licensed to practice before this  
5       Honorable Court, and I am counsel of record for Plaintiff Sam Lutfi in this  
6       action. If called and sworn as a witness, I could and would testify to the  
7       matters set forth herein from personal knowledge.

8               2.     **Offer of Proof:** I attempted to depose and conduct an  
9       independent medical examination of Britney Spears ("Britney") but I was  
10      allowed to do neither. As a result, I make this declaration on information and  
11      belief. I am informed and believe that if I am allowed to call her to the witness  
12      stand, Britney will testify as follows:

13              •     Britney's testimony should rebut the Conservators' denial  
14      there was a management contract. Moreover, Britney is expected to testify  
15      that she *told* her father, Conservator James Parnell Spears ("James Parnell"),  
16      that she *did* have an contract with Mr. Lutfi, but James Parnell issued  
17      discovery responses purportedly on behalf of Britney, *falsely denying* the  
18      existence of the oral management contract. In other words, on the central  
19      factual issue of the cause of action involving the most money, Britney is  
20      expected to testify her father-Conservator *lied*.

21              •     Britney should testify the management relationship with Mr. Lutfi  
22      commenced in June, 2007; it was expressly agreed (and memorialized) on  
23      October 13, 2007 that it would last for four years; it was further agreed that  
24      either party could terminate without cause on 90 days notice or with cause on  
25      30 days notice.

26              •     Britney should testify she agreed that Mr. Lutfi would receive a  
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1 management fee of 15% of Britney's gross income, and she understood that is  
2 a standard rate for managers in the music industry.

3 • Britney should testify she told Sam Lutfi his 15% management fee  
4 would yield \$120,000 a month while she wasn't working, based on her passive  
5 income from record sales, music publishing and product endorsements; and  
6 this figure would skyrocket when she released an album, a music video  
7 (which Britney and Lutfi were working on together), and went on tour,  
8 because she could generate tens of millions of dollars a month while on tour.

9 • Britney's testimony should refute the allegation by the  
10 Conservators, and by Lynne Spears ("Lynne") in her libelous book, that Mr.  
11 Lutfi "drugged" Britney's food and supplied her with amphetamine.

12 • Britney is expected to testify that, throughout the relationship,  
13 Mr. Lutfi made energetic efforts to *stop* her from abusing drugs.

14 • Britney's testimony should refute the allegation by the  
15 Conservators, and in Lynne's libelous book, that Sam Lutfi sought to isolate  
16 Britney by cutting her telephone wires, disabling her automobiles and  
17 disabling her cell phones. Among other things, Britney should testify the  
18 telephones worked, the cell phones worked, the automobiles worked, and  
19 there was never any factual basis for Lynne's allegations.

20 • Britney's testimony should disprove the "Svengali"  
21 characterization in Lynne's libelous book, including the false allegation Mr.  
22 Lutfi tried to drive a wedge between mother and daughter. Among other  
23 things, Britney is expected to testify that Sam Lutfi encouraged her to  
24 *reconcile* with her mother; and toward that end Mr. Lutfi engineered an  
25 emotional mother-daughter reunion in October, 2007 at Britney's home.

26 • Britney should testify she was estranged from her mother when  
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1 she met Sam Lutfi, but he persuaded her to end the estrangement. As part of  
2 this testimony, Britney will authenticate Exhibit 21 – a photograph of Lynne  
3 and Britney hugging each other during the October, 2007, mother-daughter  
4 reunion which Mr. Lutfi organized.

5 • Britney should testify she was planning to seek a Temporary  
6 Restraining Order (TRO) against her abusive, alcoholic father, James Parnell,  
7 who moved from Louisiana to Los Angeles, was working part time as a cook,  
8 needed money, and was *harassing* her.

9 • Britney should further testify that Sam Lutfi talked her out of  
10 seeking a TRO against James Parnell because Mr. Lutfi felt that “suing her  
11 father” would be a public relations disaster.

12 • Britney should testify she told Sam Lutfi her father was a violent  
13 racist and she predicted James Parnell would ultimately attack Mr. Lutfi  
14 because of his dark complexion and foreign-sounding name.

15 • Britney should testify that, despite this concern, Mr. Lutfi urged  
16 her to “make peace” with her father.

17 • Britney should testify that Sam Lutfi’s effort to reconcile Britney  
18 with her father ended abruptly – when James Parnell threatened Mr. Lutfi  
19 with violence in the text message of December 17, 2007 (Exhibit 11).

20 • Britney is expected to authenticate Exhibit 11, since she was with  
21 Mr. Lutfi on December 17, 2007, when James Parnell sent Plaintiff the  
22 following text message:

23 “If and when I met u one thing is going to happen I am going to  
24 jail and u r going to the hospital.”

25 • Britney is expected to testify she said “I told you so” to Sam Lutfi,  
26 when the above-quoted text message was received from her father.



1           •       Britney should testify that, when Mr. Lutfi first agreed to serve as  
2 her manager in June, 2007, he imposed a *condition*: Britney had to agree to  
3 stop using drugs

4           •       Britney should testify that she *agreed* to that condition, and as  
5 part of the June, 2007 agreement she consented to Mr. Lutfi bringing *drug-*  
6 *sniffing dogs* into her home, to locate and destroy her "stash."

7           •       Britney should testify that Mr. Lutfi brought the drug-sniffing  
8 dogs into her home on June 13, 2007, and they found a cache of crystal  
9 methedrine, which was destroyed.

10          •       Britney should further testify the drug dogs found "hot spots" of  
11 drug residue in the carpeting, where her young sons (ages 1 and 3) played  
12 during visits.

13          •       Britney should testify that Sam Lutfi shampooed, then ripped out  
14 and replaced, *all of the carpeting in the residence*, to get rid of the drug residue  
15 "hot spots."

16          •       Britney should testify she relapsed and breached their agreement  
17 by abusing drugs and alcohol in September, 2007; and Mr. Lutfi threw his  
18 hands up, walked away, and stayed away for approximately two weeks.

19          •       Britney should further testify that, on or about October 1, 2007,  
20 she lost custody of her children due to her drug and alcohol abuse; and then  
21 she contacted Mr. Lutfi, begged him to return as her manager, and promised  
22 to get "clean."

23          •       Britney should testify that, when Mr. Lutfi agreed to return, on or  
24 about October 1, 2007, he *moved into her residence* and began spending 24  
25 hours a day as her "minder," to keep her off drugs.

26          •       Britney should testify that, before hiring Mr. Lutfi, she had *fired*  
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1 her previous manager, talent agent, and lawyer; and Mr. Lutfi then tried to  
2 build her a new "varsity" team by taking her to see Donald S. Passman, Esq.,  
3 of Gang Tyre Ramer & Brown, one of the most respected and powerful music  
4 lawyers in the industry; and Kevin Huvane, a managing partner at CAA, the  
5 most powerful talent agency in the world.

6 • Britney should testify that Lynne Spears lied in her book when  
7 she wrote that Mr. Lutfi was a "Svengali" who sought to isolate, dominate and  
8 control Britney. Among other things, Britney should testify that Mr. Lutfi did  
9 the exact opposite by, *inter alia*, urging her to retain powerful – and  
10 independent – legal and career advisors.

11 • Britney should testify that Lynne Spears lied when she accused  
12 Mr. Lutfi of taking control of Britney's money. Britney is expected to testify  
13 that Harold Grossman, C.P.A. was her business manager and she selected  
14 him herself; that Mr. Grossman reported to her, not to Mr. Lutfi; that Britney  
15 signed her own checks; and Mr. Lutfi never attempted to gain control of her  
16 money.

17 • Britney should testify that, as of the date of the assault of  
18 January 28, 2008, her father, James Parnell, was permanently banned from  
19 her home, and James Parnell knew it; that James Parnell snuck past the  
20 security gate that evening without her consent; that she learned her father  
21 was past the gate and on his way to her residence; and she feared violence  
22 from her father, so she fled in an automobile, called security and had him  
23 ejected.

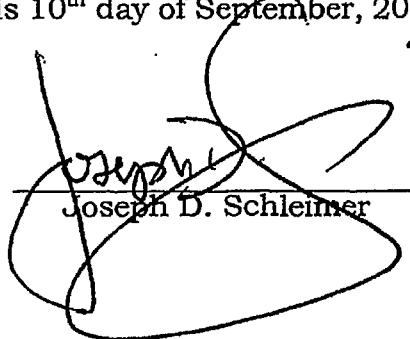
24 • Britney's testimony should lay a foundation for the admission of  
25 Exhibits 4, 4A, 7-13A, 19-21, 31, 32, 35-40, 43, 47, and 60-62.

1           3.     **Procedural History of Probate Order:** On April 13, 2011, I  
2 served a notice setting Britney Spears deposition for April 28, 2011. Exhibit  
3 63. I was informed she wasn't going to appear and expected a standard "meet  
4 and confer" to follow, to be resolved by the Hon. Zaven V. Sinanian, who was  
5 then presiding in this case. Instead, on April 27, 2011 attorneys Samuel  
6 Ingham, Jeryl Cohen and Andrew Wallet went 'judge shopping' and presented  
7 a secret, ex parte "Petition for Instructions" in the matter styled In re  
8 Conservatorship of Britney Jean Spears, No. BP 108870, asking the probate  
9 department to prohibit the taking of Britney Spears' deposition in *this* case,  
10 Lutfi v Spears, BC406904. Although I was counsel of record in Lutfi v Spears I  
11 was not given notice of the ex parte hearing, which took place in secret, with  
12 only attorneys from the other side present. To this day I have never been  
13 allowed to see the Petition, nor the evidence submitted with it, which remain  
14 secret and under seal. On May 2, 2011, I received a letter from Joel Boxer,  
15 Esq., transmitting the orders which the probate department executed during  
16 the secret hearing. (Exhibit 64) The letter from Mr. Boxer was the first time I  
17 heard about the secret petition and private meeting with the Judge in the  
18 probate department. I asked Mr. Boxer for a copy of the 'Petition for  
19 Instructions' but he refused to give me a copy. I asked the identity of the  
20 medical expert referred to in the order, but that information was withheld. To  
21 prevent any public scrutiny of the secret proceedings, the probate department  
22 sealed the entire record on the Petition, including the secret order itself.

23           4.     My response to the order of April 27, 2011 was to move for an  
24 independent medical examination of Britney Spears, to determine whether she  
25 was mentally capable of testifying. On June 15, 2011, my motion for an IME  
26 was denied, based on the April 27, 2011 order. Thus, as of June 15, 2011, I  
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1 had no access to the secret medical evidence submitted on April 27, 2011; I  
2 did not have an IME report of my own; and the probate department had  
3 prejudged the issue after taking a private meeting with the attorneys for the  
4 other side. I concluded it was futile to move to reconsider in the probate  
5 department, without first moving to recuse the Judge who took the private  
6 meeting and issued the secret order, based on secret evidence. That would  
7 have been a huge distraction from my case, so I elected not to do it. I  
8 contemplated filing a writ petition with the Court of Appeal, but this case had  
9 already been delayed for *two years* by a previous appeal, so I elected to  
10 proceed to trial, which was set for January 23, 2012. The trial has been  
11 postponed several times since then, and circumstances have changed,  
12 namely, evidence is now available (Exhibit 60) to affirmatively prove that  
13 Britney Spears is competent to testify. I am informed and believe that, several  
14 months ago, the probate department approved a \$15,000,000 contract for  
15 Britney to appear as a judge on the *X Factor* television program. That kind of  
16 employment is inconsistent with any bona fide argument she is mentally  
17 incapacitated and cannot testify. Thus, due to the passage of time, and  
18 *changed circumstances*, the secret order of April 27, 2011 is obsolete.

19 I hereby declare pursuant to the laws of the State of California that the  
20 foregoing is true and correct. Executed this 10<sup>th</sup> day of September, 2012, at  
21 Beverly Hills, California.

22  
23   
24 Joseph D. Schleimer  
25  
26  
27  
28

1 Joseph D. Schleimer - Bar No. 125049  
2 9401 Wilshire Boulevard, Suite 1250  
3 Beverly Hills, California 90212  
4 Telephone: (310) 273-9807  
5 Telecopier: (310) 273-9809  
6 schleimerlaw@msn.com

7 Attorney for Plaintiff Sam Lutfi

8  
9 **SUPERIOR COURT OF CALIFORNIA**  
10 **FOR LOS ANGELES COUNTY**

11 **SAM LUTFI, an individual,**  
12 **Plaintiff,**

13 **vs.**

14 **LYNNE IRENE SPEARS, an**  
15 **individual; JAMES PARNELL**  
16 **SPEARS, an individual; BRITNEY**  
17 **JEAN SPEARS, an individual; and**  
18 **DOES 1 through 25, inclusive,**

19 **Defendants.**

Case No. BC 406904

**NOTICE OF DEPOSITION OF**  
**BRITNEY SPEARS**

20 **TO DEFENDANT BRITNEY SPEARS AND TO ALL DEFENDANTS AND**  
21 **THEIR COUNSEL OF RECORD HEREIN:**

22 **PLEASE TAKE NOTICE** that Plaintiff Sam Lutfi shall take the  
23 deposition of Defendant Britney Spears pursuant to C.C.P. §2025.010, et seq.,  
24 commencing on April 28, 2011, at 9:00 a.m., at the offices of Joseph D.  
25 Schleimer, Attorney at Law, located at 9401 Wilshire Boulevard, Suite 1250,  
26 Beverly Hills, California. Said deposition shall take place before a Court  
27 reporter duly authorized and licensed to administer oaths and shall be  
28 transcribed stenographically and recorded on videotape.

**Notice of Deposition of Defendant Britney Spears**

Exhibit

63

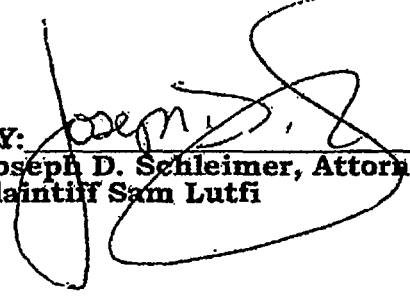
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**TO THE WITNESS AND TO HER COUNSEL OF RECORD HEREIN:** Pursuant to Code of Civil Procedure §2025.280(a), service of this Notice is effective to compel the attendance of the Defendant in lieu of a subpoena.

**Dated: April 13, 2011**

**JOSEPH D. SCHLEIMER  
ATTORNEY AT LAW**

BY:   
**Joseph D. Schleimer, Attorney for  
Plaintiff Sam Lutfi**

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**PROOF OF SERVICE**  
**BY FAX & U.S. MAIL**

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 9401 Wilshire Boulevard, Suite 1250, Beverly Hills, California 90212.

On **\*April 13, 2011\*** I served the foregoing document described as: **\*NOTICE OF DEPOSITION OF BRITNEY SPEARS\*** on the interested parties in this action by placing a true copy thereof enclosed in sealed envelopes addressed as follows:

See attached service list

**BY U. S. MAIL**

I deposited the sealed envelopes in the United States mail at Beverly Hills, California, addressed as stated above. The envelopes were mailed with first class postage thereon fully prepaid.

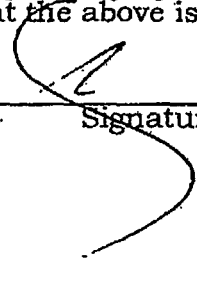
**BY TELECOPIER:**

I transmitted a copy of this document by telecopier to each of the fax numbers set forth on the service list.

Executed on **\*April 13, 2011\*** at Beverly Hills, California.

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

Joseph D. Schleimer  
Type or Print Name

  
Signature

**Service List**  
**Lutfi v Spears**

Michael S. Adler, Esq.  
Joel M. Tantalo, Esq.  
Tantalo & Adler LLP  
1901 Avenue of the Stars, Suite 1000  
Los Angeles, California 90067  
Fax No. (310) 734-8696

*Attorneys for Defendant/Appellant  
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Marina Del Rey, CA 90292  
Fax No. (310) 775-8775

*Attorneys for Defendant James P.  
Spears*

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Bird Marella Boxer Wolpert  
Nessimi Dooks & Lincenberg  
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Los Angeles, California 90067  
Fax No. (310) 201-2110

*Attorneys for James Spears as  
Conservator of the Estate of Britney  
Spears*



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Los Angeles, California 90067-2561  
Telephone (310) 201-2100  
Facsimile (310) 201-2110  
www.BirdMarella.com

May 2, 2011

File No. 3565.2

## BY HAND DELIVERY

Joseph D. Schleimer  
9401 Wilshire Blvd., Suite 1250  
Beverly Hills, CA 90212

Re: Lutfi v. Spears, et al.  
LASC Case No. BC 406904

Dear Joe:

I am writing to "meet and confer" relating to your recently served notice of the deposition of Britney Jean Spears in the above-referenced case pending in the Los Angeles Superior Court. The accompanying enclosures, necessary to the meet and confer process, are explained below.

On April 27, 2011, Samuel D. Ingham, III, Ms. Spears' Court Appointed Counsel in the *Conservatorship of Britney Jean Spears, Conservatee*, LASC Docket No. BP 108870 sought and obtained from the Honorable Reva Goetz an Order Instructing Conservators (the "April 27, 2011 Order"). The content of the April 27, 2011 Order has been sealed pursuant to another order issued by Judge Goetz on April 27, 2011, an Order Granting Motion to Seal (the "Sealing Order"). The Sealing Order (copy enclosed) authorizes the Conservators and Mr. Ingham to disclose the content of the April 27, 2011 Order "subject to this Sealing Order to such persons and/or Courts as the Conservators and Mr. Ingham determine is necessary in order to protect Ms. Spears and to evidence that the Conservators are acting pursuant to this Court's considered Order."

As I noted above, the April 27, 2011 Order has been sealed by the Court. Because the April 27, 2011 Order contains medical information concerning Ms. Spears, it is subject to further laws governing privacy; thus, we have additionally designated it as Confidential and subject to the Stipulated Protective Order filed on February 15, 2011 in the above-titled case ("Protective Order"). Given the Court's Sealing Order and the Confidential designation, you and your client are not authorized to use or disseminate the April 27, 2011 Order or any of its content publically or for any purpose other than your pending litigation; nor may you file, quote from or summarize the content of the April 27,

Sharon Ben-Shahar  
Terry W. Bird  
Joel E. Boxer  
Eric E. Bronson  
Paul S. Chan  
Jennifer S. Chang

Karis A. Chi  
Mark T. Drooks  
Thomas R. Freeman  
Benjamin N. Gluck  
David I. Hurwitz  
Bruce L. Ishimatsu

Mitchell A. Kamin  
Benjamin D. Lichtman  
Gary S. Lincenberg  
Vincent J. Marella  
Marc E. Masters

Aparna S. Mathur  
Bonita D. Moore  
Ronald J. Nessim  
Angela E. Oh  
Thomas V. Reichert  
Jean Y. Rhee

Ekwan E. Rhaw  
John K. Rubiner  
Peter J. Shakow  
Michelle C. Tam  
Dorothy Wolpert  
Steven K. Yoda

Exhibit 64

25

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Joseph D. Schleimer

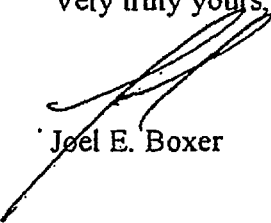
May 2, 2011

Page 2

2011 Order in a Court filing except in a sealed filing following the explicit procedures set out in Rule 2.551. However, consistent with the April 27, 2011 Order, the Conservators and Mr. Ingham have authorized me to disclose to you a copy of the April 27, 2011 Order as part of the required meet and confer process. Please see in the separately enclosed envelope designating this record as subject to the Sealing Order and Protective Order, a photocopy of a certified copy of the April 27, 2011 Order.

In light of the content of the April 27, 2011 Order, please advise if you withdraw your notice of the deposition of Ms. Spears in this case and will stipulate to not seek in the future to conduct Ms. Spears' deposition during the pendency of this litigation. Absent your so agreeing, I see no present alternative other than to seek a protective order consistent with Judge Goetz's April 27, 2011 Order. If you have alternative suggestions, please let me know in writing.

Very truly yours,



Joel E. Boxer

JEB:vmb  
Enclosure

cc: Michael Adler (w/o encl., by email: [madler@ta-llp.com](mailto:madler@ta-llp.com))  
Gary Wallace (w/o encl., by email: [gwallace@gladstonemichel.com](mailto:gwallace@gladstonemichel.com))

301028.1

**FILED**  
LOS ANGELES SUPERIOR COURT

APR 27 2011

JOHN A. CLARKE, CLERK

*Amundock*  
ANDREA MURDOCK, DEPUTY

SAMUEL D. INGHAM, III  
State Bar No. 66279  
9440 Santa Monica Boulevard  
Suite 510  
Beverly Hills, CA 90210-4608

Telephone: (310) 556-9751  
Facsimile: (310) 5561311  
E-mail: singham@inghamlaw.com

Court-Appointed Counsel for  
BRITNEY JEAN SPEARS, Conservatee

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES  
CENTRAL DISTRICT

In re the Conservatorship of the Estate of

BRITNEY JEAN SPEARS,  
Conservatee.

Case No. BP 108870

~~PROPOSED~~ ORDER INSTRUCTING  
CONSERVATORS

Date: April 27, 2011  
Time: 11:50 am  
Room: 258  
Judge: Hon. Reva Goetz

"CONFIDENTIAL" PER FEBRUARY 15, 2011  
PROTECTIVE ORDER IN LASC BC 406904 AND  
SUBJECT TO SEALING ORDER IN LASC BP 108870



~~PROPOSED~~ ORDER INSTRUCTING CONSERVATORS

BP 108870

"CONFIDENTIAL" PER FEBRUARY 15, 2011  
PROTECTIVE ORDER IN LASC BC 406304 AND  
SUBJECT TO SEALING ORDER IN LASC BP 108870

1 The PETITION FOR INSTRUCTIONS of SAMUEL D. INGHAM III as Court-  
2 Appointed Counsel For BRITNEY JEAN SPEARS, conservatee, was presented on an ex parte  
3 basis on April 27, 2011 at 11:00 a.m. in Department 9 of this Court.

4 The Court finds:

5 1. Notice of hearing was given as required by law. Pursuant to Probate Code  
6 §1460(e), good cause exists for an order dispensing with notice as otherwise required by Probate  
7 Code §1460.

8 2. Irreparable harm and immediate danger to the conservatee will result unless  
9 the relief requested herein is granted on an ex parte basis.

10 3. By Order dated February 1, 2008 in this proceeding, Petitioner, SAMUEL  
11 D. INGHAM III, was appointed to serve as counsel for BRITNEY JEAN SPEARS, the  
12 conservatee, pursuant to Probate Code §1470(a). SAMUEL D. INGHAM III has not been  
13 discharged and presently serves in that capacity. The PETITION FOR INSTRUCTIONS was filed  
14 on behalf of the conservatee.

15 4. By Order dated February 1, 2008, JAMES P. SPEARS was appointed  
16 temporary conservator of BRITNEY's person for an initial period expiring February 4, 2008. By  
17 various orders, his letters of temporary conservatorship were extended. By minute order dated  
18 October 28, 2008, JAMES P. SPEARS was appointed permanent conservator of BRITNEY's  
19 person. Letters of conservatorship of the person were issued to JAMES P. SPEARS on January 9,  
20 2009 and he continues to serve in that capacity.

21 5. By Order dated February 1, 2008, JAMES P. SPEARS and ANDREW M.  
22 WALLET were appointed temporary co-conservators of BRITNEY's estate for an initial period  
23 expiring February 4, 2008. By various orders, their letters of temporary conservatorship were  
24 extended. By minute order dated October 28, 2008, JAMES P. SPEARS and ANDREW M.  
25 WALLET were appointed permanent co-conservators of BRITNEY's estate. Letters of  
26 conservatorship of the estate were issued to JAMES P. SPEARS and ANDREW M. WALLET on  
27 January 9, 2009 and they continue to serve in that capacity.

28 6. The conservatee has been named as a party defendant in a civil action

1 captioned Sam Lutfi v. Lynne Irene Spears et al., Los Angeles Superior Court case no. BC 406  
2 904 filed by SAM LUTFI (hereinafter, "The Lutfi Action"). The conservators of the estate have  
3 appeared and are defending the Lutfi Action on the conservatee's behalf pursuant to Code of Civil  
4 Procedure §372(a). The parties are presently in the process of discovery. A ten day jury trial has  
5 been scheduled in Department 23 of this Court before the Honorable ZAVEN V. SINANIAN  
6 beginning on January 12, 2012.

7 7. LUTFI has served a Notice of Deposition in the Lutfi Action for the  
8 conservatee. The Notice of Deposition provides for the conservatee's deposition to take place on  
9 April 28, 2011 at 9:00 a.m. at the office of LUTFI's counsel.

10 8. This Court in the above-captioned conservatorship proceeding appointed a  
11 physician licensed in the State of California specializing in psychiatry and Board Certified by the  
12 American Board of Psychiatry and Neurology as its Evidence Code §730 Expert by order dated  
13 April 18, 2008. He has not been discharged and continues to serve in that capacity. *His most*  
14 *recent interview with the conservatee took place on April 15, 2011.*

15 9. The Evidence Code §730 Expert stated in a verified declaration dated April  
16 28, 2011 as follows: "It is my professional medical opinion that the conservatee would be placed  
17 at unacceptable risk were she to be subjected to deposition, testimony at trial or psychiatric IME in  
18 the pending current lawsuit from Osama Lutfi."

19 10. The within Order Instructing Conservators in the above-captioned  
20 conservatorship proceeding is the only remedy available to the conservatee under the foregoing  
21 facts and circumstances by virtue of the following:

22 a. This court has exclusive jurisdiction to make an order directing the  
23 conservators to act.

24 b. The within Order Instructing Conservators involves the following  
25 judicial functions which the legislature has entrusted to the Superior Court to be determined  
26 exclusively under the conservatorship law in this conservatorship proceeding:

27 (1) Protection of the rights of a person who has been placed  
28 under conservatorship;

(2) An assessment of the needs of the conservatee in order to

1 determine the appropriateness and extent of the conservatorship; and

2 (3) Providing for the health and psychological needs of the  
3 conservatee to be met.

4 10. Requiring Ms. Spears to be questioned about the time period that is  
5 the subject of the Lutfi Action by subjecting her to a deposition, trial testimony or any other kind  
6 of examination, including without limitation, an independent medical examination, would put her  
7 at unacceptable risk for short term and long term damage.

8 IT IS THEREFORE ORDERED THAT:

9 JAMES P. SPEARS, as conservator of the person, and JAMES P. SPEARS and  
10 ANDREW M. WALLET, as co-conservators of the estate, are hereby instructed that they may not  
11 under any circumstances produce the conservatee, BRITNEY JEAN SPEARS, for deposition,  
12 testimony at trial, or any other kind of examination, including without limitation, an independent  
13 medical examination in the civil action captioned Sam Lutfi v. Lynne Irene Spears et al., Los  
14 Angeles Superior Court case no. BC 406 904.

15 IT IS SO ORDERED;

16  
17  
18 Date: 4/27/2011

Reva Goetz  
Hon. Reva Goetz  
Judge of the Superior Court



I certify that this is a true and correct copy of the  
of pages 4 Order on file in this office consisting  
of 4 pages. JON A. CLARKE, Executive Officer/Clerk of the  
Superior Court of California, County of Los Angeles.

Date: APR 27 2011 By: C. Escobar Deputy

C. ESCOBAR

1 GERALDINE A. WYLE, ESQ. (SBN 89735)  
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[jcohen@hswlaw.com](mailto:jcohen@hswlaw.com)

6 Attorneys for James P. Spears,  
7 Co-Conservator of the Estate and  
Conservator of the Person  
8

9 ANDREW M. WALLET, ESQ. (SBN 93043)  
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12 Co-Conservator of the Estate  
13

14 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
15 FOR THE COUNTY OF LOS ANGELES  
16

17 In re the Conservatorship of the Person and  
18 Estate of

19 BRITNEY JEAN SPEARS,

20 Conservatee.  
21  
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Case No. BP 108 870

ORDER GRANTING MOTION TO SEAL  
EX PARTE PETITION FOR  
INSTRUCTIONS AND PROPOSED  
ORDER

Date: April 27, 2011

Time:

Dept.: 9

Judge: Hon. Reva Goetz

**FILED**  
LOS ANGELES SUPERIOR COURT

APR 27 2011

JOHN A. CLARKE, CLERK

*Amundock*  
ANDREA MURDOCK, DEPUTY

1 The Motion to Seal filed by James P. Spears, Conservator of the Person and Co-  
2 Conservator of the Estate of Britney Jean Spears, by and through his attorneys of record, and  
3 Andrew M. Wallet, Co-Conservator of the Estate of Britney Jean Spears (jointly, the  
4 "Conservators"), pursuant to Cal. R. 2.550 and 2.551 seeking an order to seal certain described  
5 pleadings, came on regularly before this Court on April 27, 2011. Jeryll S. Cohen of Hoffman,  
6 Sabban & Watenmaker APC appeared on behalf of James P. Spears in his above-referenced  
7 capacities. Andrew M. Wallet of Hinojosa & Wallet appeared on behalf of Andrew M. Wallet  
8 as Co-Conservator of the Estate of Ms. Spears. Samuel D. Ingham III appeared as the court-  
9 appointed PVP counsel on behalf of Ms. Spears.

10 The Court finds with regard to the documents and information addressed by this Order  
11 that:

12 (1) Ms. Spears has strong interests in her constitutional right to privacy and her right  
13 to maintain in confidence medical information. While the public has a general right of public  
14 access to the record, any interest that the public might have in access to the documents and  
15 information addressed by this Order is overcome by Britney's overriding interests. Cal. R. Court  
16 2.550(d)(1).

17 (2) Ms. Spears' overriding interests in privacy and maintaining in confidence her  
18 medical information support sealing the documents and information address by this Order. Cal.  
19 R. Court 2.550(d)(2).

20 (3) There is substantial likelihood that these overriding interests in privacy and in  
21 maintaining in confidence medical information will be prejudiced if the documents and  
22 information addressed by this Order are not filed or maintained under seal. Cal. R. Court  
23 2.550(d)(3).

24 (4) The proposed sealing is as narrowly tailored as possible. Cal. R. Court  
25 2.550(d)(4).

26 (5) No less restrictive means exist to achieve Ms. Spears' overriding interests in  
27 privacy and in maintaining in confidence her medical information. Cal. R. Court 2.550(d)(5).

28



1 Accordingly, GOOD CAUSE BEING FOUND, it is ORDERED that:  
2 The Petition for Instructions filed by Samuel D. Ingham III on April 27, 2011, the related  
3 Memorandum of Points and Authorities filed in support of the Petition for Instructions, the  
4 resulting Order regarding the Petition, and all declarations and other pleadings filed in support of  
5 or opposition to the Petition for Instructions, shall be filed under seal in their entirety; and the  
6 Conservators shall be permitted to disclose, subject to this Sealing Order to such persons and/or  
7 Courts as the Conservators and Mr. Ingham determine is necessary in order to protect Ms. Spears  
8 and to evidence that the Conservators are acting pursuant to this Court's considered Order. *This*  
9 *matter is set for further hearing on May 12, 2011 at 8:30 am.*

10 Dated: 4/27/2011

*Reva G. Goetz*  
HON. REVA G. GOETZ  
JUDGE OF THE SUPERIOR COURT

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**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**  
**NOTICE OF CASE ASSIGNMENT - UNLIMITED CIVIL CASE**  
Case Number \_\_\_\_\_

**THIS FORM IS TO BE SERVED WITH THE SUMMONS AND COMPLAINT**

Your case is assigned for all purposes to the judicial officer indicated below (Local Rule 7.3(c)). There is additional information on the reverse side of this form.

