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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES, CENTRAL DISTRICT

In re the Conservatorship of the Person and Estate of BRITNEY JEAN SPEARS	Case No. BP108870 Hon. Brenda J. Penny, Dept. 4 **BRITNEY JEAN SPEARS'S SEPARATE STATEMENT IN SUPPORT OF MOTION TO COMPEL PRODUCTION OF DOCUMENTS REQUESTED IN NOTICE OF DEPOSITION** [Filed concurrently with Notice of Motion and Motion to Compel; Declaration of Lisa C. McCurdy; and Proposed Order] Date: July 13, 2022 (Date approved by Court Clerk) Time: 1:30 p.m. Dept: 4

SEPARATE STATEMENT OF REQUESTS IN DISPUTE

Pursuant to California Rule of Court 3.1345, Britney Jean Spears ("Ms. Spears") hereby submits the following Separate Statement of Requests in Dispute with regard to the Second Amended Deposition Notice of James P. Spears, in support of Ms. Spears's concurrently filed Motion to Compel.

DEFINITIONS AND INSTRUCTIONS

1. The term "DOCUMENT(S)" means all forms of tangible expression, including all "writings" as defined by California Evidence Code§ 250, and further including, without limitation, computer diskettes, computer electronic mail, and any retrievable data or information, however stored, recorded or coded. The term DOCUMENT(S) shall incorporate the original and duplicate copies of any "writing," as well as any writing that served as a recorded recollection of any COMMUNICATION.

2. The term "COMMUNICATION" is used in its broadest sense and includes, the transmission of information in any form (whether by way of facts, ideas, questions, opinions, or otherwise), between or among any persons or entities, including, without limitation, written, oral, or electronic transmissions, such as telephone conversations, letters, memoranda, notes, e-mails, summaries, photographs, motion pictures, television shows, audio tapes, video tapes, computer or other electronic telecommunications, text messages, electronic or magnetic media, facsimiles, electronic mail, telegrams, press releases, and newspapers.

3. The terms "RELATING TO' or "RELATED TO" means concerning, pertaining to, referring to, describing, mentioning, containing, evidencing, constituting, dealing with, discussing, considering, analyzing, studying, reporting on, commenting on, setting forth, supporting, recommending or otherwise concerning in any manner, in whole or in part, whatsoever the subject matter of the inquiry.

4. As used herein, the term "all" includes "any" and vice versa.

5. Whenever appropriate, the singular form of a word shall be interpreted in the plural, or vice versa; verb tenses shall be interpreted to include past, present and future tenses; and these terms shall he construed in the broadest sense as necessary to bring within the scope of these requests that which might otherwise be construed to be outside their scope.

6. All DOCUMENTS are to be produced in the files in which such DOCUMENTS have been maintained and in the order within each file in which such DOCUMENTS have been maintained.

7. If any DOCUMENT(S) are withheld from production on the basis of a claim of attorney-client or any other privilege, or on the basis of the attorney work-product doctrine, you must set forth with specificity the privilege or work product claim and furnish a list identifying each DOCUMENT for which the privilege or work product doctrine is claimed, together with:

a. a brief description of the nature and subject matter, including the title and type of the document;

b. the date of preparation;

c. the name and title of the author(s);

d. the name and title of the addressee(s);

e. the name and title of all PERSONS to whom the DOCUMENT was sent, including blind carbon copies;

f. the number of pages;

g. the DOCUMENT request(s) to which the withheld information or DOCUMENT is otherwise responsive; and

h. the complete basis upon which you contend that you are entitled to withhold the information or DOCUMENT from production

REQUESTS IN DISPUTE

REQUEST FOR PRODUCTION NO. 1:

All DOCUMENTS and COMMUNICATIONS RELATING TO the electronic surveillance, monitoring, cloning, or recording of the activity of any phones or other devices used by Britney Jean Spears, including but not limited to the surveillance, monitoring, cloning, icloud mirroring, or recording of calls, e-mails, text messages, internet browser use or history, and social media use or direct messages on social media.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1:

Jamie incorporates by reference his General Objections. Jamie further objects to the Document Request to the extent it is vague, ambiguous, overly broad, unduly burdensome, and oppressive especially as it does not contain any temporal limitations. Jamie further objects to the Document Request to the extent it impermissibly seeks material protected by the attorney-client privilege, the attorney work-

product doctrine, and/or the common interest doctrine. Jamie further objects to the Document Request to the extent that it seeks information that is already in Britney's possession or equally available to her. Jamie objects on the grounds that this Document Request presents an incomplete hypothetical and assumes facts.

