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

13     In re the Conservatorship of the Person and  
14     Estate of BRITNEY JEAN SPEARS

15     Case No. BP108870

16     Hon. Brenda J. Penny, Dept. 4

17                   **BRITNEY SPEARS'S SUPPLEMENTAL  
18                   MEMORANDUM IN OPPOSITION TO JAMES  
19                   P. SPEARS'S MOTION TO COMPEL  
20                   DEPOSITION OF BRITNEY JEAN SPEARS**

21     Date: July 27, 2022  
22     Time: 1:30 PM  
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1                             TABLE OF CONTENTS

2

3	I.	INTRODUCTION AND SUMMARY OF ARGUMENT .....	5
4	II.	CORRECTING THE RECORD REGARDING PROCEDURAL POSTURE .....	9
5	III.	THE COURT'S TENTATIVE RULING, FAR FROM BEING AN UNPRECEDENTED AFFRONT TO THE LEGAL SYSTEM AS MR. SPEARS'S COUNSEL CLAIMED, WAS ACTUALLY ROUTINE AND SUPPORTED BY ABUNDANT LEGAL AUTHORITY, INCLUDING THE CODE OF CIVIL PROCEDURE .....	11
6	A.	The Court's Inherent Equitable Powers, In and Of Themselves, Provide Strong and Independent Bases for Denying the Motion .....	13
7	IV.	ANY DEPOSITION OF MS. SPEARS WOULD BE INHERENTLY TRAUMATIZING AND HARASSING FOR MS. SPEARS; IT WOULD ALSO NOT BE REASONABLY CALCULATED TO LEAD TO THE DISCOVERY OF ADMISSIBLE EVIDENCE .....	14
8	V.	ANY DEPOSITION OF BRITNEY SPEARS WOULD BE AKIN TO AN IMPROPER AND IMPERMISSIBLE "APEX DEPOSITION," WHICH COURTS ROUTINELY PRECLUDE....	15
9	VI.	THIS COURT SHOULD NOT PLACE BRITNEY SPEARS IN THE POSITION OF BEING RE-TRAUMATIZED BY HER FATHER, WHICH IS EXACTLY WHAT A DEPOSITION, IN ANY FORM AT ALL, WOULD DO TO HER .....	16
10	VII.	CONCLUSION.....	17
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28			

## TABLE OF AUTHORITIES

Page(s)

**Cases**

5	<i>Calcor Space Facility, Inc. v. Superior Court</i> (1997) 53 Cal.App.4th 216.....	11, 14, 15
6	<i>City of King City v. Community Bank of Central Cal.</i> (2005) 131 Cal.App.4th 913 .....	6
8	<i>Coalition Against Police Abuse v. Superior Court</i> (1985) 170 Cal.App.3d 888 .....	9, 12, 13
10	<i>Columbia Broad. Sys. v. Superior Court</i> (1968) 263 Cal.App.2d 12 .....	11
11	<i>County of Sacramento v. Superior Court</i> (1982) 137 Cal.App.3d 448 .....	11
13	<i>In re Estate of Kraus</i> (2010) 184 Cal.App.4th 103 .....	9, 13
15	<i>Greyhound Corp. v. Superior Court</i> (1961) 56 Cal. 2d 355 .....	12
16	<i>People ex rel. Harris v. Shine</i> (2017) 16 Cal.App.5th 524 .....	7
18	<i>Hubbard v. Superior Court</i> (1997) 66 Cal.App.4th 1163 .....	9, 13
20	<i>Liberty Mutual Ins. Co. v. Superior Court</i> (1992) 10 Cal.App.4th 1282 .....	15
21	<i>Nagle v. Superior Court</i> (1994) 28 Cal.App.4th 1465 .....	15
23	<i>Pacific Architects Collaborative v. State of Cal.</i> (1979) 100 Cal.App.3d 110 .....	6
25	<i>Peat, Marwick, Mitchell Co. v. Superior Court</i> (1988) 200 Cal.App.3d 272 .....	9, 13
26	<i>Rice v. Superior Court</i> (1982) 136 Cal.App.3d 81 .....	11

1	<i>Rifkind v. Superior Court</i> (1994)	
2	22 Cal.App.4th 1255 .....	6
3	<i>Rosen v. Superior Court of L.A. Cnty.</i> (1966)	
4	244 Cal.App.2d 586 .....	11
5	<i>Estate of Ruchti</i> (1993)	
6	12 Cal.App.4th 1593 .....	6
7	<i>Rutherford v. Owens-Illinois, Inc.</i> (1997)	
8	16 Cal.4th 953 .....	9, 13
9	<i>Walker v. Superior Court</i> (1991)	
10	53 Cal. 3d 257 .....	12
11	<i>Weisman v. Bower</i> (1987)	
12	193 Cal.App.3d 1231 .....	12
13	<i>Westly v. Superior Court</i> (2004)	
14	125 Cal.App.4th 907 .....	15, 16
15	<b>Statutes</b>	
16	Code Civ. Proc. § 128 .....	9
17	Code Civ. Proc. § 2016, <i>et seq.</i> .....	11
18	Code Civ. Proc. § 2019 .....	12
19	Code Civ. Proc. § 2025.420 .....	5, 9, 12
20	Code Civ. Proc. § 2031.310 .....	15
21	<b>Court Rules</b>	
22	California Rule of Court 7.1059 .....	6, 7, 18
23	<b>Treatises</b>	
24	<i>Weil &amp; Brown, Cal. Practice Guide: Civil Procedure Before Trial</i>	
25	(The Rutter Group 2021) ¶ 8:677 .....	6

1        **I. INTRODUCTION AND SUMMARY OF ARGUMENT**

2        On July 13, 2022, after substantial briefing and having considered the record, this Court  
3 announced its Tentative Ruling from the bench, denying James P. Spears's motion to compel the  
4 deposition of his daughter, Britney Spears. The Court's Tentative Ruling was thoughtful, thorough, and  
5 amply supported by fundamental principles of California law. Equally important, the Court's decision  
6 aligned with the interests of justice. In fact, it is the only fair and just result, and if Mr. Spears does not  
7 accept it, he is free to appeal. That step would be unwarranted and regrettable, but it is his choice.

8        Rather than accepting these truths, Mr. Spears's counsel put on a histrionic display, denouncing  
9 the Court's decision as a purported unprecedeted affront to the legal system—at one point even likening  
10 the Court's rulings to constructing the “gallows” for a “public hanging” of James Spears. To support this  
11 unfortunate tirade, Mr. Spears's counsel told the Court there was supposedly “***no authority***” that would  
12 allow the Court to order that a deposition of a “party” not go forward. That representation, like several  
13 others from Mr. Spears's counsel—including the January 19, 2022 representation that the electronic  
14 surveillance “***DIDN'T HAPPEN, YOUR HONOR***”—was simply untrue. There is, of course, ample  
15 caselaw and statutory authority supporting the Court's decision. By way of one brief illustration only,  
16 Ms. Spears's June 28, 2022 opposition papers expressly cited California law, including clear statutory  
17 law—Cal. Code Civ. Proc. §2025.420<sup>1</sup>—which provides as follows:

18              The court, for good cause shown, ***may make any order that justice requires***  
19              ***to protect any party***, deponent, or other natural person or organization from  
20              unwarranted annoyance, embarrassment, or oppression, or undue burden and  
21              expense. This protective order may include, but is not limited to, one or  
22              more of the following directions: (1) ***That the deposition not be taken at all.***

23 (Code Civ. Proc. §2025.420, subd. (b)(1) [emphasis added].)<sup>2</sup>

24        <sup>1</sup> This statute was cited on pages 8 and 15 of Britney Spears's June 28 Opposition to James P. Spears's Motion to Compel  
25 Deposition, a copy of which is annexed hereto as Exhibit A. This authority is so crystal clear that James Spears's counsel's  
denial of its existence altogether is remarkable.

26        <sup>2</sup> A motion for protective order would have been filed had James Spears not rushed to file a motion to compel (before even  
27 noticing a deposition) after refusing to appear for his own properly-noticed deposition unless his daughter agreed to sit for one.  
Given the Court's inherent authority to regulate proceedings before it, filing a protective order motion now would be  
28 gratuitous and serve only to crowd the Court's docket needlessly. For this reason, we will not burden the Court with a second  
motion that, at the end of the day, would do nothing more than repeat the arguments already in the record.

1        We respectfully submit that this statute, along with the other authorities cited in the June 28  
2 Opposition brief and herein, should end the analysis. But given Mr. Spears's counsel's arguments that  
3 Mr. Spears will be "deprived" of his "day in court" without permitting him to depose his daughter, it is  
4 worth underscoring that as the Court correctly recognized in announcing its Tentative Ruling, Ms. Spears  
5 does not have personal knowledge of the issues underlying the pending petitions that James Spears filed  
6 and as to which he bears the burden of proof. And relatedly, she is not necessary. Mr. Spears has other  
7 means (written discovery) and sources (third party witnesses) from which he can obtain documents and  
8 information relating to his petitions. Although no deposition should ever be permitted, at the very least  
9 Mr. Spears is obligated to exhaust these avenues. (See *Estate of Ruchti* (1993) 12 Cal.App.4th 1593,  
10 1602 ["other discovery devices less intrusive . . . such as interrogatories, would have been appropriate"]);  
11 *Rifkind v. Superior Court* (1994) 22 Cal.App.4th 1255, 1262 [in vacating order compelling responses to  
12 further deposition questions and holding deposition questions aimed at learning the factual bases for the  
13 deponent's legal positions were improper, court noted that "legal contention questions require the party  
14 interrogated to make a law-to-fact application that is beyond the competence of most lay persons. . . .  
15 ***Even if such [deposition] questions may be characterized as not calling for a legal opinion . . . or as  
16 presenting a mixed question of law and fact . . . their basic vice when used at a deposition is that they  
17 are unfair. . . If the deposing party . . . wants to know what the adverse party is contending, or how it  
18 rationalizes the facts a supporting a contention, it may ask that question in an interrogatory.*** The party  
19 answering the interrogatory may then, with aid of counsel, apply the legal reasoning involved in  
20 marshaling the facts relied upon for each of its contentions." (internal citations and quotations omitted;  
21 unless otherwise noted, all emphases herein are added)]; see also *Pacific Architects Collaborative v. State  
22 of Cal.* (1979) 100 Cal.App.3d 110, 126-27 [deposition not appropriate where subject matter not relevant  
23 to issues at hand]; cf. *City of King City v. Community Bank of Central Cal.* (2005) 131 Cal.App.4th 913,  
24 933 [the inquiry focuses on "whether discovery would produce *additional* admissible evidence" (italics in  
25 original)]; Weil & Brown, Cal. Practice Guide: Civil Procedure Before Trial (The Rutter Group 2021) ¶  
26 8:677 ["court is empowered to make whatever orders are required, including . . . ***prohibiting*** the  
27 deposition entirely"] (italics in original).)

28

1 It also bears noting that much of the evidence at issue is within the possession of Mr. Spears's  
2 associates at Tri Star Sports & Entertainment (whom he hired in 2008 while owing its founder Lou  
3 Taylor at least \$40,000, in violation of California Rule of Court Rule 7.1059, the Conflicts of Interest  
4 statute entitled "Standard of Conduct for the Conservator of the Estate") and Black Box Security, Inc.,  
5 which according not only to *The New York Times* expose, but also third party witnesses and substantial  
6 documentary and physical evidence, implemented the illicit surveillance operation. And as to the issues  
7 concerning Mr. Spears's financial mismanagement and diversion of resources, that information and  
8 documentation is uniquely within the possession, custody, and control of Mr. Spears himself (not the  
9 conservatee). Or again, pursuant to his Joint Defense Agreement with Tri Star and Lou Taylor, Mr.  
10 Spears can obtain further information about his misconduct from them.

11 Cutting through Mr. Spears's counsel's overheated rhetoric, Mr. Spears himself (he and only he)  
12 placed his misconduct at issue with his petitions, including his December 15, 2021 petition for fees. (See  
13 *People ex rel. Harris v. Shine* (2017) 16 Cal.App.5th 524.) That misconduct broadly includes three  
14 categories:

- 15 • Conflicts of interest under California Rule of Court Rule 7.1059 governing the standards  
16 of conduct for conservators of the estate;
- 17 • Illicit electronic surveillance, allegedly involving (a) the contemporaneous, real time  
18 monitoring or interception of Ms. Spears's private text messages, including privileged  
19 communications between Ms. Spears and her counsel and (b) the listening device placed  
20 in Ms. Spears's home; and
- 21 • Financial mismanagement and diversion of conservatorship resources.