ASSIGNED JUDGE	DEPT	ROOM	ASSIGNED JUDGE	DEPT	ROOM
Hon. Elibu M. Berle	1	534	Hon. Holly E. Kendig	42	416
Hon. J. Stephen Czuleger	3	224	Hon. Mel Red Recana	45	529
Hon. Luis A. Lavin	13	630	Hon. Aurelio Munoz	47	507
Hon. Terry A. Green	14	300	Hon. Elizabeth Allen White	48	506
Hon. Richard Fruin	15	307	Hon. Conrad Aragon	49	509
Hon. Rita Miller	16	306	Hon. John Shepard Wiley Jr.	50	508
Hon. Mary Thornton House	17	309	Hon. Abraham Khan	51	511
Hon. Helen I. Bendix	18	308	Hon. Susan Bryant-Deason	52	510
Hon. Judith C. Chirlin	19	311	Hon. John P. Shook	53	513
Hon. Kevin C. Brazile	20	310	Hon. Ernest M. Hiroshige	54	512
Hon. Zaven V. Sinanian	23	315	Hon. Malcolm H. Mackey	55	515
Hon. Robert L. Hess	24	314	Hon. Jane L. Johnson	56	514
Hon. Mary Ann Murphy	25	317	Hon. Ralph W. Dau	57	517
Hon. James R. Dunn	26	316	Hon. Rolf M. Treu	58	516
Hon. Yvette M. Palazuelos	28	318	Hon. David L. Minning	61	632
Hon. John A. Kronstadt	30	400	Hon. Michael L. Stern	62	600
Hon. Alan S. Rosenfield	31	407	Hon. Kenneth R. Freeman	64	601
Hon. Mary H. Strobel	32	406	Hon. Mark Mooney	68	617
Hon. Charles F. Palmer	33	409	Hon. Edward A. Ferns	69	621
Hon. Amy D. Hogue	34	408	Hon. Soussan G. Bruguera	71	729
Hon. Gregory Alarcon	36	410	Hon. Ruth Ann Kwan	72	731
Hon. Joanne O'Donnell	37	413	Hon. Teresa Sanchez-Gordon	74	735
Hon. Maureen Duffy-Lewis	38	412	Hon. William F. Fahey	78	730
Hon. Michael C. Solner	39	415	Hon. Carl J. West*	311	CCW
Hon. Ann I. Jones	40	414	Other		
Hon. Ronald M. Sohigian	41	417			

**\*Class Actions**

All class actions are initially assigned to Judge Carl J. West in Department 311 of the Central Civil West Courthouse (600 S. Commonwealth Ave., Los Angeles 90005). This assignment is for pretrial purposes and for the purpose of assessing whether or not the case is complex within the meaning of California Rules of Court, rule 3.400. Depending on the outcome of that assessment, the class action case may be reassigned to one of the judges of the Complex Litigation Program or reassigned randomly to a court in the Central District.

Given to the Plaintiff/Cross-Complainant/Attorney of Record on \_\_\_\_\_ JOHN A. CLARKE, Executive Officer/Clerk  
By \_\_\_\_\_, Deputy Clerk

## INSTRUCTIONS FOR HANDLING UNLIMITED CIVIL CASES

The following critical provisions of the Chapter Seven Rules, as applicable in the Central District, are summarized for your assistance.

### APPLICATION

The Chapter Seven Rules were effective January 1, 1994. They apply to all general civil cases.

### PRIORITY OVER OTHER RULES

The Chapter Seven Rules shall have priority over all other Local Rules to the extent the others are inconsistent.

### CHALLENGE TO ASSIGNED JUDGE

A challenge under Code of Civil Procedure section 170.6 must be made within 15 days after notice of assignment for all purposes to a judge, or if a party has not yet appeared, within 15 days of the first appearance.

### TIME STANDARDS

Cases assigned to the Individual Calendaring Court will be subject to processing under the following time standards:

**COMPLAINTS:** All complaints shall be served within 60 days of filing and proof of service shall be filed within 90 days of filing.

**CROSS-COMPLAINTS:** Without leave of court first being obtained, no cross-complaint may be filed by any party after their answer is filed. Cross-complaints shall be served within 30 days of the filing date and a proof of service filed within 60 days of the filing date.

A Status Conference will be scheduled by the assigned Independent Calendar Judge no later than 270 days after the filing of the complaint. Counsel must be fully prepared to discuss the following issues: alternative dispute resolution, bifurcation, settlement, trial date, and expert witnesses.

### FINAL STATUS CONFERENCE

The Court will require the parties at a status conference not more than 10 days before the trial to have timely filed and served all motions in limine, bifurcation motions, statements of major evidentiary issues, dispositive motions, requested jury instructions, and special jury instructions and special jury verdicts. These matters may be heard and resolved at this conference. At least 5 days before this conference, counsel must also have exchanged lists of exhibits and witnesses and have submitted to the court a brief statement of the case to be read to the jury panel as required by Chapter Eight of the Los Angeles Superior Court Rules.

### SANCTIONS

The court will impose appropriate sanctions for the failure or refusal to comply with Chapter Seven Rules, orders made by the Court, and time standards or deadlines established by the Court or by the Chapter Seven Rules. Such sanctions may be on a party or if appropriate on counsel for the party.

This is not a complete delineation of the Chapter Seven Rules, and adherence only to the above provisions is therefore not a guarantee against the imposition of sanctions under Trial Court Delay Reduction. Careful reading and compliance with the actual Chapter Rules is absolutely imperative.

1 **Joseph D. Schleimer - Bar No. 125049**  
2 **9401 Wilshire Boulevard, Suite 1250**  
3 **Beverly Hills, California 90212**  
4 **Telephone: (310) 273-9807**  
5 **Telecopier: (310) 273-9809**  
6 **schleimerlaw@msn.com**

7 **Attorney for Plaintiff Sam Lutfi**

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

MAY 01 2012

John A. Clarke, Executive Officer/Clerk  
BY Amber LaFleur-Clayton, Deputy

8 **SUPERIOR COURT OF CALIFORNIA**  
9 **FOR LOS ANGELES COUNTY**

10 **SAM LUTFI, an individual,**  
11 **Plaintiff,**

12 **vs.**

13 **LYNNE IRENE SPEARS, an**  
14 **individual; JAMES PARNELL**  
15 **SPEARS, an individual; BRITNEY**  
16 **JEAN SPEARS, an individual; and**  
17 **DOES 1 through 25, inclusive,**

18 **Defendants.**

Case No. BC 406904 71

**NOTICE OF REASSIGNMENT**

19 **TO ALL PARTIES AND TO THEIR COUNSEL OF RECORD HEREIN:**

20 **PLEASE TAKE NOTICE** that this case has been reassigned, for all  
21 purposes, to the Hon. Soussan G. Bruguera as an Individual Calendar (I/C)  
22 Judge. A copy of the Notice of Case Reassignment is attached hereto.

23 **Dated: April 25, 2012**

**JOSEPH D. SCHLEIMER**  
**ATTORNEY AT LAW**

24  
25  
26 BY: Joseph D. Schleimer, Attorney for  
27 Plaintiff Sam Lutfi  
28

Notice of Case Reassignment  
LASC No. BC406904

3  
36

NOTICE SENT TO:

Schleimer, Joseph D., Esq. .  
9401 Wilshire Blvd., Ste. 1250  
Beverly Hills CA 90212

ORIGINAL FILED  
FILE STAMP

APR 24 2012

LOS ANGELES  
SUPERIOR COURT

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

SAM LUTFI

Plaintiff(s),

VS.

LYNNE IRENE SPEARS ET AL

Defendant(s).

CASE NUMBER

BC406904

Notice of Case Reassignment and of  
Order for Plaintiff to Give Notice

TO THE PLAINTIFF(S) AND PLAINTIFF'S ATTORNEY OF RECORD or PLAINTIFF(S) IN  
PROPRIA PERSONA:

YOU ARE HEREBY NOTIFIED that effective May 1, 2012, an order was made that the above-entitled action, previously assigned to Michael C. Solner, is now and shall be assigned to Soussan G. Bruguera as an Individual Calendar (IC), direct calendaring judge for all purposes, including trial, in Department 71. (See Chapter 7, Los Angeles Court Rules.) All matters on calendar in this case are advanced to this date, vacated, to be rescheduled in the newly assigned Department indicated above unless otherwise ordered by the court.

NOTICE IS FURTHER GIVEN that the order directs that plaintiff and counsel for the plaintiff shall give notice of this all purpose case assignment by serving a copy of this Notice on all parties to this action within 10 days of service of this Notice by the court, and file proof of service thereof within 12 days of this Notice. Failure to timely give notice and file proof of service may lead to imposition of sanctions pursuant to Code of Civil Procedure Section 177.5 or otherwise.

CERTIFICATE OF MAILING

I, the below named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Notice of Case Reassignment and Order upon each party or counsel named above by depositing in the United States mail at the courthouse in Los Angeles California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown above with the postage thereon fully prepaid.

Date: April 24, 2012

John A. Clarke, EXECUTIVE OFFICER/CLERK

By C. CHESEBRO, Deputy Clerk

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1 **PROOF OF SERVICE**  
2 **BY FAX & U.S. MAIL**

3 I am employed in the County of Los Angeles, State of California. I am  
4 over the age of 18 and not a party to the within action. My business address  
5 is 9401 Wilshire Boulevard, Suite 1250, Beverly Hills, California 90212.

6 On **\*April 25, 2012\*** I served the foregoing document described as:  
7 **\*NOTICE OF REASSIGNMENT\*** on the interested parties in this action by  
8 placing a true copy thereof enclosed in sealed envelopes addressed as follows:

9 See attached service list

10 **BY U. S. MAIL**

11 I deposited the sealed envelopes in the United States mail at Beverly  
12 Hills, California, addressed as stated above. The envelopes were mailed  
13 with first class postage thereon fully prepaid.

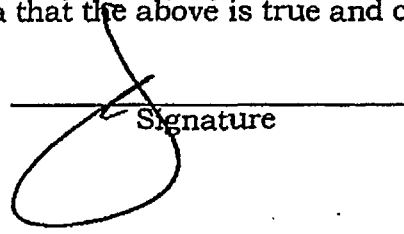
14 **BY TELECOPIER:**

15 I transmitted a copy of this document by telecopier to each of the fax  
16 numbers set forth on the service list.

17 Executed on **\*April 25, 2012\*** at Beverly Hills, California.

18 (State) I declare under penalty of perjury under the laws of the  
19 State of California that the above is true and correct.

20 Joseph D. Salbina  
21 Type or Print Name

22   
23 Signature

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**Service List**  
**Lutfi v Spears**

Joel E. Boxer, Esq.  
Bonita D. Moore, Esq.  
Bird Marella Boxer Wolpert  
Nessim Dooks & Lincenberg  
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*Attorneys for James Spears as  
Conservator of the Estate of Britney  
Spears*

*Attorneys for Defendant James P.  
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Fax No. (310) 277-1485

*Attorneys for Defendant Lynne Irene  
Spears*

639

**BY FEDERAL EXPRESS**  
**[C.C.P. §1013(c)]**

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 9401 Wilshire Boulevard, Suite 1250, Beverly Hills, California 90212.

On **\*September 10, 2012\*** I served the foregoing document described as: **\*OPPOSITION TO CONSERVATORS' MOTION IN LIMINE NO. 1 [Quash C.C.P. §1987 Notice - Britney Spears to Testify at Trial] \*** on the interested parties in this action by placing a true copy thereof enclosed in a sealed Federal Express envelope addressed as follows:

See attached service list.

**BY FEDERAL EXPRESS:**

I deposited the envelope in the Federal Express depository box in our building at 9401 Wilshire Boulevard, Beverly Hills, California, in time for the pick-up scheduled for 5:00 p.m. The Federal Express envelope was marked for overnight delivery with payment provided for.

Executed on **\*September 10, 2012\*** at Beverly Hills, California.

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

\_\_\_\_\_  
Type or Print Name

\_\_\_\_\_  
Signature



**Service List**  
**Lutfi v Spears**

Joel E. Boxer, Esq.  
Bonita D. Moore, Esq.  
Bird Marella Boxer Wolpert  
Nessim Dooks & Lincenberg  
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Fax No. (310) 277-1485

*Attorneys for Defendant Lynne Irene  
Spears*

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8 E-mail: singham@inghamlaw.com  
9 Court-Appointed Counsel For  
10 BRITNEY JEAN SPEARS, Conservatee

FILED  
Superior Court of California  
County of Los Angeles

SEP 21 2012

John A. Clarke, Executive Officer/Clerk  
By: *[Signature]* Deputy

*MC Hadgood*  
*John H. Young*

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 FOR THE COUNTY OF LOS ANGELES

11 In the Matter of the  
12 Conservatorship of the Person  
13 and Estate of:

14  
15 BRITNEY JEAN SPEARS,

16  
17  
18 Conservatee.  
19

No. BP 108 870

MEMORANDUM OF POINTS AND  
AUTHORITIES IN SUPPORT OF:

PETITION FOR INSTRUCTIONS

[Probate Code §§2359, 2403]

Assigned To: TBD  
Department: Room 258  
(Ex Parte)  
Hearing Date: 9/21/12  
Time: 8:30 a.m.

20  
21 Petitioner, SAMUEL D. INGHAM III, hereby submits the  
22 following points and authorities in support of his PETITION FOR  
23 INSTRUCTIONS filed concurrently herewith.

24  
25 1. Court Appointed Counsel Acts For Conservatee

26 Petitioner was appointed to represent the conserva-  
27 tee by ORDER APPOINTING COUNSEL dated February 1, 2008 and has not  
28 been discharged. Probate Code §1470(a) provides the statutory

1 authority under which this appointment was made: "The court may  
2 appoint private legal counsel for a ward, a proposed ward, a  
3 conservatee, or a proposed conservatee in any proceeding under this  
4 division if the court determines the person is not otherwise  
5 represented by legal counsel and that the appointment would be  
6 helpful to the resolution of the matter or is necessary to protect  
7 the person's interests."

8  
9           2.    Effect Of CCP §372

10               The conservators of BRITNEY's estate "appear" for  
11 her in the Lutfi Action pursuant to Code of Civil Procedure  
12 §372(a). This section provides in relevant part as follows: "When  
13 a minor, an incompetent person, or a person for whom a conservator  
14 has been appointed is a party, that person shall appear either by  
15 a guardian or conservator of the estate or by a guardian ad litem  
16 appointed by the court in which the action or proceeding is  
17 pending, or by a judge thereof, in each case." (Emphasis added)

18               Two consequences flow from this plain statutory  
19 language:

20               a. Although it empowers a conservator to "appear" in  
21 a civil action on behalf of a conservatee, the Code of Civil  
22 Procedure does not create, expand, or even address the powers of  
23 that conservator; and

24               b. A conservatee has no standing to appear in a  
25 civil action personally but must do so "by" her conservators.

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1                   3.   Conservatee Has Standing To Seek Order Instructing  
2                           Conservators In This Conservatorship Proceeding

3                   As stated in Code of Civil Procedure §372(a) quoted  
4 above, BRITNEY as a conservatee has no standing to appear person-  
5 ally in the Lutfi Action even though she is a named defendant. This  
6 right was taken away from her as a consequence of her being placed  
7 under conservatorship. However, as a conservatee she still retains  
8 the right at any time to request that the conservatorship court  
9 make orders in this conservatorship proceeding instructing her  
10 conservators as to the conduct of that litigation. There are two  
11 statutory provisions to this effect, once again dealing separately  
12 with conservatorship of the person and of the estate:

13                   a. Probate Code §2359(a) states that "upon petition  
14 of the guardian or conservator or ward or conservatee or other  
15 interested person, the court may authorize and instruct the  
16 guardian or conservator or approve and confirm the acts of the  
17 guardian or conservator." (Emphasis added)

18                   b. Probate Code §2403(a) similarly provides that  
19 "upon petition of the guardian or conservator, the ward or  
20 conservatee, a creditor, or other interested person, the court may  
21 authorize and instruct the guardian or conservator, or approve and  
22 confirm the acts of the guardian or conservator, in the administra-  
23 tion, management, investment, disposition, care, protection,  
24 operation, or preservation of the estate, or the incurring or  
25 payment of costs, fees, or expenses in connection therewith.  
26 (Emphasis added)

27 ///

1                   4.    Powers Of Conservator Prescribed By Probate Court

2                   A conservator has only those powers over the  
3 conservatee that are expressly conferred either by statute or by  
4 the probate court. This rule is established by Probate Code §2351  
5 for a conservator of the person and Probate Code §2401(a) for a  
6 conservator of the estate. The former section provides:

7                   (a) Subject to subdivision (b), the guardian or  
8 conservator, but not a limited conservator, has the care,  
9 custody, and control of, and has charge of the education  
10 of, the ward or conservatee.

11                   (b) Where the court determines that it is appropri-  
12 ate in the circumstances of the particular conservatee,  
13 the court, in its discretion, may limit the powers and  
14 duties that the conservator would otherwise have under  
15 subdivision (a) by an order stating either of the  
16 following:

17                   (1) The specific powers that the conservator  
18 does not have with respect to the conservatee's person  
19 and reserving the powers so specified to the conservatee.

20                   (2) The specific powers and duties the conser-  
21 vator has with respect to the conservatee's person and  
22 reserving to the conservatee all other rights with  
23 respect to the conservatee's person that the conservator  
24 otherwise would have under subdivision (a).

25                   Similarly, §2401(a) provides: "the guardian or  
26 conservator, or limited conservator to the extent specifically and  
27 expressly provided in the appointing court's order, has the  
28 management and control of the estate and, in managing and control-  
ling the estate, shall use ordinary care and diligence. What  
constitutes use of ordinary care and diligence is determined by all  
the circumstances of the particular estate."

                  In BRITNEY's conservatorship, no order has ever been  
made conferring on her conservators the power to cause BRITNEY to  
participate personally at deposition, trial, or independent medical

1 examination. This Court has already found that such personal  
2 participation would present an unacceptable risk to BRITNEY.

3

4 5. Probate Court Has Exclusive Jurisdiction Over  
5 Conservatorship Issues

6 No only may a conservatee use the conservatorship  
7 proceeding to control her conservators, it is the only proceeding  
8 in which she may do so. In enacting the conservatorship law, the  
9 state legislature elaborated certain express statutory purposes  
10 which it enumerated in Probate Code §1800:

11 It is the intent of the Legislature in enacting this  
12 chapter ["Establishment of Conservatorship"] to do the  
following:

13 (a) Protect the rights of persons who are placed  
14 under conservatorship.

15 (b) Provide that an assessment of the needs of the  
16 person is performed in order to determine the appropri-  
17 ateness and extent of a conservatorship and to set goals  
for increasing the conservatee's functional abilities to  
whatever extent possible.

18 (c) Provide that the health and psychosocial needs  
of the proposed conservatee are met.

19 (d) Provide that community-based services are used  
20 to the greatest extent in order to allow the conservatee  
21 to remain as independent and in the least restrictive  
setting as possible.

22 (e) Provide that the periodic review of the conser-  
23 vatorship by the court investigator shall consider the  
best interests of the conservatee.

24 (f) Ensure that the conservatee's basic needs for  
physical health, food, clothing, and shelter are met.

25 (g) Provide for the proper management and protection  
26 of the conservatee's real and personal property.

26 ///

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1 The issues raised by BRITNEY's Petition For Instructions clearly  
2 involve "protection of her rights," "assessment of her needs," and  
3 "providing for her health and psychosocial needs to be met." All of  
4 these issues are therefore within the exclusive province of the  
5 conservatorship court.

6 Probate Code §2200 states generally that "the  
7 Superior Court has jurisdiction of guardianship and conservatorship  
8 proceedings." The practical effect of this general language was  
9 helpfully summarized in *Guardianship of Kemp* (1974) 43 Cal.App.3d  
10 758, 118 Cal.Rptr. 64, a case involving an adult guardianship:

11 Under California Constitution (art. VI, § 5),  
12 superior courts have jurisdiction of all probate matters.  
13 (*Wood v. Roach* (1932) 125 Cal.App. 631, 634 [14 P.2d  
14 170].) [2] Hence, the "probate court" is merely a  
15 department of the superior court exercising such juris-  
16 diction. (*Schlyen v. Schlyen* (1954) 43 Cal.2d 361, 375  
17 [273 P.2d 897].) Although the superior court sitting in  
18 probate is a court of general jurisdiction, its jurisdic-  
19 tion and powers are wholly statutory. Thus, it is  
20 sometimes referred to as a court of limited jurisdiction,  
21 since it must look to express statutory authorization for  
22 its powers and procedure: "[T]he proceedings being  
23 statutory in their nature, the court has no other powers  
24 than those given by statute and such incidental powers as  
25 pertain to it and enable the court to exercise the  
jurisdiction conferred upon it, and can only determine  
those questions or matters ... which it is authorized to  
do. Thus, in the exercise of the powers conferred upon  
it, its jurisdiction is limited and special, or limited  
and statutory.'" (*McPike v. Superior Court* (1934) 220  
Cal. 254, 258 [30 P.2d 17].)

22 The probate court has exclusive jurisdiction of  
23 guardianship proceedings, and after a guardian has been  
24 appointed, the court has continuing jurisdiction over the  
25 guardian and the administration of the ward's affairs.  
(*Browne v. Superior Court* (1940) 16 Cal.2d 593, 598 [107  
P.2d 1, 131 A.L.R. 276].)" (43 Cal.App.3d 758, 761 -  
emphasis added)

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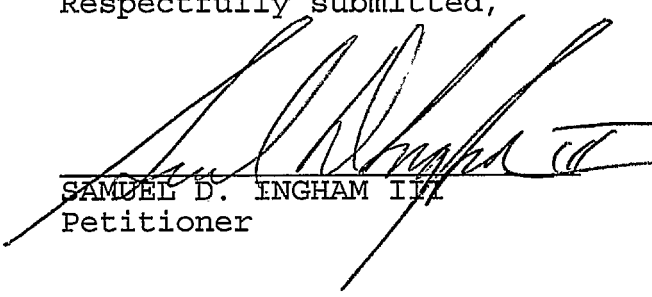
1                   6.    Conservatorship Court Has General Jurisdiction

2                   Although commonly referred to as "the probate  
3 department," Probate Code §800 makes it clear that "the court in  
4 proceedings under this code is a court of general jurisdiction, and  
5 the court, or a judge of the court, has the same power and  
6 authority with respect to the proceedings as otherwise provided by  
7 law for a superior court, or a judge of the superior court."

8                   It is entirely possible that the relief requested by  
9 BRITNEY in the Petition For Instructions would have an impact on  
10 the conduct of the Lutfi Action by the trial court. However, case  
11 law holds that the probate court in exercising its exclusive  
12 statutory jurisdiction may make determinations about ancillary  
13 issues that turn out to be *res judicata* in other proceedings.  
14 *Bennett v Forrest* (1944) 24 Cal.2d 485, 493, 150 P.2d 416.  
15 Moreover, "the first [court] to assume and exercise jurisdiction in  
16 a particular case acquires an exclusive jurisdiction. *Browne v.*  
17 *Superior Court* (1940) 16 Cal.2d 593, 597, 107 P.2d 1, 131 A.L.R.  
18 276.

19 Dated: September 20 2012

20                   Respectfully submitted,

21  
22  
23                     
24                   SAMUEL D. INGHAM III  
25                   Petitioner  
26  
27  
28



1 SAMUEL D. INGHAM III  
2 State Bar #66279  
3 9440 Santa Monica Boulevard  
Suite 510  
4 Beverly Hills, California 90210-4608  
5 Telephone: (310) 556-9751  
Fax: (310) 556-1311  
6 E-mail: singham@inghamlaw.com  
7 Court-Appointed Counsel For  
8 BRITNEY JEAN SPEARS, Conservatee

**FILED**  
Superior Court of California  
County of Los Angeles

SEP 21 2012

John A. Clarke, Executive Officer/Clerk  
By T. Arismendez, Deputy

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

11 In the Matter of the  
12 Conservatorship of the Person  
13 and Estate of:

No. BP 108 870

**CORRECTED**  
REQUEST FOR JUDICIAL NOTICE  
IN SUPPORT OF:

PETITION FOR INSTRUCTIONS

[Evid. Code §452(d);  
CRC 3.1306(c)]

14  
15  
16  
17 BRITNEY JEAN SPEARS,

Assigned To: TBD  
Room 258 (Ex Parte)  
Hearing Date: 9/21/12  
Hearing Time: 8:30 a.m.

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21 Conservatee.  
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1           Petitioner, SAMUEL D. INGHAM III, as Court-Appointed  
2 Counsel For BRITNEY JEAN SPEARS, Conservatee, requests the Court to  
3 take judicial notice under Evidence Code §§452-453, specifically  
4 §452(d), of the records of the Los Angeles County Superior Court in  
5 the following case: *Sam Lutfi v. Lynne Irene Spears et al.*, Los  
6 Angeles Superior Court case no. BC 406 904.

7           Pursuant to California Rules of Court, Rule 3.1306(c),  
8 the part of the foregoing court file sought to be judicially  
9 noticed is:

10           1. First Amended Complaint For: (1) Libel; (2) Defama-  
11 tion; (3) Battery; (4) Intentional Infliction Of Emotional  
12 Distress; (5) Breach of Contract; and (6) Quantum Meruit filed on  
13 April 16, 2009, a true and correct copy of which is attached as  
14 Exhibit "1" and incorporated by this reference.

15           2. "Renewed Notice To Produce Britney Spears, James  
16 Parnell Spears and Andrew Wallet as Witness At Trial and Demand For  
17 Production Of Documents At Trial" filed on August 17, 2012, a true  
18 and correct copy of which is attached as Exhibit "2" and incorpo-  
19 rated by this reference.

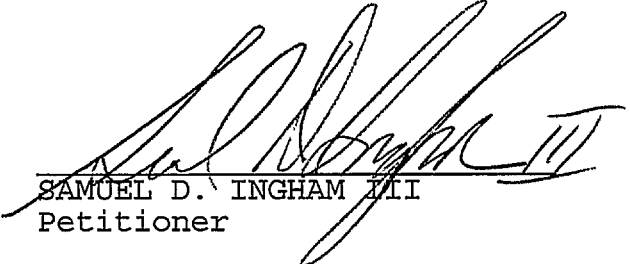
20           3. "Motion To Compel Compliance With C.C.P. §1987(b)  
21 Notice To Make Britney Spears Available At Trial As Witness For  
22 Plaintiff and Declaration of Joseph D. Schleimer, Esq." filed on  
23 August 30, 2012, a true and correct copy of which is attached as  
24 Exhibit "3" and incorporated by this reference.

25           4. "The Co-Conservators Motion In Limine No. 1: To Quash  
26 Plaintiff's Renewed Notice To Produce Conservatee Britney Spears  
27 as A Witness At Trial" filed on August 31, 2012, a true and correct  
28 copy of which is attached as Exhibit "4" and incorporated by this

1 reference.

2 5. "Opposition To Conservators' Motion In Limine No. 1"  
3 filed on September 12, 2012, a true and correct copy of which is  
4 attached as Exhibit "5" and incorporated by this reference  
5 excluding the "Order Instructing Conservators" dated April 27,  
6 2011, which has been sealed by order of this Court.

7 Dated: September 24, 2012

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10 SAMUEL D. INGHAM III  
11 Petitioner  
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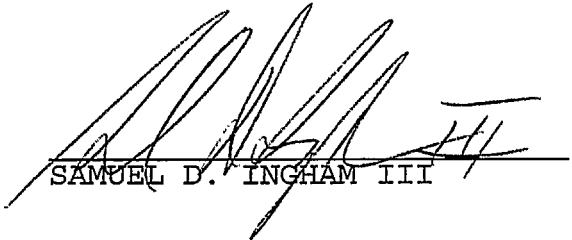
1 VERIFICATION

2  
3 STATE OF CALIFORNIA )

4 COUNTY OF LOS ANGELES )

5 I have read the foregoing REQUEST FOR JUDICIAL NOTICE IN  
6 SUPPORT OF: PETITION FOR INSTRUCTIONS and know its contents. The  
7 matters stated in the foregoing document are true of my own  
8 knowledge, except as to those matters which are stated on informa-  
9 tion and belief, and as to those matters I believe them to be true.

10 I declare under penalty of perjury under the laws of the  
11 State of California that the foregoing is true and correct and that  
12 this declaration is executed September 21, 2012 at Beverly Hills,  
13 California.

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17 SAMUEL D. INGHAM III  
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1 SAMUEL D. INGHAM III  
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Suite 510  
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Fax: (310) 556-1311  
5 E-mail: singham@inghamlaw.com

6 Court-Appointed Counsel For  
BRITNEY JEAN SPEARS, Conservatee  
7

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

11 In the Matter of the  
12 Conservatorship of the Person  
and Estate of:

No. BP 108 870

REQUEST FOR JUDICIAL NOTICE  
IN SUPPORT OF:

PETITION FOR INSTRUCTIONS

[Evid. Code §452(d);  
CRC 3.1306(c)]

Assigned To: TBD  
Room 258  
Hearing Date: 9/21/12  
Hearing Time: 8:30 a.m.

17 BRITNEY JEAN SPEARS,

21  
22 Conservatee.

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28 ///

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2 Counsel For BRITNEY JEAN SPEARS, Conservatee, requests the Court to  
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6 Angeles Superior Court case no. BC 406 904.

7           Pursuant to California Rules of Court, Rule 3.1306(c),  
8 the part of the foregoing court file sought to be judicially  
9 noticed is:

10           1. First Amended Complaint For: (1) Libel; (2) Defama-  
11 tion; (3) Battery; (4) Intentional Infliction Of Emotional  
12 Distress; (5) Breach of Contract; and (6) Quantum Meruit filed on  
13 April 16, 2009, a true and correct copy of which is attached as  
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15           2. "Renewed Notice To Produce Britney Spears, James  
16 Parnell Spears and Andrew Wallet as Witness At Trial and Demand For  
17 Production Of Documents At Trial" filed on August 17, 2012, a true  
18 and correct copy of which is attached as Exhibit "2" and incorpo-  
19 rated by this reference.

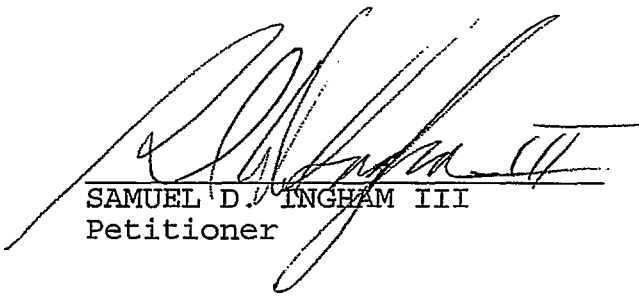
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21 Notice To Make Britney Spears Available At Trial As Witness For  
22 Plaintiff and Declaration of Joseph D. Schleimer, Esq." filed on  
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25           4. "The Co-Conservators Motion In Limine No. 1: To Quash  
26 Plaintiff's Renewed Notice To Produce Conservatee Britney Spears  
27 as A Witness At Trial" filed on August 31, 2012, a true and correct  
28 copy of which is attached as Exhibit "4" and incorporated by this

reference.

5. On September 12, 2012, counsel for Plaintiff filed an "Opposition To Conservators' Motion In Limine No. 1" filed on September 12, 2012, a true and correct copy of which is attached as Exhibit "5" and incorporated by this reference.

Dated: September 20, 2012

  
SAMUEL D. INGHAM III  
Petitioner

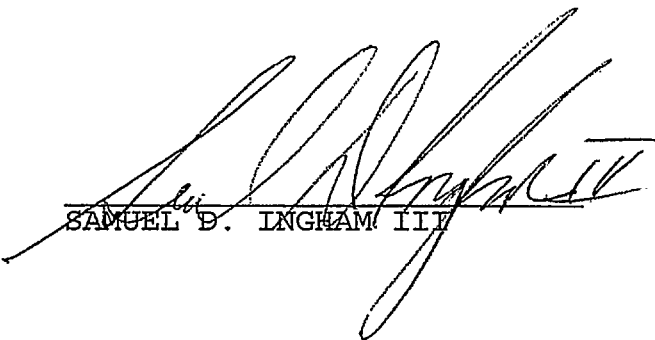
1 VERIFICATION

2  
3 STATE OF CALIFORNIA )

4 COUNTY OF LOS ANGELES )

5 I have read the foregoing REQUEST FOR JUDICIAL NOTICE IN  
6 SUPPORT OF: PETITION FOR INSTRUCTIONS and know its contents. The  
7 matters stated in the foregoing document are true of my own  
8 knowledge, except as to those matters which are stated on informa-  
9 tion and belief, and as to those matters I believe them to be true.

10 I declare under penalty of perjury under the laws of the  
11 State of California that the foregoing is true and correct and that  
12 this declaration is executed September 26 2012 at Beverly Hills,  
13 California.

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17 SAMUEL D. INGRAM III  
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1 BRYAN J. FREEDMAN (SBN 151990)  
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4 FREEDMAN & TAITELMAN, LLP  
1901 Avenue of the Stars, Suite 500  
5 Los Angeles, California 90067  
Tel: (310) 201-0005  
6 Fax: (310) 201-0045  
7 Attorneys for Plaintiff Sam Lutfi  
8

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

11  
12 SAM LUTFI, an individual,

13 Plaintiff,

14 vs.

