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FILED  
LOS ANGELES SUPERIOR COURT

OCT 25 2013

JOHN A. CLARKE, EXECUTIVE OFFICER/CLERK  
BY *[Signature]* Deputy  
MARITA ZENAROSA

6 Court-Appointed Counsel For  
7 BRITNEY JEAN SPEARS, Conservatee

DATE OF HEARING:

12-4-13

Times: 10:00 Dept.: 9

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:

15 BRITNEY JEAN SPEARS,

20 Conservatee.

No. BP 108 870

NOTICE OF MOTION AND MOTION  
TO SEAL "REPORT OF PVP  
ATTORNEY"

MEMORANDUM OF  
POINTS AND AUTHORITIES

DECLARATION OF  
SAMUEL D. INGHAM III

Assigned To:  
Judge REVA G. GOETZ  
Department: 9  
Hearing Date: 12-4-13  
Time: 10:00

22 TO ALL INTERESTED PARTIES AND TO THEIR ATTORNEYS OF RECORD:

23 YOU ARE HEREBY NOTIFIED THAT on \_\_\_\_\_  
24 at \_\_\_\_\_ m. in Department 9 of this Court located at 1111 North Hill  
25 Street, Los Angeles, California 90012, SAMUEL D. INGHAM III  
26 ("Moving Party") as Court-Appointed Counsel for BRITNEY JEAN  
27 SPEARS, conservatee, will move the Court for an order to seal in  
28 relation to the "Report of PVP Attorney" ("The Privileged Report")

CITATION: 10/25/13  
LEO/DEF#: 01  
RECEIVED: 10/25/13  
DATE FILED: 10/25/13  
FAY/ENH: 3:18 PM  
RECEIVED: 3:18 PM  
\$60.00  
\$0.00  
\$0.00  
\$0.00

10/25/2013

1 which was filed on October 25, 2013 conditionally under seal.

2 This Motion seeks an order to seal the Privileged Report  
3 in its entirety on the ground that the Privileged Report relates to  
4 or reveals medical information and sensitive information of a  
5 personal nature relating to the conservatee and her minor children  
6 and, therefore, should be sealed pursuant to California Rules of  
7 Court 2.550 and 2.551. A sealing order is required under California  
8 Rule of Court 2.550(d) because the facts establish that:

9 1. There exists an overriding interest that overcomes the  
10 right of public access to the records;

11 2. The overriding interest supports sealing the record;

12 3. A substantial probability exists that the overriding  
13 interest will be prejudiced if the record is not sealed;

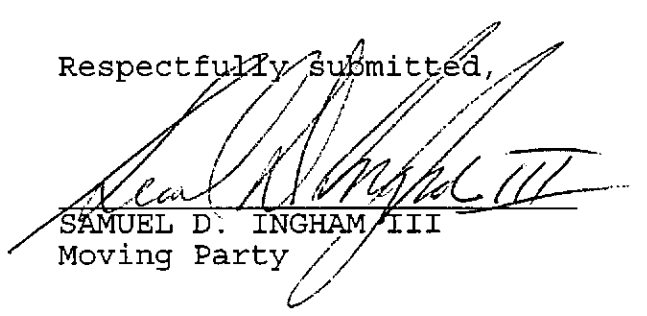
14 4. The proposed sealing order is narrowly tailored; and

15 5. No less restrictive means exist to achieve the  
16 overriding interest.

17 This Motion is based on (1) this Notice of Motion and  
18 Motion; (2) the attached Memorandum of Points and Authorities; and  
19 (3) the attached Declaration of SAMUEL D. INGHAM III, as well as  
20 all papers, pleadings and documents on file in this case, and on  
21 such oral testimony as may be offered at the time of the hearing on  
22 this Motion.

23 Dated: October 25, 2013

24 Respectfully submitted,

25  
26   
27 SAMUEL D. INGHAM III  
28 Moving Party

1                                    MEMORANDUM OF POINTS AND AUTHORITIES

2                    Moving Party offers the following points and authorities  
3 in support of this "Motion to Seal Report of PVP Attorney":  
4

5            1.    Introduction

6                    By this Motion, Moving Party as court-appointed counsel  
7 for the conservatee requests that the Court make an order sealing  
8 the Privileged Report in its entirety. Sealing the Privileged  
9 Report is warranted pursuant to California Rule of Court 2.550  
10 because it relates to or reveals medical information and sensitive  
11 information of a personal nature relating to the conservatee and  
12 her minor children.

13                    Public disclosure of any of this information would be  
14 highly injurious to the conservatee both personally and profession-  
15 ally. It would therefore have the unintended effect of turning this  
16 conservatorship into a destructive influence rather than a  
17 protective proceeding as contemplated by law.