22 This evidence is all in the hands of third parties and in the form of documentary and physical evidence.

23 Further, contrary to Mr. Spears's repetitive assertions, Ms. Spears is not the "accuser" on these  
24 issues and she is not even a witness; to the contrary, as stated during the hearing and reaffirmed below,  
25 Ms. Spears will not testify at any hearings in connection with Mr. Spears's petitions. (See *infra*, at p. 8.)

26 In short, because other appropriate sources are available, and because James Spears is the  
27 petitioner (and was, at all relevant times, the fiduciary in charge of managing the Conservatorship), it is  
28 no surprise that he has not (and cannot) identify a single proper deposition topic for Ms. Spears. His self-

1 serving, conclusory proclamation that the deposition will be “about the petitions” is not enough where  
2 (i) James Spears bears the burden of proof on his motion to compel and the underlying petitions,  
3 (ii) James Spears filed his fee petition *by choice* in an effort to take more of Britney Spears’s money to  
4 pay his lawyers, (iii) Britney Spears was at all relevant times the *conservatee*, infantilized and purposely  
5 excluded from information and decision-making regarding administration and management of the  
6 Conservatorship, (iv) James Spears already has been suspended and the Conservatorship terminated,  
7 thereby resolving and/or mooted the prior petitions that Britney Spears filed in 2021, (v) James Spears  
8 has not exhausted other, less intrusive discovery sources and methods, *e.g.*, written discovery, and  
9 (vi) James Spears has previewed his true intentions for the deposition by stating he intends to question  
10 Britney Spears about her social media posts and book as part of his revenge deposition. Although Mr.  
11 Spears might not like them, Ms. Spears’s social media posts and book do not provide a basis for him to  
12 depose her.

13 Finally, as referenced above, although this Court’s Tentative Ruling was inexorably correct as a  
14 matter of law and in the interests of justice, given Mr. Spears’s counsel’s claim that he “needed” the  
15 deposition on grounds of “fairness” because he thought his daughter would testify against him at a  
16 hearing on his petitions, we reaffirm what we said during the July 13 hearing: *Ms. Spears will not testify*  
17 *at any hearing on Mr. Spears’s petitions. Rather, Ms. Spears’s defense will be based upon the cross-*  
18 *examination of James Spears, third-party witnesses, documentary evidence, physical evidence, and the*  
19 *law.*

20 This removes any scintilla of “unfairness” (although there never was one) and makes the Court’s  
21 already-inexorable tentative decision even *more inexorable*, if that is possible. And as for Mr. Spears’s  
22 counsel’s implication that Ms. Spears was somehow receiving favorable treatment, in addition to being  
23 insulting, he is wrong. The Court’s decision would be correct whether the matter involved Britney  
24 Spears or Jane Doe.

25 \* \* \*

26 This Court and these proceedings are not a forum for James Spears to satiate his voyeuristic  
27 tendencies or attempt to clear his name, intimidate his daughter, or harass her, and he has no rote “right”  
28 to force her into a deposition as a matter of course, particularly where the very occurrence of a

1 deposition, regardless of length, would be *de facto* harassing. Mr. Spears and his counsel must know that  
2 the Court’s Tentative Ruling was amply supported by law and well within the Court’s discretion, and we  
3 respectfully submit that their blatant attempt to bully or intimidate the Court must not be countenanced.<sup>3</sup>

4 In addition to Ms. Spears’s June 28, 2022 Opposition Brief, this additional briefing demonstrates  
5 that the Court’s tentative ruling was the only legally-correct and just one—both as matters of law and  
6 justice—and, in fact, is so uncontroversial that the Court’s broad discretion is codified by statute and  
7 replete in the caselaw. (Code Civ. Proc. §§ 128, 2025.420; see also *Hubbard v. Superior Court* (1997) 66  
8 Cal.App.4th 1163, 1167 [“As a general rule, courts have inherent power to fashion discovery orders.”]; *In*  
9 *re Estate of Kraus* (2010) 184 Cal.App.4th 103, 114 [“The probate court may apply general equitable  
10 principles in fashioning remedies and granting relief” (internal citations omitted)]; *Peat, Marwick,*  
11 *Mitchell Co. v. Superior Court* (1988) 200 Cal.App.3d 272, 287 [“[T]he inherent power of courts to  
12 control and prevent abuses in the use of their process does not depend upon constitutional or legislative  
13 grant.”]; *Coalition Against Police Abuse v. Superior Court* (1985) 170 Cal.App.3d 888, 901 [“[P]retrial  
14 discovery by depositions and interrogatories has a significant potential for abuse. . . . [D]iscovery also  
15 may seriously implicate privacy interests . . . .”]; *Rutherford v. Owens-Illinois, Inc.* (1997) 16 Cal.4th  
16 953, 967 [“It is also well established that courts have fundamental inherent equity, supervisory, and  
17 administrative powers, as well as inherent power to control litigation before them.”].)

## 18        **II. CORRECTING THE RECORD REGARDING PROCEDURAL POSTURE**

19        James Spears and his counsel have repeatedly attempted to distort the perception of the Court  
20 (and the court of public opinion) by stating publicly, in filings, and on the record that Britney Spears is an  
21 “accuser” and “petitioner,” and that she “initiated” litigation against him. This is false. It is actually  
22 incomprehensible. Only because James Spears continues to parrot this falsehood, as he has with several  
23 other of his “Big Lies,” *e.g.*, “unconditional” cooperation and “complete transparency without  
24 conditions” (despite stonewalling); compliant “document production” (when all we have received are  
25 non-compliant document dumps); and that the electronic surveillance “**DIDN’T HAPPEN, YOUR**  
26 **HONOR**”—in the hopes that others will start to believe his false narrative if they hear it often enough—

27        <sup>3</sup> Mr. Spears’s efforts to intimidate are noted here with all respect to the Court and not intended to suggest that the Court is  
28 susceptible to James Spears’s antics. Still, the melodramatic references by Mr. Spears’s counsel to supposed deprivations of  
due process and forthcoming appeals were plain attempts to have this Court question its decision-making.

1 we again clarify what is true: Ms. Spears has not initiated any litigation and has filed no pending  
2 petition; James Spears is not a civil or a criminal defendant. He is not even a respondent. He is a  
3 fiduciary and the elective, willing petitioner, actively seeking the Court's approval of his accountings and  
4 his requests for payment of fees. James Spears initiated these proceedings because ***he*** wants the court to  
5 exonerate him as to his accountings and wants his daughter to pay his lawyers, including for their  
6 unnecessary post-termination litigation and profligate motions.

7       James Spears, of course, is the initiator of these disputes. Britney Spears is being forced to  
8 participate in these proceedings in order to protect her own Estate. She would much prefer to simply  
9 move on with her life, but in this circumstance is being forced to protect against further dissipation of the  
10 assets she (and she alone) earned through her talent and hard work. James Spears does not want to give  
11 her that freedom. Instead, he continues to seek to line his own pockets, in effect using her Estate as his  
12 Piggy Bank, ***and this is what his pending petitions are about.*** Lest there be any doubt: in the present  
13 proceedings, the only possible "harm" to James Spears is that the Court will order him to pay his own  
14 lawyers and/or find that he improperly accounted or mishandled the estate assets such that his accounting  
15 petitions cannot be approved. When viewed in this light, which is the only proper manner in which to  
16 view these proceedings, James Spears's over-the-top references to "gallows" and impending collapse of  
17 the courts if he cannot depose Britney Spears look all the more absurd.

18       The bottom line is this. Mr. Spears's counsel claims that by objecting to Mr. Spears's petitions  
19 seeking to take more money from her Estate, Ms. Spears must automatically be deposed. This claim is  
20 factually facile and legally incorrect. Ms. Spears is no longer a conservatee; ***of course*** she objected to his  
21 petitions. Further and relatedly, there are professionals who have evaluated the accountings and James  
22 Spears's actions; the Objections are based upon the information and evidence collected by these  
23 professionals, coupled with basic legal principles not on her percipient knowledge. Thus, as the Court  
24 effectively recognized, Ms. Spears's Objections are not based on matters directly within her first-hand  
25 knowledge, nor could they be, as the pending matters are accounting petitions (i.e., administration  
26 matters as to which Britney Spears was excluded), and petitions for legal fees (Britney Spears certainly  
27 has no knowledge of the strategic machinations of James Spears's counsel). This is a "Catch-22" not of  
28 Britney Spears's making, yet Mr. Spears is trying to create a trap for her. And now, notwithstanding

1 James Spears's counsel's pontification, James Spears is not seeking his daughter's deposition for any  
2 reason other than to upset and intimidate her. That is his goal; that is his strategy, and along with his  
3 "gotcha" tactics, it must not be countenanced by the Court.

4       **III. THE COURT'S TENTATIVE RULING, FAR FROM BEING AN UNPRECEDENTED**  
5       **AFFRONT TO THE LEGAL SYSTEM AS MR. SPEARS'S COUNSEL CLAIMED,**  
6       **WAS ACTUALLY ROUTINE AND SUPPORTED BY ABUNDANT LEGAL**  
7       **AUTHORITY, INCLUDING THE CODE OF CIVIL PROCEDURE**

8 There is no question that this Court has discretion to enter the order it announced from the bench  
9 on July 13, denying James Spears's motion to compel Britney Spears's deposition. Other than Mr.  
10 Spears's counsel's indignation, he did not cite any legal authorities, apart from incorrectly professing that  
11 none existed in support of Ms. Spears's Opposition. In reality, California's Civil Discovery Act grants  
12 courts broad discretion to protect against "promiscuous discovery imposing great burdens" and to  
13 otherwise issue orders curbing a party's discovery, where doing so is necessary in furtherance of justice.  
14 (Code Civ. Proc. § 2016, *et seq.*; *Calcor Space Facility, Inc. v. Superior Court* (1997) 53 Cal.App.4th  
15 216, 223.) In particular, the court may limit or prevent any discovery procedure that is "unreasonably  
16 cumulative or duplicative, or . . . unduly burdensome or expensive." (*Id.*, § 2019.030(a) [court shall  
17 restrict a particular discovery procedure if "the discovery sought is unreasonably cumulative or  
18 duplicative"]; see *Columbia Broad. Sys. v. Superior Court* (1968) 263 Cal.App.2d 12, 21 [where  
19 discovery requests are cumulative or duplicative of other requests or methods already expended in  
20 obtaining information, they are unduly burdensome and prohibited by the Discovery Act].) The court  
21 also may ***prevent*** a deposition on the grounds that the burden or expense of the discovery clearly  
22 outweighs the benefits sought to be obtained. This includes preventing a deposition of a ***party***, as  
23 § 2025.420 plainly provides, even assuming Ms. Spears is a "party." (*Id.*, § 2017.020, subd. (a); *Rosen v.*  
24 *Superior Court of L.A. Cnty.* (1966) 244 Cal.App.2d 586, 591 [***"trial court is authorized to make***  
25 ***appropriate orders for the protection of both parties and deponents"*** to prevent abuse]; *County of*  
26 *Sacramento v. Superior Court* (1982) 137 Cal.App.3d 448, 453, 456 [directing trial court to grant  
27 ***defendants'*** motion for protective order preventing their depositions because the proposed inquiries were  
28 "irrelevant and constitute[d] annoyance and oppression"].) Indeed, "[o]ne of the powers which has

1 always been recognized as inherent in courts, which are protected in their existence, their powers and  
2 jurisdiction by constitutional provisions, has been the right to control its order of business and to so  
3 conduct the same that the rights of all suitors before them might be safeguarded.” (*Rice v. Superior*  
4 *Court* (1982) 136 Cal.App.3d 81, 90 [internal citations omitted].) “We have often recognized the  
5 ‘inherent powers of the court … to insure the orderly administration of justice.’” (*Walker v. Superior*  
6 *Court* (1991) 53 Cal. 3d 257, 266 [quoting *Hays v. Superior Court* (1940) 16 Cal.2d 260, 264]; *Weisman*  
7 *v. Bower* (1987) 193 Cal.App.3d 1231, 1238-39 [would not have been abuse of discretion to prevent  
8 deposition of a party].)

9 Thus, what James Spears classifies as “unprecedented” is actually routine, based upon black-letter  
10 law. California law is clear that the Discovery Act does not allow for discovery that “place[s] more  
11 burden on the adversary than the value of the information warrants.” (*Greyhound Corp. v. Superior*  
12 *Court* (1961) 56 Cal. 2d 355, 385.) And in considering whether discovery is appropriate, “courts must  
13 weigh the relative importance of the information sought against the hardship which its production might  
14 entail;” this is true even where so-called “adversaries” are involved. (*Id.*, at p. 384.) In practice, this  
15 means that, for good cause shown, the court “may make any order that justice requires to protect any  
16 party, deponent, or other natural person or organization from unwarranted annoyance, embarrassment, or  
17 oppression, or undue burden and expense.” (Code Civ. Proc., § 2025.420, subd. (b) [emphasis added].)  
18 A protective order may, in fact, direct “that the deposition **not be taken at all.**” (Code Civ. Proc.,  
19 § 2025.420, subd. (b)(1) [emphasis added].)