Jamie further objects to the Document Request as follows:

- Jamie objects on the grounds that the Document Request is unduly burdensome and unreasonably duplicative and cumulative because it seeks the same information that was requested by Britney from Jamie in her December 17, 2021 Second Set of Requests for Production (*see, e.g.*, Request for Production Nos. 12-21).
- The Document Request extends beyond the proper scope of discovery and improperly attempts to re-litigate the thirteen-year Conservatorship and innumerable final court orders. California Civil Procedure Code Section 2017.010 limits the scope of discovery to matters relevant to the subject matter involved in the pending action. California Probate Code Section 2103 releases a conservator and the sureties from all the conservatee's claims when the court authorizes, approves, or confirms the action in an order. This Document Request is therefore overbroad, unduly burdensome, and beyond the scope of discovery to the extent it is not relevant to the limited matters remaining before the Court and to the extent the Court already approved any action in an order or judgment.
- There is no legitimate reason for requiring Jamie to undertake the burden of sifting through documents he already produced and reproducing those documents that are responsive to this Document Request. Jamie objects to these Document Requests as duplicative, unduly burdensome, oppressive, and harassing to the extent the Document Requests seek some or all of the same documents and information that Jamie already voluntarily produced. Since October 2021, Jamie's counsel has arranged for nearly 600,000 pages of documents (consisting of more than 58 boxes of hard copy documents and more than 22 drives of electronic documents and spanning over 13 years of documents). Britney's own counsel admitted at the January 19, 2022 hearing that Jamie "produced voluminous information." *See* Jan. 19 Tr. 17:3-4. The nearly 600,000 pages of documents represent more than 124,500 electronic documents. Any responsive documents that are in Jamie's possession, custody, or

control already are in Britney's possession, custody, or control or are otherwise equally available to her given Jamie's prior voluminous production of documents and information.

REASON TO COMPEL PRODUCTION TO REQUEST FOR PRODUCTION NO. 1:

As an initial matter, Mr. Spears fails to justify any of his objections with any facts, and none of his boilerplate objections are proper. (See *Costco Wholesale Corp. v. Superior Court* (2009) 47 Cal.4th 725, 733; *Coy v. Superior Court of Contra Costa County* (1962) 58 Cal.2d 210, 218-221.) It is important to bear in mind, too, that Mr. Spears has an obligation as a suspended conservator and fiduciary to turn over all relevant and responsive documents without any condition, regardless of the method of discovery sought. (See *Poag v. Winston* (1987) 195 Cal.App.3d 1161, 1176 ["As a fiduciary, a conservator owes a duty of loyalty which requires that he act in the highest good faith."].) This fact is buttressed by his new lawyer's own repeated claims of cooperation. Further, demonstrating regrettable gamesmanship and completely contradicting himself, Ms. Spears's counsel claims he "instructed" prior counsel to "withhold nothing" on the basis of privilege. Yet, his response to ***every single request*** for production includes objections on the basis of privilege. (See generally, McCurdy Decl., Ex. G.) This type of Alice-in-Wonderland dissembling is unacceptable.

As a matter of statutory law, Mr. Spears waived any and all objections to the document requests in the Deposition Notice that was served on October 1, 2021, and Amended Notice that was served on November 3, 2021. (See McCurdy Decl., Exs. B, E.) By failing to object, Mr. Spears now has no choice but to produce documents responsive to this request. (See Code Civ. Proc. § 2025.410(a); see also Weil & Brown, Cal. Practice Guide: Civil Procedure Before Trial (The Rutter Group 2021) ¶ 8:483 [Deponent "must timely serve written objections before the deposition. If [deponent] waits until the deposition to raise the objection, it is waived; and [deponent] cannot refuse to produce the documents at the deposition . . . ."] [emphasis in original].)

Mr. Spears's counsel repeatedly and profusely promised his client's unconditional, transparent cooperation in producing "***all***" documents to Ms. Spears's counsel. Although these representations have, regrettably, proven to be false, made in an effort to create a false narrative and record—and what has become a "Big Lie" of Mr. Spears's defense—they are nevertheless relevant; thus, in addition to Mr. Spears's statutory waiver, his boilerplate objections should also be considered waived as a matter of

equity and fairness and he should be estopped from asserting them. By way of illustration only, by email dated October 22, 2021, Mr. Spears's counsel professed the following:

- That Mr. Spears would "***unconditionally[] cooperate*** with a complete and total transfer of ***all files*** regarding the conservatorship . . . ."
- That Ms. Spears was "***welcome to everything – complete transparency without conditions***."
- That he would "***do everything [he] [could]*** to help facilitate the direct transfer [of all files] from prior counsel . . . ."
- "Again, ***complete transparency without conditions***."

(McCurdy Decl., ¶ 10.)