18                    The conservatee has an overriding interest in sealing  
19 this confidential information to avoid such detrimental public  
20 disclosure. There is simply no legitimate reason for the public to  
21 have access to this confidential information.  
22

23            2.    Background

24                    By Order dated February 1, 2008 in this proceeding,  
25 Moving Party was appointed to serve as counsel for the conservatee.  
26 Moving Party has not been discharged and presently serves in that  
27 capacity.

28    ///

1 By Order dated February 1, 2008, JAMES P. SPEARS was  
2 appointed temporary conservator of the conservatee's person for an  
3 initial period expiring February 4, 2008. By various orders, his  
4 letters of temporary conservatorship have been extended. By minute  
5 order dated October 28, 2008, JAMES P. SPEARS was appointed  
6 permanent conservator of the conservatee's person and he continues  
7 to serve in that capacity.

8 By Order dated February 1, 2008, JAMES P. SPEARS and  
9 ANDREW M. WALLET were appointed temporary co-conservators of the  
10 conservatee's estate for an initial period expiring February 4,  
11 2008. By various orders, their letters of temporary conservatorship  
12 have been extended. By minute order dated October 28, 2008, JAMES  
13 P. SPEARS and ANDREW M. WALLET were appointed permanent co-  
14 conservators of the conservatee's estate and they continue to serve  
15 in that capacity.

16 Several matters are set for hearing on October 29, 2013  
17 at 10:00 a.m. Moving Party has filed the Privileged Report  
18 conditionally under seal, subject to the within Motion. The  
19 Privileged Report relates to or reveals personal and medical  
20 information relating to the conservatee and to the conservatee's  
21 minor children (collectively, the "Confidential Information").  
22 Moving Party seeks to have the Privileged Report filed under seal  
23 to protect the Confidential Information.

24  
25 3. Legal Argument

26 Sealing the Privileged Report is warranted under  
27 California Rule of Court 2.550. This court may seal a record  
28 pursuant to California Rule of Court 2.550(d), which is based on

1 the standards enunciated by the California Supreme Court in *NBC*  
2 *Subsidiary (KNBC-TV), Inc. v. Superior Court (Locke)* (1999) 20  
3 Cal.4th 1178, 86 Cal.Rptr.2d 778; 980 P.2d 337:

4 If it expressly finds facts that establish:

- 5 (1) There exists an overriding interest that  
6 overcomes the right of public access to the  
7 records;
- 8 (2) The overriding interest supports sealing the  
9 record;
- 10 (3) A substantial probability exists that the  
11 overriding interest will be prejudiced if the  
12 record is not sealed;
- 13 (4) The proposed sealing is narrowly tailored;  
14 and
- 15 (5) No less restrictive means exist to achieve the  
16 overriding interest.

17 Cal. R. Ct. 2.550(d); see also Advisory Comm. Comment to Cal. R.  
18 Ct. 2.550 ("Courts have found that, under appropriate circum-  
19 stances, various statutory privileges, trade secrets, and privacy  
20 interests, when properly asserted and not waived, may constitute  
21 'overriding interests.'")

22 All five of these factors are present here:

23 a. The conservatee and Her Minor Children Have  
24 Overriding Interests That Overcome the Right of Public Access and  
25 Support Sealing the Privileged Report

26 The conservatee has her constitutional right to  
27 privacy and that of her minor children with respect to their  
28 sensitive personal and medical information. Their rights to privacy  
represent an following overriding interest which is sufficient to  
support sealing the Privileged Report.

///

1                   The Privileged Report reveals details of the  
2 personal lives of the conservatee and her minor children, includ-  
3 ing, without limitation, medical information, personal affairs and  
4 other sensitive, private information. This is information to which  
5 the conservatee and her minor children have a constitutional right  
6 to privacy. See California Constitution, Art. I, §1 ("All people  
7 are by nature free and independent and have inalienable rights.  
8 Among these are . . . pursuing and obtaining safety, happiness and  
9 privacy."). This constitutional right to privacy is an overriding  
10 interest.

11                   The Privileged Report also relates to or  
12 reveals the conservatee's trade secrets and proprietary informa-  
13 tion, including financial information and information regarding The  
14 conservatee's professional contracts and business dealings. The  
15 conservatee has an overriding interest in maintaining the confiden-  
16 tiality of this information as well. See Evidence Code §1060 et  
17 seq. (providing protection from disclosure for "trade secrets" and  
18 proprietary information); *NBC Subsidiary*, 20 Cal.4th at 1222 n.46  
19 (noting protection of trade secrets has been recognized as an  
20 overriding interest that supports restricting public access).  
21 Similarly, Civil Code §3426.1(d) defines "trade secret" as  
22 "information" that:

- 23                   (1) derives independent economic value, ac-  
24                   tual or potential, from not being gener-  
25                   ally known to the public or to other  
26                   persons who can obtain economic value  
27                   from its disclosure or use" and  
28                   (2) is the subject of efforts that are rea-  
                    sonable under the circumstances to main-  
                    tain its secrecy.").