20 This power of the Court to prevent depositions rests on the need to protect litigants from  
21 discovery abuse. This power exists in the probate court and in all civil courts as well. “Because of the  
22 liberality of pretrial discovery . . . it is necessary for the trial court to have the authority to issue  
23 protective orders.” (*Coalition Against Police Abuse v. Superior Court* (1985) 170 Cal.App.3d 888, 894  
24 [quoting *Seattle Times v. Rhinehart* (1984) 467 U.S. 20, 34].) “The prevention of the abuse that can  
25 attend the coerced production of information under a state’s discovery rule is sufficient justification for  
26 the authorization of protective orders.”” (*Id.* [quoting *Seattle Times*, 467 U.S. at pp. 35-36]; see also  
27 *Greyhound Corp. v. Superior Court of Merced Cnty.* (1961) 56 Cal.2d 355, 380 [“the trial court is  
28 granted great discretion in making its orders under section 2019, subdivision (b)(1) [section 2025.420’s

1 predecessor], for the protection of parties and witnesses from embarrassment and oppression” and “the  
2 court should, where possible, utilize its power to make such order as ‘justice requires’”].)<sup>4</sup>

3           **A. The Court’s Inherent Equitable Powers, In and Of Themselves, Provide Strong and**  
4           **Independent Bases for Denying the Motion**

5           The Court has broad inherent discretionary powers to deny the motion. (See *Hubbard v. Superior*  
6 *Court* (1997) 66 Cal.App.4th 1163, 1167 [“As a general rule, courts have inherent power to fashion  
7 discovery orders”]; *In re Estate of Kraus* (2010) 184 Cal.App.4th 103, 114 [“Even apart from the  
8 statutory authority, the probate court is a court of general jurisdiction … with broad equitable powers. …  
9 The probate court may apply general equitable principles in fashioning remedies and granting relief.”  
10 (internal citations omitted)]; *Peat, Marwick, Mitchell Co. v. Superior Court* (1988) 200 Cal.App.3d 272,  
11 287 [“Our Supreme Court has recognized that California courts have inherent powers, independent of  
12 statute, derived from two distinct sources: the courts’ equitable power derived from the historic power of  
13 equity courts and supervisory or administrative powers which all courts possess to enable them to carry  
14 out their duties. . . . [T]he inherent power of courts to control and prevent abuses in the use of their  
15 process does not depend upon constitutional or legislative grant.”]; *Coalition Against Police Abuse v.*  
16 *Superior Court* (1985) 170 Cal.App.3d 888, 901 [“Because of the liberality of pretrial discovery it is  
17 necessary for the trial court to have the authority to issue protective orders. It is clear from experience  
18 that pretrial discovery by depositions and interrogatories has a significant potential for abuse. This abuse  
19 is not limited to matters of delay and expense; discovery also may seriously implicate privacy interests of  
20 litigants and third parties. … There is an opportunity, therefore, for litigants to obtain—incidentally or  
21 purposefully—information that not only is irrelevant but if publicly released could be damaging to  
22 reputations and privacy. … As stated by Judge Friendly … ‘whether or not the Rule itself authorizes a  
23 particular protective order we have no question as to the court’s jurisdiction to do this under the inherent  
24 equitable powers of courts of law over their own process, to prevent abuses, oppression, and injustices.’  
25 The prevention of the abuse that can attend the coerced production of information under a state’s  
26 discovery rule is sufficient justification for the authorization of protective orders.” (internal citations and

27           <sup>4</sup> *Id.* at p. 374 (the inclusion of Code of Civil Procedure section 2019 [section 2025.420’s predecessor] “indicate that the  
28 Legislature was aware of the fact . . . that the wide latitude authorized by the new sections required a method of controlling  
abuse which did not exist theretofore”).

1 quotations omitted; alterations modified)]; *Rutherford v. Owens-Illinois, Inc.* (1997) 16 Cal.4th 953, 967  
2 [“It is also well established that courts have fundamental inherent equity, supervisory, and administrative  
3 powers, as well as inherent power to control litigation before them. . . . It is beyond dispute that Courts  
4 have inherent power to adopt any suitable method of practice, both in ordinary and special proceedings. .  
5 . That inherent power entitles trial courts to exercise reasonable control over all proceedings connected  
6 with pending litigation in order to insure the orderly administration of justice” (internal citations and  
7 quotations omitted; alterations modified)].)

8 Here, in addition to the fundamental legal principles supporting her, Britney Spears has enlisted  
9 the Court’s discretionary, protective powers and, in return, James Spears has not and cannot identify a  
10 single appropriate topic for a deposition of Britney Spears. Again, James Spears must not be permitted to  
11 use this proceeding to take discovery on topics not germane to his efforts to obtain this Court’s approval  
12 of his accountings or his petition for more fees. James Spears has been suspended, the Conservatorship is  
13 terminated, and the issues that remain are limited topics for professionals to investigate and summarize  
14 and, ultimately, for this Court to review.

15 Britney Spears has no active role here, and no place in these proceedings at all, except for the fact  
16 that (i) she was the conservatee until recently and, thus, these proceedings bear her name, and (ii) James  
17 Spears continues his misguided and efforts to retraumatize her.

18 **IV. ANY DEPOSITION OF MS. SPEARS WOULD BE INHERENTLY TRAUMATIZING**  
19 **AND HARASSING FOR MS. SPEARS; IT WOULD ALSO NOT BE REASONABLY**  
20 **CALCULATED TO LEAD TO THE DISCOVERY OF ADMISSIBLE EVIDENCE**

21 The very nature of the procedural posture of the pending proceedings demonstrates that the  
22 proposed deposition of Britney Spears would not be reasonably calculated to lead to the discovery of  
23 admissible evidence. And the vitriol and indignation exhibited by James Spears’s counsel at the thought  
24 of Britney Spears being protected from a deposition is revealing. There was no legitimate need for James  
25 Spears’s counsel to denounce the Court’s reasoning and decision as he did, unless he is desperate to  
26 depose his daughter as a final power play. But discovery tools must “be used as tools to facilitate  
27 litigation rather than as weapons to wage litigation. These tools should be well calibrated; the lancet is to  
28 be preferred over the sledge hammer.” (*Calcor Space Facility, Inc. v. Superior Court* (1997) 53

1 Cal.App.4th 216, 221 [noting that discovery abuse is a “cancer [that] is spreading,” and that, accordingly,  
2 judges must be aggressive in curbing it and insisting that discovery be used properly and not as a tactic].)

3 Therefore, James Spears should have been able to articulate a disputed fact of consequence to the  
4 specific petitions he filed, and explain how the deposition of Ms. Spears would reasonably tend to prove  
5 or disprove that fact. (See generally Code Civ. Proc. § 2031.310, subd. (b)(1) [requiring that a party  
6 seeking to compel discovery must “set forth *specific facts* showing good cause justifying the discovery  
7 sought”]; *Calcor Space Facility, Inc.*, *supra*, 53 Cal.App.4th at p. 223.) He failed to do so, and he cannot  
8 do so.

9       **V. ANY DEPOSITION OF BRITNEY SPEARS WOULD BE AKN TO AN IMPROPER**  
10      **AND IMPERMISSIBLE “APEX DEPOSITION,” WHICH COURTS ROUTINELY**  
11      **PRECLUDE**

12 The fact that this proceeding is captioned “The Conservatorship of Britney Spears” does not make  
13 Britney Spears a “party” in the same way that other litigants are parties. In fact, there is nothing left for  
14 Britney Spears to affirmatively do in these proceedings at all. Britney Spears is no longer a conservatee  
15 and all petitions she filed have been resolved or mooted. Yet, because this was a conservatorship  
16 established in her name, and because she has objected to Mr. Spears’s efforts to take even more money  
17 from her, Mr. Spears has mischaracterized her as a “party” who is automatically subject to deposition  
18 despite how remote her involvement in the actual petitions may be. He has no support for this position  
19 and he fails to cite any authority supporting his contention that Ms. Spears, having objected to  
20 accountings and petitions for payment of attorneys’ fees transformed herself into a person with extensive  
21 involvement in, or knowledge of, the facts that justifies a mandatory deposition. In fact, in these  
22 circumstances, Britney Spears is analogous to an “apex deponent,” *i.e.*, the CEO of a large company who  
23 lacks knowledge and whose deposition would be precluded; yet at the same time, and making James  
24 Spears’s motion even more egregious, Ms. Spears was (and always has been) at the very bottom of the  
25 knowledge tree because James Spears put her there during the conservatorship. For that reason, she is  
26 just as removed from the facts (actually even more so) as a classic apex deponent whose deposition any  
27 court would routinely preclude. (See generally *Liberty Mutual Ins. Co. v. Superior Court* (1992) 10  
28 Cal.App.4th 1282, 1287; see also *Nagle v. Superior Court* (1994) 28 Cal.App.4th 1465, 1467 [directing

1 entry of protective order preventing depositions of named party-defendant directors of state agencies  
2 because they had “little or no knowledge of the facts of the case”]; *Westly v. Superior Court* (2004) 125  
3 Cal.App.4th 907, 910 [directing protective orders to be issued precluding the depositions of named  
4 defendants because they had little or no knowledge of the facts as heads of agencies].) In considering  
5 these issues, California courts have confirmed that “it amounts to an abuse of discretion” to allow such  
6 depositions where, as here, personal knowledge is lacking. (*Id.*) For these reasons too, this Court’s  
7 Tentative Ruling was correct and should be adopted.

8       **VI. THIS COURT SHOULD NOT PLACE BRITNEY SPEARS IN THE POSITION OF**  
9       **BEING RE-TRAUMATIZED BY HER FATHER, WHICH IS EXACTLY WHAT A**  
10      **DEPOSITION, IN ANY FORM AT ALL, WOULD DO TO HER**

11       With great respect to the Court, and considering the record in this case, it is appropriate—and  
12 necessary—for the Court to consider the ramifications of ordering Britney Spears to be deposed, a result  
13 that would also contravene the interests of justice and equity. Whether or not Mr. Spears accepts it, he  
14 traumatized his daughter. That is a fact. Ordering her to be deposed under any circumstance at all would  
15 re-traumatize Ms. Spears, causing needless, gratuitous harm.<sup>5</sup>

16       This is not a “one-size-fits-all” case. No case is. Context matters. The facts matter. Mr.  
17 Spears’s claim as to what he supposedly “needs” or is “entitled to” does not apply here, in this  
18 proceeding, on these facts. As previously noted, this is not a classic commercial case between two  
19 entities, where a deposition could be warranted. The legislature granted this Court broad discretion for  
20 good reasons. Contrary to Mr. Spears’s effort to impose a rote, simplistic decision, *i.e.*, that both sides  
21 automatically should be subjected to depositions as a *quid pro quo*, the Court has ample power and  
22 authority to do what is right, adhering to its Tentative Decision. Doing otherwise would retraumatize Ms.  
23 Spears and contravene the interests of justice.

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28       <sup>5</sup> This is true whether or not there were a “referee,” something to which Ms. Spears objects and would otherwise be unnecessary and inappropriate under these circumstances.

1           **VII. CONCLUSION**

2       It is, to be blunt, disgraceful that James Spears continues to focus his gaze on being his daughter's  
3       adversary rather than (even if not being an ally, at a minimum) leaving her alone. If he had any grace, or  
4       any sense of shame, he would simply move on, but if past is prologue, we know that will not happen.

5       Britney Spears was under the cloud of a conservatorship for more than a decade. Finally free, her  
6       former conservator (who traumatized her) now asks this Court for permission to examine her further.  
7       Protecting Britney Spears from being retraumatized in this way is squarely within this Court's broad  
8       discretion; it is in her best interests, and it is in the interests of justice. We urge the Court to adhere to its  
9       correct Tentative Ruling. Indeed, as we stated at the hearing on July 13th, putting aside Mr. Spears's  
10      counsel's histrionics, the only thing that occurred between that Ruling and the Court's decision to defer  
11      its final ruling was our representation that Ms. Spears would not testify at any hearing on the pending  
12      petitions, which we have reaffirmed herein. Removing Ms. Spears as a witness eviscerates Mr. Spears's  
13      already-very weak "fairness" argument.