In the November 1, 2021 Status Report, Mr. Spears's counsel represented the following:

- "Jamie has ***nothing to hide*** [and] ***will therefore hide nothing***."
- "Jamie affirms that he will ***unconditionally cooperate*** in transferring *all* [emphasis in original] files regarding the estate to Britney's counsel without delay."
- "Jamie recognizes his ***ongoing and transparent participation is paramount*** . . . ."
- "Jamie will ***unconditionally cooperate*** with a complete and total transfer of all files."
- "Jamie is committed to ***complete transparency without conditions***."

(McCurdy Decl., Ex. D.)

In a November 5, 2021 email, Mr. Spears's counsel stated that he and his client were supposedly "committed to ***complete transparency***," that they had "***withheld nothing***," and that he "provided ***explicit instructions to prior counsel to produce <u>everything without exception</u>***." (McCurdy Decl., ¶ 11.) Even more, Mr. Spears's counsel claimed that "whatever documents exist regarding electronic surveillance, to the extent that any, would part [*sic*] of the production being made by prior counsel." (*Id.*)

These promises are tantamount to a "Big Lie." By objecting to every single one of Ms. Spears's document requests, Mr. Spears has done the exact opposite of what he promised. Mr. Spears's tactics to create a false record and narrative should not be countenanced. Even putting aside his statutory and fiduciary obligations, he has waived any objections and he should be ordered to produce all documents contained in the applicable requests.

Mr. Spears objects to the document requests as "unduly burdensome and unreasonable duplicative and cumulative" because he claims Ms. Spears requested similar information in requests for production propounded on him. (McCurdy Decl., Ex. G, ¶ 5.) The objection is contrary to law. California's Code of Civil Procedure does not preclude a party from seeking similar documents through different methods of discovery. "[T]he inspection of documents procedure is quite different from a deposition at which a party is required to bring documents. Nothing in either section 2025 or section 2031 suggests that seeking documents under one statutory procedure bars a litigant from seeking the same documents under the other." (*Carter v. Superior Court* (1990) 218 Cal.App.3d 994, 997.)[1] Thus, consistent with the Court's reasoning in *Carter*, Mr. Spears must bring the requested documents to his deposition pursuant to this different method of discovery. (See also *Irvington-Moore, Inc. v. Superior Court* (1993) 14 Cal.App.4th 733, 739 ["[T]he selection of the method of discovery is to be utilized is to be made by the party seeking discovery. It cannot be dictated by the opposing party.].)

Relatedly, Mr. Spears claims the document requests are "duplicative, unduly burdensome, oppressive, and harassing" because Mr. Spears already "voluntarily" produced some of the same documents and information. (McCurdy Decl., Ex. G, ¶ 7.) He is wrong, on multiple levels. Initially, "[a] party is permitted to use multiple methods of obtaining discovery and the fact that information was disclosed under one method is not, standing alone, a proper basis for refusing to provide discovery under another method." (*Irvington-Moore, Inc.*, *supra*, 14 Cal.App.4th at p. 739; see also *TBG Ins. Services Corp. v. Superior Court* (2002) 96 Cal.App.4th 443, 449 [citing *Irvington-Moore* for the proposition that "a party may use multiple methods to obtain discovery and the fact that information was disclosed under one method is not, by itself, a proper basis to refuse to provide discovery under another method"]; see, e.g. *Coy*, *supra*, 58 Cal.2d at p. 218 ["the bare claim of previous deposition is insufficient as an objection to an interrogatory . . . To suffice as a valid objection such claim must be supported by some showing (or, as a minimum, some claim) that the requirement of a reply would be unjust and inequitable"].)

[1] See also 10 Witkin, Cal. Evid. Discovery § 143 [discussing *Carter*]. Notably, the Legislature has amended the Civil Discovery Act several times since *Carter*, and it has done so without overruling or modifying *Carter*'s interpretation of the Act. "When a statute has been construed by the courts, and the Legislature thereafter reenacts that statute without changing the interpretation put on that statute by the court, the Legislature is presumed to have been aware of, and acquiesced in, the courts' construction of that statute." (*People v. Ledesma* (1997) 16 Cal.4th 90, 100-01.)

Mr. Spears's objection that he has already produced some of the requested documents, even if true, is not a defense. To the extent he intended to actually rely on this objection, Mr. Spears needed to demonstrate that production of the requested documents now would be "unjust and inequitable." But he grossly fails to so demonstrate; instead, he relies on his "Big Lie" defense: that he has cooperated and transferred all of the documents requested. Mr. Spears also astonishingly objects on the basis that "there are no further documents [he] could provide to respond to the Deposition Notice, Document Requests, and definitions" because he supposedly has produced them all. (McCurdy Decl., Ex. G, at p. 3:22-23.) If this were true (and it is false), then why does he not so state in a single response, instead of making countless boilerplate objections? Why does he not appear at his deposition, and so state on the record, under penalty of perjury? Why does he not identify the requested documents—by Bates number? Why does he not correlate them to the document requests at issue? And why does he not simply provide answers to the following questions and requests that have been posed to him repeatedly?