15 LYNNE IRENE SPEARS, an individual;  
16 JAMES PARNELL SPEARS, an individual;  
17 BRITNEY JEAN SPEARS, an individual; and  
DOES 1 through 25, inclusive,

18 Defendants.  
19  
20  
21

Case No. BC 406904

**FIRST AMENDED COMPLAINT FOR:**

- (1) **LIBEL;**  
(2) **DEFAMATION;**  
(3) **BATTERY;**  
(4) **INTENTIONAL INFLECTION OF EMOTIONAL DISTRESS;**  
(5) **BREACH OF CONTRACT; AND**  
(6) **QUANTUM MERUIT**

22 Plaintiff Sam Lutfi, an individual, does hereby allege as follows:

23 1. From the moment plaintiff Sam Lutfi became involved in the life of Britney  
24 Spears, Jamie Spears and Lynne Spears have seen him as a threat. Consequently, since that time,  
25 Jamie Spears and Lynne Spears have engaged in a relentless campaign of lies and intimidation  
26 designed to destroy Lutfi and drive him out of Britney's life. Thus, having no alternative, Lutfi  
27 brings this action to defend himself against Jamie's and Lynne's persistent attacks and clear his  
28 good name and reputation.

First Amended Complaint

GENERAL ALLEGATIONS

2. Plaintiff Sam Lutfi ("Lutfi") is an individual who, for all times relevant hereto, was residing, and did reside, in the County of Los Angeles, State of California.

3. Lutfi is informed and believes, and thereon alleges, that defendant Lynne Irene Spears ("Lynne") is an individual who, for all times relevant hereto, was residing, and did reside, in Tangipahoa Parish, State of Louisiana.

4. Lutfi is informed and believes, and thereon alleges, that defendant James Parnell Spears (a/k/a Jamie Spears) ("Jamie") is an individual who, for all times relevant hereto, was residing, and did reside, in the County of Los Angeles, State of California.

5. Lutfi is informed and believes, and thereon alleges, that defendant Britney Jean Spears ("Britney") is an individual who, for all times relevant hereto, was residing, and did reside, in the County of Los Angeles, State of California. Britney is sued herein as a nominal defendant since it is understood that she will appear by and through her conservators including, without limitation, Jamie.

6. Lutfi is ignorant of the true names and capacity of the defendants sued herein as DOES 1 through 25, inclusive, and, therefore sues these defendants by such fictitious names. Lutfi is informed and believes, and thereon alleges, that each such DOE defendant is liable to Lutfi for the actions hereinafter set forth. Lutfi will amend this Complaint to allege the true names and capacities of each such DOE defendant when ascertained.

7. Lutfi is informed and believes, and thereon alleges, that at all times herein mentioned, each defendant, including DOE defendants, was the agent, servant, employee and/or representative of each of the other defendants and, that at all times herein mentioned, was acting within the course and scope of and pursuant to said agency, service, employment and/or representation.

8. Jurisdiction and venue for this action in the County of Los Angeles are proper pursuant to California Code of Civil Procedure Sections 393 and 395.

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1                    ALLEGATIONS COMMON TO ALL CAUSES OF ACTION

2            9.        In early 2007, Britney met Lutfi at a Los Angeles area nightclub. Lutfi was  
3 relatively well known within certain circles as a businessman who spent much of his time  
4 counseling and assisting homeless and wayward teens in the Hollywood area.

5            10.       Although they were never formally introduced, Britney approached Lutfi and  
6 began discussing her family situation with him. In particular, Britney asked Lutfi whether he  
7 knew of any lawyers who could help her get restraining orders issued against her family,  
8 including, without limitation, Jamie and Lynne.

9            11.       Although Lutfi did not know of anyone at that time, Lutfi offered to make  
10 inquiries and provide Britney with the names of lawyers who might be able to assist her and  
11 offered Britney his telephone number in the event she wanted to contact him again.

12           12.       Over the next few weeks, Britney telephoned Lutfi on numerous occasions and  
13 sent him hundreds of text messages. Throughout these communications, Britney constantly  
14 sought advice from Lutfi as to how to prevent Jamie and Lynne from having any further  
15 involvement in her life, including, without limitation, advice as to how she might obtain a  
16 restraining order against Jamie and Lynne from the Court.

17           13.       During the ensuing months, a friendship began to develop between Lutfi and  
18 Britney. In fact, the relationship between Britney and Lutfi grew so strong that Britney sought  
19 Lutfi's advice and counsel in connection with almost every important decision in her life  
20 including, without limitation, the ongoing divorce proceedings and custody battle with Kevin  
21 Federline, the ongoing feud between Britney and her family, as well as Britney's new album.

22           14.       Lutfi, for his part, was always willing to listen to Britney and offer his advice and  
23 support, and would often accompany her to important business meetings, such as a June 2007  
24 meeting with high-level talent agency executives.

25           15.       In or about September 2007, at Britney's request, Lutfi accompanied Britney to a  
26 meeting with record company executives to discuss production and release of Britney's new  
27 album, "Blackout".

28           16.       At this meeting, the record company executives were initially reluctant to discuss

1 details concerning "Blackout" in front of Lutfi, with whom they were not familiar. In order to  
2 remedy this situation, Britney, without previously having discussed the matter with Lutfi,  
3 informed the record company executives that Lutfi was her new "manager" and gave them  
4 authorization to discuss "Blackout" with her in front of Lutfi.

5 17. Pleased with the idea of Lutfi being her "manager", in the days that followed,  
6 Britney repeatedly asked and urged Lutfi to take on that role. Ultimately, out of a concern for  
7 Britney and her well being, Lutfi did, in fact, agree to become Britney's personal "manager".

8 18. Beginning in or about October 2007, Lutfi performed a variety of services for  
9 Britney. Among other things, Lutfi (a) facilitated booking, arranging and coordinating every  
10 legal meeting, court hearing, doctor visit, child visitation and other matters related to Britney's  
11 custody dispute and a then pending hit and run action; (b) coordinated and scheduled recording  
12 studio sessions and interfaced with music producers in connection with the album "Blackout"  
13 including, without limitation, assisting Britney in song selection for the album; (c) advised and  
14 consulted with Britney on the artwork for the album "Blackout"; (d) coordinated, scheduled and  
15 escorted Britney to all photo shoots and promotional events related to her album, "Blackout";  
16 (e) coordinated and consulted with Britney in connection with the music videos for her album,  
17 "Blackout"; (f) coordinated, scheduled and escorted Britney to production meetings for Britney's  
18 music video for the song "Piece of Me"; (g) advised Britney in connection with the production,  
19 post-production and editing of Britney's music video for the song "Piece of Me"; (h) assisted  
20 Britney with the interviewing and selection of choreographers for Britney's tour in support of her  
21 album, "Blackout"; (i) scheduled and escorted Britney to dance studio sessions in preparation for  
22 her tour in support of the album, "Blackout"; (j) scheduled and escorted Britney to dance studio  
23 sessions in preparation for music videos related to the album, "Blackout"; (k) assisted Britney  
24 with the selection and hiring of hair and makeup professionals and fashion stylists for photo  
25 shoots, music videos and public appearances; (l) advised Britney with regard to potential charity  
26 opportunities and escorted Britney to charity appearances; (m) scheduled, coordinated and  
27 escorted Britney to business meetings with her agents and business manager; (n) participated in  
28 weekly accounting meetings with Britney wherein Lutfi would review each and every bill and

1 invoice delivered by Britney's business manager and review checks drafted for Britney's  
2 signature; and (o) assisted Britney with interviewing and hiring legal counsel.

3 19. In addition, Lutfi provided other personal services for Britney, including, without  
4 limitation, (a) assisting Britney with the purchase of automobiles; (b) arranging birthday parties  
5 for Britney's children; (c) arranging holiday events (i.e., Thanksgiving, Christmas and New  
6 Years) for Britney and her children; (d) hiring decorators and lighting companies to install  
7 holiday lights at Britney's home; (e) selecting and hiring a company to child-proof Britney's  
8 residences; (f) selecting and hiring a professional photographer to photograph Britney and her  
9 children; (g) selecting and hiring real estate brokers to assist Britney in selling and purchasing  
10 residences; (h) escorting Britney to various open houses; (i) assisting Britney with the hiring and  
11 firing of personal assistants, maids and nannies; (j) selecting and hiring a company to install new  
12 carpet in Britney's residence; (k) selecting and hiring a lighting company to install new  
13 chandeliers and lighting in Britney's residence; (l) purchasing consumer goods for Britney's  
14 residence; and (m) purchasing toys for Britney's children on birthdays, holidays and other special  
15 events.

16 20. During the time Lutfi was acting as Britney's "manager", Lynne and Jamie began  
17 making attempts to re-establish contact with Britney and regain control of her life, career and  
18 fortune.

19 21. Although Lutfi encouraged Britney to reconcile with her parents, Lutfi  
20 represented a significant impediment to Lynne and Jamie's regaining control of Britney's life and  
21 career. Thus, as they had done so many times before, Jamie and Lynne began a campaign of  
22 slander, libel and defamation aimed at discrediting, destroying and physically and emotionally  
23 intimidating Lutfi in order to drive him out of Britney's life.

24 22. Lutfi is informed and believes, and thereon alleges, that, in furtherance of her  
25 efforts to discredit and destroy Lutfi, Lynne went so far as to request that Britney's then  
26 boyfriend, Adnan Ghalib, give a television interview, insinuating that Lutfi had provided Britney  
27 with illegal drugs and blaming him for all of Britney's bizarre behavior.

28 ///

1 FIRST CAUSE OF ACTION - LIBEL

2 (Against Lynne and Does 1 through 25)

3 23. Lutfi hereby incorporates by reference each and every allegation set forth in  
4 paragraph numbers 1 through 22 as if set forth in full herein.

5 24. Lutfi is informed and believes, and thereon alleges, that in or about 2008, Lynne  
6 authored a book entitled, *"Through the Storm, A Real Story of Fame and Family in a Tabloid*  
7 *World"* (the "Book").

8 25. In the Book, Lynne purports to tell the story of her life as the mother of pop-  
9 superstar, Britney Spears, and how Britney's meteoric rise to fame and fortune affected her life  
10 and the lives of her family members.

11 26. In Chapters 27, 28 and 29 of the Book, entitled "Jerked Around", "The General",  
12 and "Breaking the Stranglehold", respectively, Lynne tells the story of how she first met Lutfi  
13 and how he purportedly kept Britney under his control. A true and correct copy of Chapters 27,  
14 28 and 29 of the Book are attached hereto as Exhibit "1" and incorporated herein by this  
15 reference.

16 27. The following statements as set forth in Chapters 28 of the Book are false as they  
17 apply to Lutfi:

18 (a) "[Sam] told us that he threw away all of Britney's phone chargers and disabled the  
19 house phones by cutting the wires." (Chapter 28, p. 176).

20 (b) "[Sam] told [Jackie and Lynne] to tell Britney that Adnan is gay." (Chapter 28, p.  
21 176).

22 (c) "Sam told Jackie and me that he grinds up Britney's pills, which were on the  
23 counter and included Risperdol and Seroquel, and puts them in her food. He said that was the  
24 reason she had been quiet for the last three days. She had been drugged and asleep. He said that  
25 her doctor was trying to get her into a sleep-induced coma so that they could then give her other  
26 drugs to treat her." (Chapter 28, p. 176-77).

27 ///

28 ///

1           28.     Lutfi is informed and believes, and thereon alleges, that the following statements  
2 as set forth in Chapters 28 of the Book are also false as they apply to Lutfi:

3           (a)     "Adnan [Ghalib] told me that Sam hid Britney's cell phones and told her that he  
4 lost them." (Chapter 28, 176).

5           (b)     "Adnan told me that Sam also would hide Britney's dog, London. She would  
6 look all over the house, crying, and then Sam would bring out the dog and act like some sort of  
7 savior." (Chapter 28, p. 176).

8           29.     Lutfi is informed and believes, and thereon alleges, that the following statement as  
9 set forth in Chapters 28 of the Book is false and was made by Lynne without personal knowledge  
10 or regard for the truth: "[Sam] also disabled several of Britney's cars so she couldn't leave  
11 unattended." (Chapter 28, p. 176).

12           30.     Since the publication of the Book, Lutfi has been subjected to unfathomable  
13 amounts of ridicule and public scorn. Lutfi is constantly bombarded by magazine headlines,  
14 television shows and internet gossip sites that have propagated Lynne's lies and fabrications.  
15 Lutfi can no longer find work as a counselor of at-risk teens. Lutfi has received numerous death  
16 threats from overzealous fans and, as such, is no longer able to venture into the public without  
17 being harassed and ridiculed..

18           31.     The false statements within Chapter 28 of the Book are libelous on their face in  
19 that they accuse Lutfi of conduct that is despicable, dishonest, improper, immoral and potentially  
20 criminal, thereby exposing Lutfi to hatred, contempt, ridicule, and obloquy.

21           32.     The aforementioned statements were published by Lynne with actual malice in  
22 that they were published by Lynne with the knowledge that they were false and/or with reckless  
23 disregard for their truth.

24           33.     Lutfi is informed and believes, and thereon alleges, that, since its publication,  
25 Lynne has sold tens of thousands of copies of the Book worldwide. In addition, the Book has  
26 received a significant amount of media attention including, without limitation, on public  
27 television and internet sites. As such, the number of persons who have read or viewed the Book  
28 and in particular, the false statements within Chapter 28 of the Book, is unlimited.

1       34. As a result of the foregoing, Lutfi has suffered loss of his reputation; shame,  
2 mortification and hurt feelings, all to his general damage as well as special damages including,  
3 without limitation, injury to Lutfi's business, medical expenses, attorneys' fees and costs.

4       35. In addition, as alleged above, the statements identified above were published  
5 intentionally and with actual malice and for the purpose of depriving Lutfi of property or legal  
6 rights or otherwise causing injury and, therefore, was despicable conduct that subjected Lutfi to a  
7 cruel and unjust hardship in conscious disregard of Lutfi's rights, so as to justify an award of  
8 exemplary and punitive damages.

9                   **SECOND CAUSE OF ACTION - DEFAMATION**

10                   (Against Lynne and Does 1 through 25)

11       36. Lutfi hereby incorporates by reference each and every allegation set forth in  
12 paragraph numbers 1 through 29 as if set forth in full herein.

13       37. In Chapters 27, 28 and 29 of the Book, Lynne pejoratively refers to Lutfi as,  
14 among other things, "fake", "Svengali", "a predator", "a gatekeeper" and "the General".

15       38. In Chapters 27, 28 and 29 of the Book, Lynne accuses Lutfi of using paparazzi as  
16 his "foot soldiers" and "henchmen".

17       39. Throughout Chapters 27, 28 and 29 of the Book, Lynne indirectly accuses Lutfi of  
18 conduct that is despicable, dishonest, improper, immoral and potentially criminal.

19       40. Since the publication of the Book, Lutfi has been subjected to unfathomable  
20 amounts of ridicule and public scorn. Lutfi is constantly bombarded by magazine headlines,  
21 television shows and internet gossip sites that have propagated Lynne's lies and fabrications.  
22 Lutfi can no longer find work as a counselor of at-risk teens. Lutfi has received numerous death  
23 threats from overzealous fans and, as such, is no longer able to venture into the public without  
24 being harassed and ridiculed.

25       41. The text of Chapters 27, 28 and 29 of the Book was published with actual malice  
26 in that it was published with knowledge that it contained false statements and/or with reckless  
27 disregard for the truth and with the intent of falsely representing Lutfi as dishonest, untrustworthy  
28 and manipulative and as a freeloader intent on controlling, manipulating and harming Britney for



1 his own personal gain.

2 42. The text of Chapters 27, 28 and 29 of the Book was clearly understood as alleged  
3 by all who saw and read as evidenced by the fact that since the publication of the Book, Lutfi has  
4 been constantly bombarded by magazine headlines, television shows and internet gossip sites that  
5 have propagated Lynne's lies and fabrications. Lutfi can no longer find work as a counselor of  
6 at-risk teens. Lutfi has received numerous death threats from overzealous fans and, as such, is no  
7 longer able to venture into the public without being harassed and ridiculed.

8 43. Lutfi is informed and believes, and thereon alleges, that, since its publication,  
9 Lynne has sold tens of thousands of copies of the Book worldwide. In addition, the Book has  
10 received a significant amount of media attention including, without limitation, on public  
11 television and internet sites. As such, the number of persons who have read or viewed the Book  
12 and in particular, the Chapters 27, 28 and 29 of the Book, is unlimited.

13 44. As a result of the foregoing, Lutfi has suffered loss of his reputation, shame,  
14 mortification and hurt feelings, all to his general damage as well as special damages including,  
15 without limitation, injury to Lutfi's business, medical expenses, attorneys' fees and costs.

16 45. In addition, as alleged above, the statements identified above were published  
17 intentionally and with actual malice and for the purpose of depriving Lutfi of property or legal  
18 rights or otherwise causing injury and, therefore, was despicable conduct that subjected Lutfi to a  
19 cruel and unjust hardship in conscious disregard of Lutfi's rights, so as to justify an award of  
20 exemplary and punitive damages.

### 21 **THIRD CAUSE OF ACTION - BATTERY**

22 (Against Jamie and Does 1 through 25)

23 46. Lutfi hereby incorporates by reference each and every allegation set forth in  
24 paragraph numbers 1 through 22 as if set forth in full herein.

25 47. On or about January 29, 2008, Lutfi was standing in the kitchen of Britney's  
26 residence.

27 48. Jamie entered the residence and immediately charged at Lutfi, screaming that he  
28 had been told that Lutfi had made a rude comment to Lynne the night before. Then, upon

1 reaching Lutfi, Jamie intentionally punched him in the chest. Jamie then threatened to kill Lutfi  
2 if he ever again heard that Lutfi had made a rude comment about Lynne or any other member of  
3 his family.

4 49. At no time did Lutfi ever consent to Jamie making physical contact, of any kind,  
5 with Lutfi or his person.

6 50. As a proximate result of Jamie's conduct, as alleged herein, Lutfi was hurt and  
7 injured in his health, strength, and activity, sustaining injury to his nervous system and person, all  
8 of which have caused, and continue to cause, Lutfi great mental, physical, and nervous pain and  
9 suffering. Consequently, Lutfi has suffered, and will continue to suffer, general damages in an  
10 amount according to proof at trial.

11 51. The aforementioned conduct of Jamie was willful, malicious and intentional and  
12 done for the purpose of depriving Lutfi of property or legal rights or otherwise causing injury,  
13 and, therefore, was despicable conduct that subjected Lutfi to a cruel and unjust hardship in  
14 conscious disregard of Lutfi's rights, so as to justify an award of exemplary and punitive  
15 damages.

16 **FOURTH CAUSE OF ACTION - INTENTIONAL INFLICTION OF EMOTIONAL**  
17 **-DISTRESS**

18 (Against Jamie, Lynne and Does 1 through 25)

19 52. Lutfi hereby incorporates by reference each and every allegation set forth in  
20 paragraph numbers 1 through 22, 24-35, 37-45 and 47-51 as if set forth in full herein.

21 53. The conduct of Jamie and Lynne, and each of them, as alleged above, was  
22 extreme and outrageous, beyond the reasonable bounds of decency, intentional and malicious and  
23 done for the purpose of causing Lutfi to suffer humiliation, mental anguish, and emotional and  
24 physical distress and with a wanton and reckless disregard of the consequences to Lutfi.

25 54. As the proximate result of the acts of Jamie and Lynne, and each of them, as  
26 alleged above, Lutfi suffered, and continues to suffer, humiliation, mental anguish, and emotional  
27 and physical distress, and injury to his nervous system and person, all of which have caused, and  
28 continue to cause, Lutfi great mental, physical, and nervous pain and suffering.

55. In addition, as a further result of the acts of Jamie and Lynne, and each of them, as alleged above, Lutfi has suffered loss of his reputation, shame, mortification and hurt feelings, all to his general damage as well as special damages including, without limitation, injury to Lutfi's business, medical expenses, attorneys' fees and costs.

56. The acts of Jamie and Lynne, and each of them, as alleged above, were willful, malicious and intentional and done for the purpose of depriving Lutfi of property or legal rights or otherwise causing injury, and, therefore, were despicable conduct that subjected Lutfi to a cruel and unjust hardship in conscious disregard of Lutfi's rights, so as to justify an award of exemplary and punitive damages.

### FIFTH CAUSE OF ACTION - BREACH OF CONTRACT

(Against Britney and Does:1 through 25.)

57. Lutfi hereby incorporates by reference each and every allegation set forth in, paragraph numbers 1 through 22 as if set forth in full herein.

58. In or about June 2007, Britney and Lutfi began negotiating the terms under which Lutfi would agree to act as Britney's personal "manager".

59. On October 13, 2007, Britney sent Lutfi a text message reading, in relevant part, "sam, so thats fine, i want you to be my manager. you were right its 15 percent of my money but for 4 years not 5."

60. Thereafter, on or about October 13, 2007, Lutfi and Britney entered into an oral agreement (the "Agreement") whereby Lutfi would act as Britney's personal "manager".

61. The relevant material terms of the Agreement are as follows:

(a) The Agreement is for an initial term of four (4) years;

(b) Lutfi is to advise and counsel Britney with respect to decisions concerning employment opportunities presented by Britney's business manager and agents, publicity, selection of literary, artistic and musical material, wardrobe, public relations and advertising, selection of theatrical and booking agencies or agents and all other matters pertaining to Britney's life;

(c) Lutfi is to be compensated for his services at a rate of 15% of all gross revenues

1 earned and received by Britney during the duration of the Agreement;

2 (d) The Agreement may be terminated by Lutfi, for cause, upon thirty days written  
3 notice from Lutfi to Britney; and

4 (e) The Agreement may be terminated by Lutfi, without cause, upon ninety days  
5 written notice from Lutfi to Britney.

6 62. As alleged in paragraphs 18 and 19, above, beginning in October 2007, Lutfi  
7 performed a variety of services for Britney. Lutfi timely and fully performed all of his  
8 obligations pursuant to the terms of the Agreement, with the exception of those obligations that  
9 have been excused, prevented or released by Britney as a matter of law.

10 63. In or about February 2008, Jamie was appointed as conservator over Britney.  
11 Since that time, Jamie has prevented Lutfi from performing his obligations under the Agreement.

12 64. Lutfi has made numerous demands on Jamie, as conservator for Britney, for  
13 payment of fees due under the Agreement for the period from approximately mid-October 2007  
14 to early-February 2008, as well as other amounts that would have been due under the Agreement  
15 but for its premature termination. However, such demands have been, and continue to be,  
16 ignored. As such, to date, Lutfi has not received payment for any of his services as was required  
17 under the terms of the Agreement.

18 65. The failure to pay fees and premature termination of the Agreement, as alleged  
19 above, constitute breaches of the Agreement.

20 66. Lutfi is informed and believes, and thereon alleges, that Britney's gross monthly  
21 income during the calendar year 2007 was approximately \$800,000. Lutfi is further informed  
22 and believes, and thereon alleges, that Britney's gross monthly income was the same, or greater,  
23 during the calendar year 2008.

24 67. As a proximate and foreseeable consequence of the breach of the Agreement as  
25 alleged herein, Lutfi has suffered, and will continue to suffer, damages in an amount in excess of  
26 the minimum jurisdiction of the court, according to proof at trial.

27 ///

28 ///

1 SIXTH CAUSE OF ACTION - QUANTUM MERUIT

2 (Against Britney and Does 1 through 25)

3 68. Lutfi hereby incorporates by reference each and every allegation set forth in  
4 paragraph numbers 1 through 22 as if set forth in full herein.

5 69. As alleged above, within the last four years, Lutfi performed a variety of services  
6 for Britney.

7 70. Britney knew that the above-described services were being provided by Lutfi for  
8 her and at her request and subsequently accepted, used, and enjoyed the benefits the above-  
9 described services.

10 71. Lutfi has made numerous demands on Jamie, as conservator for Britney, for  
11 payment of the fair and reasonable value of the services performed by Lutfi for Britney.  
12 Nevertheless, Jamie has failed and refused to compensate Lutfi for the fair and reasonable value  
13 of such services. As such, to date, Lutfi has not received any payment for the services provided  
14 by Lutfi to Britney.

15 72. Lutfi is informed and believes, and thereon alleges, that Britney's gross monthly  
16 income during the calendar year 2007 was approximately \$800,000. Lutfi is further informed  
17 and believes, and thereon alleges, that Britney's gross monthly income was the same, or greater,  
18 during the calendar year 2008.

19 73. As a proximate and foreseeable consequence of the breach of the Agreement as  
20 alleged herein, Lutfi has suffered, and will continue to suffer, damages equal to the fair and  
21 reasonable value of the uncompensated services provided by Lutfi to Britney, in an amount in  
22 excess of the minimum jurisdiction of the court, according to proof at trial.

23 WHEREFORE, Lutfi prays judgment against Lynne, Jamie and Britney through Jamie  
24 and Wallet and Does 1 through 25, and each of them, as follows:

25 On Lutfi's First Cause of Action for Libel:

26 1. For general damages in a sum in excess of the minimum jurisdiction of the court,  
27 according to proof at trial;

28 2. For special damages in an a sum according to proof at trial;

1 3. For punitive damages in an amount appropriate to punish Lynne and Does 1  
2 through 25, and each of them, and deter others from engaging in similar misconduct;

3 On Lutfi's Second Cause of Action for Defamation:

4 4. For general damages in a sum in excess of the minimum jurisdiction of the court,  
5 according to proof at trial;

6 5. For special damages in an a sum according to proof at trial;

7 6. For punitive damages in an amount appropriate to punish Lynne and Does 1  
8 through 25, and each of them, and deter others from engaging in similar misconduct;

9 On Lutfi's Third Cause of Action for Battery:

10 7. For general damages in a sum in excess of the minimum jurisdiction of the court,  
11 according to proof at trial;

12 8. For punitive damages in an amount appropriate to punish Jamie and Does 13  
13 through 25, and each of them, and deter others from engaging in similar misconduct;

14 On Lutfi's Fourth Cause of Action for Intentional Infliction of Emotional Distress:

15 9. For general damages in a sum in excess of the minimum jurisdiction of the court,  
16 according to proof at trial;

17 10. For special damages in an a sum according to proof at trial;

18 11. For punitive damages in an amount appropriate to punish Jamie, Lynne and Does  
19 1 through 25, and each of them, and deter others from engaging in similar misconduct;

20 On Lutfi's Fifth Cause of Breach of Contract:

21 12. For compensatory damages in a sum in excess of the minimum jurisdiction of the  
22 court, according to proof at trial;

23 13. For consequential damages according to proof at trial;

24 On Plaintiff's Sixth Cause of Quantum Meruit:

25 14. For compensatory damages in a sum in excess of the minimum jurisdiction of the  
26 court, according to proof at trial;

27 15. For consequential damages according to proof at trial;

28 ///

1        On All Causes of Action:

2        16.    For costs of suit incurred herein;

3        17.    For pre-judgment interest in an amount according to proof at trial; and

4        18.    For such other and further relief as the court may deem proper.

5  
6        Dated: April 16, 2009

FREEDMAN & TAITELMAN, LLP

7  
8        By: 

Bryan J. Freedman

Attorneys for Plaintiff Sam Lutfi

EXHIBIT "1"



# THROUGH *the* STORM

A REAL STORY of FAME AND FAMILY  
*in a* TABLOID WORLD

LYNNE SPEARS

WITH

LORILEE CRAKER



THOMAS NELSON  
Since 1798

NASHVILLE DALLAS MEXICO CITY RIO DE JANEIRO BEIJING

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## JERKED AROUND



Right before Britney went into Promises, after she shaved her head, I got an anonymous call from a man while I was driving in Los Angeles. "There are drugs planted in Britney's Malibu house," he said, going on to tell me that there was a conspiracy with Kevin and Britney's assistants to make my daughter look like a bad mother. I was so unnerved by the call, I missed my exit—in more ways than one.

Immediately, I called the security guards at the Malibu house and asked them to check the house for drugs. While I knew Kevin would never hurt my daughter like that, and I highly doubted her assistants would either, things were so fragile with Britney at the time that I wasn't taking any chances. She had just lost custody of the boys to Kevin, and she was at a very low ebb. It was midnight, but I turned around and drove to Britney's house and met her assistant, Allie. Along with the guards, we combed through the house, and no drugs whatsoever were to be found. Nonetheless, Allie and I were scared to death.

I didn't hear from this mysterious person again until months later. Right away, I recognized his voice. "Are you the same guy who called me

## THROUGH THE STORM

with a conspiracy theory about drugs being planted in Britney's house?" I asked him.

"Yeah," he said. "It's me." When I told him his theory had proved wrong, he protested: "There *were* drugs; you just didn't find them," he said, earnestly.

I should have hung up the phone right then and there.

I didn't, and the man plunged into a proposal he had for me, to be the spokesperson for a company he represented that wanted to sell high-quality cubic zirconia jewelry on a home shopping network.

Again, it sounded dubious at best, but the call had come during a time when I had been thinking and praying for a job, my own thing, where

I could go to work every day and regain some of the structure I lost when I gave up teaching. Talking about jewelry on TV? That sounded

like fun! I actually have quite a zest for cheap jewelry, or, I should say, beautiful jewelry that looks as if it cost a mint but is really affordable.

If you ever look at a photo of me and think I am dripping in diamonds, don't be deceived: it's really a mixture of the real stuff and three-dollar

zirconium dioxide, bought from a Los Angeles street vendor! I was intrigued, and I figured I had nothing to lose but a few hours if I did meet with this guy.

I said I would meet with him, but only with an attorney present. I called up my friend Jackie, and we decided to check it out together.

And so we met the anonymous caller, a swarthy man in his late twenties or early thirties who appeared to be of Middle Eastern heritage.

That's the first time I laid eyes on Sam Lutfi.

### *Fake in More Ways Than One*

He had two attorneys with him, but I could tell instantly this was not a legitimate meeting. The man, wearing a ratty baseball hat, T-shirt, and

## JERKED AROUND

jeans, was sweating profusely and looked extremely nervous. It was the strangest meeting I have ever had! No one seemed to have any pitch whatsoever, including the caller, Sam, who hemmed and hawed and talked in circles, at one point pulling out some crummy-looking boxes with so-so costume jewelry inside. Finally, we just left. Obviously, nothing was going to come of this. Interestingly, during the meeting, Sam wanted to have his picture taken with me, which struck me as strange at the time, and I can't even remember if I consented. Now I know what he was up to, all right.

Awhile later, Sam called and invited Jamie Lynn, Jackie, and me to a taping of the finale of *Dancing with the Stars* with our old friend Joey Fatone, whom we knew from the days of Justin and \*NSYNC, hoofing it in the finale. He excitedly told me he had an endorsement deal cooking with a shoe company, possibly for Jamie Lynn or Jackie's son, who also starred on *Zoey 101*.

"What about the jewelry deal?" I asked suspiciously.

"Oh, well, Britney put out a negative thing about you and her relationship with you online, and that kind of blew the jewelry deal out of the water."

My suspicions didn't totally subside, but he made it all sound somehow credible, reasonable. Even when the shoe deal "fell through," and we were this close to pulling the plug on this guy, he rallied just in the nick of time, inviting us to a meeting with the head of one of the top talent agencies in Hollywood. Jackie and I thought this agent would be an excellent contact for her son, Paul, a budding musician.

Jackie and I had our doubts, all right. But Sam had one more chance. If this agency executive indeed showed, then it meant Sam was legitimate. If this once again fell through, we would wash our hands of him.

The day of the meeting arrived, and, lo and behold, we got a phone call from Sam half an hour before we were set to meet. "I have a broken tooth," he explained.

## THROUGH THE STORM

Jackie was dubious, and firm: "Listen, buddy, you better just take some pain pills and come anyway," she said. "We are really going to doubt your story if this meeting doesn't happen." He balked, and we stopped answering his texts, hoping this would be the end of our association with this shifty man.

What we didn't know then was that Sam had also met Britney's then assistant, Allie, at a club, and she in turn introduced him to Britney. The two of them hit it off with Sam, and they all began to hang out together. So it was really just the beginning. He was looking for a back door, and ~~it appeared he found one.~~

### *Svengali*

Sam came into my daughter's life at a time when she was at her most vulnerable. Brokenhearted about losing custody of her precious boys, she was sad, floundering, ripe (if you ask me) for a predator to come along. If you're bleeding by the side of the road, and someone drove up and offered

you a ride to the hospital, wouldn't you accept? This is the picture I have of my child during that time: defenseless and exposed, she was much more open than she ever would have been to this man, who rode in on a white horse, personable, charming, and with an air of authority, promising her he would help her get her kids back, that he would get her life back on track.

Why didn't I ride in on my own horse to help my own child? If only I could have. I felt so helpless, yearning

IF YOU'RE BLEEDING BY  
THE SIDE OF THE ROAD,  
AND SOMEONE DROVE UP  
AND OFFERED YOU A  
RIDE TO THE HOSPITAL,  
WOULDN'T YOU ACCEPT?  
THIS IS THE PICTURE I  
HAVE OF MY CHILD  
DURING THAT TIME PERIOD:  
DEFENSELESS AND EXPOSED.