14      We ask the Court to consider the above, the June 28, 2022 Opposition brief, and the following  
15      facts, which are not reasonably subject to dispute:

- James Spears filed the petitions at issue here (including his December 15, 2021 petition, by choice) and he bears the burden of proof as to all of them.
- Britney Spears has filed no claims or pending petitions against James Spears; all she did was object, as was her right and obligation to protect her Estate from being further depleted by Mr. Spears, this time for the sake of his new lawyers.
- Mr. Spears's effort to create a "gotcha," Catch-22 predicament for his daughter—*i.e.*, if she does not "object," we get everything we want; if she "objects," we automatically get to take her deposition—must not be countenanced.
- This is not a commercial business dispute between two parties operating at arms' length; rather, there is significant asymmetry. During the relevant time frame, James Spears was the acting fiduciary (and he still has fiduciary obligations); conversely, Britney Spears was infantilized and kept in the dark regarding the administration of the Conservatorship Estate.

- 1 - James Spears was suspended as conservator and the Conservatorship has been terminated.
- 2 Any issues in petitions that might have been relevant to a suspension, removal, or termination
- 3 petition, are not germane here; they are moot.
- 4 - Britney Spears objected to James Spears's petitions because the petitions seek her money. She
- 5 hired professionals tasked with representing her. Her objections are based on the information
- 6 and evidence collected by these professionals, as well as legal principles. The simplistic
- 7 analysis urged by Mr. Spears (that he automatically is entitled to a deposition) is misplaced
- 8 and incorrect.
- 9 - James Spears knows this is true, as evidenced by the fact that he subpoenaed records from
- 10 Kroll. Relatedly, James Spears has not come close to exhausting other avenues for obtaining
- 11 information and documentation that he supposedly needs to support his petitions.
- 12 - There are three categories of Mr. Spears's misconduct: (i) his conflicts of interest under Rule
- 13 7.1059; (ii) the illicit electronic surveillance; and (iii) financial mismanagement and diversion
- 14 of conservatorship resources. Ms. Spears is not a percipient or necessary witness regarding
- 15 these issues. But there are other witnesses with whom Mr. Spears can speak or seek to
- 16 depose, such as Tri Star, Black Box, and other third parties.
- 17 - And relatedly, James Spears has not met his many burdens including identifying a single
- 18 deposition topic appropriate for Ms. Spears (*not one*) and he certainly has not identified any
- 19 inquiries that cannot be answered through other, less intrusive means.

20 The truth is that it is **James Spears** who has the information and documentation relevant to his

21 actions and accountings. After all, during the entirety of the Conservatorship, as was Mr. Spears's

22 objective all along, **others** (namely, Mr. Spears and his handpicked management company, Tri Star) were

23 handling Britney Spears's affairs—financial, medical, and personal. Thus, if James Spears has questions

24 about the sorts of things described in his own petitions, he should consult the people with knowledge.

25 Regardless, Ms. Spears has a right to defend against her father's efforts to deplete her Estate further, by

26 paying his lawyers from her hard-earned money, without converting herself into a deponent.

27 If Mr. Spears fails to act with grace and withdraw his motion, then for all of the foregoing

28 reasons, we request, and respectfully implore, the Court to adhere to its Tentative Ruling. It is the only

1 right and just thing to do. If Mr. Spears is so intent on tormenting his daughter that he seeks relief from  
2 the Court of Appeal, so be it. It would be a maneuver that should make him ashamed, but it is his choice.

3 Dated: July 22, 2022

Respectfully Submitted,

4 GREENBERG TRAURIG, LLP

5 By: /s Mathew S. Rosengart  
6 Attorneys for Britney Jean Spears

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# Exhibit A

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

13     In re the Conservatorship of the Person and  
14     Estate of BRITNEY JEAN SPEARS

15     Case No. BP108870

16     Hon. Brenda J. Penny, Dept. 4

17               **BRITNEY JEAN SPEARS'S OPPOSITION TO  
18     JAMES P. SPEARS'S MOTION TO COMPEL  
19     DEPOSITION OF BRITNEY JEAN SPEARS**

20     Date: July 13, 2022

21     Time: 1:30 PM

22     Dept: 4

1   TABLE OF CONTENTS  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

I.	INTRODUCTION AND SUMMARY OF ARGUMENT.....	5
II.	RELEVANT PROCEDURAL BACKGROUND AND PENDING MATTERS.....	7
III.	LEGAL DISCUSSION.....	8
A.	James Spears Bears The Burden Of Proof On All Matters Pending Before The Court.....	9
B.	Mr. Spears Has Not Identified, And Cannot Identify, A Single Proper Deposition Topic..	10
	1. Even a Cursory Review of the Objections to James Spears's Twelfth Account Demonstrates that Ms. Spears Has No Personal Knowledge of the Matters Referenced Therein, Nor Could She, Given the Controls Exercised Over Her.....	13
	2. Britney Spears's Objections to James Spears's Fee Petitions Largely Present Questions of Law and, In Any Event, the Motion Does Not Allege That Ms. Spears Has Any Personal Knowledge On Those Topics.....	13
	3. The Analyses and Allegations Contained in Ms. Spears's Objections Emanate From Parties and Sources Other Than Ms. Spears, as James Spears Knows.....	14
C.	James Spears Must Exhaust Other Discovery Avenues Before Seeking a Deposition.....	15
	1. Ms. Spears's Extensive Written Discovery Responses, Which Are Ongoing.....	15
D.	James Spears' True Objectives In Seeking A Deposition are Revenge and Punishment....	18
E.	Any Relevant Information Possessed By Britney Spears Is Privileged.....	19
IV.	CONCLUSION.....	19

1  
2                   **TABLE OF AUTHORITIES**  
3  
4

5                   **Page(s)**  
6  
7

8                   **Cases**  
9  
10

<i>Allen v. Superior Court</i> (1984) 151 Cal.App.3d 447 .....	15
<i>Calcor Space Facility, Inc. v. Superior Court</i> (1997) 53 Cal.App.4th 216 .....	8, 9
<i>Christian Research Ins. v. Alnor</i> (2008) 165 Cal.App.4th 1315 .....	9
<i>City of King City v. Community Bank of Central California</i> (2005) 131 Cal.App.4th 913 .....	9
<i>Columbia Broad. Sys. v. Superior Court</i> (1968) 263 Cal.App.2d 12 .....	8
<i>People ex rel. Harris v. Shine</i> (2017) 16 Cal.App.5th 524 .....	13
<i>Hudson v. Foster</i> (2021) 68 Cal.App.5th 640 .....	14
<i>Lutfi v. Spears</i> (Mar. 11, 2015, No. B246253) ____ Cal.App.5th ____ [2015 Cal. App. Unpub. LEXIS 1692] .....	10
<i>Estate of McCabe</i> (1950) 98 Cal.App.2d 593 .....	9
<i>Estate of McLaughlin</i> (1954) 43 Cal.2d 462.....	9
<i>No Slo Transit, Inc. v. City of Long Beach</i> (1987) 197 Cal.App.3d 241 .....	15, 18
<i>Obregon v. Super. Court</i> (1998) 67 Cal.App.4th 424 .....	9, 10
<i>Pacific Architects Collaborative v. State of Cal.</i> (1979) 100 Cal.App.3d 110 .....	9, 10, 15
<i>Perlan Therapeutics, Inc. v. Superior Court</i> (2009) 178 Cal.App.4th 1333 .....	8

1	<i>Poeschi v. Superior Court</i> (1964) 229 Cal.App.2d 383 .....	9
2	<i>Rifkind v. Superior Court</i> (1994) 22 Cal.App.4th 1255 .....	19
4	<i>Estate of Ruchti</i> (1993) 12 Cal.App.4th 1593 .....	10
6	<i>Young v. Rosenthal</i> (1989) 212 Cal.App.3d 96 .....	8

7           **Statutes**

9	Code Civ. Proc. § 2016, <i>et seq.</i> .....	8
10	Code Civ. Proc. § 1033.5 .....	9
11	Code Civ. Proc. § 2019.020.....	8
12	Code Civ. Proc. § 2025.420.....	8, 15
13	Penal Code § 630 <i>et seq.</i> .....	16

14           **Other Authorities**

15	California Rules of Court, Rule 7.1059.....	17
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17  
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1       I.     INTRODUCTION AND SUMMARY OF ARGUMENT

2              James P. Spears should be ashamed, but as he has proven even in the relatively-short time since  
3 he was suspended in disgrace as conservator, he is utterly shameless. He has repeatedly professed to  
4 “love” his daughter—and spent hundreds of thousands of dollars on a press tour trying to convince the  
5 public of this, *for which he billed Britney Spears’s Estate, for so-called “Media Matters”*—but rather  
6 than abiding by his fiduciary obligations, producing all documents in a proper, labelled, and professional  
7 manner (including his email and text messages concerning the illicit surveillance operation, of which he  
8 has produced *none*), and submitting to his own deposition (which he has been hiding from since 2021),  
9 he now, with no legitimate, good faith basis, seeks to take a sham deposition of his daughter, all in an  
10 effort to upset and intimidate her. This is, in fact, his transparent “strategy.” And in a particularly low  
11 blow even for him, Mr. Spears and his counsel chose to file their meritless motion shortly after his  
12 daughter’s wedding and just before Father’s Day.

13              In September, 2021, we offered Mr. Spears the opportunity to resign as conservator, allowing him  
14 to save face and show a measure of grace. He refused, and he was suspended. We have since appealed  
15 to decency and kindness toward his daughter, but those overtures have also been ignored, and Mr. Spears  
16 refuses to simply go away, as he should and as any decent man or father would do. Instead, he chose to  
17 run up legal fees, abuse the system, and begin a battle he cannot win—all for improper purposes, while  
18 futilely trying to rehabilitate his reputation, which he himself long ago irreparably destroyed.<sup>1</sup>

19              Even putting aside the morally-abominable nature of the motion (in which he seeks a “revenge  
20 deposition”), the motion is riddled with errors and falsehoods and, as a matter of law and also consistent  
21 with this Court’s broad equitable and discretionary powers, it should be denied. At the very least, any  
22 decision must be deferred until the Court reviews the voluminous written discovery provided to Mr.  
23 Spears, which obviates any basis whatsoever for a deposition.

24              First, contrary to Mr. Spears and his counsel’s bizarre and false assertion that Ms. Spears  
25 “initiated” litigation (Mot. at 14:3-5), it is Mr. Spears who has done so, seeking to create chaos and drive-

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27              <sup>1</sup> Indeed, his own conduct, ranging from his severe alcoholism, to bankruptcy, defaults, financial mismanagement, conflicts of  
28 interest, illicit surveillance, violating his daughter’s attorney-client relationship, and other abuses, effectively render him libel  
proof. He could not sustain a living before the conservatorship (from which he reaped at least \$6.3 million), and it appears he  
cannot do so now, but that is his fault, not his daughter’s.

1 up legal fees. As it concerns James Spears, there are only three petitions pending before this Court, each  
2 initiated by Mr. Spears: (i) ***James Spears***'s petition for approval of his Twelfth Account, (ii) ***James***  
3 ***Spears***'s petition for "payment on account," by which he seeks more money from Ms. Spears to pay his  
4 lawyers who are hostile to her, and (iii) an earlier petition filed *by James Spears*'s prior counsel, also for  
5 payment of fees. There is no legitimate, good faith basis for taking Britney Spears's deposition on these  
6 matters.

7       Mr. Spears broadly lumps deposition topics into two groups. Initially, he claims he is entitled to  
8 take Ms. Spears's deposition regarding her "social media" and forthcoming book. Mr. Spears's  
9 complaints about social media and fears about the book do not provide any basis for deposing his  
10 daughter. Mr. Spears infantilized and silenced his daughter for 13 years but he no longer has that right or  
11 ability. He then argues that the deposition will be about Britney Spears's Objections to the pending  
12 petitions. That argument also fails because it ignores the actual subject matter and content of those  
13 Objections. As demonstrated herein, Ms. Spears is not the source of the allegations against him; they are  
14 based upon third parties and documentary and physical evidence. This and the undeniable fact that Mr.  
15 Spears already previewed his true intentions to the tabloid media (vindictiveness) reveal with certainty  
16 that any deposition would be used as a tool for bullying and harassment on irrelevant matters.

17       Second, James Spears has failed to show that less intrusive, written discovery methods would not  
18 suffice. This is a failure fatal to his motion. The record demonstrates that he cannot meet this burden  
19 because (i) Ms. Spears provided extensive amended and substantive responses to written discovery just  
20 prior to his precipitous motion; (ii) Mr. Spears simultaneously filed motions to compel regarding those  
21 responses without reviewing them (*i.e.*, the written discovery process is ongoing); and (3) Kroll  
22 Associates, Inc. ("Kroll," a third party Mr. Spears subpoenaed) also served amended responses to the  
23 Subpoena on June 14, 2022 and has agreed to produce voluminous documents, subject to a Protective  
24 Order and important safeguards. Accordingly, in addition to being meritless, the motion is, at best,  
25 ***wholly premature***.