28     ///

1           Each one of the overriding interests set forth  
2 above overcomes the public's interest in access to these proceed-  
3 ings and supports sealing the Privileged Report. See *NBC Subsid-*  
4 *iary*, 20 Cal.4th at 1219 ("Public access to civil proceedings  
5 serves to (I) demonstrate that justice is meted out fairly, thereby  
6 promoting public confidence in such governmental proceedings; (ii)  
7 provide a means by which citizens scrutinize and check the use and  
8 possible abuse of judicial power; and (iii) enhance the truthfin-  
9 ding function of the proceeding.").

10           Given the nature of the Confidential Informa-  
11 tion and the unprecedented media attention given to the conservatee  
12 and to this conservatorship, the Confidential Information,  
13 including the conservatee's personal and private information, her  
14 trade secrets and proprietary information would be widely dissemi-  
15 nated and dissected in the media if filed publicly. This, in turn,  
16 would have a detrimental effect on the conservatee's business  
17 activities and her and her minor children's safety and personal  
18 well-being. The conservatee's overriding interest in her right to  
19 privacy as to her and her minor children's personal and private  
20 information, and her trade secrets and proprietary information  
21 therefore overcomes the right of public access and supports sealing  
22 the Privileged Report. See Cal. R. Ct. 2.550(d)(1), (2); *People v.*  
23 *Jackson*, (2005) 128 Cal. App. 4th 1009, 1024 ("It is appropriate to  
24 seal certain records when those particular records contain highly  
25 sensitive . . . personal information about individuals.").

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1                   b. There Is a Substantial Probability That  
2 the Overriding Interests Will Be Prejudiced If the Privileged  
3 Report are Not Sealed

4                   A Google search for the conservatee's name  
5 yields nearly 300 million hits. Any news about the conservatee  
6 generates a media frenzy. The conservatee is constantly swarmed by  
7 photographers, and members of the media vie for news about her.  
8 Photographs and personal information, particularly information of  
9 a highly confidential nature such as the information at issue here,  
10 can potentially reap thousands, if not millions, of dollars. Given  
11 the extensive media interest in the conservatee, her confidential,  
12 proprietary and personal information in the Privileged Report would  
13 undoubtedly be widely disseminated if these documents were filed  
14 publicly, thereby prejudicing the interests of the conservatee and  
15 her Estate. A sealing order is the only way to protect the  
16 conservatee's business interests, preserve the confidentiality of  
17 the conservatee's and her minor children's private and personal  
18 information and ensure that The conservatee' and her minor  
19 children's safety and personal well-being is protected. See Cal. R.  
20 Ct. 2.550(d)(3).

21  
22                   c. The Proposed Sealing Is as Narrowly Tailored as  
23 Possible, and No Less Restrictive Means Exist to Achieve the  
24 Overriding Interests

25                   The proposed sealing of the Privileged Report  
26 in its entirety is as narrowly tailored as possible, and no less  
27 restrictive means exist to protect the conservatee's and her minor  
28 children's overriding interests because benign information in these



1 documents is inextricably intertwined with confidential informa-  
2 tion, rendering it impracticable for the Conservators to redact  
3 only the confidential information. See Cal. R. Court 2.550(d)(4)  
4 and (5). Indeed, attempting to redact the confidential information  
5 from the Privileged Report would serve little purpose as it would  
6 leave these documents with little more than isolated phrases and  
7 words, without any substantial meaning being imparted to the  
8 public.

9                   Moreover, Moving Party and the Conservators  
10 have previously filed other documents publicly that disclose all  
11 but the most confidential information relating to the conservatee's  
12 finances, career, personal and medical information, and minor  
13 children. (See, e.g., First Account Current, filed on March 23,  
14 2009 in this matter and Second Account Current, filed on June 15,  
15 2010 in this matter.)

16                   The Privileged Report is of minimal value to  
17 the public, especially given the extensive information in the  
18 Court's record that is already publicly available. However, the  
19 Privileged Report could be used by third parties to the conserva-  
20 tee's and her Estate's significant detriment. The only way to  
21 protect the conservatee's and her minor children's overriding  
22 interests is to seal the Privileged Report in its entirety.