## JERKED AROUND

with every cell in my body to be with her, help her, and hold her, but I wasn't able to do that. Our estrangement was so complete at that time that I couldn't even get her phone number.

Within a month or so of meeting, Sam was in complete control of her life, labeling himself her friend, her manager, her life coach. Everyone deferred to him—Britney's business manager, her record company, her lawyers—they had no choice.

He appointed himself as her gatekeeper, and there was no one he wanted to keep the gate closed to more than Britney's family. While he shut Jamie out completely, he would crack open the door a bit for me, texting me with updates on my daughter, lording over me the fact that he had complete access while I had no right of entry to my own child. But he also seemed to sense the exact moment when I was most susceptible, and he would drop his voice to a soothing, kind modulation—as if we were confidants. "I know you want to see Britney, and trust me, I am working on her. She'll let you back into her life soon." That man jerked me around like a master puppeteer.

In October of that year, I got a call I had been praying for: It was Allie. "Brit's ready to reconcile," she said. I dropped everything and caught the next flight to LA, arriving at 9 p.m., California time. As per my instructions, I met Bret, another of Brit's assistants, at the Starbucks in Malibu. Several paparazzi met us there as well, and they ended up taking us to her house, where Sam, the figurative gatekeeper, ordered the physical gatekeeper to let us in. Everyone treated him by now like a general.

Britney and I just held on to each other for the longest time. I was so happy to see her and hold her in my arms again. But in the midst of my joy, part of me wondered: was this reunion orchestrated by Sam, to help Britney get her boys back? You see, the courts looked at me as a stabilizing factor, and Sam knew that a reconciliation between Britney and me could only be a step in the right direction as far as her hopes of

## THROUGH THE STORM

regaining custody. Was this a true reunion, or just another pawn in Sam's game?

### *Three Months Later*

I had just come home with Jamie Lynn, after we went to Connecticut for a couple of weeks during Christmas to hide from the media fallout of her pregnancy. I was exhausted, physically and emotionally, and it was soothing to be back home with my dogs, sleeping in my bed, and getting my clothes out of my drawers instead of a suitcase.

One night the phone rang, and it was Sam. He was crying.

He told me Britney had been visiting with the boys, but when it was time for them to go home to Kevin's with Lonnie, their bodyguard, she locked herself and little Jayden in the bathroom. Later, I found out Sam had told Britney that Kevin had called and told her she could keep the boys longer.

I was terrified of what would happen next. I frantically called Jamie and Bryan, begging them to go see what was going on, but they had a much more blasé attitude than me, saying that Sam was blowing things out of proportion. Neither one of them would ever have anything to do with Sam, and the only reason I did was because he was the only link to my daughter, and I just *couldn't* sever it. They reminded me that Britney did not want to see any of us. "But what if she calls out for me in the crowd? I just want to be there if she needs me!" I pleaded. But the two of them were firm with a "wait and see" attitude. I can't blame them, but the whole thing was driving me frantic.

Thank God for Lonnie, the little boys' bodyguard, who called me repeatedly and assured me that Preston was just fine, asleep in the back of the SUV, and that he would not leave the premises without Jayden in his arms. Do you know how comforting that was for this mother and grand-



## JERKED AROUND

mother? Still, I was a wreck, worrying myself sick many miles from my confused, hurting daughter. If it weren't for the fact that I had to be with Jamie Lynn at that time, I would have flown to Los Angeles on the next flight.

It felt as if I were being split in two pieces as I was pulled, on one hand by the needs of my pregnant sixteen-year-old, and on the other by my twenty-six-year-old daughter, who was obviously in deep crisis; both girls seemed to need me with the same intensity. I honestly didn't know where I was supposed to be.

Things happened so quickly. The next thing I knew, Britney was being taken by ambulance to Cedars-Sinai Medical Center and placed under a 5150 hold, which is an involuntary psychiatric hold, for seventy-two hours. At least it was supposed to be seventy-two hours; she was actually released in twenty-four hours, at her own request. I stayed up late into the night, following my daughter's ordeal on TV and the Internet and via phone updates from Jamie and Bryan. I was horrified to see all those helicopters and fire trucks and ambulances surrounding my child's house. Why were they there? To contain one small woman, who was by then completely subdued? When I saw the photo of her in the ambulance, her beautiful brown eyes pained and haunted, something inside me broke.

What on earth was going on with my beloved child?

THANK GOD FOR LONNIE,  
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THE PREMISES WITHOUT  
JAYDEN IN HIS ARMS.

*twenty-eight*

## THE GENERAL



I spent the next three weeks on my knees, in a fog of worry and confusion. All I could do was offer up prayer after prayer for Britney, wondering all the while if I should go to her, even though there was a good chance I wouldn't be allowed in the gate.

I was feeling as if my arms might as well be pulled out of their sockets. All of me longed to go be with Britney, to see if she would let me in her life and help her, but the problem was, that all of me also knew I was in the right place, right there at home with Jamie Lynn. I have never felt so cruelly divided in all of my life.

When it seemed as if Jamie Lynn had stabilized and that I could leave her in the care of a close friend, I did. I flew to Los Angeles for a four-day weekend to see my grandchildren, whom I hadn't seen in a couple of months. Of course, I hoped to see Britney with all my heart, but I wasn't really expecting to. But on the night of January 28, everything changed. I was at Kevin's, just having put the babies to bed, when I got a text from Lou: GO OVER THERE. THEY HAD A FIGHT.

Was this the breakthrough we were looking for? Sam and Britney had gotten into a terrible argument. I later learned that he called her,

## THE GENERAL

among other things, a "piece of trash."

He said she cared more about Adnan, her current boyfriend, than her children, and that she didn't deserve to get her kids back.

We didn't know it at the time but Lou, Jamie, and I had been hoping for the very same thing: we all believed the only way to loosen Sam's stranglehold on Britney was for them to turn on each other.

And we all had been praying for it. I was so very tired of playing games with Sam. *Please God, let this be the end.*

I WAS SO VERY TIRED OF  
PLAYING GAMES WITH  
SAM. PLEASE GOD,  
LET THIS BE THE END.

### *Going Inside*

I jumped in the backseat of Jackie's car, and we drove as fast as we could to Britney's house. On the way, I phoned my friend Joy at home in Kentwood, asking her to pray. "You might see my tail end on TV, crawling over the fence," I said, only half-joking. I was willing to do anything to rescue my daughter.

The paparazzi were teeming outside Britney's house in Beverly Hills, but they didn't even look twice at us. They knew all the makes and models of all our family's cars, but they didn't recognize Jackie's car, and I was crouched down in the backseat. Even when a paparazzo came to the car and spoke to Jackie, between her tinted windows and the fact that I was ducking down as far as I could, with my hood pulled over my head, he couldn't see a speck of me.

"There's been a fight," Jackie told Britney's gatekeeper quietly. "I have Lynne here with me, and she wants to see how her daughter is doing."

"They are not answering right now," he said, referring, of course, to Sam, the general.

## THROUGH THE STORM

So we waited a little while.

Meanwhile, Jamie drove from the opposite end of town and arrived right at the perfect moment. "If I get in," I whispered to him, still hunkered down, on my cell phone, "you just come in after me." There were probably twenty paparazzi, swarming Jamie's truck, jumping on the car, and screaming, while there I was, hiding in plain sight, just a few feet away.

Knowing the paparazzi, they would have given up eating for a week to have known I was hiding in Jackie's car! It was so obvious to me that God was in the details, in the perfect timing of Jamie's arrival,

and in concealing me so flawlessly from paparazzi eyes and cameras. It reminded me of that verse from the Psalms: "Hide me from the conspiracy of the wicked, from that noisy crowd of evildoers."

"HIDE ME FROM THE  
CONSPIRACY OF THE WICKED,  
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OF EVILDOERS."

Sam okayed the gatekeeper to let me in, though he never in a million years would have let Jamie in. When the gate finally swung open, there was a delay of about a minute or so, and Jamie zoomed in right after me.

Sam met Jackie, Jamie, and me at the door.

He said that Britney only wanted to see me, that she was afraid to see her dad. More like Sam was afraid. He was visibly upset to see Jamie and, believe me, the feeling was mutual.

"Her *family* is here," Jamie said, glowering. "You have to go now."

Jamie was stomping, spitting mad, but I could tell he was keeping a tight rein on his emotions. He didn't want to lose control and give Sam the chance to bring charges against him. At one point, he stalked Sam around and around the bar. "You better not be hurting my daughter," he said, over and over again, in a low, menacing voice. "Where is my daughter?"

## THE GENERAL

Britney was gone, and Sam kept saying he didn't know where she was. None of us bought it for a second.

"Sam, c'mon," Jackie said, in her reasonable way. "I know you. You can track her. You can get her back here."

After about an hour, a security guard came and asked Jamie to leave. "I'm sorry," he said. "I know you're her dad, and I'm a dad too. I'm just carrying out orders."

Jamie really had no choice, leaving Jackie and me to deal with Sam and his subordinates. *We need to outsmart this guy*, I remember thinking.

*We have to pretend we are not a threat.* It seemed to work: I believe Sam thought we were swallowing the idea that he was really helping Britney. Though I was afraid of him, of his hostility, cruelty, and lies, a new kind of courage kicked in that night, a God-given boldness that hadn't emerged in me until I was standing face-to-face with what I feared most: that harm would come to my child.

### *The General at Work*

After Jamie left, two or three paparazzi came inside and made their way to the kitchen. They greeted Sam and reported Britney's whereabouts to the general. It was clear to me from the conversation that Sam had given a paparazzo one of Britney's cars to get her out of the house when he heard that Jamie and I were on our way to see Britney. Sam apparently told her that Jamie and I were coming to do an intervention.

The paparazzi seemed like his foot soldiers, his henchmen. They reported to Sam and addressed him with great respect. He instructed them to get her back to the house.

Britney came back with Adnan, who is also a paparazzo. Sam told Jackie that we needed to do whatever he tells us to do. I objected. "I'm the one who spends 24/7 with your daughter," he shot back. "I sleep in

## THROUGH THE STORM

cars outside her house so she can't leave." He then said, "You people throw everyone under the bus; if you don't listen to me I'm going to make your name s—t in the papers."

The level of control he exerted was bewildering. Adnan told me that Sam hid Britney's cell phones and told her that he lost them. I believe it wholeheartedly. As I looked around the kitchen, I noticed that in the middle of the kitchen table, there was a large car battery. It was for Sam to charge his cell phone. The general told us that he threw away all of Britney's phone chargers and disabled the house phones by cutting the wires. ~~He also disabled several of Britney's cars so she couldn't leave unattended.~~ And how's this? Adnan told me that Sam also would hide Britney's dog, London. She would look all over the house, crying, and then Sam would bring out the dog and act like some sort of savior.

The whole scene was surreal.

Sam was visibly jealous of Adnan. He told Jackie and me to tell Adnan to leave Britney alone and to "get the f—k out of the house." Jackie refused. He then told us to tell Britney that Adnan is gay. Sam finally spoke to Adnan himself, and Adnan left.

It wasn't long before Britney came looking for Adnan. Sam told her that he was in the bathroom. "Is Adnan gay?" she asked me. Clearly Sam was playing up this angle however he could. While Britney was out of earshot, Sam told Jackie and me that we should pretend that Adnan was in the bathroom so Britney wouldn't leave.

Britney was so agitated she couldn't stop moving. She cleaned the house. She changed her clothes, many times. She also changed her three dogs' clothes several times. We talked, but it was as if she wasn't really there. She spoke in a tone and with the level of understanding of a little girl.

Britney then picked up a bottle of pills and read part of the label. "What does insomnia mean?" she asked. Sam told her that the pills will help her stay awake. Sam told Jackie and me that he grinds up Britney's pills, which were on the counter and included Risperdol and Seroquel,

## THE GENERAL

and puts them in her food. He said that was the reason she had been quiet for the last three days. She had been drugged and asleep. He said that her doctor was trying to get her into a sleep-induced coma so that they could then give her other drugs to treat her. I was breaking inside at every syllable he uttered about my daughter.

### *The Waking Nightmare*

Maybe Sam could see I was distressed. He encouraged us to relax and "do tequila shots." Jackie and I protested. Britney seemed to follow our lead, but Sam kept pushing. He got out some wine and suggested that we "all do toasts." He offered us tumblers. We took the wine and went into another room, but Britney objected and said that she wanted a nicer glass with a long stem. She had caught on to the fact that if she drank something from his hand, she could sleep for days, so she was actually stalling. Sam found a proper wine glass and poured one for Britney while our backs were turned. They then joined us in the other room, but Britney refused to drink her wine and asked to drink mine.

Shortly afterward, Sam went back into the kitchen. He stood behind a raised bar so that we could not see what his hands were doing on the counter. By then Britney had calmed down some, and Sam suggested they both go upstairs.

When they came back down a little while later, Britney was agitated again. She said she wanted to go to Rite-Aid to get lipstick. It was now past midnight, but maybe this was our chance to get her out of this madness. Jackie and I seized the chance. We would take her, we said. Sam jumped in and said he wanted to follow in his car. We told him that he shouldn't because the paparazzi were in front and would harass us. He seemed to relent, but as we were about to drive off, Sam jumped into the backseat with me. He said that when they were upstairs together, he gave

## THROUGH THE STORM

Britney something to pick up her mood. The paparazzi followed us to the store.

When we got to Rite-Aid, we all went inside, and Britney chose her lipstick. She drifted in and out of British accent the whole time. When we got to the register, Britney's card didn't work. I paid for the lipstick, and the manager told us we could leave through the side door so no one could see us. That wasn't to Sam's liking. He insisted we leave through the front door, and he wrapped his arms around Britney and me for the paparazzi to take photos. My skin crawled.

~~"You'd better learn that I control everything," he said. "I control~~

Howard Grossman, Britney's business manager. I control her attorneys and the security guards at the gate. They don't listen to Britney; they listen to me." *That's why Jamie was gone tonight.* Back at the house he told me that if he weren't in the house to give Britney her medicine, she would kill herself. "If you try to get rid of me, she'll be dead, and I'll piss on her grave."

He then boasted that he had been in our family for a year and that he had done nothing but good for Britney. At one point he screamed at me.

"Sam treats me like that," Britney said, as if it were the most normal thing in the world.

It was about two or three in the morning, and Britney was meandering aimlessly around the house. She would let me hug her, but she was completely out of it. She asked about Preston and Jayden.

"When do I get to see my babies?"

"Wednesday," Sam answered.

"What do I have to do to see them?"

"Take the pills I tell you to take."

"I don't like the pills, and I don't like the psychiatrist," she protested.

"Can't I see another psychiatrist so I can see my babies?"

"If I told you to take ten pills a day, you should do what I tell you to see your babies."



## THE GENERAL

I was frozen by the exchange, but Jackie jumped in: "Britney, your parents can help you find a psychiatrist. The psychiatrist needs to get to know you to give you the right medicine."

Sam couldn't stand losing control of the conversation. He butted in with his voice raised. "Why don't you get back with Kevin?" he said.

"I'll do anything to get them back."

Another opportunity came around for us to steer things away from Sam.

Britney said she wanted her daddy. "I want my daddy up here. I want to talk to my daddy."

I reached Jamie on the phone and gave the phone to Britney. I heard her say that she wanted to see him.

"Right now, baby?" She said no. "Ten in the morning?"

"No, noon."

It was something.

I spent the rest of the night at Britney's house and finally got to sleep about four in the morning. For the longest time I couldn't sleep. I was so worked up, so agitated by the situation. I don't think Britney ever went to bed that night. All night long, I went through the motions of pretending I believed Sam's lies, while inside I was revolted and full of questions. How could this possibly have a good ending? It was a sense of deep shock that things had spiraled downward so fast, yet I had to control myself and not let anyone sense what I was really feeling, that my head was spinning.

### *The Thank-You Note*

Jamie came to pick me up the next morning. Jamie gave Britney a big hug and said to her, "Baby, you're OK?"

Britney said, "I'm fine," then burst into tears.

## THROUGH THE STORM

Later the next day, on January 29, Jackie showed me a text message she had received from Sam: "Thanks for telling Jamie all your bulls—t. He just hit me. Now you guys did your deed. Much accomplished. Good job."

But he still had my daughter in his clutches. We didn't accomplish enough.

*twenty-nine*

## BREAKING THE STRANGLEHOLD



I didn't see Britney again for two and a half days, until Wednesday night, when Sam called me and asked me to come over to the house. Since I had seen her last, I had been in a state of anguish. Clearly, this was a life-or-death situation, and I prayed without stopping for another opening. Quiet plans had been underway for six weeks for Jamie to petition the court for temporary conservatorship of Britney, but it seemed like an impossible dream at that point, with Sam still so entrenched in her life. In fact, Jamie was going to file for the conservatorship on January 22, eight days beforehand, but he and his business manager, Lou, felt God leading them to wait, fast, and pray, despite the frustration of a phalanx of lawyers.

Something drastic would have to happen for Sam to lose control and for Jamie to gain control of his daughter, who was, after all, an adult woman; I shuddered to think of what depths of desperation we would have to plumb to regain charge of our child.

When Sam called, he said he had been tipped off that somebody was coming to try to commit Britney again. "What are you talking about?" I said. "They can't take her like that!"

"Yes they can," he said, acting as if it was out of his hands. But when

## THROUGH THE STORM

I got to the house, Sam was nowhere to be found, something I thought was very odd at the time. In a flash of panic, I knew who was really behind this.

"Britney, get out of here now!" I shouted to her. "Sam wants you to be committed again! He says there are people coming to get you!" Sam showed up then and looked at me as if I had lost my mind. Poor Britney didn't know who to believe. "Come with me right now!" I begged.

Before we could act, there was a pounding knock on the door; within seconds, at least twenty police officers stormed into the house. One of them announced that they were there to apprehend Britney and take her to the UCLA Medical Center, on another 5150 hold.

"On what grounds are you taking my daughter?" I said as firmly as I could, though I was trembling.

"We have our orders," the officer practically barked at me. I was afraid to move a muscle. *Why are all these huge guys here to take my one-hundred-twenty-pound daughter?*

Britney in no way resisted them. She was polite and subdued, even as they strapped her into a gurney.

"Why do you have to strap her down like that?" I demanded. "She's not resisting you!" One of the cops glared at me. "We'll restrain you if you cause any problems," he said. "Just sit over there and be quiet." At this point, they had us all standing in different parts of the room, separated as if we were common criminals. I had called Jamie to let him know what was happening to Britney, and both of us were crying. How could this be happening to our daughter? She started crying for me, "Mama, Mama!" I was in agony.

"I'm here, I'm here, baby," I said, tears streaming down my face. "Please let me ride with her!" I pleaded. But they wouldn't budge. I was more afraid than when they had airlifted my comatose little boy, all those years ago.

The admittance slip of the psychiatric ward of UCLA Medical

## BREAKING THE STRANGLEHOLD

Center said she had been driving recklessly, not taking her medicine as directed, and wasn't sleeping properly. *Aha, I thought. No one could know that except for Sam.* Later, I found out that he had been working in conjunction with the Smart Team, a branch of the police force that watches for DUI and reckless drivers.

Jackie, Adnan, Britney's paparazzi boyfriend; and I raced out the door after Britney as she was put into an ambulance. I could hear the whirring of helicopters circling the sky overhead, and I could see police on motorcycles and in cars, and all kinds of emergency vehicles. Afterward, I would wonder how many thousands of dollars were spent capturing one hurting, vulnerable young woman and bringing her to the hospital. It was ludicrous! We jumped in Jackie's car and followed the caravan of vehicles all the way to UCLA Medical Center, where Britney was admitted, at 4 a.m., for the second time in one month, into the psych ward of a hospital.

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HER TO THE HOSPITAL.

### *God's Plan Trumps Sam's*

Hours passed before we were allowed to see Britney. None of the doctors would speak to any of the family members, including me—they would only talk to Sam. We knew he was there, because some of the paparazzi were texting Jackie and me, telling us that Sam had been texting them, feeding them details of Britney's condition and her surroundings in the hospital.

When we were finally allowed to visit Britney in a room, I was incensed to find Sam sitting on her bed, laughing. "What are *you* doing

## THROUGH THE STORM

here?" I railed at him. "You put her in here!" He had a look on his face like the car who got the cream.

"You're the one who always causes drama," he said, grinning. "They should put *you* in here."

He calmly paged a nurse, and when she got to the room, he said, gesturing to me, "Nurse, she's causing a disturbance." It was absolutely maddening. I was tearing my hair out, trying to think of a way to get this man out of my daughter's hospital room, and out of her life for good. "Just calm down, Mama," Britney said, looking at Sam for his approval.

But God had answered our prayers, and he planted a seed of doubt in the doctor's mind about Britney's gatekeeper while Sam ran out to get some food for her. Jamie and I went to the team of doctors caring for Britney and pleaded our case, telling them all I had observed at Britney's house a few nights before. The main doctor suddenly decided that he didn't have an adequate grasp on Britney's condition, or the situation as a whole; he decreed that there would be no more visitors until he could ascertain more information. When Sam sailed in about an hour later, smiling at photographers and clutching a bag of food from In-N-Out Burger, he was denied entry to Britney's room. We weren't allowed in either, but it was no small victory to have Sam barred from her side.

For three more days, Britney underwent tests and evaluation to determine what exactly was going on with

her. We spent much of our time in the hospital, waiting, worrying, praying. To see my child like that—at the lowest ebb of her life—almost killed me. I was overcome with a feeling of sadness and helplessness. Britney was under the impression we had put her in there, and we told her over and over again we hadn't. I must admit, I probably never

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## BREAKING THE STRANGLEHOLD

would have had the courage to commit her to a psych ward, but it ended up being the turning point for her, and for all of us.

Not only would Britney finally receive the medical care and counseling she needed, but her second committal ended up being the catalyst for driving Sam out of her life. He pulled the trigger, so to speak, setting up the whole scenario so she would be committed again, based on the belief that this would drive Adnan out of Britney's life. Sam was bitterly jealous of Adnan and knew he couldn't control him. But his plan backfired, and he was the one who ended up being driven out of her life. I kept thinking of that verse from the final chapter in Genesis: "You planned evil against me but God used those same plans for my good." That verse certainly jumps off the page for me now.

Because of all the horrible things Jackie and I saw and heard that night at Britney's house, we had the ammunition to file for a restraining order against Sam. Before my daughter was released from the hospital, a lawyer came to Jamie's apartment, where Jackie and I were asked to give an account of the events of that night. First thing Monday morning, we were in court, presenting our deposition and petitioning the judge for a restraining order against Sam and for a temporary conservatorship for Jamie. After a long day of sitting and waiting, the judge granted us both the restraining order and the conservatorship. Tears of relief and joy filled my eyes. *Thank you. Thank you. Thank you, God.* Sam was out. I could be Britney's mother again, and Jamie could be her daddy. As we walked out of the courtroom, we were taking our first steps on the road to healing our family.

1 PROOF OF SERVICE

2 STATE OF CALIFORNIA ]  
3 ]ss.  
4 COUNTY OF LOS ANGELES ]

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

8 On April 16, 2009, I served the following document(s) described as **FIRST AMENDED**  
9 **COMPLAINT FOR: (1) LIBEL; (2) DEFAMATION; (3) BATTERY; (4) LIED; (5) BREACH**  
10 **OF CONTRACT; AND (6) QUANTUM MERUIT** on the interested parties in this action as  
11 follows:

12 [X] STATE

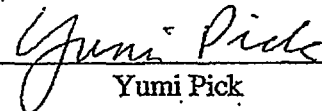
13 [ ] by transmitting via facsimile the document(s) listed above to the fax number(s) set forth  
14 below on this date before 5:00 p.m. from (310) 201-0045 to \_\_\_\_\_. The  
15 transmission was reported as complete and without error, and a transmission report was  
16 properly issued by the transmitting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

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

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

28 PLEASE SEE THE ATTACHED SERVICE LIST.

I declare under penalty of perjury under the laws of the State of California that the above  
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Yumi Pick



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LUTFI v. SPEARS, ET AL.

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

AUG 17 2012

John A. Clarke, Executive Officer/Clerk  
BY [Signature] Deputy  
Gloria Robinson

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SUPERIOR COURT OF CALIFORNIA  
FOR LOS ANGELES COUNTY

SAM LUTFI, an individual,  
Plaintiff,

vs.

LYNNE IRENE SPEARS, an  
individual; JAMES PARNELL  
SPEARS, an individual; BRITNEY  
JEAN SPEARS, an individual; and  
DOES 1 through 25, inclusive,

Defendants.

Case No. BC 406904

RENEWED NOTICE TO PRODUCE  
BRITNEY SPEARS, JAMES  
PARNELL SPEARS AND ANDREW  
WALLET AS WITNESS AT TRIAL

-and-

DEMAND FOR PRODUCTION OF  
DOCUMENTS AT TRIAL

[C.C.P. §1987]

TRIAL: October 1, 2012  
Time: 10:00 a.m.  
Dept.: 71 (Hon. Soussan G.  
Bruguera)

TO THE CONSERVATORS OF BRITNEY SPEARS AND TO THE  
CONSERVATEE AND TO HER/THEIR COUNSEL OF RECORD HEREIN:

PLEASE TAKE NOTICE that Plaintiff Sam Lutfi hereby demands,  
pursuant to C.C.P. §1987, the attendance of Britney Spears and Conservators  
James Parnell Spears and Andrew Wallet at the trial of this action as  
witnesses for Plaintiff. Plaintiff is prepared to enter into an agreement for said  
witnesses to be "on call." Unless and until such an agreement is reached, this  
demand requires the attendance of said witnesses commencing at 10:00 a.m.

RENEWED Notice to Produce Britney Spears as Trial Witness  
and Demand for Production of Documents at Trial  
LASC No. BC406904

Exhibit 16A

EXHIBIT 2

1 on October 1, 2012, in Department 71 of the Los Angeles Superior Court,  
2 located at 111 N. Hill Street, Los Angeles, California.

3 **PLEASE TAKE FURTHER NOTICE** that, pursuant to C.C.P. §1987©,  
4 Conservators James Parnell Spears and Andrew Wallet and the Defendant-  
5 Conservatee, are instructed to produce the documents identified in Exhibit  
6 "A" at the trial of this matter, for use as evidence for Plaintiff.

7 **PURSUANT TO CODE OF CIVIL PROCEDURE §1987, THIS NOTICE**  
8 **HAS THE SAME FORCE AND EFFECT AS A SUBPOENA DUCES TECUM.**

9 Dated: August 7, 2012

JOSEPH D. SCHLEIMER  
ATTORNEY AT LAW

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13 BY:   
14 Joseph D. Schleimer, Attorney for  
15 Plaintiff Sam Lutfi  
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RENEWED Notice to Produce Britney Spears as Trial Witness  
and Demand for Production of Documents at Trial  
LASC No. BC406904



1 "DOCUMENT," as used in these Demands for Production,  
2 means the original and all copies of handwriting, typewriting,  
3 printing, photostating, photographing, photocopying, electronic or  
4 facsimile transmission, electronically stored data, every other  
5 means of recording information, and any and all forms of  
6 communication or representation, including letters, words,  
7 pictures, sounds or symbols, or combinations thereof, and any  
8 record thereby created, regardless of the manner in which the  
9 record has been stored and includes (but is not limited to) any  
10 and all "writings" as defined in Evidence Code §250.

11 **Demand for Production No. 5:**

12 The FINANCIAL RECORDS covering the ARTISTIC, ENDORSEMENT  
13 AND MERCHANDISING INCOME OF BRITNEY SPEARS for the period June 1,  
14 2007 through October 31, 2011.

15 "FINANCIAL RECORDS" means ledgers, income and expense  
16 reports, and profit and loss statements; any and all contracts with and  
17 accountings or statements to or from record companies; any and all  
18 contracts with and accountings or statements to or from music  
19 publishers; any and all contracts with and accountings or statements to  
20 or from concert producers or tour promoters; any and all contracts with  
21 and accountings or statements to or from product endorsees; any and  
22 all contracts with or accountings and statements to or from artist  
23 managers; any and contracts with and accountings or statements to or  
24 from talent agents; any and all contracts with and accountings or  
25 statements to or from business managers; any and all contracts with  
26 and accountings or statements to or from accountants; all accountings  
27 or statements prepared by or for the CONSERVATORS; and all  
28 accountings or statements filed by or for the CONSERVATORS with the

1 Los Angeles Superior Court.

2 "ARTISTIC, ENDORSEMENT AND MERCHANDISING INCOME OF  
3 BRITNEY SPEARS" means income stemming from the artistic,  
4 entertainment, product endorsement or merchandising activities, work  
5 product, engagements, and related activities of Britney Spears, whether  
6 received directly by her or through one of her corporations or other  
7 business entities. "ARTISTIC, ENDORSEMENT AND MERCHANDISING  
8 INCOME OF BRITNEY SPEARS" includes (but is not limited to) any and  
9 all income generated by Britney Spears' past or present artistic,  
10 entertainment, product endorsement or merchandising services, work  
11 product or licensing in any aspect of the entertainment, creative,  
12 product endorsement and merchandising industries, including (but not  
13 limited to), singing, composing, recording, performing, touring, dancing,  
14 scoring, designing, posing, conducting, acting, writing, directing,  
15 producing, painting, drawing, creating, filming, photographing,  
16 videotaping, making personal appearances, endorsing, licensing,  
17 marketing and merchandising. "ARTISTIC, ENDORSEMENT AND  
18 MERCHANDISING INCOME OF BRITNEY SPEARS" includes (but is not  
19 limited to) advances, royalties, participations, earnings, fees, or salary;  
20 receipt of any partnership interest, stock, units or any other interest in  
21 a business or venture; bonuses, shares of profit, valuable perquisites,  
22 and any share of gross receipts; any share of net receipts, music  
23 publishing income, residuals, reuse fees, recording funds, license fees,  
24 tour support, or business gifts; and any in-kind income or other  
25 considerations of any kind or nature whatsoever earned or received  
26 directly or indirectly by Britney Spears, individually or through a  
27 corporation or other business entity.  
28

RENEWED Notice to Produce Britney Spears as Trial Witness  
and Demand for Production of Documents at Trial  
LASC No. BC406904

1 **Demand for Production No. 6:**

2 The ledgers, income and expense reports, and profit and loss  
3 statements PERTAINING TO BRITNEY SPEARS for the period June 1, 2007  
4 through October 31, 2011.

5 **Demand for Production No. 7:**

6 The ledgers, income and expense reports, profit and loss statements, r  
7 accountings and financial statements PERTAINING TO BRITNEY SPEARS  
8 prepared by and for the CONSERVATORS pertaining to the periods from June  
9 1, 2007 through October 31, 2011.

10 "PERTAINING TO BRITNEY SPEARS" means related to Britney  
11 Spears, whether she is doing business personally or through one of her  
12 corporations or other business entities.

13 **Demand for Production No. 8:**

14 The accountings and statements PERTAINING TO BRITNEY SPEARS  
15 filed by the CONSERVATORS with the Los Angeles Superior Court for the  
16 periods June 1, 2007 through October 31, 2011.

17 **Demand for Production No. 9:**

18 The accountings, reports, disbursements and statements from record  
19 companies PERTAINING TO BRITNEY SPEARS for the periods June 1, 2007  
20 through October 31, 2011.

21 **Demand for Production No.10:**

22 The accountings, reports, disbursements and statements from music  
23 publishers PERTAINING TO BRITNEY SPEARS for the periods June 1, 2007  
24 through October 31, 2011.

25 **Demand for Production No. 11:**

26 The accountings, reports, disbursements and statements from licensees  
27 PERTAINING TO BRITNEY SPEARS for the periods June 1, 2007 through  
28 October 31, 2011.

1 **Demand for Production No. 12:**

2 The accountings, reports, disbursements and statements from product  
3 endorsees PERTAINING TO BRITNEY SPEARS for the periods from June 1,  
4 2007 through October 31, 2011.

5 **Demand for Production No. 13:**

6 The accountings, reports, disbursements and statements from  
7 merchandisers PERTAINING TO BRITNEY SPEARS for the periods from June  
8 1, 2007 through October 31, 2011.

9 **Demand for Production No. 14:**

10 The accountings, reports, disbursements and statements from  
11 marketers PERTAINING TO BRITNEY SPEARS for the periods from June 1,  
12 2007 through October 31, 2011.

13 **Demand for Production No. 15:**

14 The accountings, reports, disbursements and statements for Britney  
15 Spears' artist managers for the periods June 1, 2007 through October 31,  
16 2011.