26       Third, the interests of justice require the motion's denial, and this court has broad discretion to  
27 deny on it this ground alone. Mr. Spears has ***for eight months*** hid from his own deposition, see Ex. 3,  
28 and provided no substantive written discovery responses of any kind. ***None***. Despite his fiduciary

1 obligations and his counsel’s repeated promises of “***unconditional*** cooperation and “***complete***  
2 ***transparency without conditions,***” Mr. Spears issued blanket objections to all of the discovery  
3 propounded on him, including in connection with the three Notices of Deposition and accompanying  
4 Document Requests served upon him, to which he has in any event waived all objections. (See 5/31/22  
5 Motion to Compel.) Further, Mr. Spears’s position that he will appear for his deposition ***only*** if his  
6 daughter does is not only cowardly and indecent, but bartering his deposition for hers is also legally  
7 improper. This matter and the underlying circumstances are unique. This is not a commercial case in  
8 which one party has commenced an actual lawsuit. Mr. Spears is a fiduciary, owing duties to his  
9 daughter and obligated to account to her (and to the Court) for his (mis)conduct. Mr. Spears is not  
10 similarly situated to Britney Spears, a former conservatee, whom he deemed “incapacitated” and  
11 deprived of fundamental rights and civil liberties, keeping her in the dark for more than a decade. And if  
12 he would put aside the vengeance he seeks against his daughter for daring to express her views and for  
13 having him suspended, he would acknowledge that he himself has unique knowledge of his  
14 wrongdoing—***which has emanated from and is provable by many means and sources other than***  
15 ***Britney Spears***, including documentary evidence, physical evidence, and third party witnesses.

16 For these reasons and more, the Court should not countenance Mr. Spears’s efforts to seek an  
17 abusive, harassing, and bullying deposition, which is really a sham, particularly given his simultaneous  
18 gamesmanship and blatant failure to abide by his discovery obligations.

19 **II. RELEVANT PROCEDURAL BACKGROUND AND PENDING MATTERS**

20 On September 29, 2021, this Court suspended Mr. Spears as Conservator of the Estate, aptly  
21 indicating his involvement was “toxic” to the well-being of Ms. Spears and against her best interests.  
22 (9/29/2021 RT at pp. 44-45.) On November 12, 2021, this Court terminated the entire Conservatorship,  
23 effective immediately. By that time, James Spears’s petition for approval of his Twelfth Accounting was  
24 already pending, as was a prior petition for payment of fees, filed by his former lawyers on March 26,  
25 2021. Instead of focusing on his limited remaining windup obligations as a suspended fiduciary,  
26 including his obligation to file a final account, James Spears turned his attention instead to something of  
27 more importance to him. He terminated his lawyers (or vice versa) and his new lawyers filed a  
28 December 15, 2021 request seeking an order that Ms. Spears fund a war chest for his new lawyers, for his

1 defense to potential civil litigation or a criminal indictment. That petition for payment remains pending  
2 along with the prior fee petition and, as is germane here, is one of the three pending matters that remain  
3 for Mr. Spears to address before this Court; the other is his ending Twelfth Account. In other words,  
4 there is no action pending *against* James Spears, and his counsel’s whistling-by-the-graveyard claim that  
5 Britney Spears “initiated” litigation again him (Mot. at 14: 5) is simply false.

6 The matters pending are *James Spears*’s own affirmative petitions, each of which concerns  
7 matters on which he bears the burden and none of which requires testimony from Ms. Spears. As the  
8 record itself amply demonstrates, James Spears is not interested in obtaining information reasonably  
9 calculated to lead to the discovery of admissible evidence. This is a purported “power play” on his part,  
10 an intimidation tactic that is improper and must be rejected, assuming the motion is ruled upon at all  
11 given that it is premature and not yet ripe.

12 **III. LEGAL DISCUSSION**

13 California’s Civil Discovery Act grants courts broad discretion to protect against “promiscuous  
14 discovery imposing great burdens” and to otherwise issue orders curbing a party’s discovery, where  
15 doing so is necessary in furtherance of justice. (Civ. Proc. Code § 2016, *et seq.*; *Calcor Space Facility,*  
16 *Inc. v. Superior Court* (1997) 53 Cal.App.4th 216, 223.) At any time upon a showing of good cause, the  
17 court may order that a deposition *not take place at all* and/or that documents need not be produced in  
18 response to the deposition subpoena. (Code Civ. Proc., § 2025.420.) In particular, the court may limit or  
19 prevent any discovery procedure that is “unreasonably cumulative or duplicative, or . . . unduly  
20 burdensome or expensive.” (*Id.*, § 2019.030(a) [court shall restrict a particular discovery procedure if  
21 “the discovery sought is unreasonably cumulative or duplicative”]; see *Columbia Broad. Sys. v. Superior*  
22 *Court* (1968) 263 Cal.App.2d 12, 21 [where discovery requests are cumulative or duplicative of other  
23 requests or methods already expended in obtaining information, they are unduly burdensome and  
24 prohibited by the Discovery Act].) The court also may *prevent* a deposition on the grounds that the  
25 burden or expense of the discovery clearly outweighs the benefits sought to be obtained. (*Id.*,  
26 § 2017.020, subd. (a).)

27 Applying these principles—*including the interests of justice*—James Spears’s effort to force his  
28 daughter’s deposition and his quid-pro-quo discovery strategy, must be rejected. Among other reasons,

1 because Ms. Spears does not possess any relevant information that James Spears cannot obtain through  
2 other, less intrusive means (or that he himself does not possess), the Court should deny the motion in  
3 order to prevent James Spears from abusing the discovery process, in further violation of his fiduciary  
4 obligations. (See *Pacific Architects Collaborative v. State of Cal.* (1979) 100 Cal.App.3d 110, 126-127  
5 [deposition not appropriate where subject matter was not relevant to issues at hand]; *Obregon v. Super.*  
6 *Court* (1998) 67 Cal.App.4th 424, 431-432 [“Judges have broad discretion in controlling the course of  
7 discovery and in making various decisions necessitated by discovery proceedings”]; *Calcor Space, supra*,  
8 3 Cal.App.4th at p. 223 [discovery abuse is a “cancer [that] is spreading” and courts should be aggressive  
9 in curbing abuses].)

10           **A.     James Spears Bears The Burden Of Proof On All Matters Pending Before The Court**

11           As an overriding matter, in addition to that the information he needs to attempt to support the  
12 relief he requests is within his possession, custody, and control as former conservator, it is well-settled  
13 that the burden of proving entitlement to fees rests on the moving party, James Spears. (See Code Civ.  
14 Proc., § 1033.5, subd. (c)(5); see also *Christian Research Ins. v. Alnor* (2008) 165 Cal.App.4th 1315,  
15 1325.) Similarly, there is no question that the burden is on the fiduciary to justify each expenditure and  
16 transaction in their accounts. (See *Estate of McLaughlin* (1954) 43 Cal.2d 462, 465 [“trustee must  
17 present to the trial court satisfactory evidence of the accuracy and propriety of the items in his account”];  
18 *Estate of McCabe* (1950) 98 Cal.App.2d 593, 595.)

19           Relatedly and put simply, although Mr. Spears and his counsel are intent on creating chaos and  
20 driving up legal fees (over his own petitions), this is not a case in which James Spears is a defendant and  
21 Britney Spears a plaintiff, or vice versa; it is **James Spears** who has the information and documentation  
22 relevant to his actions and accountings. After all, during the entirety of the Conservatorship, as was Mr.  
23 Spears’s objective all along, **others** (namely, Mr. Spears and his handpicked management company, Tri  
24 Star) were handling Britney Spears’s affairs, financial and personal. Thus, if James Spears has questions  
25 about the sorts of things described in his own petitions, he needs to consult the people with knowledge.  
26 (See *City of King City v. Community Bank of Central California* (2005) 131 Cal.App.4th 913, 933 [the  
27 inquiry focuses on “whether discovery would produce *additional* admissible evidence” (emphasis in  
28

1 original)].)<sup>2</sup> And with regard to Ms. Spears's Objections, it is Kroll (not Ms. Spears) whose investigation  
2 and analysis—based upon its review of substantial documentary and other evidence—demonstrates that  
3 James Spears cannot meet his burden on any of his three petitions. (See generally *Pacific Architects*  
4 *Collaborative v. State of Cal.* (1979) 100 Cal.App.3d 110, 126-127 [deposition not appropriate where  
5 subject matter was not relevant to issues at hand]; *Obregon v. Super. Court* (1998) 67 Cal.App.4th 424,  
6 431-432 [“Judges have broad discretion in controlling the course of discovery and in making various  
7 decisions necessitated by discovery proceedings”]; *Estate of Ruchti* (1993) 12 Cal.App.4th 1593, 1602  
8 [“other discovery devices less intrusive to the attorney/client privilege and work product protection, such  
9 as interrogatories, would have been appropriate”].)

10       **B.     Mr. Spears Has Not Identified, And Cannot Identify, A Single Proper Deposition**  
11                   **Topic**

12       Given the above, it is no surprise that, cutting through his rhetoric, James Spears has not  
13 identified a single appropriate deposition topic. His claim boils down to this: Ms. Spears's deposition is  
14 necessary and appropriate because she is asserting “claims” against him (Motion at 11:3-4); she has made  
15 “allegations” against him in testimony and “on social media” (Motion at 10:18-21); and she was  
16 previously ordered to provide a deposition in a totally unrelated and wildly-different situation (a lawsuit  
17 commenced against her and her family by Sam Lufti, *in Superior Court*).<sup>3</sup> Nonsense.

18       As this Court is aware, Ms. Spears has filed *objections* to James Spears's petitions; there are no  
19 pending claims filed against him. ***His motion does not even attempt to identify a single “claim” or***  
20 ***“allegation” that Britney Spears has made against him in pending litigation that is germane to the***

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22       <sup>2</sup> Unless otherwise indicated, all emphases have been added.

23       <sup>3</sup> Mr. Spears's heavy reliance on *Lufti v. Spears* is so misplaced it hardly warrants mention herein. That case involved claims  
24 in an actual *lawsuit* filed by Sam Lufti against Ms. Spears and her family and, ironically, in that case, Mr. Spears moved to  
block his daughter's deposition, demonstrating the hypocrisy of his present motion. Further, explaining the limited powers of  
the superior court in that matter, the *Lufti* appellate Court observed that the conservators failed to cite any authority supporting  
“that one department of the superior court has the power to prevent a witness from testifying in another *unrelated matter*.”  
(*Lufti v. Spears* (Mar. 11, 2015, No. B246253) \_\_\_Cal.App.5th\_\_\_ [2015 Cal. App. Unpub. LEXIS 1692, at \*76] (also noting  
that “[t]he conservators present no authority suggesting that the probate court has jurisdiction to restrict testimony of its wards  
*in separate matters . . .*.” (*Id.*, at p. \*82).) These inter-court conflicts are not present here, where all matters are before one,  
probate court. Ms. Spears should not be forced to sit for deposition ***in this probate matter, where, unlike the superior court***  
***in Lufti, the court does have the power to prevent a deposition***, especially regarding topics that are wholly *irrelevant* to the  
pending proceedings and for which her testimony is completely unnecessary. In sum, unlike the superior court in *Lufti*, here,  
of course, the probate court absolutely has the power to prevent Ms. Spears's deposition, ***in the same case and court*** where  
her testimony is sought on subjects that are completely and wholly irrelevant to determining the matters at issue.

1       *remaining matters and, even more to the point, each and every relevant allegation against him,*  
2       *ranging from his spying activities, to his conflicts of interest, abuses of power, and financial*  
3       *mismanagement emanated from, or is at least supported by, third party sources and documentary*  
4       *evidence in his own possession, thereby making Ms. Spears superfluous in these respects.* As  
5       explained by the undersigned to Mr. Spears's counsel during a recent meet-and-confer teleconference:

6       [MR. ROSENGART]: [W]e obviously take very strong issue with, of course, a number of  
7       characterizations in your May 6th letter, including, most notably, that our client is obligated  
8       to, at deposition, respond to questions concerning what you . . . incorrectly, refer to as "her"  
9       allegations. The allegations at issue, which are summarized in our January 14th filings, are  
10      not the allegations of Britney Spears. I think it's really important to hit the "reset" button  
11      and discuss context for a second, because your letter does correctly refer to allegations of  
12      misconduct; but it is incorrect, again, that those are the allegations of Britney Spears.