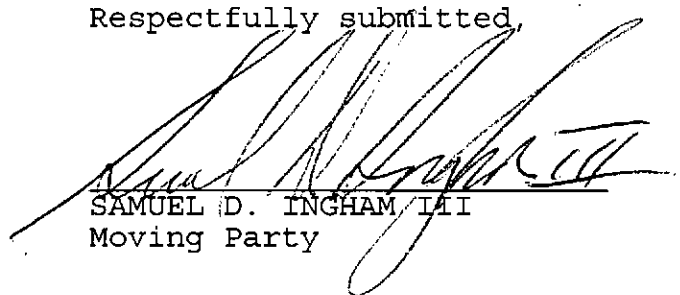
23  
24                   4.    Conclusion

25                   Unless the Privileged Report is sealed in its  
26 entirety, the confidential, sensitive information it contains will  
27 unquestionably be disseminated widely throughout the world, harming  
28 the conservatee by impinging on her and her minor children's right

1 to privacy, and interfering with her ability to transact future  
2 business effectively. Moving Party therefore respectfully requests  
3 that this Court issue an order sealing the Privileged Report in its  
4 entirety to protect the conservatee's and the Estate's personal and  
5 medical information regarding the conservatee and her minor  
6 children.

7 Dated: October 25 2013

8 Respectfully submitted,

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12 SAMUEL D. INGHAM III  
13 Moving Party  
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1                                    DECLARATION OF SAMUEL D. INGHAM III

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3                    SAMUEL D. INGHAM III declares:

4                    1. I am an attorney admitted to practice law in the State  
5 of California. Except as otherwise stated, the statements contained  
6 in this declaration are based on my personal knowledge and  
7 experience. If called as a witness, I could and would testify  
8 competently to those facts.

9                    2. By Order dated February 1, 2008 in this proceeding, I  
10 was appointed to serve as counsel for the conservatee. I have not  
11 been discharged and presently serve in that capacity.

12                   3. By Order dated February 1, 2008, JAMES P. SPEARS was  
13 appointed temporary conservator of the conservatee's person for an  
14 initial period expiring February 4, 2008. By various orders, his  
15 letters of temporary conservatorship have been extended. By minute  
16 order dated October 28, 2008, JAMES P. SPEARS was appointed  
17 permanent conservator of the conservatee's person and he continues  
18 to serve in that capacity.

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

27                   5. In my capacity as the conservatee's attorney in this  
28 matter, I have extensive knowledge of every aspect of the conserva-

1 torship of my client's person and estate. My responsibilities as  
2 the conservatee's attorney have included working closely with the  
3 conservators and their attorneys, the Estate's business advisors,  
4 the conservatee's doctors, reviewing every pleading filed in this  
5 matter and appearing at every court hearing, attending to litiga-  
6 tion involving the conservatee or her Estate, and assisting the  
7 conservatee in addressing personal issues relating to the conserva-  
8 tee and her children.

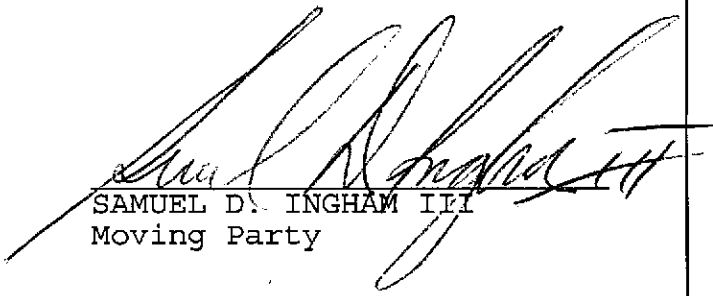
9           6. The Privileged Report relates to or reveals the  
10 conservatee's trade secrets and proprietary information, personal  
11 information, information regarding her professional contracts and  
12 business dealings, and sensitive, personal and private information  
13 regarding the conservatee and her minor children, including medical  
14 information.

15           7. If the Privileged Report is not sealed in its  
16 entirety, there is a substantial probability that the conservatee's  
17 overriding interests in her constitutional right to privacy and the  
18 right to maintain the confidentiality of her trade secrets and  
19 proprietary information would be prejudiced. This document would  
20 most likely be disseminated widely and dissected in the media. This  
21 would have a detrimental effect on The conservatee's and her minor  
22 children's overriding interests set forth above.

23           8. The sealing proposed in this motion is as narrowly  
24 tailored as possible, and no less restrictive means exist to  
25 protect the conservatee's and her minor children's overriding  
26 interests because benign information in the Privileged Report is  
27 inextricably intertwined with confidential information, rendering  
28 it impracticable for Moving Party to redact only the confidential

1 information. Indeed, attempting to redact the confidential  
2 information from the Privileged Report would serve little purpose  
3 as it would leave the document with little more than isolated  
4 phrases and words, without any substantial meaning being imparted  
5 to the public. Sealing the document in its entirety is the only way  
6 to protect the conservatee's and her minor children's overriding  
7 interests.

8 I declare under penalty of perjury of the laws of the  
9 State of California that the foregoing is true and correct and that  
10 this declaration is executed on October 25, 2013 at Beverly Hills,  
11 California.

  
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14 SAMUEL D. INGHAM III  
15 Moving Party  
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