17 **Demand for Production No. 16:**

18 The accountings, reports, disbursements and statements from talent  
19 agents PERTAINING TO BRITNEY SPEARS for the periods June 1, 2007  
20 through October 31, 2011.

21 **Demand for Production No. 17:**

22 The accountings, reports, disbursements and statements from personal  
23 appearance producers and promoters PERTAINING TO BRITNEY SPEARS for  
24 the periods June 1, 2007 through October 31, 2011.

25 **Demand for Production No. 18:**

26 The accountings, reports, disbursements and statements from business  
27 managers PERTAINING TO BRITNEY SPEARS for the periods June 1, 2007  
28 through October 31, 2011.

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RENEWED Notice to Produce Britney Spears as Trial Witness  
and Demand for Production of Documents at Trial  
LASC No. BC406904



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**Abstract**

**Abstract**

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1 other party to make payments or perform in some fashion is still OPERATIVE.  
2 Similarly, a contract which has been fully performed on both sides but still  
3 has some contingency which might result in a further obligation of  
4 performance is still OPERATIVE.

5 **Demand for Production No. 25:**

6 Any and all CONTRACTS with music publishers PERTAINING TO  
7 BRITNEY SPEARS which were OPERATIVE at any time during the period June  
8 1, 2007 through October 31, 2011.

9 **Demand for Production No. 26:**

10 Any and all CONTRACTS with concert producers PERTAINING TO  
11 BRITNEY SPEARS which were OPERATIVE at any time during the period June  
12 1, 2007 through October 31, 2011.

13 **Demand for Production No. 27:**

14 Any and all CONTRACTS with product endorsees PERTAINING TO  
15 BRITNEY SPEARS which were OPERATIVE at any time during the period June  
16 1, 2007 through October 31, 2011.

17 **Demand for Production No. 28:**

18 Any and all CONTRACTS with merchandisers PERTAINING TO BRITNEY  
19 SPEARS which were OPERATIVE at any time during the period June 1, 2007  
20 through October 31, 2011.

21 **Demand for Production No. 29:**

22 Any and all CONTRACTS with marketers PERTAINING TO BRITNEY  
23 SPEARS which were OPERATIVE at any time during the period June 1, 2007  
24 through October 31, 2011.

25 **Demand for Production No. 30:**

26 Any and all CONTRACTS with tour promoters PERTAINING TO  
27 BRITNEY SPEARS which were OPERATIVE at any time during the period June  
28 1, 2007 through October 31, 2011.

1 **Demand for Production No. 31:**

2 Any and all CONTRACTS with artist managers PERTAINING TO  
3 BRITNEY SPEARS which were OPERATIVE at any time during the period June  
4 1, 2007 through October 31, 2011.

5 **Demand for Production No. 32:**

6 Any and all CONTRACTS with talent agents PERTAINING TO BRITNEY  
7 SPEARS which were OPERATIVE at any time during the period June 1, 2007  
8 through October 31, 2011.

9 **Demand for Production No. 33:**

10 Any and all CONTRACTS with business managers PERTAINING TO  
11 BRITNEY SPEARS which were OPERATIVE at any time during the period June  
12 1, 2007 through October 31, 2011.  
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1 PROOF OF SERVICE  
2 BY FAX & U.S. MAIL

3 I am employed in the County of Los Angeles, State of California. I am  
4 over the age of 18 and not a party to the within action. My business address  
5 is 9401 Wilshire Boulevard, Suite 1250, Beverly Hills, California 90212.

6 On \*August 7, 2012 I served the foregoing document described as: \*  
7 **RENEWED NOTICE TO PRODUCE BRITNEY SPEARS, JAMES PARNELL**  
8 **SPEARS AND ANDREW WALLET AS WITNESS AT TRIAL -and-**  
9 **DEMAND FOR PRODUCTION OF DOCUMENTS AT TRIAL [C.C.P. §1987]**  
10 \* on the interested parties in this action by placing a true copy thereof  
11 enclosed in sealed envelopes addressed as follows:

12 See attached service list

13 BY U. S. MAIL

14 I deposited the sealed envelopes in the United States mail at Beverly  
15 Hills, California, addressed as stated above. The envelopes were mailed  
16 with first class postage thereon fully prepaid.

17 BY TELECOPIER:

18 I transmitted a copy of this document by telecopier to each of the fax  
19 numbers set forth on the service list.

20 Executed on \*August 7, 2012\* at Beverly Hills, California.

21 (State) I declare under penalty of perjury under the laws of the  
22 State of California that the above is true and correct.

23 Joseph D. Schler  
24 Type or Print Name

25 [Signature]  
26 Signature

Service List  
Lutfi v Spears

Joel E. Boxer, Esq.  
Bonita D. Moore, Esq.  
Bird Marella Boxer Wolpert  
Nessim Dooks & Lincenberg  
1875 Century Park East, 23<sup>rd</sup> Floor  
Los Angeles, California 90067  
Fax No. (310) 201-2110

Leon J. Gladstone, Esq.  
Michael Aiken, Esq  
Gladstone Michel Weisberg Willner &  
Sloane ALC  
4551 Glencoe Avenue 300  
Marina Del Rey, CA 90292  
Fax No. (310) 775-8775

*Attorneys for James Spears as  
Conservator of the Estate of Britney  
Spears*

*Attorneys for Defendant James P.  
Spears*

Stephen F. Rohde, Esq.  
Rohde & Victoroff  
1880 Century Park East 411  
Los Angeles, California 90067  
Fax No. (310) 277-1485

*Attorneys for Defendant Lynne Irene  
Spears*

RENEWED Notice to Produce Britney Spears as Trial Witness  
and Demand for Production of Documents at Trial  
LASC No. BC406904

TRANSMISSION VERIFICATION REPORT

TIME : 08/07/2012 17:51  
NAME : J.D. SCHLEIMER  
FAX : 3102739809  
TEL : 3102739807  
SER.# : K8J788349

DATE, TIME	08/07 17:49
FAX NO./NAME	13102012110
DURATION	00:01:49
PAGE(S)	12
RESULT	OK
MODE	STANDARD
	ECM

TRANSMISSION VERIFICATION REPORT

TIME : 08/07/2012 17:55  
NAME : J.D. SCHLEIMER  
FAX : 3102739809  
TEL : 3102739807  
SER.# : K8J788349

DATE, TIME	08/07 17:53
FAX NO./NAME	13107758775
DURATION	00:02:12
PAGE(S)	12
RESULT	OK
MODE	STANDARD ECM

TRANSMISSION VERIFICATION REPORT

TIME : 08/07/2012 18:01  
NAME : J.D. SCHLEIMER  
FAX : 3102739809  
TEL : 3102739807  
SER.# : K8J788349

DATE, TIME	08/07 17:58
FAX NO./NAME	13102771485
DURATION	00:03:16
PAGE(S)	12
RESULT	OK
MODE	STANDARD
	ECM



1 Joseph D. Schleimer - Bar No. 125049  
 2 9401 Wilshire Boulevard, Suite 1250  
 3 Beverly Hills, California 90212  
 4 Telephone: (310) 273-9807  
 5 Telecopier: (310) 273-9809  
 6 schleimerlaw@msn.com

7 Attorney for Plaintiff Sam Lutfi

8  
 9 **SUPERIOR COURT OF CALIFORNIA**  
 10 **FOR LOS ANGELES COUNTY**

11 **SAM LUTFI, an individual,**

12 **Plaintiff,**

13 Case No. BC 406904

14 **MOTION TO COMPEL**  
 15 **COMPLIANCE WITH C.C.P.**  
 16 **§1987(b) NOTICE TO MAKE**  
 17 **BRITNEY SPEARS AVAILABLE**  
 18 **AT TRIAL AS WITNESS FOR**  
 19 **PLAINTIFF**

20 -and-

21 **DECLARATION OF JOSEPH D.**  
 22 **SCHLEIMER, ESQ.**

23 [Trial Exhibit 60 - DVD Video  
 24 Lodged Concurrently Herewith]

25 [C.C.P. §1987(b)]

26 **LYNNE IRENE SPEARS, an**  
 27 **individual; JAMES PARNELL**  
 28 **SPEARS, an individual; BRITNEY**  
**JEAN SPEARS, an individual; and**  
**DOES 1 through 25, inclusive,**

**Final Status Conference:**  
 Date: 9/25/12  
 Time: 10:00 a.m.  
 Dept: 71 (Hon. Soussan G.  
 Bruguera)

**Defendants.**

Filed: 2/3/09  
 Trial: 10/1/12  
 DCO: 12/24/11

**TO DEFENDANTS AND TO THEIR COUNSEL OF RECORD HEREIN:**

**PLEASE TAKE NOTICE:** At the Final Status Conference, Plaintiff Sam  
 Lutfi shall move to compel compliance with his C.C.P. §1987(b) Notice to  
 make Defendant Britney Spears available at trial as a witness for Plaintiff:

Motion to Compel Compliance With CCP §1987 Notice to  
 Make Defendant Britney Spears Available as Witness for Plaintiff at Trial  
 LASC No. BC406904

**EXHIBIT 3**

**Motion to Compel Compliance  
with C.C.P. §1987(b) Notice**

Britney Spears spent almost two years interacting with her manager, Sam Lutfi,<sup>1</sup> which makes her a material witness to most of the major issues in this case.

Plaintiff served a C.C.P. §1987(b) notice, to compel Britney's availability as a witness during trial,<sup>2</sup> but Defendant James Parnell Spears ("James Parnell"), in his role as Conservator, *objected* on the grounds Britney is supposedly *mentally incompetent* to testify.<sup>3</sup> Although Defendant claims to have *medical evidence* to support that assertion, he refuses to disclose it.<sup>4</sup>

Lodged herewith as Trial Exhibit 60 is a DVD of video footage, shot within the past three months, in which Britney is lucid, articulate, oriented, and responds intelligently to inquiries from the media. This material was taped because Fox Television paid \$15,000,000 for Britney's services as a judge on *The X Factor*, and she has been performing – extemporaneously – on that television program for months.<sup>5</sup> (The program debuts September 12, 2012.)

Under California law even a mentally ill person may be called to testify so long as they are capable of expressing themselves and "understanding the

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<sup>1</sup> Declaration of Joseph D. Schleimer, Esq., ¶2

<sup>2</sup> Trial Exhibit 16A

<sup>3</sup> Schleimer Dec., ¶2

<sup>4</sup> Schleimer Dec., ¶2. Pursuant to LASC Rule 3.57, Plaintiff inquired and the Conservators announced their intention to move to quash the C.C.P. §1987(b) Notice. Then, for good measure, they served a formal objection to the Notice. Since then they have made it perfectly clear they will not produce Britney as a witness unless *ordered* to do so. Schleimer Dec., ¶3

<sup>5</sup> Schleimer Dec., ¶2

1 duty of a witness to tell the truth. . . ." Evid.C. §701; People v. Anderson  
2 (2001) 25 Cal.4th 543, 572-573. "[T]he burden of proof is on the party who  
3 objects to the proffered witness." Id., 24 Cal.4th at 573.

4 Britney is a party, she is a *material witness*, she is manifestly capable of  
5 testifying, and her testimony will refute serious allegations made by the  
6 Conservators – including the allegations that Plaintiff drugged Britney, cut her  
7 telephone wires and disabled her automobiles. In this context, Plaintiff  
8 respectfully submits he has a Due Process right to her testimony. U.S. Const.,  
9 Amend. XIV; California Const., Art. I, §§1-7

#### 10 **Materiality of Britney's Testimony**

11 Britney is a material witness to *most* of the contested issues in this  
12 case. Here are some *examples*:

13 ▶ Britney retained Plaintiff as her manager under an oral  
14 contract. The Conservators, purporting to act *in loco* Britney, *denied* the  
15 existence of the oral contract. They also disputed the terms. Plaintiff proffers  
16 Britney's testimony to *refute* the Conservators' contentions, and to corroborate  
17 Plaintiff's testimony as to the existence and terms of the oral contract.<sup>6</sup>

18 ▶ On October 13, 2007, Britney sent an email to Sam Lutfi,  
19 confirming aspects of the oral management agreement. The Conservators  
20 dispute the authenticity of the October 13 email. In the alternative, they  
21 dispute what it means. Britney was the *author* of the October 13 email, so she  
22 can authenticate it, explain what it meant, and detail the circumstances  
23 under which it was sent.<sup>7</sup>

24 ▶ Britney is a witness to her father's *violence and threats* directed at  
25 Sam Lutfi. For example, on December 17, 2007, James Parnell sent Sam

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26  
27 <sup>6</sup> Schleimer Dec., ¶4

28 <sup>7</sup> Schleimer Dec., ¶4

1 Lutfi a text message which stated: "If and when I met u one thing is going to  
2 happen I am going to jail and u r going to the hospital."<sup>8</sup> Cell phone billing  
3 records (attached to the exhibit) show the text originated with James Parnell's  
4 cell phone, but he *denies* sending it. Britney can authenticate the December  
5 17, 2007 text message because she was with Mr. Lutfi when he received it;  
6 she was a witness to the back-and-forth communications with James Parnell  
7 which preceded it; she can authenticate her father's cell phone number and  
8 writing style; and she can authenticate her father's use of "Jamie Spears" as  
9 his text message "tag."<sup>9</sup>

10 ▶ James Parnell, as Conservator, formally accused Mr. Lutfi of  
11 "drugging" Britney and isolating her by cutting her telephone wires and  
12 disabling her automobiles and cell phones.<sup>10</sup> Who better than Britney Spears  
13 to refute those allegations? Likewise, who better than Britney to testify that  
14 the Conservators *knew* the allegations were false?

15 ▶ Britney's mother, Defendant Lynne Spears ("Lynne"), published  
16 an autobiography, *Through the Storm*, in which she accused Sam Lutfi of  
17 standing as a barrier between mother and daughter as part of a "predatory"  
18 plot to control Britney by isolating her from family, friends and advisors. In  
19 her book, Lynne also repeated the accusations that Mr. Lutfi drugged Britney,  
20 cut her telephone wires and disabled her automobiles, as part of his  
21 "Svengali" tactics.

22 Plaintiff proffers Britney as a witness on his libel claim, to refute  
23 Lynne's allegations of drugging, cutting phone wires and disabling  
24 automobiles. Britney's testimony will also refute the charge that Mr. Lutfi

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25  
26 <sup>8</sup> Trial Exhibit 11

27 <sup>9</sup> Schleimer Dec., ¶4

28 <sup>10</sup> Schleimer Dec., ¶4

1 tried to separate Britney from her mother. Among other things, Britney will  
2 testify that Mr. Lutfi made numerous efforts to bring about a *reconciliation*  
3 between mother and daughter; he worked hard to persuade Britney to end her  
4 estrangement from her mother; and Mr. Lutfi arranged a *reunion of mother*  
5 *and daughter* on October 9, 2007, as depicted in the attached photograph of  
6 said reunion.<sup>11</sup>

7       James Parnell recently filed a series of *hearsay* objections,  
8 seeking to strike portions of Mr. Lutfi's declaration on the grounds they  
9 constituted hearsay from Britney.<sup>12</sup> Concurrently, James Parnell seeks to  
10 block Plaintiff from curing said hearsay objections by calling Britney as a  
11 witness. These bad faith tactics underscore the need to make Britney  
12 available as a witness for Plaintiff at trial.

13                                   **Conclusion**

14       The Court should enforce the C.C.P. §1987(b) notice and order that  
15 Britney *shall* be made available as a witness for Plaintiff at trial.

16 ***Respectfully submitted,***

17 **Dated: August 29, 2012**

**JOSEPH D. SCHLEIMER  
ATTORNEY AT LAW**

18  
19  
20  
21 **BY:  Joseph D. Schleimer, Attorney  
22 for Plaintiff Sam Lutfi**  
23  
24  
25  
26

27       <sup>11</sup> Trial Exhibit 21

28       <sup>12</sup> Exhibit 16B, objections 4, 7, 8; objection to Trial Exhibit 11

1                                   **Declaration of Joseph D. Schleimer, Esq.**

2       I, *Joseph D. Schleimer*, do declare and state:

3           1.     I am an attorney at law, duly licensed to practice before this  
4       Honorable Court, and I am counsel of record herein for Plaintiff Sam Lutfi. If  
5       called and sworn as a witness, I could and would testify to the following from  
6       personal knowledge.

7           2.     The evidence will show that Britney Spears spent almost two  
8       years interacting with her manager, Sam Lutfi, and that makes her a material  
9       witness to most of the major issues in this case. I served a C.C.P. §1987(b)  
10      notice to compel Britney's availability as a witness during trial (Trial Exhibit  
11      16A) but Defendant James Parnell Spears ("James Parnell"), in his role as  
12      Conservator, objected on the grounds Britney is supposedly mentally  
13      incompetent to testify. Although Defendant claims to have medical evidence  
14      to support that assertion, I asked for that evidence and Defendants refused to  
15      disclose it. Lodged herewith as Trial Exhibit 60 is a DVD of video footage, shot  
16      within the past three months, in which Britney is lucid, articulate, oriented,  
17      and responds intelligently to inquiries from the media. This material was  
18      taped because Fox Television paid \$15,000,000 for Britney's services as a  
19      judge on *The X Factor*, and she has been performing – extemporaneously – on  
20      that television program for months. The program debuts September 12, 2012.

21          3.     I have complied with LASC Rule 3.57. After service of the Notice,  
22      I inquired whether Britney would be produced and counsel for the  
23      Conservators announced his intention to *move to quash* the C.C.P. §1987(b)  
24      Notice. For good measure, he then served a formal objection to the Notice.  
25      Since counsel made it perfectly clear the Conservators will not produce  
26      Britney as a witness unless *ordered* to do so, there was no further reason to  
27      "meet and confer."  
28

1           4.     The evidence will show that Britney is a material witness to *most*  
2 of the contested issues in this case. Here are some *examples*: Britney retained  
3 Plaintiff as her manager under an oral contract. The Conservators,  
4 purporting to act *in loco* Britney, *denied* the existence of the oral contract.  
5 They also disputed the terms. Plaintiff proffers Britney's testimony because we  
6 expect her to *refute* the Conservators' contentions, and to corroborate  
7 Plaintiff's testimony as to the existence and terms of the oral contract. (Trial  
8 Exhibit 4) On October 13, 2007, Britney sent an email to Sam Lutfi,  
9 confirming aspects of the oral management agreement. The Conservators  
10 dispute the authenticity of the October 13 email. In the alternative, they  
11 dispute what it means. I seek to call Britney because she was the *author* of  
12 the October 13 email, so she can authenticate it, explain what it meant, and  
13 detail the circumstances under which it was sent. I am informed that Britney  
14 is a witness to her father's *violence and threats* directed at Sam Lutfi. For  
15 example, I am informed that, on December 17, 2007, James Parnell sent Sam  
16 Lutfi a text message which stated: "If and when I met u one thing is going to  
17 happen I am going to jail and u r going to the hospital." (Trial Exhibit 11)  
18 Although cell phone billing records (attached to the exhibit) show the text  
19 originated with what I understand is James Parnell's cell phone, he *denies*  
20 sending it. I wish to call Britney to authenticate the December 17, 2007  
21 because I am informed she was with Mr. Lutfi when he received it; she was a  
22 witness to the back-and-forth communications with James Parnell which  
23 preceded it; she can authenticate her father's cell phone number and writing  
24 style; and she can authenticate her father's use of "Jamie Spears" as his text  
25 message "tag." James Parnell, as Conservator, formally accused Mr. Lutfi of  
26 "drugging" Britney and isolating her by cutting her telephone wires and  
27 disabling her automobiles and cell phones. I seek to call Britney to refute  
28 those allegations. Defendant Lynne Spears ("Lynne"), published an

1 autobiography, *Through the Storm*, in which she accused Sam Lutfi of  
2 standing as a barrier between mother and daughter as part of a "predatory"  
3 plot to control Britney by isolating her. In her book, Lynne repeated the  
4 accusations that Mr. Lutfi drugged Britney, cut her telephone wires and  
5 disabled her automobiles as part of his "Svengali" tactics. I wish to call  
6 Britney as a witness on the libel claim, to refute the allegations of drugging,  
7 cutting phone wires and disabling automobiles. I also wish to call Britney  
8 because to refute Lynne's disputed charge that Mr. Lutfi tried to separate  
9 Britney from her mother. Among other things, I expect Britney will testify that  
10 Mr. Lutfi made numerous efforts to bring about a *reconciliation* between  
11 mother and daughter; he persuaded Britney to end her estrangement from her  
12 mother; and Mr. Lutfi arranged a *reunion of mother and daughter* on October  
13 9, 2007, as depicted in the attached photograph. (Trial Exhibit 21). James  
14 Parnell recently filed a series of *hearsay* objections, seeking to strike portions  
15 of Mr. Lutfi's declaration on the grounds they constituted hearsay from  
16 Britney. (Exhibit 16B, objections 4, 7, 8; objection to Trial Exhibit 11).  
17 Concurrently, James Parnell seeks to block Plaintiff from calling Britney as a  
18 witness, which would eliminate the hearsay objection. These bad faith tactics  
19 underscore the need to make Britney available as a witness for Plaintiff at  
20 trial.

21 I hereby declare pursuant to the laws of California that the foregoing is  
22 true and correct. Executed this 29<sup>th</sup> day of August, 2012, at Beverly Hills,  
23 California.

24  
25  
26   
27 Joseph D. Schleimer  
28





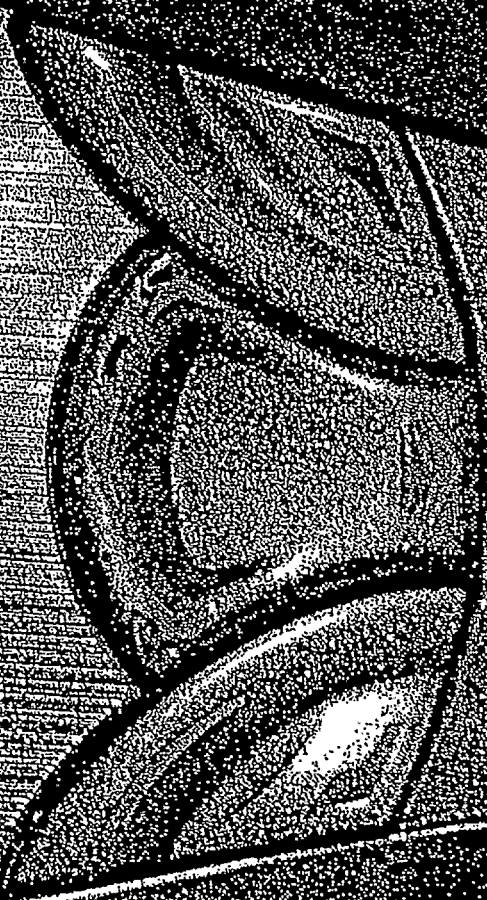
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NOKIA

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IMEI: 352012

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0445829001

12.17.2007

Options

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Itemized Details For: (310) 985-3456  
Account Number: 276934999

Customer Service Number 1-800-937-8997

Jan 10, 2008

PageA 92 of 256

12/17/07	Losangeles, CA	2:41 PM	323-599-7077	Text	1	Outgoing	\$ -
12/17/07	Incoming	2:44 PM	323-599-7077	Text	1	Incoming	\$ -
12/17/07	Incoming	2:45 PM	323-599-7077	Text	1	Incoming	\$ -
12/17/07	Incoming	3:57 PM	310-500-7680	Text	1	Incoming	\$ -
12/17/07	El Monte, CA	4:12 PM	626-315-7740	Text	1	Outgoing	\$ -
12/17/07	Incoming	4:20 PM	818-422-7720	Text	1	Incoming	\$ -
12/17/07	Beverlyhls, CA	4:22 PM	310-498-1007	Text	1	Outgoing	\$ -
12/17/07	Incoming	4:22 PM	310-854-9299	Text	1	Incoming	\$ -
12/17/07	Incoming	4:22 PM	310-854-9299	Text	1	Incoming	\$ -
12/17/07	Incoming	4:25 PM	310-498-1007	Text	1	Incoming	\$ -
12/17/07	Cmln Grdn, CA	4:27 PM	310-749-3202	Text	1	Outgoing	\$ -
12/17/07	Cmln Grdn, CA	4:27 PM	310-749-3202	Text	1	Outgoing	\$ -
12/17/07	Cmln Grdn, CA	4:28 PM	310-749-3202	Text	1	Outgoing	\$ -
12/17/07	Cmln Grdn, CA	4:29 PM	310-749-3202	Text	1	Outgoing	\$ -
12/17/07	Incoming	4:30 PM	626-315-7740	Text	1	Incoming	\$ -
12/17/07	Incoming	4:30 PM	310-749-3202	Text	1	Incoming	\$ -
12/17/07	El Monte, CA	4:30 PM	626-315-7740	Text	1	Outgoing	\$ -
12/17/07	Incoming	4:32 PM	310-749-3202	Text	1	Incoming	\$ -
12/17/07	Cmln Grdn, CA	4:32 PM	310-749-3202	Text	1	Outgoing	\$ -
12/17/07	Incoming	4:32 PM	310-749-3202	Text	1	Incoming	\$ -
12/17/07	Cmln Grdn, CA	4:32 PM	310-749-3202	Text	1	Outgoing	\$ -
12/17/07	Cmln Grdn, CA	4:33 PM	310-749-3202	Text	1	Outgoing	\$ -
12/17/07	Cmln Grdn, CA	4:35 PM	310-749-3202	Text	1	Outgoing	\$ -
12/17/07	Incoming	4:35 PM	210-413-4477	Text	1	Incoming	\$ -
12/17/07	Cmln Grdn, CA	4:36 PM	310-749-3202	Text	1	Outgoing	\$ -
12/17/07	Cmln Grdn, CA	4:37 PM	310-749-3202	Text	1	Outgoing	\$ -
12/17/07	Incoming	4:38 PM	310-749-3202	Text	1	Incoming	\$ -
12/17/07	Cmln Grdn, CA	4:39 PM	310-749-3202	Text	1	Outgoing	\$ -
12/17/07	Cmln Grdn, CA	4:40 PM	310-749-3202	Text	1	Outgoing	\$ -
12/17/07	Incoming	4:43 PM	310-749-3202	Text	1	Incoming	\$ -
12/17/07	Cmln Grdn, CA	4:44 PM	310-749-3202	Text	1	Outgoing	\$ -
12/17/07	Incoming	4:47 PM	310-749-3202	Text	1	Incoming	\$ -
12/17/07	Cmln Grdn, CA	4:49 PM	310-749-3202	Text	1	Outgoing	\$ -
12/17/07	Incoming	4:53 PM	310-749-3202	Text	1	Incoming	\$ -
12/17/07	Incoming	4:58 PM	310-749-3202	Text	1	Incoming	\$ -
12/17/07	Incoming	4:58 PM	310-749-3202	Text	1	Incoming	\$ -
12/17/07	Beverlyhls, CA	4:59 PM	310-498-4898	Text	1	Outgoing	\$ -
12/17/07	Incoming	5:00 PM	818-422-7720	Text	1	Incoming	\$ -
12/17/07	Cmln Grdn, CA	5:03 PM	310-749-3202	Text	1	Outgoing	\$ -
12/17/07	Incoming	5:15 PM	310-749-3202	Text	1	Incoming	\$ -

Call Type: (A) Call Waiting (B) Call Forward (C) Conference Call (E) Data/Fax (F) Mobile2Mobile (G) Voicemail (H) Free Calls

(K) WPS Call (U) HotSpot @Home (V) myFaves Call

05/27/10

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13

1 Joseph D. Schleimer - Bar No. 125049  
2 9401 Wilshire Boulevard, Suite 1250  
3 Beverly Hills, California 90212  
4 Telephone: (310) 273-9807  
5 Telecopier: (310) 273-9809  
6 schleimerlaw@msn.com

7 Attorney for Plaintiff Sam Lutfi

CONFORMED COPY  
ORIGINAL FILED  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

AUG 17 2012

John A. Clarke, Executive Officer/Clerk  
BY  Deputy  
Gloria Robinson

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SUPERIOR COURT OF CALIFORNIA  
FOR LOS ANGELES COUNTY

SAM LUTFI, an individual,  
Plaintiff,

vs.

LYNNE IRENE SPEARS, an  
individual; JAMES PARNELL  
SPEARS, an individual; BRITNEY  
JEAN SPEARS, an individual; and  
DOES 1 through 25, inclusive,

Defendants.

Case No. BC 406904

**RENEWED NOTICE TO PRODUCE  
BRITNEY SPEARS, JAMES  
PARNELL SPEARS AND ANDREW  
WALLET AS WITNESS AT TRIAL**

-and-

**DEMAND FOR PRODUCTION OF  
DOCUMENTS AT TRIAL**

[C.C.P. §1987]

**TRIAL: October 1, 2012  
Time: 10:00 a.m.  
Dept.: 71 (Hon. Soussan G.  
Bruguera)**

**TO THE CONSERVATORS OF BRITNEY SPEARS AND TO THE  
CONSERVATEE AND TO HER/THEIR COUNSEL OF RECORD HEREIN:**

**PLEASE TAKE NOTICE** that Plaintiff Sam Lutfi hereby demands,  
pursuant to C.C.P. §1987, the attendance of Britney Spears and Conservators  
James Parnell Spears and Andrew Wallet at the trial of this action as  
witnesses for Plaintiff. Plaintiff is prepared to enter into an agreement for said  
witnesses to be "on call." Unless and until such an agreement is reached, this  
demand requires the attendance of said witnesses commencing at 10:00 a.m.

RENEWED Notice to Produce Britney Spears as Trial Witness  
and Demand for Production of Documents at Trial  
LASC No. BC406904

Exhibit 16A

1 on October 1, 2012, in Department 71 of the Los Angeles Superior Court,  
2 located at 111 N. Hill Street, Los Angeles, California.

3 **PLEASE TAKE FURTHER NOTICE** that, pursuant to C.C.P. §1987©,  
4 Conservators James Parnell Spears and Andrew Wallet and the Defendant-  
5 Conservatee, are instructed to produce the documents identified in Exhibit  
6 "A" at the trial of this matter, for use as evidence for Plaintiff.

7 **PURSUANT TO CODE OF CIVIL PROCEDURE §1987, THIS NOTICE**  
8 **HAS THE SAME FORCE AND EFFECT AS A SUBPOENA DUCES TECUM.**

9 Dated: August 7, 2012

JOSEPH D. SCHLEIMER  
ATTORNEY AT LAW

10  
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12  
13 BY:   
14 Joseph D. Schleimer, Attorney for  
15 Plaintiff Sam Lutfi  
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RENEWED Notice to Produce Britney Spears as Trial Witness  
and Demand for Production of Documents at Trial  
LASC No. BC406904







1 "DOCUMENT," as used in these Demands for Production,  
2 means the original and all copies of handwriting, typewriting,  
3 printing, photostating, photographing, photocopying, electronic or  
4 facsimile transmission, electronically stored data, every other  
5 means of recording information, and any and all forms of  
6 communication or representation, including letters, words,  
7 pictures, sounds or symbols, or combinations thereof, and any  
8 record thereby created, regardless of the manner in which the  
9 record has been stored and includes (but is not limited to) any  
10 and all "writings" as defined in Evidence Code §250.

11 **Demand for Production No. 5:**

12 The FINANCIAL RECORDS covering the ARTISTIC, ENDORSEMENT  
13 AND MERCHANDISING INCOME OF BRITNEY SPEARS for the period June 1,  
14 2007 through October 31, 2011.