13      [O]ne of the key allegations concerns whether or not Mr. Spears had knowledge of, was  
14      involved in, or directed an illicit surveillance or spying operation on Britney Spears . . .  
15      Those are not allegations, contrary to what's stated in your letter, that were made directly  
16      by Britney Spears. Those are allegations that were made by a whistleblower, formerly  
17      employed by Black Box Security, as corroborated by The New York Times in its  
18      September 24, 2021 article [a copy of which is annexed hereto as Ex. A].

19      Relatedly, the allegations at issue of Mr. Spears's misconduct include his actual or apparent  
20      or potential conflict of interest in violation of, among other things, California Rule of Court  
21      7.1059. That is not an allegation made by Britney Spears. . . . It's a fact, but it's not an  
22      allegation that comes from her; and therefore, that's not something that she should be  
23      subjected to a deposition on. . . . Another allegation concerns whether or not Jamie Spears's  
24      severe alcoholism affected his administration of the conservatorship. That's something that  
25      Jamie Spears is in the best position to testify about.

26      Another allegation concerns how much money Jamie Spears took from the estate. We know  
27      that he took at least \$6.3 million dollars from the estate, according to QuickBooks  
28      accounting data that we obtained. That's not something that's within the knowledge of  
29      Britney Spears, who, after all, was in a conservatorship at this time, as we obviously all  
30      know.

31      This is just not a classic case of a witness, an ordinary witness having relevant information  
32      that he or she should be deposed upon, given the unique fact that she was in a  
33      conservatorship for 13 years. And again, these are not her allegations . . . .

34      Jamie Spears is the one who knows how much money he took . . . from the estate. Jamie  
35      Spears is the person who knows how much he paid Tri Star, properly or improperly, from  
36      the estate. Jamie Spears is the person who knows how much he paid Black Box Security,  
37      properly or improperly, from the estate. Jamie Spears, not Britney Spears, is the person  
38      who knows whether or not he disclosed the spying operation to the Court at the time he  
39      submitted the accountings to the Court. So those are also not allegations made by Britney

1 Spears. Jamie Spears is the one who can testify in regard to why he approved the \$500,000  
2 payment to Tri Star after Britney Spears went on hiatus. Jamie Spears is the one who must  
3 and can testify as to why he approved Lou Taylor's personal legal fees in connection with  
the Bryan Kuchar litigation. Again, that's not an allegation made by Britney Spears.

4 So we can continue to go down the laundry list, but the point being, we will be, again,  
5 amending our written objections; but it's misplaced and a false premise to say that Britney  
6 Spears is making the allegations or has made the allegations that are at the heart of  
discovery and that are at the heart of the hearings that are going to occur on July 13, July  
20, and July 27, to the extent they go forward. . . .

7 Another allegation -- and this is the last one I'll mention; they're set forth in our January  
8 14<sup>th</sup> filings -- but another allegation, not made by Britney Spears . . . is why Jamie Spears  
9 spent more than one million dollars on expenses on the Louisiana residence, including a  
10 substantial amount to his son-in-law's company. That's an allegation that was actually  
raised by the Court during one of the hearings predating my law firm's involvement in this  
case. It's not an allegation that was made by Britney Spears.

11 So the thrust of your letter is that our client, who was in a conservatorship and kept in the  
12 dark about just about everything, has made allegations that she needs to testify about. And  
we just believe that's a completely incorrect premise for the reasons we articulated[.]

14 (Rosengart Decl., Ex. 1 [Transcript at 7:10-12:3].)

15 Consistent with the above, Mr. Spears's motion provides ***only two references*** to Ms. Spears's  
16 Objections: (i) a comment referring to Mr. Spears as a "bully" (Motion at 7:20-22); and (ii) a reference to  
17 his having used funds obtained from Britney's estate to promote himself as a cook (Motion at 10:6-11).  
18 That is all. And again, Britney Spears is not needed to provide him with information about these  
19 allegations as they are supported by third parties and documentary evidence, as summarized in the  
20 Declaration of former FBI Special Agent Sherine Ebadi.

21 The rest of the motion, revealing its true objective, is replete with discussion about Britney's IG  
22 account and testimony before Mr. Spears's suspension. None of that is appropriate deposition fodder.  
23 This does not involve a lawsuit against Ms. Spears, and James Spears's suspension as well as termination  
24 of the Conservatorship are done. All that effectively remains is to determine whether Britney Spears is  
25 obligated to pay James Spears's lawyers and whether his accounts should be approved. The motion does  
26 not even make a half-hearted attempt to argue that Britney Spears's testimony is necessary on those  
27 issues. As referenced in the applicable pleadings, it is not, and the following further illustrates why Ms.  
28 Spears's deposition would serve no legitimate good faith purpose.

1           **1. Even a Cursory Review of the Objections to James Spears's Twelfth Account**  
2           **Demonstrates that Ms. Spears Has No Personal Knowledge of the Matters**  
3           **Referenced Therein, Nor Could She, Given the Controls Exercised Over Her**

4           The Objections concern (i) compensation paid to and arrangements with Tri-Star Sports &  
5 Entertainment Group (“Tri-Star”—a matter overseen by James Spears as to which Britney Spears had no  
6 involvement; (ii) payment of Lou Taylor’s personal legal fees—a matter overseen by James Spears as to  
7 which Britney Spears had no involvement; (iii) payment of accounting fees to Tri-Star—a matter  
8 overseen by James Spears as to which Britney Spears had no involvement; (iv) financial mismanagement  
9 (including rental payments by James Spears)—a matter overseen by James Spears as to which Britney  
10 Spears had no involvement; and (v) investment valuation differences—a matter overseen by James  
11 Spears as to which Britney Spears had no involvement.

12           These are squarely questions concerning the actions of James Spears and Tri-Star, the propriety  
13 (or lack thereof) of those actions, and the reporting of the same. The motion does not contend that  
14 Britney Spears has any personal knowledge or information concerning any of these matters and even if  
15 she did, her deposition, which by definition would be abusive, would still be unnecessary.

16           **2. Britney Spears's Objections to James Spears's Fee Petitions Largely Present**  
17           **Questions of Law and, In Any Event, the Motion Does Not Allege That Ms.**  
18           **Spears Has Any Personal Knowledge On Those Topics**

19           The September 28, 2021 Objections to James Spears’s earlier petition for fees (still pending) are  
20 focused almost entirely on petitioners’ failure to meet the requisite accounting standards—failure to  
21 substantiate the need for work performed, overlap in tasks performed, lack of adequate work descriptions,  
22 and similar deficiencies. The January 14, 2022 Objections to the petition for payment on account largely  
23 hinge on the legal question of whether James Spears is entitled to obtain payment on account under  
24 *People ex rel. Harris v. Shine* (2017) 16 Cal.App.5th 524 (and other relevant legal authorities). They  
25 also concern whether the prior accountings are subject to reopening given Mr. Spears’s alleged  
26 misrepresentations and fraudulent concealment of material information from the Court, e.g., his  
27 concealment of ***contemporaneous monitoring*** or intercepting of text communications between Ms.  
28

1 Spears and third parties, including her prior lawyer, and placing a secret listening device in his daughter's  
2 bedroom. (*Hudson v. Foster* (2021) 68 Cal.App.5th 640, 669-670 [allowing for reopening of prior court-  
3 approved accountings, explaining that "a conservatee has no duty to investigate" the accuracy of accountings  
4 before being alerted to information that would cause "a reasonably prudent person [to] suspect wrongdoing"];  
5 *id.*, at p. 648 [***Where a conservator has misrepresented a material fact in an account approved by the probate court, a party bringing a subsequent action on behalf of the conservatee does not need to show that the misrepresentation could not have been discovered prior to entry of the order approving the account.***]);  
6 *id.*, at p. 665 ["A party may obtain relief from a judgment when the other party concealed facts in violation of  
7 a duty arising from a trust or confidential relationship, even though the facts concerned issues in the prior  
8 proceeding." (internal citation omitted)]; *id.*, at p. 666 [***Where there exists a relationship of trust and confidence it is the duty of one in whom the confidence is reposed to make full disclosure of all material facts within his knowledge relating to the transaction in question and any concealment of material facts is a fraud... Where there is [such] a duty to disclose, the disclosure must be full and complete, and any material concealment or misrepresentation will amount to fraud sufficient to entitle the party injured thereby to an action.***" (internal citations and quotations omitted)].) These legal issues are also not topics  
9 on which Ms. Spears needs to opine, as the facts speak for themselves, particularly concerning the  
10 bedroom bug.  
11  
12

13       **3. The Analyses and Allegations Contained in Ms. Spears's Objections Emanate  
14                          From Parties and Sources Other Than Ms. Spears, as James Spears Knows**

15       All applicable objections filed by Ms. Spears since retaining her current counsel have referred to  
16 the fact that Kroll has been performing a review and assessment of the accountings and other available  
17 information regarding Mr. Spears's tenure as conservator. It is for this precise reason that Mr. Spears  
18 served Kroll with a third-party subpoena, and that discovery avenue has not been completed. For these  
19 additional reasons, to the extent Mr. Spears legitimately needs discovery, he must focus his efforts  
20 elsewhere, on third-party witnesses and the documentary evidence (which he himself possesses).

21       **C. James Spears Must Exhaust Other Discovery Avenues Before Seeking a Deposition**

22       James Spears has failed to show that less intrusive discovery methods would not suffice.  
23 Illustrating the point, at the same time he filed this motion, he also filed motions seeking further written  
24

1 discovery responses and documents from Kroll and Ms. Spears. Mr. Spears is not entitled to take his  
2 daughter's deposition unless there are ***no less onerous methods*** for obtaining information he legitimately  
3 seeks. (See *Allen v. Superior Court* (1984) 151 Cal.App.3d 447, 453 [“trial court erred in requiring  
4 document production without a showing that plaintiff’s object could not be accomplished through less  
5 intrusive means”]; *No Slo Transit, Inc. v. City of Long Beach* (1987) 197 Cal.App.3d 241, 260 [trial court  
6 did not err in “determin[ing] that depositions were inappropriate but permitted all other forms of  
7 discovery”]; *Pacific Architects Collaborative v. State of Cal.* (1979) 100 Cal.App.3d 110, 126-127  
8 [deposition not appropriate where subject matter was not relevant to issues at hand]; see also Code Civ.  
9 Proc., § 2025.420(7) [authorizing court to issue protective order requiring “[t]hat the method of discovery  
10 be interrogatories to a party instead of an oral deposition”].)

11           Mr. Spears quite plainly has not exhausted these other avenues. He precipitously filed this motion  
12 just two days after we served extensive amended substantive responses to his requests for admission,  
13 form interrogatories, and special interrogatories, and before receiving Kroll’s documents. He failed to  
14 address these responses at all, and failed to attempt to explain why they do not satisfy any legitimate  
15 discovery needs (they do and will), or why additional written discovery would not suffice. He has not  
16 demonstrated a need for the proposed harassing deposition of Ms. Spears, as opposed to obtaining the  
17 information he seeks through interrogatories, requests for admission, or other methods and these facts  
18 alone mandate the denial of his motion.

19           **1. Ms. Spears’s Extensive Written Discovery Responses, Which Are Ongoing**

20           Although no discovery from her is necessary or appropriate, Ms. Spears, in fact, provided  
21 substantive and extensive amended responses to the requests for admission, form interrogatories, and  
22 special interrogatories. This was a significant and expensive undertaking, done in good faith to avoid  
23 unnecessary motion practice. But true to form, Mr. Spears elected to foist the burden onto his daughter.  
24 Having done so, he does not now also get to take her deposition. By way of illustration only, the  
25 substantive and detailed nature of the written discovery provided him with a wealth of information  
26 concerning the allegations at issue (about which, again, Mr. Spears was already aware, demonstrating the  
27 sham he is undertaking):

- Responding Party refers James Spears to the Declaration of Sherine Ebadi and documents that will be produced and/or made available for inspection by Kroll; reference is made to the forthcoming production to be made by Kroll pursuant to subpoena and Kroll's responses/supplemental responses and objections thereto. (Amended Response to Special Interrogatory No. 8, which Amended Responses are attached to the concurrently filed Declaration of Mathew S. Rosengart as Exhibit 2.)
- In its September 24, 2021 documentary "Controlling Britney Spears" and its accompanying front page report, *The New York Times* revealed that Mr. Spears used Black Box Security to violate Britney Spears's privacy and monitor her attorney-client privileged communications, among others. [A]s contained in the evidence itself and the accompanying Declaration of ex-FBI Special Agent Sherine Ebadi, there is substantial support and corroboration in the form of Black Box whistleblower Alex Vlasov . . . and evidence of Black Box's underlying electronic surveillance of Britney Spears. (Amended Response to Special Interrogatory No. 11.)
- Mr. Vlasov has also confirmed that Black Box treated Mr. Spears (not his daughter) as its client and that Mr. Spears was the person making the decisions and giving direction. (Ebadi Decl., ¶¶ 23-25, 27-28, and generally; Amended Response to Special Interrogatory No. 11.)
- In or about 2015, and evidently and reportedly with the knowledge of Tri Star's Robin Greenhill, Mr. Spears instructed Black Box to mirror Britney's iCloud account—where Britney's text messages and content were stored in real time—to a separate iPad that Black Box could see, intercept, and/or review contemporaneously . . . The iPad was kept in a safe in Black Box's offices. (Ebadi Decl. ¶¶ 29-30; Amended Response to Special Interrogatory No. 11.)
- Black Box would regularly review the iPad's contents (which again, captured Ms. Spears's communications in real time, contemporaneously) and put the data in encrypted folders before sending them to Mr. Spears, at his request. **Sometimes, Mr. Spears would ask Black Box to send him specific items of interest from Ms. Spears's iCloud, such as text messages and communications with her counsel.** (Ebadi Decl. ¶¶ 30-31; Amended Response to Special Interrogatory No. 11.)
- In directing these surveillance efforts, Mr. Spears had Black Box provide him access to private communications of his daughter, which his own counsel advised he had no right to see. (Ebadi Decl. ¶ 31.) **Mr. Spears expressed particular interest in monitoring his daughter's communications with her personal attorney Sam Ingham, and he wanted regular updates from Black Box on the substance of those attorney-client privileged messages.** (Ebadi Decl. ¶ 32; Amended Response to Special Interrogatory No. 5.)
- In what is arguably an even more shocking and unconscionable invasion of Ms. Spears's privacy, Mr. Spears instructed Black Box to place a secret recording device in Ms. Spears's bedroom, in apparent violation of the California Invasion of Privacy Act ("CIPA"), California Penal Code § 630 *et seq.*<sup>4</sup> (Amended Response to Special Interrogatory No. 11.)

<sup>4</sup> CIPA requires that all parties consent to a recording of their private conversation, and it provides for criminal penalties for individuals who record communications without the necessary two-party consent. It also permits victims to recover treble damages or \$5,000 per violation through a civil action. (*Id.*, at §637.2(a)).

- 1           • Later, a Black Box employee told Mr. Vlasov that he and Mr. Yemini had listened to  
2           the recordings and found nothing “useful.” (Ebadi Decl. ¶¶ 38, 39; *id.*, *passim*;  
3           Amended Responses to Special Interrogatory Nos. 11 and 23.)  
4           • At the time he established the conservatorship, and while still owing an unknown  
5           portion of the \$40,000 Tri Star had loaned him, Mr. Spears installed his friend Lou  
6           Taylor of Tri Star as Britney’s business manager. Tri Star was paid exorbitant amounts  
7           of money by Mr. Spears. At the time, both Tri Star and Black Box were fledgling  
8           businesses, and none of their clients was remotely the caliber of Britney Spears. (Ebadi  
9           Decl. ¶¶ 14-15; Amended Response to Special Interrogatory No. 14.)  
10          • Mr. Spears also sought to silence and remove those who spoke out against him or the  
11           conservatorship, including Ms. Spears’s friends and Ms. Spears herself . . . (Ebadi Decl.  
12           ¶¶ 20, 21; Amended Response to Special Interrogatory No. 14.)  
13          • Similarly, Marc Delcore, Britney Spears’s long-time music supervisor, informed Ms.  
14           Ebadi that he was warned by Mr. Spears about what he could or could not discuss with  
15           Ms. Spears. (Ebadi Decl. ¶ 19.) And whistleblower Alex Vlasov, the former Black  
16           Box Security employee, revealed that individuals on Ms. Spears’s security detail who  
17           were sympathetic to her, or who questioned some of the extreme measures taken to  
18           control her, were removed. (Ebadi Decl. ¶ 22; Amended Response to Special  
19           Interrogatory No. 14.)  
20          • Mr. Spears (while acting as Conservator), engaged in self-dealing, diversion of  
21           conservatorship resources, and misuse of his daughter’s funds. During his tenure  
22           serving as Conservator, Mr. Spears was also subjected to a Domestic Violence  
23           Restraining Order, resulting from allegations of harassment or abuse of his own  
24           daughter’s child or children. (See Amended Responses, Preliminary Statement.)  
25          • Mr. Spears obtained more than \$6 million from the Estate personally . . . (Amended  
26           Response to Special Interrogatory No. 17.)  
27          • Apart from the many millions of dollars reaped by Tri Star . . . during the  
28           conservatorship, the loan and Mr. Spears’s hiring of Tri Star presented a serious,  
                 undisclosed, conflict of interest, arguably corrupting the conservatorship from  
                 inception. The James P. Spears-Tri Star arrangement also evidently violated California  
                 Rule of Court 7.1059(a), which requires conservators to avoid not only “actual conflicts  
                 of interest” but also “consistent with his or her fiduciary duty to the conservatee, the  
                 appearance of conflicts of interest.” (See 2021 California Rules of Court, Rule 7.1059,  
                 “Standards of conduct for the conservator of the estate.”) Mr. Spears also used his  
                 daughter’s money to pay substantial expenses for the renovation and upkeep of  
                 property owned by the Estate on Lewiston Road in Kentwood, Louisiana (the  
                 “Louisiana Residence”) . . . . (See Ebadi Decl., ¶¶ 76, 77, 79; Amended Response To  
                 Form Interrogatory No. 17.1, which Amended Responses are attached to the  
                 concurrently filed Declaration of Mathew S. Rosengart as Exhibit 2.)  
                 • There is evidence demonstrating the autocratic ways in which Mr. Spears ran the  
                 conservatorship, elevating his own interests above his daughter’s while ingratiating  
                 himself to others, including Tri Star and its founder Lou Taylor, to whom he had  
                 previously been financially indebted . . . Internal emails demonstrate that Mr. Spears’s  
                 own lawyer, Vivian Thoreen, **conceded** that Ms. Taylor’s lawsuit against Mr. Kuchar  
                 (aptly entitled *Lou M. Taylor v. Bryan S. Kuchar*, Case 1:19- cv-03028-MLB) was, in  
                 fact, “about Lou,” there is no “connection” in the complaint “between Britney and the  
                 lawsuit,” and “[Lou] doesn’t even try to weave [Britney] into the complaint,” correctly

1 concluding that “*Lou*” not *Britney* should have paid the legal fees at issue. (Ebadi  
2 Decl. ¶ 52; Amended Response To Form Interrogatory No. 17.1.)

- 3 • Mr. Spears authorized Tri Star to pay significant legal fees to his lawyers [from the  
4 Estate] incurred in connection with his Domestic Violence Restraining Order. (See  
Amended Responses, Preliminary Statement.)

5 Although Mr. Spears may not like the amended responses, or may even disagree with the facts  
6 and reality contained therein, his feelings do not provide a basis to move to compel a deposition.<sup>5</sup>  
7 Moreover, and crucially, as referenced above and demonstrated in the supplemental responses, the facts  
8 at issue do not derive from allegations made by Britney Spears, see *supra* at 11-12. (Rosengart Decl., Ex.  
9 1 [Transcript at 7:10-12:3, text copied *supra*].) James Spears is, of course, the person in the best position  
10 to testify as to his own misconduct, but he refuses to sit for his own deposition. In contrast, deposing Ms.  
11 Spears on these topics would be unfair and nonsensical, when the misconduct is being investigated by  
12 persons other than Ms. Spears and the sources are third parties and documentary and physical evidence.

13 **D. James Spears’ True Objectives In Seeking A Deposition are Revenge and Punishment**

14 Shortly after he was suspended, James Spears stated his intent in an email to take his daughter’s  
15 deposition concerning “child safety . . . and [possible] drug use.” He then promptly leaked that plan to  
16 tabloids.<sup>6</sup> Now, redoubling his efforts to malign his daughter in public—and to upset her (as part of his  
17 diabolical **strategy**—he has indicated (again, publicly) that he wants to use this deposition as an  
18 opportunity to attack his daughter. (Motion, at 1.)

19 In short, despite the guise in which he has presented his motion (glibly purporting to instruct the  
20 Court on what is supposedly “simple” or “necessary”), James Spears engaged in serious misconduct. He  
21 knows this. But even putting these facts aside, as a matter of law, he is not entitled to take Ms. Spears’s  
22 deposition, much less to serve his true purpose: to scare her, intimidate her, or silence her. That is over.  
23 Permitting him to take his daughter’s deposition under any circumstance would be an abject abuse of the  
24 Discovery Act, if ever there was one, and contrary to the interests of justice.

25  
26 \_\_\_\_\_  
27 <sup>5</sup> If Mr. Spears truly believes he needs more information, he can serve another set of written discovery. (See *No Slo Transit, Inc. v. City of Long Beach, supra*, 197 Cal.App.3d at p. 260 [holding trial court did not err in “determin[ing] that depositions were inappropriate but permitted all other forms of discovery”].)

28 <sup>6</sup> *Britney Spears: Jamie Wants Her To Sit For Deposition*, TMZ (Jan. 28, 2022) <https://www.tmz.com/2022/01/28>.

1           E.       **Any Relevant Information Possessed By Britney Spears Is Privileged**

2           With regard to any information that is actually relevant, Mr. Spears *still* would be required to  
3 proceed by written discovery. Focusing on Ms. Spears' Objections to the Twelfth Account, for example,  
4 these involve purely legal contentions that are not an appropriate basis for deposition. (See *Rifkind v.*  
5 *Superior Court* (1994) 22 Cal.App.4th 1255 [“Even if such questions may be characterized as not calling  
6 for a legal opinion..., or as presenting a mixed question of law and fact..., **their basic vice when used at**  
7 **a deposition is that they are unfair[.]**”].) “If the deposing party ... wants to know what the adverse party  
8 is contending, or how it rationalizes the facts supporting a contention, *it may ask that question in an*  
9 *interrogatory*. The party answering the interrogatory may then, with aid of counsel, apply the legal  
10 reasoning involved in marshaling the facts relied upon for each of its contentions.” (*Id.* [emphasis  
11 added].) This is exactly what has been done in responding to written discovery.

12          IV.       **CONCLUSION**

13          In addition to being fatally flawed as a matter of law and equity, and also contrary to the interests  
14 of justice and fundamental decency, the motion also provides the latest illustration regarding why Ms.  
15 Spears should not have to pay James Spears's lawyers (who are hostile to her) another dime—nor does  
16 California law permit such a perverse outcome. His abuse of the discovery process does nothing to  
17 further the purposes of the Conservatorship or the best interests of Ms. Spears and the system. To the  
18 contrary, his bad faith actions undermine the system and represent a thinly-veiled attempt to redeem his  
19 reputation at his daughter's expense (a completely futile and unworthy task for this disgraced, suspended  
20 conservator). This abuse of process must not be condoned, particularly where Mr. Spears has repeatedly  
21 refused to appear for his deposition and blatantly disregarded his fiduciary and other duties and  
22 obligations to produce relevant information in a proper and professional manner. For all of the foregoing  
23 reasons, the motion must be denied in its entirety.

24          Dated: June 28, 2022

   Respectfully Submitted,

25   GREENBERG TRAURIG, LLP

26   By: /s Mathew S. Rosengart  
27   Attorneys for Britney Jean Spears

# EXHIBIT A

## The Surveillance Apparatus That Surrounded Britney Spears

An account by a former employee of the security team hired by Ms. Spears's father created the most detailed portrait yet of the singer's life under 13 years of conservatorship.

By Liz Day and Samantha Stark

Published Sept. 24, 2021 Updated Nov. 12, 2021

Britney Spears's father and the security firm he hired to protect her ran an intense surveillance apparatus that monitored her communications and secretly captured audio recordings from her bedroom, including her interactions and conversations with her boyfriend and children, according to a former employee of the security firm.

Alex Vlasov, the employee, supported his claims with emails, text messages and audio recordings he was privy to in his nine years as an executive assistant and operations and cybersecurity manager for Black Box, the security firm. He came forward for a new documentary by The New York Times, "Controlling Britney Spears," which was released on Friday.

Recording conversations in a private place and mirroring text messages without the consent of both parties can be a violation of the law. It is unclear if the court overseeing Ms. Spears's conservatorship was aware of or had approved the surveillance.

Mr. Vlasov's account, and his trove of materials, create the most detailed portrait yet of what Ms. Spears's life has been like under the conservatorship for the past 13 years. Mr. Vlasov said the relentless surveillance operation had helped several people linked to the conservatorship — primarily her father, James P. Spears — control nearly every aspect of her life.

"It really reminded me of somebody that was in prison," said Mr. Vlasov, 30. "And security was put in a position to be the prison guards essentially."