15 "FINANCIAL RECORDS" means ledgers, income and expense  
16 reports, and profit and loss statements; any and all contracts with and  
17 accountings or statements to or from record companies; any and all  
18 contracts with and accountings or statements to or from music  
19 publishers; any and all contracts with and accountings or statements to  
20 or from concert producers or tour promoters; any and all contracts with  
21 and accountings or statements to or from product endorsees; any and  
22 all contracts with or accountings and statements to or from artist  
23 managers; any and contracts with and accountings or statements to or  
24 from talent agents; any and all contracts with and accountings or  
25 statements to or from business managers; any and all contracts with  
26 and accountings or statements to or from accountants; all accountings  
27 or statements prepared by or for the CONSERVATORS; and all  
28 accountings or statements filed by or for the CONSERVATORS with the

1 Los Angeles Superior Court.

2 "ARTISTIC, ENDORSEMENT AND MERCHANDISING INCOME OF  
3 BRITNEY SPEARS" means income stemming from the artistic,  
4 entertainment, product endorsement or merchandising activities, work  
5 product, engagements, and related activities of Britney Spears, whether  
6 received directly by her or through one of her corporations or other  
7 business entities. "ARTISTIC, ENDORSEMENT AND MERCHANDISING  
8 INCOME OF BRITNEY SPEARS" includes (but is not limited to) any and  
9 all income generated by Britney Spears' past or present artistic,  
10 entertainment, product endorsement or merchandising services, work  
11 product or licensing in any aspect of the entertainment, creative,  
12 product endorsement and merchandising industries, including (but not  
13 limited to), singing, composing, recording, performing, touring, dancing,  
14 scoring, designing, posing, conducting, acting, writing, directing,  
15 producing, painting, drawing, creating, filming, photographing,  
16 videotaping, making personal appearances, endorsing, licensing,  
17 marketing and merchandising. "ARTISTIC, ENDORSEMENT AND  
18 MERCHANDISING INCOME OF BRITNEY SPEARS" includes (but is not  
19 limited to) advances, royalties, participations, earnings, fees, or salary;  
20 receipt of any partnership interest, stock, units or any other interest in  
21 a business or venture; bonuses, shares of profit, valuable perquisites,  
22 and any share of gross receipts; any share of net receipts, music  
23 publishing income, residuals, reuse fees, recording funds, license fees,  
24 tour support, or business gifts; and any in-kind income or other  
25 considerations of any kind or nature whatsoever earned or received  
26 directly or indirectly by Britney Spears, individually or through a  
27 corporation or other business entity.  
28

1 **Demand for Production No. 6:**

2 The ledgers, income and expense reports, and profit and loss  
3 statements PERTAINING TO BRITNEY SPEARS for the period June 1, 2007  
4 through October 31, 2011.

5 **Demand for Production No. 7:**

6 The ledgers, income and expense reports, profit and loss statements, r  
7 accountings and financial statements PERTAINING TO BRITNEY SPEARS  
8 prepared by and for the CONSERVATORS pertaining to the periods from June  
9 1, 2007 through October 31, 2011.

10 "PERTAINING TO BRITNEY SPEARS" means related to Britney  
11 Spears, whether she is doing business personally or through one of her  
12 corporations or other business entities.

13 **Demand for Production No. 8:**

14 The accountings and statements PERTAINING TO BRITNEY SPEARS  
15 filed by the CONSERVATORS with the Los Angeles Superior Court for the  
16 periods June 1, 2007 through October 31, 2011.

17 **Demand for Production No. 9:**

18 The accountings, reports, disbursements and statements from record  
19 companies PERTAINING TO BRITNEY SPEARS for the periods June 1, 2007  
20 through October 31, 2011.

21 **Demand for Production No.10:**

22 The accountings, reports, disbursements and statements from music  
23 publishers PERTAINING TO BRITNEY SPEARS for the periods June 1, 2007  
24 through October 31, 2011.

25 **Demand for Production No. 11:**

26 The accountings, reports, disbursements and statements from licensees  
27 PERTAINING TO BRITNEY SPEARS for the periods June 1, 2007 through  
28 October 31, 2011.

1 **Demand for Production No. 12:**

2 The accountings, reports, disbursements and statements from product  
3 endorsees PERTAINING TO BRITNEY SPEARS for the periods from June 1,  
4 2007 through October 31, 2011.

5 **Demand for Production No. 13:**

6 The accountings, reports, disbursements and statements from  
7 merchandisers PERTAINING TO BRITNEY SPEARS for the periods from June  
8 1, 2007 through October 31, 2011.

9 **Demand for Production No. 14:**

10 The accountings, reports, disbursements and statements from  
11 marketers PERTAINING TO BRITNEY SPEARS for the periods from June 1,  
12 2007 through October 31, 2011.

13 **Demand for Production No. 15:**

14 The accountings, reports, disbursements and statements for Britney  
15 Spears' artist managers for the periods June 1, 2007 through October 31,  
16 2011.

17 **Demand for Production No. 16:**

18 The accountings, reports, disbursements and statements from talent  
19 agents PERTAINING TO BRITNEY SPEARS for the periods June 1, 2007  
20 through October 31, 2011.

21 **Demand for Production No. 17:**

22 The accountings, reports, disbursements and statements from personal  
23 appearance producers and promoters PERTAINING TO BRITNEY SPEARS for  
24 the periods June 1, 2007 through October 31, 2011.

25 **Demand for Production No. 18:**

26 The accountings, reports, disbursements and statements from business  
27 managers PERTAINING TO BRITNEY SPEARS for the periods June 1, 2007  
28 through October 31, 2011.

1 **Demand for Production No. 19:**

2 Any and all accountings, reports, disbursements or statements to or  
3 from accountants PERTAINING TO BRITNEY SPEARS related to any period  
4 from June 1, 2007 through October 31, 2011.

5 **Demand for Production No. 20:**

6 Any and all accountings, reports, disbursements or statements to or  
7 from tour promoters PERTAINING TO BRITNEY SPEARS related to any period  
8 from June 1, 2007 through October 31, 2011.

9 **Demand for Production No. 21:**

10 Any and all accountings, reports, disbursements, or statements  
11 pertaining to any touring or live performance activity by Britney Spears  
12 related to any period from June 1, 2007 through October 31, 2011.

13 **Demand for Production No. 22:**

14 Any and all accountings, reports, disbursements, or statements from  
15 television broadcasters PERTAINING TO BRITNEY SPEARS related to any  
16 period from June 1, 2007 through October 31, 2011.

17 **Demand for Production No. 23:**

18 Any and all accountings, reports, disbursements, or statements related  
19 to personal appearances by Britney Spears between June 1, 2007 and  
20 October 31, 2011.

21 **Demand for Production No. 24:**

22 Any and all CONTRACTS with record companies PERTAINING TO  
23 BRITNEY SPEARS which were OPERATIVE at any time during the period June  
24 1, 2007 through October 31, 2011.

25 "CONTRACTS" means any DOCUMENTS which constitute, evidence or  
26 memorialize any oral or written agreement.

27 "OPERATIVE" means having some force and effect. For example, a  
28 contract which has been fully performed on one side but still obligates the

1 other party to make payments or perform in some fashion is still OPERATIVE.  
2 Similarly, a contract which has been fully performed on both sides but still  
3 has some contingency which might result in a further obligation of  
4 performance is still OPERATIVE.

5 **Demand for Production No. 25:**

6 Any and all CONTRACTS with music publishers PERTAINING TO  
7 BRITNEY SPEARS which were OPERATIVE at any time during the period June  
8 1, 2007 through October 31, 2011.

9 **Demand for Production No. 26:**

10 Any and all CONTRACTS with concert producers PERTAINING TO  
11 BRITNEY SPEARS which were OPERATIVE at any time during the period June  
12 1, 2007 through October 31, 2011.

13 **Demand for Production No. 27:**

14 Any and all CONTRACTS with product endorsees PERTAINING TO  
15 BRITNEY SPEARS which were OPERATIVE at any time during the period June  
16 1, 2007 through October 31, 2011.

17 **Demand for Production No. 28:**

18 Any and all CONTRACTS with merchandisers PERTAINING TO BRITNEY  
19 SPEARS which were OPERATIVE at any time during the period June 1, 2007  
20 through October 31, 2011.

21 **Demand for Production No. 29:**

22 Any and all CONTRACTS with marketers PERTAINING TO BRITNEY  
23 SPEARS which were OPERATIVE at any time during the period June 1, 2007  
24 through October 31, 2011.

25 **Demand for Production No. 30:**

26 Any and all CONTRACTS with tour promoters PERTAINING TO  
27 BRITNEY SPEARS which were OPERATIVE at any time during the period June  
28 1, 2007 through October 31, 2011.

1 **Demand for Production No. 31:**

2 Any and all CONTRACTS with artist managers PERTAINING TO  
3 BRITNEY SPEARS which were OPERATIVE at any time during the period June  
4 1, 2007 through October 31, 2011.

5 **Demand for Production No. 32:**

6 Any and all CONTRACTS with talent agents PERTAINING TO BRITNEY  
7 SPEARS which were OPERATIVE at any time during the period June 1, 2007  
8 through October 31, 2011.

9 **Demand for Production No. 33:**

10 Any and all CONTRACTS with business managers PERTAINING TO  
11 BRITNEY SPEARS which were OPERATIVE at any time during the period June  
12 1, 2007 through October 31, 2011.

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1 **PROOF OF SERVICE**  
2 **BY FAX & U.S. MAIL**

3 I am employed in the County of Los Angeles, State of California. I am  
4 over the age of 18 and not a party to the within action. My business address  
5 is 9401 Wilshire Boulevard, Suite 1250, Beverly Hills, California 90212.

6 On **\*August 7, 2012** I served the foregoing document described as: \*  
7 **RENEWED NOTICE TO PRODUCE BRITNEY SPEARS, JAMES PARNELL**  
8 **SPEARS AND ANDREW WALLET AS WITNESS AT TRIAL -and-**  
9 **DEMAND FOR PRODUCTION OF DOCUMENTS AT TRIAL [C.C.P. §1987]**  
10 \* on the interested parties in this action by placing a true copy thereof  
11 enclosed in sealed envelopes addressed as follows:

12 See attached service list

13 **BY U. S. MAIL**

14 I deposited the sealed envelopes in the United States mail at Beverly  
15 Hills, California, addressed as stated above. The envelopes were mailed  
16 with first class postage thereon fully prepaid.

17 **BY TELECOPIER:**

18 I transmitted a copy of this document by telecopier to each of the fax  
19 numbers set forth on the service list.

20 Executed on **\*August 7, 2012\*** at Beverly Hills, California.

21 (State) I declare under penalty of perjury under the laws of the  
22 State of California that the above is true and correct.

23 Joseph D. Schler  
24 Type or Print Name

25 [Signature]  
26 Signature



**Service List**  
**Lutfi v Spears**

Joel E. Boxer, Esq.  
Bonita D. Moore, Esq.  
Bird Marella Boxer Wolpert  
Nessim Dooks & Lincenberg  
1875 Century Park East, 23<sup>rd</sup> Floor  
Los Angeles, California 90067  
Fax No. (310) 201-2110

Leon J. Gladstone, Esq.  
Michael Aiken, Esq  
Gladstone Michel Weisberg Willner &  
Sloane ALC  
4551 Glencoe Avenue 300  
Marina Del Rey, CA 90292  
Fax No. (310) 775-8775

*Attorneys for James Spears as  
Conservator of the Estate of Britney  
Spears*

*Attorneys for Defendant James P.  
Spears*

Stephen F. Rohde, Esq.  
Rohde & Victoroff  
1880 Century Park East 411  
Los Angeles, California 90067  
Fax No. (310) 277-1485

*Attorneys for Defendant Lynne Irene  
Spears*

RENEWED Notice to Produce Britney Spears as Trial Witness  
and Demand for Production of Documents at Trial  
LASC No. BC406904

TRANSMISSION VERIFICATION REPORT

TIME : 08/07/2012 17:51  
NAME : J.D. SCHLEIMER  
FAX : 3102739809  
TEL : 3102739807  
SER.# : K8J788349

DATE, TIME	08/07 17:49
FAX NO./NAME	13102012110
DURATION	00:01:49
PAGE(S)	12
RESULT	OK
MODE	STANDARD ECM

TRANSMISSION VERIFICATION REPORT

TIME : 08/07/2012 17:55  
NAME : J.D. SCHLEIMER  
FAX : 3102739809  
TEL : 3102739807  
SER.# : K8J788349

DATE, TIME	08/07 17:53
FAX NO./NAME	13107758775
DURATION	00:02:12
PAGE(S)	12
RESULT	OK
MODE	STANDARD
	ECM

TRANSMISSION VERIFICATION REPORT

TIME : 08/07/2012 18:01  
NAME : J.D. SCHLEIMER  
FAX : 3102739809  
TEL : 3102739807  
SER.# : K8J788349

DATE, TIME	08/07 17:58
FAX NO./NAME	13102771485
DURATION	00:03:16
PAGE(S)	12
RESULT	OK
MODE	STANDARD ECM

GLADSTONE MICHEL  
WEISBERG WILLNER & SLOANE, ALC  
P.O. Box 92621  
Los Angeles, CA 90009-9998

1 Leon J. Gladstone (SBN 70967)  
2 Michael J. Aiken (SBN 98786)  
3 GLADSTONE MICHEL  
4 WEISBERG WILLNER & SLOANE, ALC  
5 Mail Service:  
6 Post Office Box 92621  
7 Los Angeles, CA 90009-9998  
8 Location:  
9 4551 Glencoe Avenue, Suite 300  
10 Marina del Rey, CA 90292-7925  
11 Tel: (310) 821-9000 • Fax: (310) 775-8775  
12 Attorneys for Defendant JAMES PARNELL SPEARS

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

12 SAM LUTFI, an individual,  
13  
14 Plaintiffs,

15 vs.

16 LYNNE IRENE SPEARS, an  
17 individual; JAMES PARNELL  
18 SPEARS, an individual; BRITNEY  
19 JEAN SPEARS, an individual; and  
20 DOES 1 through 25, inclusive,

21 Defendants.

CASE NO. BC 406904

[Case Assigned For All Purposes To Hon.  
Soussan G. Bruguera, Dept. 71]

**DEFENDANT'S EVIDENTIARY  
OBJECTIONS TO THE  
DECLARATION OF SAM LUTFI  
SUBMITTED IN REGARD TO  
OPPOSITION TO MOTION FOR  
SUMMARY ADJUDICATION**

Date: September 12, 2012  
Time: 1:30 p.m.  
Dept: 71

(Filed Concurrently With:  
Reply to Plaintiff's Opposition to Motion for  
Summary Adjudication of Issues)

Trial Date: Oct. 1, 2012  
FSC: Sept. 25, 2012  
Complaint Filed: Feb. 3, 2009

24 TO THE HONORABLE COURT, TO THE PARTIES HEREIN AND TO THEIR  
25 ATTORNEYS OF RECORD:

26 Defendant James Parnell Spears hereby submits the following Evidentiary  
27 Objections to the Declaration of Sam Lutfi in support of his opposition to motion for  
28 summary adjudication of issues:

56187 EvidObject to Dec of Lutfi.docx

1

**DEFENDANT'S EVIDENTIARY OBJECTIONS TO THE DECLARATION OF SAM LUTFI SUBMITTED  
IN SUPPORT OF HIS OPPOSITION TO MOTION FOR SUMMARY ADJUDICATION OF ISSUES**

Exhibit 16B

GLADSTONE MICHEL  
WEISBERG WILLNER & SLOANE, ALC  
P.O. Box 92621  
Los Angeles, CA 90009-9998

## PRELIMINARY STATEMENT

The objections are divided into two sections, one directed to portions of the Declaration of Sam Lutfi, the other directed to one or more of his evidentiary exhibits. The primary point of the objections is that the motion is directed to the fact that Lutfi, by his own admission, has not suffered the "severe" or "extreme" emotional distress that is required in order to recover for infliction of emotional distress. *See, Hughes v. Pair* (2009) 46 Cal.4th 1035, 1050-1051.

Rather than attempt to refute that or at least raise a triable issue, Lutfi presents an unfounded and offensive attack on Defendant's character and perceived motives (Lutfi, conveniently for him, claims to be the only witness to some of the most offensive remarks he attributes to Spears). Even if this were allowable at trial to prove liability (which it is *not*, under Evidence Code section 1101(a)), it is *completely irrelevant* to the issue presented here: whether Lutfi has a claim for recoverable damages. As noted in the motion, the Supreme Court has already held that anxiety, even coupled with insomnia or other related effects, is not beyond the limits of "no reasonable [person] in civilized society should be expected to endure . . ." *Hughes, supra*, 46 Cal.4th 1051.

Thus, the bulk of Lutfi's declaration (as well as his argument in opposition to the motion), is irrelevant. Evidence Code §§ 210, 350. Beyond that, much of it is based on hearsay (Evid. Code § 1200), and is, as a result, also lacking in foundation (Evid. § 702).

## PART I: OBJECTIONS TO DECLARATION OF SAM LUTFI

Material Objected To:	Grounds for Objection:
1. Paragraph 6, at page 13, lines 1-5, which reads, in part:  "I spoke by telephone with Britney's father, James Parnell Spears ... he made a number of bigoted remarks .... but he didn't know anything about me and	Not relevant. Evidence Code §§ 210, 350.

56187 EvidObject to Dec of Lutfi.docx

2

DEFENDANT'S EVIDENTIARY OBJECTIONS TO THE DECLARATION OF SAM LUTFI SUBMITTED  
IN SUPPORT OF HIS OPPOSITION TO MOTION FOR SUMMARY ADJUDICATION OF ISSUES

GLADSTONE MICHEL  
WEISBERG WILLNER & SLOANE, ALC  
P.O. Box 92621  
Los Angeles, CA 90009-9998

1	none of his remarks were directed at me."	
2	2. Paragraph 6, at page 13, lines 14-	<b>Lacks foundation, and the exhibit is not properly authenticated. Evidence Code §§ 702, 1400.</b>
3	17, which reads, in part:	
4	"James Parnell responded by sending me a text message (Exhibit 11)..."	
5		
6		
7		
8	3. Paragraph 7, at page 14, lines 9-	<b>Not relevant. Evidence Code §§ 210, 350. The statement also includes speculation and an unsupported conclusion (opinion), and it lacks foundation. Evidence Code §§ 702, 805.</b>
9	14, which reads, in part:	
10	"James Parnell was ... in an ugly mood, and I heard him threaten to <i>kill</i> Ms. Scott ... her firm had filed a motion to withdraw ... I assume that's what he was mad about. Because of the death threat, Ms. Scott and I beat a hasty retreat from Cedars Sinai."	
11		
12		
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15		
16	4. Paragraph 10, at page 16, lines 6-	<b>Not relevant. Evidence Code §§ 210, 350. This is also an unfounded conclusion (opinion), which is based on, and therefore incorporates, hearsay. Evid. Code §§ 702, 805, 1200.</b>
17	8, which reads, in part:	
18	"Because of her father's violence and alcoholism, and abuse she suffered ... Britney had banned James Parnell from her home."	
19		
20		
21		
22		
23	5. Paragraph 10, at page 17, lines 8-	<b>Not relevant. Evidence Code §§ 210, 350. Improper legal conclusion and opinion, lacks foundation. Evid. Code §§ 702, 805.</b>
24	14, which reads, in part:	
25	"James Parnell did not have permission to be in Britney's residence ... so he was <i>trespassing</i> ... Since I was living there, he was trespassing in my residence ... This was not	
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56187 Evid Object to Dec of Lutfi.docx

3

**DEFENDANT'S EVIDENTIARY OBJECTIONS TO THE DECLARATION OF SAM LUTFI SUBMITTED IN SUPPORT OF HIS OPPOSITION TO MOTION FOR SUMMARY ADJUDICATION OF ISSUES**

GLADSTONE MICHEL,  
WEISBERG WILLNER & SLOANE, ALC  
P.O. Box 92621  
Los Angeles, CA 90009-9998

1 a 'verbal altercation' it was an  
2 invasion ... and an unprovoked  
3 assault."

4 6. Paragraph 12, at page 18, lines 9-  
5 12, which reads, in part:

6 "As a result ... I suffered terror  
7 and continue to suffer from  
8 anxiety, insomnia, agoraphobia,  
9 and an enduring fear of being  
10 hunted and beaten or killed ..."

The purported, self-serving diagnoses and  
claimed causation are inadmissible  
opinions of a non-expert witness, and  
therefore lack foundation. Evidence Code  
§§ 702, 805.

11 7. Paragraph 13, from page 18, line  
12 13 to page 19, line 10, which reads, in part:

13 "Before I met James Parnell, his  
14 daughter Britney described her  
15 father as a violent drunk ... she  
16 was terrified of him ... My fear  
17 of James Parnell was heightened  
18 by Britney's mother ... who  
19 described her ex-husband as a  
20 violent drunk ... told me he was  
21 a violent man ... he was a racist  
22 ... he would react violently ... I  
23 had also heard from members of  
24 the news media that James  
25 Parnell was a drunk ... and  
26 might be dangerous ... I gave  
27 James Parnell the benefit of the  
28 doubt ... but I was wrong."

Not relevant. Evidence Code §§ 210, 350.  
The statements are based on, and  
incorporate, hearsay, they include  
speculation and lack foundation, and they  
end with inadmissible opinions and  
conclusions. Evidence Code §§ 702, 805,  
1200.

8. Paragraph 15, at page 20, lines 1-  
9, which reads, in part:

10 "I did not consult with Dr.  
11 Carpenter about my traumatic  
12 experiences because one of  
13 Britney's attorneys warned her  
14 not to say anything ... I was  
15 with Britney when that advice  
16 was given ... confidentiality of  
17 psychiatric consultations is

"[C]onfidentiality of psychiatric  
consultations is flimsy, at best" is an  
inadmissible opinion and conclusion, and,  
coming from the party who tendered the  
issue of his emotional health by suing for  
damages for emotional distress, is entirely



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P.O. Box 92621  
Los Angeles, CA 90009-9998

flimsy, at best."

lacking in foundation. Evidence Code §§ 702, 805. The statement also incorporates hearsay. Evid. Code section 1200.

9. Paragraph 18, at page 21, line 13 to page 22, line 6, which reads, in part:

"My first experience with severe emotional distress was because of the threats ... I experienced terror, anxiety, insomnia, and agoraphobia, and those symptoms endure to this day. My emotional distress was aggravated when I was smeared by a leak of the February 1, 2008 restraining order application (sic) ... That document triggered a wave of harassment and death threats by Britney's fans ... The severe emotional distress which began with James Parnell's threats ... has endured to this day ... To this day I suffer anxiety, insomnia and agoraphobia stemming from my fear that James Parnell will hunt me down and attack me."

The purported diagnoses and characterization of "severe emotional distress," claimed causation and "aggravation" are speculative conclusions and inadmissible opinions, and lack foundation. Evidence Code §§ 702, 805.

The now-expanded claims are contrary to Plaintiff's deposition testimony, and cannot be used to raise a triable issue of fact. *Thompson v. Williams* (1989) 211 Cal.App.3d 566, 573-574.

Plaintiff previously declared exactly the opposite to this Court in order to obtain a beneficial ruling against, Lynne Spears, and he should be judicially estopped from benefiting from this denial of his prior sworn statement. *MW Erectors, Inc. v. Niederhauser Ornamental & Metal Works Co., Inc.* (2005) 36 Cal.4th 412, 422.

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**PART II: OBJECTIONS TO DOCUMENTARY EXHIBITS**

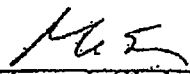
Defendant James Spears objects to the following Exhibits on the following grounds:

Ex. No. / Description	Ground for Objection
Ex. 11 – Purported Text Message	Not relevant. Evidence Code §§ 210, 350. Lacks foundation, and the exhibit is not properly authenticated. Evidence Code §§ 702, 1400. Therefore, the exhibit is also hearsay. Evid. Code § 1200.

Respectfully submitted.

Dated: August 23, 2012

GLADSTONE MICHEL  
WEISBERG WILLNER & SLOANE, ALC

BY:   
Leon J. Gladstone  
Michael J. Aiken  
Attorneys for Defendant JAMES PARNELL  
SPEARS

GLADSTONE MICHEL  
WEISBERG WILLNER & SLOANE, ALC  
P.O. Box 92621  
Los Angeles, CA 90009-9998

08/27/12

# AFFIDAVIT AND DECLARATION OF PROOF OF SERVICE

I am over the age of eighteen years and not a party to the within action. I am employed by Gladstone Michel Weisberg Willner & Sloane, ALC, whose business address is: 4551 Glencoe Avenue, Suite 300, Marina del Rey, California 90292 ("the firm").

On August 24, 2011, I served the within document(s) described as:  
**DEFENDANT'S EVIDENTIARY OBJECTIONS TO THE DECLARATION OF SAM LUTFI SUBMITTED IN REGARD TO OPPOSITION TO MOTION FOR SUMMARY ADJUDICATION** on the interested parties in this action:

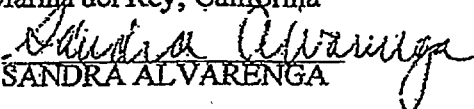
☒ by placing ☐ the original ☒ true copy(ies) thereof enclosed in sealed envelope(s)  
☒ addressed as follows: ☐ addressed as stated on the attached mailing list.

Joseph D. Schleimer, Esq. Attorney at Law 9401 Wilshire Blvd., Suite 1250 Beverly Hills, CA 90212 Telephone: (310) 273-9807 Fax: (310) 273-9809	Attorneys for Plaintiff Sam Lutfi
Joel E. Boxer, Esq. Bonita D. Moore, Esq. BIRD, MARELLA, BOXER, WOLPERT, NESSIM, DROOKS & LINCENBERG, P.C. 1875 Century Park East, 23 <sup>rd</sup> Floor Los Angeles, CA 90067 Fax: (310) 201-2110	Attorneys for James P. Spears and Andrew Waller as co-conservators of the Estate of Britney Jean Spears, on behalf of Defendant Britney Jean Spears
Stephen F. Rohde, Esq. Rohde & Victoroff 1880 Century Park East #411 Los Angeles, CA 90067 Fax: (310) 277-1485	Attorneys for Defendant/Appellant Lynne Spears

☒ BY MAIL (C.C.P. § 1013(a))—I deposited such envelope(s) for processing in the mail room in our offices. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Marina del Rey, California, in the ordinary course of business. I am aware that on motion of a party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.

☒ (State) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on August 24, 2011, at Marina del Rey, California

  
SANDRA ALVARENGA

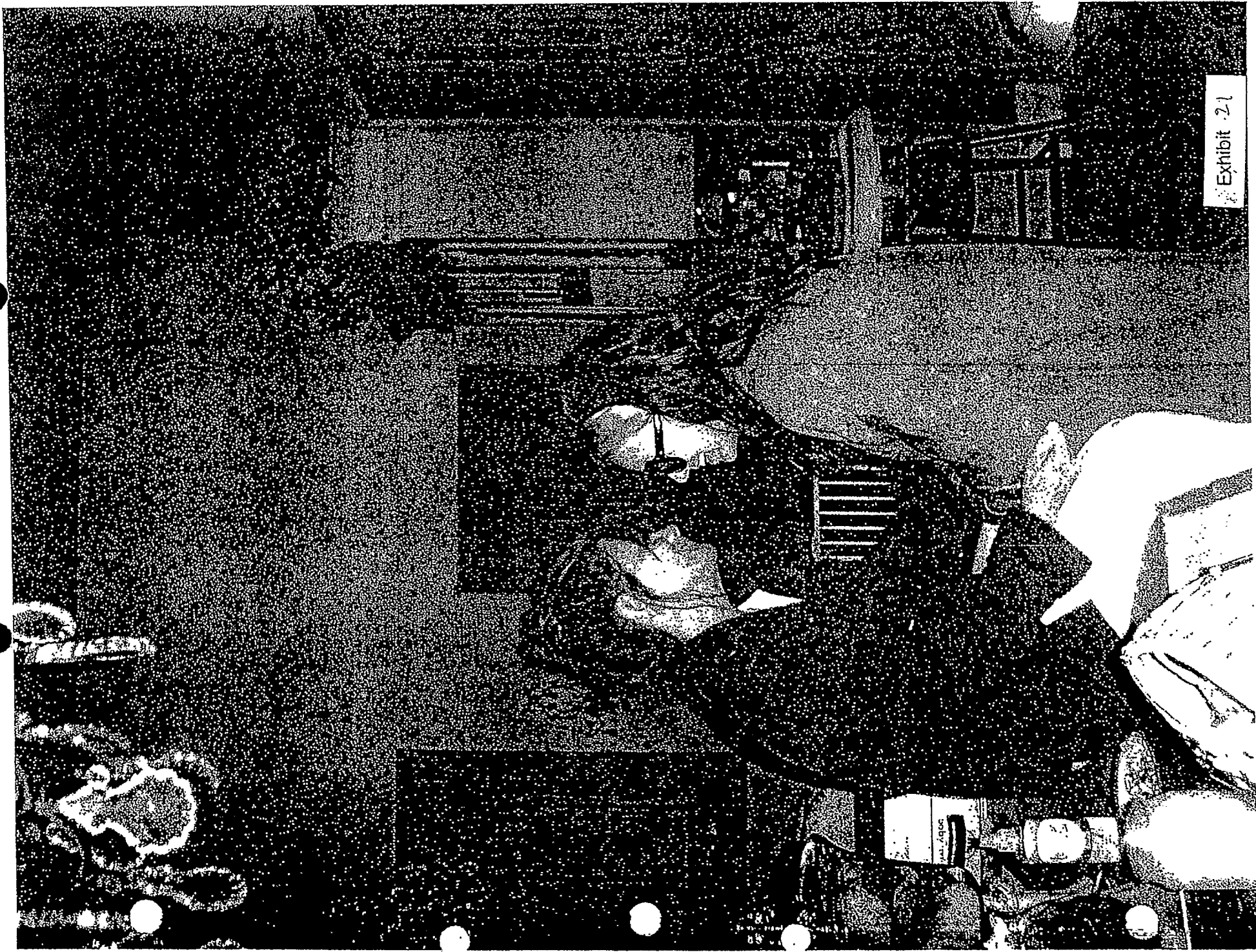


Exhibit 21

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**PROOF OF SERVICE**  
**BY FEDERAL EXPRESS**  
**[C.C.P. §1013(c)]**

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 9401 Wilshire Boulevard, Suite 1250, Beverly Hills, California 90212.

On **\*August 29, 2012\*** I served the foregoing document described as:  
**\*MOTION TO COMPEL COMPLIANCE WITH C.C.P. §1987(b) NOTICE TO MAKE BRITNEY SPEARS AVAILABLE AT TRIAL AS WITNESS FOR PLAINTIFF -and- DECLARATION OF JOSEPH D. SCHLEIMER, ESQ. [Trial Exhibit 60 - DVD Video Lodged Concurrently Herewith]**  
\* on the interested parties in this action by placing a true copy thereof enclosed in a sealed Federal Express envelope addressed as follows:

See attached service list.

**BY FEDERAL EXPRESS:**

I deposited the envelope in the Federal Express depository box in our building at 9401 Wilshire Boulevard, Beverly Hills, California, in time for the pick-up scheduled for 5:00 p.m. The Federal Express envelope was marked for overnight delivery with payment provided for.

Executed on **\*August 29, 2012\*** at Beverly Hills, California.

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

\_\_\_\_\_  
Type or Print Name

\_\_\_\_\_  
Signature

**Service List**  
**Lutfi v Spears**

Joel E. Boxer, Esq.  
Bonita D. Moore, Esq.  
Bird Marella Boxer Wolpert  
Nessim Dooks & Lincenberg  
1875 Century Park East, 23<sup>rd</sup> Floor  
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Spears*

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4 BIRD, MARELLA, BOXER, WOLPERT,  
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5 1875 Century Park East, 23rd Floor  
Los Angeles, California 90067-2561  
6 Telephone: (310) 201-2100  
Facsimile: (310) 201-2110

7  
8 Attorneys for James P. Spears and Andrew  
M. Wallet as Co-Conservators of the Estate  
of Britney Jean Spears, on behalf of  
9 Defendant Britney Jean Spears

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
11 **FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT**  
12

13 SAM LUTFI, an individual,

14 Plaintiff,

15 vs.

16 LYNNE IRENE SPEARS, an individual,  
JAMES PARNELL SPEARS, an  
17 individual, BRITNEY JEAN SPEARS, an  
individual; and DOES 1 through 25,  
18 inclusive,

19 Defendants.  
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CASE NO. BC 406904

*Assigned to the Honorable Suzanne G.  
Bruguera, Dept. 71*

**THE CO-CONSERVATORS' MOTION  
IN LIMINE NO. 1: TO QUASH  
PLAINTIFF'S RENEWED NOTICE  
TO PRODUCE CONSERVATEE  
BRITNEY SPEARS AS A WITNESS  
AT TRIAL**

**[Concurrently-Filed Request for Judicial  
Notice Nos. 1 & 2; Declaration of Joel E.  
Boxer; Declaration of Samuel D. Ingham  
III]**

Date: September 25, 2012  
Time: 10:00 a.m.  
Dept: 71

Action Filed: February 3, 2009  
Trial Date: October 1, 2012

**REDACTED VERSION**

2901847.1

**THE CO-CONSERVATORS' MOTION IN LIMINE NO. 1: TO QUASH PLAINTIFF'S RENEWED NOTICE TO  
PRODUCE CONSERVATEE BRITNEY SPEARS AS A WITNESS AT TRIAL**

**EXHIBIT 4**

09/27/12

1 PLEASE TAKE NOTICE that at the Final Status Conference currently set for  
2 September 25, 2012 at 10:00 a.m. in Department 71 of this Court, located at 111 North Hill  
3 Street, Los Angeles, CA 90012, or at a date, place and time set by the Court, Andrew M.  
4 Wallet and James P. Spears, as Co-Conservators of the Estate of Britney Jean Spears ("the  
5 Co-Conservators"), will and hereby move pursuant to California Code of Civil Procedure  
6 § 1987.1 to quash Plaintiff's Renewed Notice To Produce Britney Spears as a Witness at  
7 Trial ("Notice To Appear").

8 This motion is made on the following grounds:

- 9 1. Britney Spears ("Britney") is, and has since February 1, 2008 been, under a  
10 conservatorship supervised by the probate department of this Court (the  
11 "Probate Court"). The Probate Court has continuing and exclusive jurisdiction  
12 over all matters affecting the health and welfare of the Conservatee.
- 13 2. On April 27, 2011, the Probate Court, by order signed by Judge Goetz,  
14 expressly directed that Britney's Co-Conservators could not produce Britney as  
15 a witness at the trial of this action.
- 16 3. As a matter of law established by an unbroken line of appellate precedent cited  
17 below, no other judge or department of this court has jurisdiction or power to  
18 interfere with the existing and continuing Probate Court jurisdiction or to vacate,  
19 revise or countermand the Probate Court's order to the Co-Conservators. Since  
20 the Notice to Appear has the effect of a subpoena, seeking to compel Britney to  
21 appear as a witness at trial, even though the Probate Court has precluded such  
22 appearance, the Notice to Appear must be quashed as a matter of law.
- 23 4. Plaintiff has known about Judge Goetz's order for more than a year, yet has not  
24 they have not taken any action in Judge Goetz's court to modify, to vacate or to  
25 seek reconsideration of or exception to her order. Accordingly, Plaintiff has  
26 waived any right to compel Britney's appearance as a witness in this case.

27 Pursuant to Local Rule 3.57, counsel for the Co-Conservators met and conferred  
28 with Plaintiff's counsel as to the entirety of the relief herein requested. Plaintiff's counsel



1 refused to withdraw the Notice to Appear as to Britney. (Declaration of Joel E. Boxer  
2 ("Boxer Decl.") ¶ 4). Indeed, Plaintiff has moved to enforce the Notice. If the Co-  
3 Conservators' motion to quash is not granted, the Co-Conservators and Britney will suffer  
4 substantial prejudice. (Boxer Decl. ¶ 5.)

5 This motion is based on this notice, the concurrently filed Requests for Judicial  
6 Notice and Declaration of Joel E. Boxer, the attached memorandum of points and  
7 authorities, the files and records of the Court, the transcript of the June 15, 2011 hearing on  
8 a discovery motion (Boxer Decl. ¶ 14, Exh. N), and such further matters as will be  
9 considered by the Court at the time of the hearing of this motion.

10

11 DATED: August 31, 2012

Respectfully submitted,

12

Joel E. Boxer

13

Bonita D. Moore

14

Mary H. Hansel

15

BIRD, MARELLA, BOXER, WOLPERT,  
NESSIM, DROOKS & LINCENBERG, P.C.

16

By: 

17

Joel E. Boxer

18

Attorneys for James P. Spears and Andrew M.

19

Wallet as Co-Conservators of the Estate of Britney

20

Jean Spears, on behalf of Defendant Britney Jean  
Spears

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I**

3 **INTRODUCTION**

4 Plaintiff's Renewed Notice To Produce Britney Spears as a Witness at Trial  
5 ("Notice To Appear") must be quashed because (1) the Co-Conservators are obligated to  
6 comply with a long-existing order of the Probate Court that explicitly prohibits them from  
7 producing their Conservatee, Britney Spears ("Britney"), from appearing as a witness in the  
8 upcoming trial in this case; (2) as a matter of law established by an unbroken line of  
9 precedents, neither the Plaintiff Sam Lutfi ("Plaintiff" or "Lutfi"), nor any court (except  
10 the Probate Court that issued the order) may vacate, modify, countermand or refuse to  
11 enforce the Probate Court order; (3) by purporting to invoke this department's subpoena  
12 powers to direct the presence of a witness that the Probate Court has ordered cannot be  
13 present, Plaintiff is violating the Probate Court's directives and is seeking to interfere with  
14 the exclusive jurisdiction of another department over the subject matter, something neither  
15 he nor this Court can do; and (4) Plaintiff has known about the existence and scope of the  
16 Probate Court's preclusion order for over a year, yet he has not sought vacation,  
17 modification, reconsideration or appellate review of that order and, thus, cannot seek  
18 revision or modification of the order now, on the eve of trial.

19 For these reasons, the Notice to Appear must be quashed as a matter of law.

20 **II**

21 **FACTUAL BACKGROUND**

22 Beginning in 2007, Britney's mental and physical health was precarious; by January  
23 2008, she was placed in two involuntary psychiatric holds in Los Angeles hospitals. As a  
24 result, on February 1, 2008, Judge Goetz, sitting in the Probate Department granted  
25 temporary conservatorship petitions over her person and estate to Britney's father, James  
26 P. Spears. (Declaration of Joel E. Boxer ("Boxer Decl.") ¶ 6, Exhs. A-D.) A professional  
27 fiduciary, attorney Andrew M. Wallet, was named by the Court as a Co-Conservator of the  
28 estate. Samuel D. Ingham III, a respected, certified specialist in Probate, Estate Planning

1 and Trust law with more than 35 years of experience in conservatorship matters, was  
2 appointed by the court as Ms. Spears' personal counsel. (Boxer Decl. ¶ 7, Exh. E;  
3 Declaration of Samuel D. Ingham III ("Ingham Decl.") ¶¶ 1-2.)

4 Judge Goetz has had – and, to this day, continues to have – responsibility for  
5 supervising the Conservatee's welfare and for directing her Co-Conservators since the  
6 conservatorship proceedings began on February 1, 2008, well before the instant lawsuit  
7 was filed.<sup>1</sup> (Ingham Decl. ¶¶ 1, 4.)

8 On April 27, 2011, upon application of Britney's court-appointed personal  
9 counsel, Mr. Ingham, Judge Goetz issued the Sealed Order, prohibiting the Co-  
10 Conservators from producing Britney as a witness for trial, deposition or any other type of  
11 examination conducted in connection with this action. (Request for Judicial Notice No. 2  
12 ("RJN No. 2") ¶ 1; Exh. AA; Ingham Decl. ¶ 5.) The Sealed Order was first sealed  
13 conditionally by order of Judge Goetz on April 27, 2011 (the "Sealing Order"). (RJN No.  
14 2 ¶ 1, Exh. BB; Ingham Decl. ¶ 5.)<sup>2</sup> Judge Goetz subsequently made the Sealing Order  
15 permanent at a hearing in open court on May 12, 2011.<sup>3</sup> (Ingham Decl. ¶ 8.)

16 On May 2, 2011 — 16 months ago — Lutfi's counsel was given notice of both the  
17 Sealing Order and the then-conditionally Sealed Order, including its substance. (Ingham  
18 Decl. ¶ 6.) Lutfi has never taken any action in the Probate Court to vacate, to modify, or to  
19 request reconsideration of either the Sealed Order or the Sealing Order; nor has he sought

20  
21 <sup>1</sup> Judge Goetz's responsibilities are as to both the Conservatorship of the Person of  
22 Britney Jean Spears and the Conservatorship of the Estate of Britney Jean Spears ("Spears  
23 Conservatorship"). The authority of the Court over guardianships and conservatorships  
24 derive from "the parens patriae power of the state to protect incompetent persons."  
25 *Conservatorship of Wendland*, 26 Cal. 4th 519 (2001).

26 <sup>2</sup> A copy of the April 27, 2011 Sealing Order has also been submitted to this Court as  
27 Exhibit AAA to the concurrently-filed Request for Judicial Notice No. 1 ("RJN No. 1").

28 <sup>3</sup> By reason of the Sealing Order, the Co-Conservators are prohibited from publicly  
disclosing the content of the April 27, 2011 Sealed Order. Therefore, the Co-Conservators  
are filing sealed and unsealed versions of this motion.

1 appellate review of those orders. (Ingham Decl. ¶ 9.)

2 In this action, Lutfi moved to compel Britney's submission for an Independent  
3 Medical Examination ("IME"). At the hearing on June 15, 2011, Judge Sinanian denied  
4 Lutfi's discovery motion and suggested that he take action in the Probate Court should he  
5 desire modification of the Probate Court's Orders. (Boxer Decl. ¶ 14, Exh. N.) Lutfi  
6 failed to seek reconsideration or review of Judge Sinanian's order, and he took no action in  
7 furtherance of Judge Sinanian's suggestion that Lutfi take action in the Probate Court if  
8 Lutfi had any problem with the Probate Court's orders. (Boxer Decl. ¶ 14; Ingham Decl. ¶  
9 9.)

### 10 III

#### 11 ARGUMENT

12 A. THE NOTICE TO APPEAR MUST BE QUASHED BECAUSE CASE LAW  
13 UNEQUIVOCALLY ESTABLISHES THAT THIS COURT HAS NO  
14 JURISDICTION TO COMPEL BRITNEY SPEARS' ATTENDANCE AT  
15 TRIAL SINCE HER ATTENDANCE IS PRECLUDED BY A LONG-  
16 STANDING ORDER OF JUDGE GOETZ.

17 1. Judge Goetz Has Continuing And Exclusive Jurisdiction Over Matters  
18 Affecting The Conservatee's Health And Welfare

19 Judge Goetz, sitting as a Superior Court Judge in the Probate Department, has had  
20 continuing and exclusive jurisdiction over the Conservatorships established in 2008.<sup>4</sup> See  
21 *Guardianship of Kemp*, 43 Cal. App. 3d 758, 761 (1974) ("The probate court has exclusive  
22 jurisdiction of guardianship proceedings, and after a guardian has been appointed, the court  
23 has continuing jurisdiction over the guardian and the administration of the ward's  
24 affairs.")(emphasis added); see also *Browne v. Superior Ct.*, 16 Cal. 2d 593, 597 (1940)

25 \_\_\_\_\_  
26 <sup>4</sup> The "probate court" is a department of the Superior Court, and is a court of general  
27 jurisdiction "with broad equitable powers." *Guardianship of Kemp*, 43 Cal. App. 3d 758,  
28 761 (1974); *Estate of Kraus*, 184 Cal. App. 4th 103, 114 (2010).

1 ("No other court, we believe, has power to interfere with that continuing control over the  
2 guardian; no other court could . . . instruct him as to his duties."); and *In re Marriage of*  
3 *Schenck*, 228 Cal. App. 3d 1474, 1477 (1991) (the law and motion department properly  
4 yielded to the family law department on an issue that would have affected its reserved  
5 jurisdiction).

6       **2. Where, As Here, The Probate Court First Assumed Jurisdiction (And**  
7       **Continues To Have Jurisdiction) Over Matters Involving Britney's**  
8       **Welfare And Has Issued Orders Precluding Her Attendance At The**  
9       **Trial Of This Action, No Other Court (Including This One) Has**  
10       **Jurisdiction to Vacate, To Modify, To Countermand Or To Issue Any**  
11       **Directive That Is Inconsistent With The Probate Court's Orders.**

12       A long and unbroken line of controlling appellate precedents establish that, where  
13 as here, a court has assumed jurisdiction over a matter and has issued orders in the case, no  
14 other court or department of the superior court can take action that contradicts those  
15 orders. *See, e.g., Williams v. Superior Ct.*, 14 Cal. 2d 656, 662 (1939) ("it is beyond the  
16 jurisdictional authority of another department of the same court to interfere with the  
17 exercise of the power of the department to which the proceeding has been so assigned. . .  
18 If such were not the law, conflicting adjudications of the same subject-matter by different  
19 departments of the one court would bring about an anomalous situation and doubtless lead  
20 to much confusion."); *Ford v. Superior Ct.*, 188 Cal. App. 3d 737, 741 (1986) (finding that  
21 and order "made in one department during the progress of a cause can neither be ignored  
22 nor overlooked in another department. . ."); *Silverman v. Superior Ct.*, 203 Cal. App. 3d  
23 145, 150-51 (1995) ("One department of the superior court cannot enjoin, restrain, or  
24 otherwise interfere with the judicial act of another department of the superior court. . . A  
25 judgment rendered in one department of the superior court is binding on that matter upon  
26 all other departments until such time as the judgment is overturned."); *In re Alberto*, 102  
27 Cal. App. 4th 421, 427-28 (2002) ("For one superior court judge, no matter how well  
28 intended, even if correct as a matter of law, to nullify a duly made, erroneous ruling of

1 another superior court judge places the second judge in the role of a one-judge appellate  
2 court.”<sup>5</sup>

3 *Glade v. Glade*, 38 Cal. App. 4th 1441 (1995) is particularly instructive on this  
4 issue. In *Glade*, the family law court had first acquired jurisdiction over certain property  
5 by virtue of marital dissolution proceedings. *Id.* at 1445. The trustee of a family trust then  
6 brought a civil action seeking to foreclose on a residence that was community property.  
7 *Id.* The family law court issued an order staying the foreclosure action. *Id.* at 1447. The  
8 trial court judge in the foreclosure action refused to stay the foreclosure proceedings and  
9 granted summary judgment for the trust, stating that because his was a court of equal  
10 jurisdiction, the family law court had no authority to order a stay. *Id.* at 1448-49. The  
11 Court of Appeal reversed the trial court’s grant of summary judgment in the foreclosure  
12 action. *Id.* at 1448-49, 1457-58.

13 The Court of Appeal in *Glade* held that the trial court judge had been barred from  
14 proceeding by virtue of the stay order. *Id.* at 1449, 1458. The Court noted that “the first  
15 court of equal dignity to assume and exercise jurisdiction over a matter acquires exclusive  
16 jurisdiction.” *Id.* at 1450 (internal quotations omitted); *see also Williams v. Superior*  
17 *Court*, 14 Cal. 2d 656, 662-63 (1939) (finding that an order issued by another department  
18 purporting to invalidate a contempt order issued by the department before whom the  
19 proceedings were still pending was null and void). *Glade* noted this principle is  
20 particularly compelling for departments exercising distinct subject matter jurisdiction, such  
21 as “the family law court’s broad jurisdictional authority where the right to and disposition  
22 of community property are concerned.” *Id.*; *see also Slone v. Inyo County Juvenile Court*,  
23 230 Cal. App. 3d 263, 269 (1991) ( citing same principle).

---

24  
25 <sup>5</sup> If the law were otherwise and one department could interfere with orders issued by  
26 another department, then parties would be incentivized to forum shop until they were  
27 granted the relief they were seeking. *See In re Alberto*, 102 Cal. App. 4th at 427. “Such a  
28 procedure would instantly breed lack of confidence in the integrity of the courts.” *Id.*  
(*citing People v. Scofield*, 249 Cal. App.2d 727, 734 (1967)).

1 Similarly, here the probate department has been given distinct subject matter  
2 jurisdiction by the Legislature over all matters affecting a conservatee's health and  
3 welfare. Moreover, as to primacy, the Spears conservatorship proceedings, which continue  
4 to this day, predate by one year Lutfi's civil suit, which was not filed until 2009. Thus, the  
5 Probate Court first assumed and still retains jurisdiction over matters affecting the  
6 conservatorships. Consistent with these principles, Judge Goetz's Sealed Order states that  
7 "[t]his [Probate Court] has exclusive jurisdiction to make an order directing the  
8 conservators to act." (RJN No. 2 ¶ 1, Exh. AA, ¶ 10.)

9 **3. The Sealed Order Is Within The Jurisdiction Of The Conservatorship**  
10 **Proceedings And No Other Court Can Disregard Or Countermand the**  
11 **Order.**

12 The Sealed Order is exclusively within the province of the conservatorship  
13 proceedings pending since 2008 before Judge Goetz. [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED] (RJN No. 2 ¶ 1, Exh. AA, ¶ 10.); see  
18 also Probate Code section 1800.<sup>6</sup>

19 [REDACTED]

20 [REDACTED] The  
21 Sealed Order was issued upon the application of the independent court-appointed counsel  
22 for Britney, Samuel D. Ingham III, whose mandate is the protection of Britney's health and  
23 \_\_\_\_\_

24 <sup>6</sup> [REDACTED]  
25 [REDACTED] By filing this motion to quash, the Co-  
26 Conservators do not waive and intend to preserve their objections to this Court's  
27 jurisdiction over this issue. It is unnecessary for the Co-Conservators to seek relief in the  
28 Probate Court given that the Sealed Order, still in full force, already addresses Britney's  
appearance at trial.

1 welfare. (Ingham Decl. ¶ 5.) Moreover, the expert upon whose opinion Britney's court-  
2 appointed attorney relied in presenting his application to the Court, and upon whose  
3 opinion Judge Goetz expressly relied in ruling on the Sealed Order, is a medical  
4 practitioner *chosen by the Court in 2008* as its Evidence Code § 730 expert. (*Id.*) The  
5 medical practitioner was *not* selected by a party to this litigation. (See RJN No. 2 ¶ 1, Exh.  
6 AA, ¶ 8.)<sup>7</sup>

7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED] (RJN No. 2, ¶ 1, Exh. AA, ¶ 11.) [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED] (RJN No. 2, ¶ 1, Exh. AA, at 3.) Thus, the  
15 court's instructions not to produce Britney in this action are clear and binding on the Co-  
16 Conservators; no other department may interfere with the exercise of the Judge Goetz's  
17 jurisdiction and power on these issues.

18 In light of the foregoing and the governing law, this Court has no jurisdiction to  
19 order Britney's appearance at trial in violation of the express terms of the Sealed Order.  
20 To do so would interfere with the Probate Court's preexisting and ongoing jurisdiction,  
21

22 7 [REDACTED]  
23 [REDACTED]  
24 [REDACTED] (RJN No. 2 ¶  
25 1, Exh. AA, ¶ 9.)

26 <sup>8</sup> "Instructions" are court-mandated orders to fiduciaries such as guardians or  
27 conservators. Cal. Prob. Code §§ 2359(a), 2403(a). As such, they are appealable orders.  
28 Cal. Prob. Code § 1300(c); *Guardianship of Christiansen*, 248 Cal. App. 2d 398 (1967).



1 and contravene well-established principles of judicial governance.

2 **B. Lutfi Has Had Notice Of The Sealed Order For More Than A Year And Has**  
3 **Not Sought Any Relief From Judge Goetz Or The Court Of Appeal**

4 Although Lutfi (through his counsel) had notice by May 2, 2011 of the substance of  
5 the then- conditionally Sealed Order and of the pending May 12, 2011 hearing regarding  
6 permanent sealing of the Sealed Order, Lutfi did not appear or object in the Probate Court  
7 after receiving such notice; he did not appear at the May 12, 2011 hearing before Judge  
8 Goetz when the Sealing Order was made permanent; nor has he otherwise attempted to  
9 take any steps in the Probate Court or at the appellate level to challenge Judge Goetz'  
10 orders. Even after the hearing on Lutfi's motion to compel Britney's IME, when Judge  
11 Sinanian in this action said the civil department would defer to Judge Goetz's order, Lutfi  
12 did nothing to seek reconsideration or review.<sup>9</sup> At the June 15, 2011 hearing, the parties  
13 also discussed that Britney would not be a witness at trial and Plaintiff's counsel was  
14 directed by Judge Sinanian to seek review of Judge Goetz's order from her, the issuing  
15 jurist, if Plaintiff disagreed with it. (Boxer Decl. ¶ 14, Exh. N.)<sup>10</sup>

16 As Lutfi has not brought a proper challenge to the Sealed Order in the 16 months he  
17 has had notice of it, this Court should summarily dispose of his improper and underhanded  
18 attempt to invalidate Judge Goetz's order.

19 IV

20 **CONCLUSION**

21 For the foregoing reasons, the Co-Conservators' motion to quash Plaintiff's Notice  
22

23 <sup>9</sup> Ingham Decl., ¶ 9. Lutfi has challenged (so far unsuccessfully) at the trial and  
24 appellate levels *other* orders issued by the Probate Court in the conservatorship  
25 proceedings. (Boxer Decl., ¶ 13.).

26 <sup>10</sup> Indeed, Plaintiff, recognizing the impact and authority of the Sealed Order and Judge  
27 Sinanian's June 15, 2011 ruling based on it, has recognized that these orders make Britney  
28 in effect unavailable in this action because Plaintiff, after the June 15, 2011 ruling,  
abandoned his then-pending efforts to take her deposition.

1 to Appear,<sup>11</sup> as directed to Britney Spears, should be granted because the Probate Court has  
2 exclusive jurisdiction over matters within the conservatorship proceedings, which  
3 encompass the health and welfare of the Conservatee, and any order by this Court  
4 compelling Britney's attendance at trial would be inconsistent with, and would effectively  
5 countermand, Judge Goetz's Sealed Order explicitly prohibiting the Co-Conservators from  
6 producing Britney at trial, which must be honored here.

7 DATED: August 31, 2012

Respectfully submitted,

8 Joel E. Boxer  
9 Bonita D. Moore  
10 Mary H. Hansel  
11 BIRD, MARELLA, BOXER, WOLPERT,  
12 NESSIM, DROOKS & LINCENBERG, P.C.

13 By: 

Joel E. Boxer

14 Attorneys for James P. Spears and Andrew M.  
15 Walleet as Co-Conservators of the Estate of Britney  
16 Jean Spears, on behalf of Defendant Britney Jean  
17 Spears  
18  
19  
20  
21  
22  
23  
24  
25

26  
27 <sup>11</sup> The Notice to Appear also directs the Co-Conservators to appear at trial; to that extent,  
28 they do not object to the notice.

1 **PROOF OF SERVICE**

2 **STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

3 I am employed in the County of Los Angeles, State of California. I am over the age  
4 of 18 and not a party to the within action; my business address is 1875 Century Park East,  
23rd Floor, Los Angeles, California 90067-2561.

5 On August 31, 2012, I served the following document(s) described as **THE**  
6 **CONSERVATORS' MOTION *IN LIMINE* NO. 1: TO QUASH PLAINTIFF'S**  
7 **RENEWED NOTICE TO PRODUCE CONSERVATEE BRITNEY SPEARS AS A**  
WITNESS AT TRIAL [REDACTED VERSION] on the interested parties in this action  
as follows:

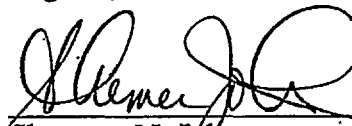
8 **SEE ATTACHED SERVICE LIST**

9 **BY MAIL:** By placing a true copy thereof in sealed envelopes addressed to the parties  
10 listed on the attached Service List and causing them to be deposited in the mail at Los  
Angeles, California. The envelopes were mailed with postage thereon fully prepaid. I am  
11 readily familiar with our firm's practice of collection and processing correspondence for  
mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary  
12 course of business. I am aware that on motion of party served, service is presumed invalid  
if postal cancellation date or postage meter date is more than one day after date of deposit  
for mailing affidavit.

13 **BY E-MAIL OR ELECTRONIC TRANSMISSION:** Based on a court order or an  
14 agreement of the parties to accept service by e-mail or electronic transmission, I caused the  
document(s) to be sent from e-mail address snj@birdmarella.com to the persons at the e-  
15 mail addresses listed in the Service List. I did not receive, within a reasonable time after  
the transmission, any electronic message or other indication that the transmission was  
16 unsuccessful.

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

19 Executed on August 31, 2012, at Los Angeles, California.

20 

21 Shemena N. Johnson  
22  
23  
24  
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**SERVICE LIST**  
**Lutfi v. Spears**  
**Case No. BC 406904**

Leon J. Gladstone  
Michael J. Aiken  
Gladstone Michel Weisberg Willner &  
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08/27/12

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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 Steiner Attorney Service, 1513 Livonia Avenue, Los Angeles, California 90064.

**Joseph D. Schleimer**  
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**Beverly Hills, CA 90212**  
**Telephone: (310) 273-9807**  
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**Attorney for Sam Lutfi**

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

## Melvin Steiner

1 Joseph D. Schleimer - Bar No. 125049  
2 9401 Wilshire Boulevard, Suite 1250  
3 Beverly Hills, California 90212  
4 Telephone: (310) 273-9807  
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7 Attorney for Plaintiff Sam Lutfi

8  
9 **SUPERIOR COURT OF CALIFORNIA**  
10 **FOR LOS ANGELES COUNTY**

11 **SAM LUTFI, an individual,**  
12 **Plaintiff,**

13 **vs.**

14 **LYNNE IRENE SPEARS, an**  
15 **individual; JAMES PARNELL**  
16 **SPEARS, an individual; BRITNEY**  
17 **JEAN SPEARS, an individual; and**  
18 **DOES 1 through 25, inclusive,**

19 **Defendants.**

Case No. BC 406904

**OPPOSITION TO CONSERVATORS'**  
**MOTION IN LIMINE NO. 1**

**[Quash C.C.P. §1987 Notice -**  
**Britney Spears to Testify at Trial]**

**Final Status Conference:**

**Date: 9/25/12**

**Time: 10:00 a.m.**

**Dept: 71 (Hon. Soussan G.**  
**Bruguera)**

**Filed: 2/3/09**

**Trial: 10/1/12**

**DCO: 12/24/11**

20 **TO THIS HONORABLE COURT AND TO DEFENDANTS AND TO THEIR**  
21 **COUNSEL OF RECORD HEREIN:** Plaintiff Sam Lutfi hereby respectfully  
22 submits his Opposition to Motion in Limine No. 1 filed by the Conservators,  
23 *in loco* Britney Spears:

24  
25 **CONDITIONALLY UNDER SEAL**  
26 **PURSUANT TO PROTECTIVE ORDER**  
27 **This Document is Subject to a**  
28 **Notice Given Under CRC §2.551(b)(3)**

Opposition to Motion in Limine No. 1 filed by Conservators  
(Quash C.C.P. §1987 Notice for Britney Spears to Testify at Trial)  
LASC No. BC406904

**EXHIBIT 5**

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<b>LASC Rule 7.12(j)(3) (former)</b>	<b>12</b>

1  
2                   **Opposition to Conservators' Motion in Limine No. 1**  
3                   **(Quash C.C.P. §1987 Notice for Britney Spears to Testify at Trial)**

4           Under California law even a gravely mentally ill person may testify so  
5 long as they are capable of expressing themselves and "understanding the  
6 duty of a witness to tell the truth. . . ." Evid.C. §701; People v. Anderson  
(2001) 25 Cal.4th 543, 572-573.

7           The Conservators object to Britney's testimony on grounds of mental  
8 incapacity. As such, they have the *burden* of proving incompetency. See,  
9 Anderson, supra, 25 Cal.4th at 573 ("[T]he burden of proof is on the party who  
10 objects to the proffered witness [as mentally incompetent].")

11           The Conservators' Motion to Quash the C.C.P. §1987 notice does not  
12 include any medical evidence. As such, they failed to meet their burden of  
13 proof and the motion should be summarily denied.

14           Alternatively, the Court could conduct a *competency hearing* and  
15 examine Britney Spears to determine whether she can testify. This procedure  
16 was endorsed by the California Supreme Court in Anderson, a case where a  
17 prosecution witness suffered from delusions – including a belief that her  
18 *imaginary son* was present during a murder. The Court held that allowing the  
19 delusional witness to testify was proper because:

20                   "[T]he grounds upon which a trial court may disqualify a witness  
21 as incompetent. . . are exceptionally narrow. The witness must be  
22 allowed to testify unless he or she cannot communicate  
23 intelligibly or understand the duty to tell the truth. . . . In many  
24 cases, psychiatric testimony, itself 'inherently [subject to] expert  
25 debate' (*People v. Gonzalez* (1990) 51 Cal.3d 1179, 1247), would  
26 be less useful on these issues than the court's own evaluation of  
27 the witness's demeanor and responses in light of all the evidence.  
28 (See, e.g., *Alcala, supra*, 4 Cal.4th 742, 781.) ¶ Here, the extensive



1 record of the competence hearing manifestly discloses that Baros  
2 was a coherent communicator, and her understanding of the  
3 specific duty to give truthful testimony was also not in serious  
4 dispute or doubt. Thus, there seems little basis on which a  
5 psychiatric evaluation could have affected a ruling on her  
6 qualifications as a competent court witness." Anderson, *supra*, 25  
7 Cal.4th at 576-577.