In response to detailed questions from The Times, a lawyer for Mr. Spears issued a statement: "All of his actions were well within the parameters of the authority conferred upon him by the court. His actions were done with the knowledge and consent of Britney, her court-appointed attorney, and/or the court. Jamie's record as conservator — and the court's approval of his actions — speak for themselves."



Alex Vlasov, a former employee of Black Box Security, decided to share his information after hearing Ms. Spears's speech to the court in June. He said a surveillance operation had helped several people linked to the conservatorship control nearly every aspect of Ms. Spears's life. Victor Tadashi Suarez

Edan Yemini, the chief executive and founder of Black Box Security, also did not respond to detailed questions. In a statement, his lawyer said, "Mr. Yemini and Black Box have always conducted themselves within professional, ethical and legal bounds, and they are particularly proud of their work in keeping Ms. Spears safe for many years."

Ms. Spears's lawyer, Mathew S. Rosengart, said in a statement: "Any unauthorized intercepting or monitoring of Britney's communications — especially attorney-client communications, which are a sacrosanct part of the legal system — would represent a shameful violation of her privacy rights and a striking example of the deprivation of her civil liberties."

"Placing a listening device in Britney's bedroom would be particularly inexcusable and disgraceful, and corroborates so much of her compelling, poignant testimony," Mr. Rosengart said. "These actions must be fully and aggressively investigated."

Mr. Vlasov said his superiors had often told him that the severe surveillance measures were necessary to properly protect Ms. Spears and that she wanted to be in the conservatorship. He said he had felt compelled to share his information after hearing Ms. Spears's comments to the court in June, when she excoriated the judicial system, her conservators and her managers. She called the arrangement abusive.

Ms. Spears's father, who is known as Jamie, was appointed conservator in 2008, shortly after Ms. Spears was twice taken to the hospital by ambulance for involuntary psychiatric evaluations amid a series of public struggles and concerns around her mental health and potential substance abuse. He was given broad control over her life and her estate, including the power to retain round-the-clock security for Ms. Spears.

Mr. Spears and others involved in the conservatorship have insisted that it was a smooth-running operation that worked in the best interest of his daughter. But in the wake of Ms. Spears's comments in court in June, the judge authorized her to choose her own lawyer, Mr. Rosengart, for the first time. Mr. Rosengart swiftly filed to remove Mr. Spears as the conservator of the singer's estate. After consistently arguing that there were no grounds for his removal, Mr. Spears abruptly asked the court on Sept. 7 to consider whether to terminate the conservatorship entirely.

Mr. Rosengart's and Mr. Spears's requests are expected to be considered at a hearing scheduled for Sept. 29.

## The security company

The security team's role has long been a mystery.

Mr. Yemini, the Black Box Security founder, was born in Israel, and is described on a company website as having a background in the Israeli Special Forces. The Spears account helped Black Box grow from a tiny operation to a prominent player in the celebrity security industry. It counts the Kardashians, Miley Cyrus and Lana Del Rey among its clients.

Mr. Vlasov joined Black Box in 2012 as a 21-year-old college student, excited by the opportunity to master the security industry. He started as Mr. Yemini's assistant and grew into a role that encompassed wide responsibilities over operations and digital management. "I did everything from write his messages, write his emails, to be on all phone conversations in order to take notes for him," Mr. Vlasov said. "I was the only person at Black Box that knew everything, really."

He generally worked at Black Box's office in the Woodland Hills area of Los Angeles and seldom saw Ms. Spears in person, he said. But through the surveillance apparatus and his close work with Mr. Yemini and his colleagues, Mr. Vlasov said, he had a uniquely comprehensive view of her life.



Edan Yemini with Ms. Spears in 2009. Mr. Yemini is the chief executive and founder of Black Box Security. Alamy

Mr. Vlasov said that Ms. Spears's phone had been monitored using a clever tech setup: The iCloud account on her phone was mirrored on an iPad and later on an iPod. Mr. Yemini would have Mr. Vlasov encrypt Ms. Spears's digital communications captured on the iPad and the iPod to send to Mr. Spears and Robin Greenhill, an employee of Tri Star Sports & Entertainment Group, the former business manager for the singer's estate.

This arrangement allowed them to monitor all text messages, FaceTime calls, notes, browser history and photographs.

"Her own phone and her own private conversations were used so often to control her," Mr. Vlasov said.

In response to questions about the surveillance operation, a lawyer for Tri Star Sports & Entertainment Group said: "These allegations are not true. Ms. Greenhill was only involved in Ms. Spears' security to the extent Ms. Spears requested her involvement, as well as Tri Star's role of issuing the payments to the security company." The lawyer did not respond to follow-up questions specifically asking whether Ms. Greenhill had ever received copies of or reports on the contents of Ms. Spears's text communications.

Mr. Vlasov said the reason Mr. Yemini had given for monitoring Ms. Spears's phone was to protect her from harm and bad influences. But Mr. Spears monitored his daughter's text-message conversations with her mother, her boyfriend, her close friends and even her court-appointed lawyer, according to screenshots of messages provided to The Times.

Mr. Vlasov's accounts of how Ms. Spears's life was controlled by the security team were confirmed by others with firsthand knowledge of the conservatorship who requested anonymity. They said Ms. Spears essentially could not leave her home without the presence of security personnel, who would inform Mr. Yemini, Mr. Spears and Ms. Greenhill of the singer's movements via group chat.



Ms. Spears with her father in 2013. As part of the conservatorship, Mr. Spears was given broad control over his daughter's life and her estate, including the power to retain round-the-clock security. RS-Jack/XI7online.com

As conservator of the estate, Mr. Spears controls his 39-year-old daughter's nearly \$60 million fortune and has the authority to employ workers for her.

Mr. Vlasov said Mr. Yemini and another Black Box employee had once given him a portable USB drive and asked him to delete the audio recordings on it.

"I had them tell me what was on it," Mr. Vlasov said. "They seemed very nervous and said that it was extremely sensitive, that nobody can ever know about this and that's why I need to delete everything on it, so there's no record of it. That raised so many red flags with me and I did not want to be complicit in whatever they were involved in, so I kept a copy, because I don't want to delete evidence."

The drive, he discovered, contained audio recordings from a device that was secretly placed in Ms. Spears's bedroom — more than 180 hours of recordings. Mr. Vlasov said he had thought the timing was curious because some of the recordings were made around the time that a court investigator visited Ms. Spears to perform a periodic review in September 2016.

The New York Times reviewed the recordings to confirm their authenticity.

When asked why he had continued working with Black Box despite harboring so many concerns, Mr. Vlasov said he had feared the amount of power Mr. Yemini and others had, and the possibility that they could damage his job prospects in the industry.

After Ms. Spears's impassioned remarks to the court in June, Mr. Vlasov said, his mind-set changed.

Choosing to leave Black Box in April was the best decision of his life, he said, and he believes going public is the right thing to do. "I don't know what's going to happen tomorrow, but I've never regretted it," he said.

## 'She did not want to be there'

Ms. Spears spent time at a mental health treatment facility in 2019 — a stay that appears to have been a turning point in the conservatorship. Who exactly sent her there, for what reason and whether she went on her own volition are in dispute.

Mr. Spears and others involved with the conservatorship have said that she consented to go to the facility and that she was aware that no one could force her to stay. Conservators are not allowed to force a conservatee into a mental health treatment facility against their will.

"She did not want to be there," Mr. Vlasov said. "I heard this from multiple people, including Robin and Jamie themselves when they would talk on the phone to Edan. I overheard multiple conversations where they knew Britney didn't want to be there."

The Times obtained text messages that Ms. Spears had sent from the facility that said she felt she was there involuntarily and that she could not leave, noting that security personnel were at the door at all times. Ms. Spears told a judge later in 2019 that she had felt she was forced into the facility, according to a transcript of the closed-door hearing. She repeated that claim to the court publicly in June.

Mr. Vlasov shared digital communication that showed how Ms. Spears, while in the facility, had tried to hire a new lawyer to replace her court-appointed lawyer — and that Mr. Spears and others had monitored that effort.



Ms. Spears with Robin Greenhill, an employee of Tri Star Sports & Entertainment Group. Mr. Vlasov said that Ms. Spears's phone had been monitored using a clever tech setup: The iCloud account on her phone was mirrored on an iPad and an iPod. Alamy

The prospective lawyer asked Ms. Spears if he could come talk to her. Ms. Spears responded that she didn't think the security personnel would let her see him. "They will say no for sure to me seeing a new lawyer on my side," she said, and proposed that he tell the security personnel that he was a plumber instead. The lawyer declined that plan. "You have to be approved by the court before I hire you, but I don't understand how can I know I want to hire you unless I meet with you first?" Ms. Spears wrote.

"Yes, it's a Catch-22 situation," the lawyer said.

In a text message sent a week after the initial exchange with the lawyer, Ms. Spears said that Mr. Spears had taken away her phone after finding out that she had been talking to a lawyer.

The lawyer confirmed to The Times that the correspondence provided by Mr. Vlasov was accurate.

Mr. Vlasov recalled that "one of the biggest 'aha,' red-flag moments" in his tenure at Black Box had happened in August 2020, when Ms. Spears's court-appointed lawyer, Samuel D. Ingham III, sent an email to Mr. Spears's lawyers and Mr. Yemini asking for written confirmation that Ms. Spears's new phone was not being monitored.

"Ethically, I need to get written confirmation that no one other than my client can access her calls, voice-mail messages or texts directly or indirectly," Mr. Ingham wrote in the email, which was reviewed by The Times.

Geraldine Wyle, a lawyer for Mr. Spears, responded: "Jamie confirms that he has no access to her calls, voice-mail messages, or texts."



Ms. Spears in Paris for her “Piece of Me” tour in 2018. The following year, the singer spent time at a mental health treatment facility — a stay that appears to have been a turning point in the conservatorship. Marc Piasecki/Getty Images

In response to questions from The Times about the exchange, Ms. Wyle said, “Mr. Spears’ actions have always been proper, and in strict conformity with the law, and the orders of the Los Angeles Superior Court.”

Mr. Ingham did not respond to requests for comment.

Mr. Spears was particularly interested in Ms. Spears’s boyfriends, Mr. Vlasov said. The security team tailed her boyfriends in a continuing effort to look for incriminating behavior or other evidence that they might be a bad influence on Ms. Spears, he said.

“There was an obsession with the men in Britney’s life,” Mr. Vlasov said.

Her boyfriends were required to sign strict nondisclosure agreements, Mr. Vlasov said. An agreement signed in 2020 by her boyfriend at the time, Sam Asghari, who is now her fiancé, technically forbade him to post on social media about Ms. Spears without Mr. Spears’s prior written approval.

In a confidential report by a court investigator that was obtained by The Times, the investigator wrote in 2016 that Ms. Spears had told her that she could not befriend people, especially men, without her father’s approval and that the men she wanted to date were “followed by private investigators to make sure their behaviors are acceptable to her father.”

Mr. Vlasov said that Black Box Security had billed more than \$100,000 in 2014 for investigating and surveilling Ms. Spears’s boyfriend at the time. The boyfriend, David Lucado, told The Times that he had been aware at the time that he was being followed by private investigators, and he said he had called 911 twice because of dangerous tailing situations. He said he believed he might have been more of

a target because he was encouraging Ms. Spears to understand her legal rights under the conservatorship.

## 'Free Britney' draws attention

Another object of intense interest among those controlling Ms. Spears's life, Mr. Vlasov said, was the so-called Free Britney movement, a growing cohort of fans that in recent years has brought heightened attention to the conservatorship case. Black Box Security sent investigators to infiltrate the group at a rally in April 2019 and to develop dossiers on some of the more active participants.

"Undercover investigators were placed within the crowds to talk to fans to ID them, to document who they were," Mr. Vlasov said. "It was all under the umbrella of 'this is for Britney's protection.'" He shared surveillance photographs with The Times that corresponded to photos posted by Free Britney participants that day.



Megan Radford, a member of the so-called Free Britney movement, was classified as "a high risk due to her creation and sharing of information." via Megan Radford

Black Box prepared a "threat assessment report" dated July 2020 that included background information on several fans within the movement, including people who had popular podcasts and social media accounts like "Britney's Gram," "Eat, Pray, Britney," "Lawyers for Britney" and Diet Prada. One activist, described as a young mother in Oklahoma, Megan Radford, was classified as "a high risk due to her creation and sharing of information."

An email from August 2020 sent by Mr. Yemini discussed the possibility of surveilling Kevin Wu, a fan who runs the prominent Twitter account Free Britney L.A.

"They were extremely nervous, because they had zero control over the Free Britney movement and what's going to come out of it," Mr. Vlasov said.

The fees for surveilling Ms. Spears's boyfriend and the Free Britney participants, Mr. Vlasov said, were billed to Ms. Spears's estate.