8  
9 **A. Offer of Proof: The Testimony of Britney Spears**

10 Sam Lutfi was with Britney Spears for more than a year, so she is a  
11 percipient witness to almost all of the factual disputes in the case. In that  
12 context, Mr. Lutfi proffers Britney's testimony as follows:

13 • Britney's testimony should rebut the Conservators' denial there  
14 was a management contract. Moreover, Britney is expected to testify that she  
15 *told* her father, Conservator James Parnell Spears ("James Parnell"), that she  
16 *did* have an contract with Mr. Lutfi, but James Parnell issued discovery  
17 responses, purportedly on behalf of Britney, *falsely denying* the existence of  
18 the oral management contract.<sup>1</sup>

19 • Britney should testify the management relationship with Mr. Lutfi  
20 commenced in June, 2007; it was expressly agreed (and memorialized) on  
21 October 13, 2007 that it would last for four years; it was further agreed that  
22 either party could terminate without cause on 90 days notice or with cause on  
23  
24  
25

26 <sup>1</sup> Declaration of Joseph D. Schleimer, ¶12  
27  
28

1 30 days notice.<sup>2</sup>

2 • Britney should testify she agreed that Mr. Lutfi would receive a

3 management fee of 15% of Britney's gross income, and she understood that is

4 a standard rate for managers in the music industry.<sup>3</sup>

5 • Britney should testify she told Sam Lutfi his 15% management fee

6 would yield \$120,000 a month while she wasn't working, based on her passive

7 income from record sales, music publishing and product endorsements; and

8 this figure would skyrocket when she released an album and a music video

9 (which Britney and Lutfi were working on together), and went on tour,

10 because she could generate tens of millions of dollars a month while on tour.<sup>4</sup>

11 • Britney's testimony should refute the allegation by the

12 Conservators, and by Lynne Spears ("Lynne") in her libelous book, that Mr.

13 Lutfi "drugged" Britney's food and supplied her with amphetamine.<sup>5</sup>

14 • Britney is expected to testify that, throughout the relationship,

15 Mr. Lutfi made energetic efforts to stop her from abusing drugs.<sup>6</sup>

16 • Britney's testimony should refute the allegation by the

17 Conservators, and in Lynne's libelous book, that Sam Lutfi sought to isolate

18 Britney by cutting her telephone wires, disabling her automobiles and

19 disabling her cell phones. Among other things, Britney should testify the

20

---

21 <sup>2</sup> Schleimer Dec., ¶2

22 <sup>3</sup> Schleimer Dec., ¶2

23 <sup>4</sup> Schleimer Dec., ¶2

24 <sup>5</sup> Schleimer Dec., ¶2

25 <sup>6</sup> Schleimer Dec., ¶2

1 telephones worked, the cell phones worked, the automobiles worked, and  
2 there was never any factual basis for Lynne's allegations.<sup>7</sup>

3 • Britney's testimony should disprove the "Svengali"  
4 characterization in Lynne's libelous book, including the false allegation Mr.  
5 Lutfi tried to drive a wedge between mother and daughter. Among other  
6 things, Britney is expected to testify that Sam Lutfi encouraged her to  
7 *reconcile* with her mother; and toward that end Mr. Lutfi engineered an  
8 emotional mother-daughter reunion in October, 2007 at Britney's home.<sup>8</sup>

9 • Britney should testify she was estranged from her mother when  
10 she met Sam Lutfi, but he persuaded her to end the estrangement. As part of  
11 this testimony, Britney will authenticate Exhibit 21 – a photograph of Lynne  
12 and Britney hugging each other during the October, 2007, mother-daughter  
13 reunion which Mr. Lutfi organized.<sup>9</sup>

14 • Britney should testify she was planning to seek a Temporary  
15 Restraining Order (TRO) against her abusive, alcoholic father, James Parnell,  
16 who moved from Louisiana to Los Angeles, was working part time as a cook,  
17 needed money, and was *harassing* her.<sup>10</sup>

18 • Britney should further testify that Sam Lutfi talked her out of  
19 seeking a TRO against James Parnell because Mr. Lutfi felt that "suing her  
20  
21

---

22 <sup>7</sup> Schleimer Dec., ¶2

23 <sup>8</sup> Schleimer Dec., ¶2

24 <sup>9</sup> Schleimer Dec., ¶2

25 <sup>10</sup> Schleimer Dec., ¶2

1 father" would be a public relations disaster.<sup>11</sup>  
2 • Britney should testify she told Sam Lutfi her father was a violent  
3 racist and she predicted James Parnell would ultimately attack Mr. Lutfi  
4 because of his dark complexion and foreign-sounding name.<sup>12</sup>  
5 • Britney should testify that, despite this concern, Mr. Lutfi urged  
6 her to "make peace" with her father.<sup>13</sup>  
7 • Britney should testify that Sam Lutfi's effort to reconcile Britney  
8 with her father ended abruptly – when James Parnell threatened Mr. Lutfi  
9 with violence in the text message of December 17, 2007.<sup>14</sup>  
10 • Britney is expected to authenticate Exhibit 11, since she was with  
11 Mr. Lutfi on December 17, 2007, when James Parnell sent Plaintiff the  
12 following text message:  
13 "If and when I met u one thing is going to happen I am going to  
14 jail and u r going to the hospital."<sup>15</sup>  
15 • Britney is expected to testify she said "I told you so" to Sam Lutfi,  
16 when the above-quoted text message was received from her father.<sup>16</sup>  
17 • Britney should testify that, when Mr. Lutfi first agreed to serve as  
18 her manager in June, 2007, he imposed a *condition*: Britney had to agree to  
19

---

20 <sup>11</sup> Schleimer Dec., ¶2

21 <sup>12</sup> Schleimer Dec., ¶2

22 <sup>13</sup> Schleimer Dec., ¶2

23 <sup>14</sup> Schleimer Dec., ¶2; Exhibit 11

24 <sup>15</sup> Schleimer Dec., ¶2; Exhibit 11

25 <sup>16</sup> Schleimer Dec., ¶2

1 stop using drugs.<sup>17</sup>

2 • Britney should testify that she *agreed* to that condition, and as  
3 part of the June, 2007 agreement she consented to Mr. Lutfi bringing *drug-*  
4 *sniffing dogs* into her home, to locate and destroy her "stash."<sup>18</sup>

5 • Britney should testify that Mr. Lutfi brought the drug-sniffing  
6 dogs into her home on June 13, 2007, and they found a cache of crystal  
7 methedrine, which was destroyed.<sup>19</sup>

8 • Britney should further testify the drug dogs found "hot spots" of  
9 drug residue in the carpeting, where her young sons (ages 1 and 3) played  
10 during visits.<sup>20</sup>

11 • Britney should testify that Sam Lutfi shampooed, then ripped out  
12 and replaced, *all of the carpeting in the residence*, to get rid of the drug residue  
13 "hot spots."<sup>21</sup>

14 • Britney should testify she relapsed and breached their agreement  
15 by abusing drugs and alcohol in September, 2007; and Mr. Lutfi threw his  
16 hands up, walked away, and stayed away for approximately two weeks.<sup>22</sup>

17 • Britney should further testify that, on or about October 1, 2007,  
18 she lost custody of her children due to her drug and alcohol abuse; and then  
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20 <sup>17</sup> Schleimer Dec., ¶2

21 <sup>18</sup> Schleimer Dec., ¶2

22 <sup>19</sup> Schleimer Dec., ¶2

23 <sup>20</sup> Schleimer Dec., ¶2

24 <sup>21</sup> Schleimer Dec., ¶2

25 <sup>22</sup> Schleimer Dec., ¶2

1 she contacted Mr. Lutfi, begged him to return as her manager, and promised  
2 to get "clean."<sup>23</sup>

3 • Britney should testify that, when Mr. Lutfi agreed to return, on or  
4 about October 1, 2007, he *moved into her residence* and began spending 24  
5 hours a day as her "minder," to keep her off drugs.<sup>24</sup>

6 • Britney should testify that, before hiring Mr. Lutfi, she had *fired*  
7 her previous manager, talent agent, and lawyer; and Mr. Lutfi then tried to  
8 build her a new "varsity" team by taking her to see Donald S. Passman, Esq.,  
9 of Gang Tyre Ramer & Brown, one of the most respected and powerful music  
10 lawyers in the industry; and Kevin Huvane, a managing partner at CAA, the  
11 most powerful talent agency in the world.<sup>25</sup>

12 • Britney should testify that Lynne Spears lied in her book when  
13 she wrote that Mr. Lutfi was a "Sveñgali" who sought to isolate, dominate and  
14 control Britney. Among other things, Britney should testify that Mr. Lutfi did  
15 the exact opposite by, *inter alia*, urging her to retain powerful – and  
16 independent – legal and career advisors.<sup>26</sup>

17 • Britney should testify that Lynne Spears lied when she accused  
18 Mr. Lutfi of taking control of Britney's money. Britney is expected to testify  
19 that Harold Grossman, C.P.A. was her business manager and she selected  
20 him herself; that Mr. Grossman reported to her, not to Mr. Lutfi; that Britney  
21

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22 <sup>23</sup> Schleimer Dec., ¶2

23 <sup>24</sup> Schleimer Dec., ¶2

24 <sup>25</sup> Schleimer Dec., ¶2

25 <sup>26</sup> Schleimer Dec., ¶2

1 signed her own checks; and Mr. Lutfi never attempted to gain control of her  
2 money.<sup>27</sup>

3 • Britney should testify that, as of the date of the assault of  
4 January 28, 2008, her father, James Parnell, was permanently banned from  
5 her home, and James Parnell knew it; that James Parnell snuck past the  
6 security gate that evening without her consent; that she learned her father  
7 was past the gate and on his way to her residence; and she feared violence  
8 from her father, so she fled in an automobile, called security and had him  
9 ejected.<sup>28</sup>

10 • Britney's testimony should lay a foundation for the admission of  
11 Exhibits 4, 4A, 7-13A, 19-21, 31, 32, 35-40, 43, 47, and 60-62.<sup>29</sup>

12 Plaintiff contends the Conservators seek to bar Britney from testifying  
13 because their case is built on *falsehoods* and Britney will *contradict* them.  
14 Hence, the unusual situation where the defense attorneys seek to prevent the  
15 *primary defense witness* from testifying; whereas the Plaintiff wishes to call  
16 Defendant as the cornerstone of his case-in-chief.

17 Plaintiff contends he will not get a fair trial unless he is allowed to  
18 present Britney's testimony – to refute a long list of *smears* perpetrated by  
19 Lynne Spears and Conservator James Parnell Spears. Accordingly, the motion  
20 should be denied and Plaintiff's motion to compel compliance with the C.C.P.  
21 §1987 notice should be *granted*.

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22  
23 <sup>27</sup> Schleimer Dec., ¶2

24 <sup>28</sup> Schleimer Dec., ¶2

25 <sup>29</sup> Schleimer Dec., ¶2

1  
2 **B. This Court Has Plenary Jurisdiction To Determine**  
3 **Whether Britney Spears is Competent to Testify**

4 Instead of submitting medical evidence, the Conservators move to  
5 quash based solely on their assertion this Court *lacks jurisdiction* to call  
6 Britney Spears to the witness stand.<sup>30</sup>

7 Plaintiff disagrees. The L.A. Superior Court Assignment Order gives  
8 *plenary* jurisdiction over this case to the assigned I/C Department, and the  
9 case is assigned to Department 71.<sup>31</sup> The "all purposes" Assignment Order  
10 instructs counsel to comply with the Superior Court Rules, and former LASC  
11 Rule 7.3(i) and new Rule 3.3.(i) clearly state that the I/C Judge "shall  
12 schedule, hear and decide" *all* matters in the case.

13 Since this Department clearly does have jurisdiction, the Conservators'  
14 argue that jurisdiction over Britney was divested by an 18-month-old order by  
15 the probate department.<sup>32</sup>

16 The easiest way to dispose of that argument is, by observing that order  
17 is *stale*, since it is based on Britney's supposed mental state 18 months ago.  
18 Since then, she has performed a \$15,000,000, Court-approved personal  
19 services contract as a judge on the television program the *X Factor*.<sup>33</sup> The DVD  
20 video from that program, which Plaintiff submitted, demonstrates that Britney  
21

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22 <sup>30</sup> Conservators MIL 1 at 1:13-15

23 <sup>31</sup> Exhibit 65 (emphasis added)

24 <sup>32</sup> Exhibit 64

25 <sup>33</sup> Schleimer Dec., ¶



1 is lucid, alert, oriented, articulate, and perfectly capable of testifying.<sup>34</sup> As  
2 such, the 18-month-old probate order is *obsolete*.

3 The Court should be aware of the highly-irregular proceeding in which  
4 the probate order issued. The procedural history is set forth in the  
5 Declaration of Joseph D. Schleimer, Esq.:

6 "On April 13, 2011, I served a notice setting Britney Spears  
7 deposition for April 28, 2011. Exhibit 63. I was informed she  
8 wasn't going to appear and expected a standard 'meet and confer'  
9 to follow, to be resolved by the Hon. Zaven V. Sinanian, who was  
10 then presiding in this case. Instead, on April 27, 2011 attorneys  
11 Samuel Ingham, Jeryl Cohen and Andrew Wallet went 'judge  
12 shopping' and presented a secret, ex parte 'Petition for  
13 Instructions' in the matter styled In re Conservatorship of Britney  
14 Jean Spears, No. BP 108870, asking the probate department to  
15 prohibit the taking of Britney Spears' deposition in *this* case, Lutfi  
16 v Spears, BC406904. Although I was counsel of record in Lutfi v  
17 Spears, I was not given notice of the ex parte hearing, which took  
18 place in secret, with only attorneys from the other side present.  
19 To this day I have never been allowed to see the Petition, nor the  
20 evidence submitted with it, which remain secret and under seal.  
21 On May 2, 2011, I received a letter from Joel Boxer, Esq.,  
22 transmitting the orders which the probate department executed  
23 during the secret hearing. (Exhibit 64) The letter from Mr. Boxer  
24 was the first time I heard about the secret petition and private

25  
26 <sup>34</sup> Exhibit 60, on file herein.

1 meeting with the Judge in the probate department. I asked Mr.  
2 Boxer for a copy of the 'Petition for Instructions' but he refused to  
3 give me a copy. I asked the identity of the medical expert referred  
4 to in the order, but that information was withheld. To prevent any  
5 public scrutiny of the secret proceedings, the probate department  
6 sealed the entire record on the Petition, including the secret order  
7 itself."<sup>35</sup>

8 In other words, rather than moving for a protective order from Judge  
9 Sinanian, who was presiding in this case, the Conservators raced to the  
10 courthouse, took the issue to another department in violation of the I/C  
11 Rules, then aggravated their misconduct by *meeting privately* with the Judge  
12 in the other department without giving notice to Mr. Lutfi. The probate  
13 department then ruled based on *secret evidence*, which Plaintiff's counsel has  
14 yet to see, then sealed the file, so its actions would not be subject to public  
15 scrutiny.

16 Mr. Lutfi was not a party to the irregular proceedings in the probate  
17 department, so the now-stale order which emerged from the private meeting  
18 in that department is not binding on Mr. Lutfi. Hernandez v. City of Pomona  
19 (2009) 46 Cal.4th 501, 511 ("[T]he party against whom preclusion is sought  
20 must be the same as. . .the party to the former proceeding."); Plumley v.  
21 Mockett (2008) 164 Cal.App.4th 1031, 1048-1049 ("Collateral estoppel  
22 precludes the relitigation of an issue only if. . .the party against whom  
23 collateral estoppel is asserted was a party to the prior proceeding. . .")

24 Plaintiff submits the probate order should be *narrowly construed*

25  
26 <sup>35</sup> Schleimer Dec., ¶3

1 because of the irregular procedure which generated it. By its terms, that order  
2 is directed at the Conservators, purporting to give them "instructions." The  
3 Conservators sought an order *directed at themselves*, and that is all they  
4 procured, since the order cannot bind Mr. Lutfi, who was not a party to the  
5 proceedings.

6 The impropriety of the secret meeting from which the order emerged is  
7 underscored by the absence of any *emergency*. The one-sided ex parte took  
8 place the day before Britney Spears' deposition, but the deposition was not  
9 going forward and the "meet and confer" had not even begun. This was not  
10 the kind of emergency which justifies a private meeting with a Judge without  
11 notice to the other side. Such a meeting requires proof of "irreparable harm,  
12 immediate danger, or other statutory basis for granting ex parte relief" as  
13 required by CRC 3.1202(c). As stated in former LASC Rule 7.12(j)(3):

14 "Where the Rules permit an ex parte application or  
15 communication to the court in an emergency situation,  
16 a lawyer should make such an application or communication  
17 . . . only where there is a *bona fide emergency* such that the  
18 lawyer's client will be seriously prejudiced by a failure to make  
19 the application or communication on regular notice."

20 By conducting a *private meeting* with the probate department, excluding  
21 Plaintiff, and in that fashion purporting to adjudicate Mr. Lutfi's right to call a  
22 crucial witness, the Conservators' attorneys acted unethically. They also  
23 infringed Plaintiff's Due Process rights. As stated in Carabini v. Superior  
24 Court (1994) 26 Cal.App.4th 239, 243-244:

25 "Code of Civil Procedure section 1005 specifies those motions  
26 requiring written notice. . . . However, section 1005 is not all-

1 inclusive. . . ¶ *Due process* requires an order with such significant  
2 impact on the viability of a case not be made without a full  
3 opportunity to brief the issues and present evidence. This is true  
4 whether the issue is presented in a motion or by way of an order  
5 to show cause issued by the court.”

6 **Conclusion**

7 The Conservators had the burden of proof but presented *no evidence* to  
8 support their claim of mental incapacity. On that basis alone, the motion  
9 should be denied.

10 Alternatively, this Court should conduct a *competency hearing*, examine  
11 Britney Spears on the record, and make a direct determination whether she  
12 has the capacity to testify.

13 ***Respectfully submitted,***

14 **Dated: September 10, 2012**

**JOSEPH D. SCHLEIMER  
ATTORNEY AT LAW**

15  
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18 BY:   
19 **Joseph D. Schleimer, Attorney**  
20 **for Plaintiff Sam Lutfi**  
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1                                   **Declaration of Joseph D. Schleimer, Esq.**

2                                   **in Opposition to Conservators' Motion in Limine No. 1**

3 I, *Joseph D. Schleimer*, do declare and state:

4           1.     I am an attorney at law, duly licensed to practice before this  
5 Honorable Court, and I am counsel of record for Plaintiff Sam Lutfi in this  
6 action. If called and sworn as a witness, I could and would testify to the  
7 matters set forth herein from personal knowledge.

8           2.     **Offer of Proof:** I attempted to depose and conduct an  
9 independent medical examination of Britney Spears ("Britney") but I was  
10 allowed to do neither. As a result, I make this declaration on information and  
11 belief. I am informed and believe that if I am allowed to call her to the witness  
12 stand, Britney will testify as follows:

13           •     Britney's testimony should rebut the Conservators' denial  
14 there was a management contract. Moreover, Britney is expected to testify  
15 that she *told* her father, Conservator James Parnell Spears ("James Parnell"),  
16 that she *did* have an contract with Mr. Lutfi, but James Parnell issued  
17 discovery responses purportedly on behalf of Britney, *falsely denying* the  
18 existence of the oral management contract. In other words, on the central  
19 factual issue of the cause of action involving the most money, Britney is  
20 expected to testify her father-Conservator *lied*.

21           •     Britney should testify the management relationship with Mr. Lutfi  
22 commenced in June, 2007; it was expressly agreed (and memorialized) on  
23 October 13, 2007 that it would last for four years; it was further agreed that  
24 either party could terminate without cause on 90 days notice or with cause on  
25 30 days notice.

26           •     Britney should testify she agreed that Mr. Lutfi would receive a  
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1 management fee of 15% of Britney's gross income, and she understood that is  
2 a standard rate for managers in the music industry.

3 • Britney should testify she told Sam Lutfi his 15% management fee  
4 would yield \$120,000 a month while she wasn't working, based on her passive  
5 income from record sales, music publishing and product endorsements; and  
6 this figure would skyrocket when she released an album, a music video  
7 (which Britney and Lutfi were working on together), and went on tour,  
8 because she could generate tens of millions of dollars a month while on tour.

9 • Britney's testimony should refute the allegation by the  
10 Conservators, and by Lynne Spears ("Lynne") in her libelous book, that Mr.  
11 Lutfi "drugged" Britney's food and supplied her with amphetamine.

12 • Britney is expected to testify that, throughout the relationship,  
13 Mr. Lutfi made energetic efforts to *stop* her from abusing drugs.

14 • Britney's testimony should refute the allegation by the  
15 Conservators, and in Lynne's libelous book, that Sam Lutfi sought to isolate  
16 Britney by cutting her telephone wires, disabling her automobiles and  
17 disabling her cell phones. Among other things, Britney should testify the  
18 telephones worked, the cell phones worked, the automobiles worked, and  
19 there was never any factual basis for Lynne's allegations.

20 • Britney's testimony should disprove the "Svengali"  
21 characterization in Lynne's libelous book, including the false allegation Mr.  
22 Lutfi tried to drive a wedge between mother and daughter. Among other  
23 things, Britney is expected to testify that Sam Lutfi encouraged her to  
24 *reconcile* with her mother; and toward that end Mr. Lutfi engineered an  
25 emotional mother-daughter reunion in October, 2007 at Britney's home.

26 • Britney should testify she was estranged from her mother when  
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1 she met Sam Lutfi, but he persuaded her to end the estrangement. As part of  
2 this testimony, Britney will authenticate Exhibit 21 – a photograph of Lynne  
3 and Britney hugging each other during the October, 2007, mother-daughter  
4 reunion which Mr. Lutfi organized.

5 • Britney should testify she was planning to seek a Temporary  
6 Restraining Order (TRO) against her abusive, alcoholic father, James Parnell,  
7 who moved from Louisiana to Los Angeles, was working part time as a cook,  
8 needed money, and was *harassing* her.

9 • Britney should further testify that Sam Lutfi talked her out of  
10 seeking a TRO against James Parnell because Mr. Lutfi felt that “suing her  
11 father” would be a public relations disaster.

12 • Britney should testify she told Sam Lutfi her father was a violent  
13 racist and she predicted James Parnell would ultimately attack Mr. Lutfi  
14 because of his dark complexion and foreign-sounding name.

15 • Britney should testify that, despite this concern, Mr. Lutfi urged  
16 her to “make peace” with her father.

17 • Britney should testify that Sam Lutfi’s effort to reconcile Britney  
18 with her father ended abruptly – when James Parnell threatened Mr. Lutfi  
19 with violence in the text message of December 17, 2007 (Exhibit 11).

20 • Britney is expected to authenticate Exhibit 11, since she was with  
21 Mr. Lutfi on December 17, 2007, when James Parnell sent Plaintiff the  
22 following text message:

23 “If and when I met u one thing is going to happen I am going to  
24 jail and u r going to the hospital.”

25 • Britney is expected to testify she said “I told you so” to Sam Lutfi,  
26 when the above-quoted text message was received from her father.

1           •       Britney should testify that, when Mr. Lutfi first agreed to serve as  
2 her manager in June, 2007, he imposed a *condition*: Britney had to agree to  
3 stop using drugs

4           •       Britney should testify that she *agreed* to that condition, and as  
5 part of the June, 2007 agreement she consented to Mr. Lutfi bringing *drug-*  
6 *sniffing dogs* into her home, to locate and destroy her "stash."

7           •       Britney should testify that Mr. Lutfi brought the drug-sniffing  
8 dogs into her home on June 13, 2007, and they found a cache of crystal  
9 methedrine, which was destroyed.

10          •       Britney should further testify the drug dogs found "hot spots" of  
11 drug residue in the carpeting, where her young sons (ages 1 and 3) played -  
12 during visits.

13          •       Britney should testify that Sam Lutfi shampooed, then ripped out  
14 and replaced, *all of the carpeting in the residence*, to get rid of the drug residue  
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18 hands up, walked away, and stayed away for approximately two weeks.

19          •       Britney should further testify that, on or about October 1, 2007,  
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27  
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20 security gate that evening without her consent; that she learned her father  
21 was past the gate and on his way to her residence; and she feared violence  
22 from her father, so she fled in an automobile, called security and had him  
23 ejected.

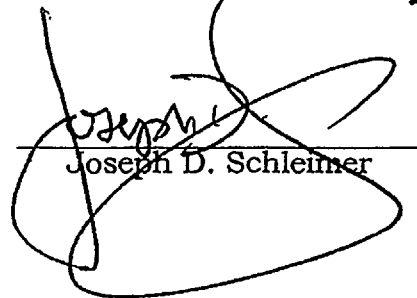
24 • Britney's testimony should lay a foundation for the admission of  
25 Exhibits 4, 4A, 7-13A, 19-21, 31, 32, 35-40, 43, 47, and 60-62.

1           3.     **Procedural History of Probate Order:** On April 13, 2011, I  
2 served a notice setting Britney Spears deposition for April 28, 2011. Exhibit  
3 63. I was informed she wasn't going to appear and expected a standard "meet  
4 and confer" to follow, to be resolved by the Hon. Zaven V. Sinanian, who was  
5 then presiding in this case. Instead, on April 27, 2011 attorneys Samuel  
6 Ingham, Jeryl Cohen and Andrew Wallet went 'judge shopping' and presented  
7 a secret, ex parte "Petition for Instructions" in the matter styled In re  
8 Conservatorship of Britney Jean Spears, No. BP 108870, asking the probate  
9 department to prohibit the taking of Britney Spears' deposition in *this* case,  
10 Lutfi v Spears, BC406904. Although I was counsel of record in Lutfi v Spears I  
11 was not given notice of the ex parte hearing, which took place in secret, with  
12 only attorneys from the other side present. To this day I have never been  
13 allowed to see the Petition, nor the evidence submitted with it, which remain  
14 secret and under seal. On May 2, 2011, I received a letter from Joel Boxer,  
15 Esq., transmitting the orders which the probate department executed during  
16 the secret hearing. (Exhibit 64) The letter from Mr. Boxer was the first time I  
17 heard about the secret petition and private meeting with the Judge in the  
18 probate department. I asked Mr. Boxer for a copy of the 'Petition for  
19 Instructions' but he refused to give me a copy. I asked the identity of the  
20 medical expert referred to in the order, but that information was withheld. To  
21 prevent any public scrutiny of the secret proceedings, the probate department  
22 sealed the entire record on the Petition, including the secret order itself.

23           4.     My response to the order of April 27, 2011 was to move for an  
24 independent medical examination of Britney Spears, to determine whether she  
25 was mentally capable of testifying. On June 15, 2011, my motion for an IME  
26 was denied, based on the April 27, 2011 order. Thus, as of June 15, 2011, I  
27  
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1 had no access to the secret medical evidence submitted on April 27, 2011; I  
2 did not have an IME report of my own; and the probate department had  
3 prejudged the issue after taking a private meeting with the attorneys for the  
4 other side. I concluded it was futile to move to reconsider in the probate  
5 department, without first moving to recuse the Judge who took the private  
6 meeting and issued the secret order, based on secret evidence. That would  
7 have been a huge distraction from my case, so I elected not to do it. I  
8 contemplated filing a writ petition with the Court of Appeal, but this case had  
9 already been delayed for *two years* by a previous appeal, so I elected to  
10 proceed to trial, which was set for January 23, 2012. The trial has been  
11 postponed several times since then, and circumstances have changed;  
12 namely, evidence is now available (Exhibit 60) to affirmatively prove that  
13 Britney Spears is competent to testify. I am informed and believe that, several  
14 months ago, the probate department approved a \$15,000,000 contract for  
15 Britney to appear as a judge on the *X Factor* television program. That kind of  
16 employment is inconsistent with any bona fide argument she is mentally  
17 incapacitated and cannot testify. Thus, due to the passage of time, and  
18 *changed circumstances*, the secret order of April 27, 2011 is obsolete.

19 I hereby declare pursuant to the laws of the State of California that the  
20 foregoing is true and correct. Executed this 10<sup>th</sup> day of September, 2012, at  
21 Beverly Hills, California.

22  
23   
24 Joseph D. Schleimer  
25  
26  
27  
28

1 **Joseph D. Schleimer - Bar No. 125049**  
2 **9401 Wilshire Boulevard, Suite 1250**  
3 **Beverly Hills, California 90212**  
4 **Telephone: (310) 273-9807**  
5 **Telecopier: (310) 273-9809**  
6 **schleimerlaw@msn.com**

7 Attorney for Plaintiff Sam Lutfi

8  
9 **SUPERIOR COURT OF CALIFORNIA**  
10 **FOR LOS ANGELES COUNTY**

11 **SAM LUTFI, an individual,**  
12 **Plaintiff,**

13 **vs.**

14 **LYNNE IRENE SPEARS, an**  
15 **individual; JAMES PARNELL**  
16 **SPEARS, an individual; BRITNEY**  
17 **JEAN SPEARS, an individual; and**  
18 **DOES 1 through 25, inclusive,**

19 **Defendants.**

Case No. BC 406904

**NOTICE OF DEPOSITION OF**  
**BRITNEY SPEARS**

20 **TO DEFENDANT BRITNEY SPEARS AND TO ALL DEFENDANTS AND**  
21 **THEIR COUNSEL OF RECORD HEREIN:**

22 **PLEASE TAKE NOTICE** that Plaintiff Sam Lutfi shall take the  
23 deposition of Defendant Britney Spears pursuant to C.C.P. §2025.010, et seq.,  
24 commencing on April 28, 2011, at 9:00 a.m., at the offices of Joseph D.  
25 Schleimer, Attorney at Law, located at 9401 Wilshire Boulevard, Suite 1250,  
26 Beverly Hills, California. Said deposition shall take place before a Court  
27 reporter duly authorized and licensed to administer oaths and shall be  
28 transcribed stenographically and recorded on videotape.

**Notice of Deposition of Defendant Britney Spears**

Exhibit

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03/27/12

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**TO THE WITNESS AND TO HER COUNSEL OF RECORD HEREIN:** Pursuant to Code of Civil Procedure §2025.280(a), service of this Notice is effective to compel the attendance of the Defendant in lieu of a subpoena.

**Dated: April 13, 2011**

**JOSEPH D. SCHLEIMER  
ATTORNEY AT LAW**

BY:   
**Joseph D. Schleimer, Attorney for  
Plaintiff Sam Lutfi**

**PROOF OF SERVICE**  
**BY FAX & U.S. MAIL**

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 9401 Wilshire Boulevard, Suite 1250, Beverly Hills, California 90212.

On **\*April 13, 2011\*** I served the foregoing document described as: **\*NOTICE OF DEPOSITION OF BRITNEY SPEARS\*** on the interested parties in this action by placing a true copy thereof enclosed in sealed envelopes addressed as follows:

See attached service list

**BY U. S. MAIL**

I deposited the sealed envelopes in the United States mail at Beverly Hills, California, addressed as stated above. The envelopes were mailed with first class postage thereon fully prepaid.

**BY TELECOPIER:**

I transmitted a copy of this document by telecopier to each of the fax numbers set forth on the service list.

Executed on **\*April 13, 2011\*** at Beverly Hills, California.

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

Joseph D. Schleimer  
Type or Print Name

[Signature]  
Signature

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May 2, 2011

File No. 3565.2

## BY HAND DELIVERY

Joseph D. Schleimer  
9401 Wilshire Blvd., Suite 1250  
Beverly Hills, CA 90212

Re: Lutfi v. Spears, et al.  
LASC Case No. BC 406904

Dear Joe:

I am writing to "meet and confer" relating to your recently served notice of the deposition of Britney Jean Spears in the above-referenced case pending in the Los Angeles Superior Court. The accompanying enclosures, necessary to the meet and confer process, are explained below.

On April 27, 2011, Samuel D. Ingham, III, Ms. Spears' Court Appointed Counsel in the *Conservatorship of Britney Jean Spears, Conservatee*, LASC Docket No. BP 108870 sought and obtained from the Honorable Reva Goetz an Order Instructing Conservators (the "April 27, 2011 Order"). The content of the April 27, 2011 Order has been sealed pursuant to another order issued by Judge Goetz on April 27, 2011, an Order Granting Motion to Seal (the "Sealing Order"). The Sealing Order (copy enclosed) authorizes the Conservators and Mr. Ingham to disclose the content of the April 27, 2011 Order "subject to this Sealing Order to such persons and/or Courts as the Conservators and Mr. Ingham determine is necessary in order to protect Ms. Spears and to evidence that the Conservators are acting pursuant to this Court's considered Order."

As I noted above, the April 27, 2011 Order has been sealed by the Court. Because the April 27, 2011 Order contains medical information concerning Ms. Spears, it is subject to further laws governing privacy; thus, we have additionally designated it as Confidential and subject to the Stipulated Protective Order filed on February 15, 2011 in the above-titled case ("Protective Order"). Given the Court's Sealing Order and the Confidential designation, you and your client are not authorized to use or disseminate the April 27, 2011 Order or any of its content publically or for any purpose other than your pending litigation; nor may you file, quote from or summarize the content of the April 27,

Sharon Ben-Shahar  
Terry W. Bird  
Joel E. Boxer  
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Michelle C. Taim  
Dorothy Wolpert  
Steven K. Yoda

Exhibit 64

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Joseph D. Schleimer

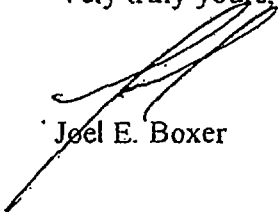
May 2, 2011

Page 2

2011 Order in a Court filing except in a sealed filing following the explicit procedures set out in Rule 2.551. However, consistent with the April 27, 2011 Order, the Conservators and Mr. Ingham have authorized me to disclose to you a copy of the April 27, 2011 Order as part of the required meet and confer process. Please see in the separately enclosed envelope designating this record as subject to the Sealing Order and Protective Order, a photocopy of a certified copy of the April 27, 2011 Order.

In light of the content of the April 27, 2011 Order, please advise if you withdraw your notice of the deposition of Ms. Spears in this case and will stipulate to not seek in the future to conduct Ms. Spears' deposition during the pendency of this litigation. Absent your so agreeing, I see no present alternative other than to seek a protective order consistent with Judge Goetz's April 27, 2011 Order. If you have alternative suggestions, please let me know in writing.

Very truly yours,



Joel E. Boxer

JEB:vmb

Enclosure

cc: Michael Adler (w/o encl., by email: [madler@ta-llp.com](mailto:madler@ta-llp.com))  
Gary Wallace (w/o encl., by email: [gwallace@gladstonemichel.com](mailto:gwallace@gladstonemichel.com))

301098.1

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13 Conservator of the Person

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21 Co-Conservator of the Estate

22  
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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

In re the Conservatorship of the Person and  
Estate of

BRITNEY JEAN SPEARS,  
Conservatee.

Case No. BP 108 870

ORDER GRANTING MOTION TO SEAL  
EX PARTE PETITION FOR  
INSTRUCTIONS AND PROPOSED  
ORDER

Date: April 27, 2011  
Time:  
Dept.: 9  
Judge: Hon. Reva Goetz

**FILED**  
LOS ANGELES SUPERIOR COURT

APR 27 2011

JOHN A. CLARKE, CLERK

*Arundock*  
ANDREA MURDOCK, DEPUTY

1       The Motion to Seal filed by James P. Spears, Conservator of the Person and Co-  
2       Conservator of the Estate of Britney Jean Spears, by and through his attorneys of record, and  
3       Andrew M. Wallet, Co-Conservator of the Estate of Britney Jean Spears (jointly, the  
4       "Conservators"), pursuant to Cal. R. 2.550 and 2.551 seeking an order to seal certain described  
5       pleadings, came on regularly before this Court on April 27, 2011. Jeryll S. Cohen of Hoffman,  
6       Sabban & Watenmaker APC appeared on behalf of James P. Spears in his above-referenced  
7       capacities. Andrew M. Wallet of Hinojosa & Wallet appeared on behalf of Andrew M. Wallet  
8       as Co-Conservator of the Estate of Ms. Spears. Samuel D. Ingham III appeared as the court-  
9       appointed PVP counsel on behalf of Ms. Spears.

10       The Court finds with regard to the documents and information addressed by this Order  
11       that:

12       (1)     Ms. Spears has strong interests in her constitutional right to privacy and her right  
13       to maintain in confidence medical information. While the public has a general right of public  
14       access to the record, any interest that the public might have in access to the documents and  
15       information addressed by this Order is overcome by Britney's overriding interests. Cal. R. Court  
16       2.550(d)(1).

17       (2)     Ms. Spears' overriding interests in privacy and maintaining in confidence her  
18       medical information support sealing the documents and information address by this Order. Cal.  
19       R. Court 2.550(d)(2).

20       (3)     There is substantial likelihood that these overriding interests in privacy and in  
21       maintaining in confidence medical information will be prejudiced if the documents and  
22       information addressed by this Order are not filed or maintained under seal. Cal. R. Court  
23       2.550(d)(3).

24       (4)     The proposed sealing is as narrowly tailored as possible. Cal. R. Court  
25       2.550(d)(4).

26       (5)     No less restrictive means exist to achieve Ms. Spears' overriding interests in  
27       privacy and in maintaining in confidence her medical information. Cal. R. Court 2.550(d)(5).

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