As referenced above, despite our repeated and ongoing requests, while relying on the facile and false claim that he has produced "everything" requested, Mr. Spears has also failed to produce all text or email communications between and amongst Tri Star, Black Box, himself, and his counsel (see *Moeller* and *Stine*, *infra* at pp. 19-20) concerning the illicit surveillance operation at issue. Indeed, he falsely claims it "***DIDN'T HAPPEN, YOUR HONOR***," *supra* at 9. In short, as part of their efforts to stonewall and hide the truth, Mr. Spears has engaged in improper disjointed and incomplete "document dumps" rather than a professional, organized, and labelled production of documents. More pointedly, he has failed to produce *any* documents pursuant to and correlated to the deposition notices, ***not one***. (See *Kayne v. Grande Holdings Ltd.* (2011) 198 Cal.App.4th 1470, 1475-76 [sanctions appropriate where party refused to produce documents in an organized and labelled manner].)[2]

Mr. Spears also objects that the document requests "attempt to relitigate the entire thirteen-year Conservatorship and innumerable final court orders," and "are not relevant and not reasonably calculated to lead to the discovery of admissible evidence." (McCurdy Decl., Ex. G, ¶¶ 6, 8.) Nonsense. "Discovery may relate to the claim or defense of the party seeking discovery or of any other party to the action." (Code Civ. Proc., § 2017.010.) In this case, the document requests directly relate to Mr.

[2] As a matter of restraint, we refrain herein from moving for sanctions but reserve all rights in that regard.

Spears's role and conduct as former conservator of the estate, which are also directly at issue under *Shine*, *Kasperbauer*, and *Hudson.* The requested documents are thus not only "reasonably calculated" to lead to the discovery of admissible evidence, they go directly to the heart of numerous pending matters including Mr. Spears's fee petition and accountings, see, e.g., *Shine*, *supra*, 16 Cal.App.4th at p. 540; *Hudson*, *supra*, 68 Cal.App.4th at pp. 669-670.

Under the circumstances, Mr. Spears's objection that the requests are somehow "not reasonably calculated to lead to the discovery of admissible evidence" (McCurdy Decl., Ex. G, ¶¶ 8, 9) are, in fact, legally frivolous. (See *Pacific Tel. & Tel. Co. v. Superior Court* (1970) 2 Cal.3d 161, 173; *Garamendi v. Golden Eagle Ins. Co*. (2004) 116 Cal.App.4th 694, 712 fn. 8.)

Mr. Spears's objections on grounds of purportedly vague and ambiguous requests, or the terms "YOU" and "YOUR," are all baseless. (McCurdy Decl. G, ¶¶ 9, 11.) He has not and cannot explain in any manner what he claims not to understand about the document requests. (See *Deyo v. Kilbourne* (1978) 84 Cal.App.3d 771, 783 ["[W]here the question is somewhat ambiguous, but the nature of the information sought is apparent, the proper solution is to provide an appropriate response."].) Mr. Spears also fails to support his baseless burdensome and oppressive objections and asserts all of them without any actual factual support whatsoever. (See McCurdy Decl., Ex. G, ¶¶ 9, 12, 15, 16, 17.) "The objection based upon burden must be sustained by ***evidence showing*** the quantum of work required, while to support an objection of oppression there must be ***some showing*** either of an intent to create an unreasonable burden or that the ultimate effect of the burden is incommensurate with the result sought." (*W. Pico Furniture Co. v. Superior Court* (1961) 56 Cal.2d 407, 417, 418.) Mr. Spears fails to make any showing as to burden or oppression. (See *id.* at p. 418 ["The objection of burden is valid only when that burden is ***demonstrated*** to result in injustice."]; *cf. Mead Reinsurance Co. v. Superior Ct.* (1986) 188 Cal.App.3d 313, 321. For these reasons, Mr. Spears's objection that the documents "may be obtained from other sources or through other means of discovery" (McCurdy Decl., Ex. G, ¶ 15), and that the burden and expense would "outweigh the likely benefit of this discovery" (McCurdy Decl., Ex. G, ¶ 17) is also completely meritless.

Additionally, to the extent Mr. Spears objects that the document requests are "oppressive" because they "do not contain any temporal limitations" (an objection repeated in every response) this

argument is also meritless. Again, no showing has been made of any intent to create an unreasonable burden, and any objection based on a lack of temporal definition is hypocritical. We are only here today because Britney Spears was under her father's infantilizing control for more than a decade. Further, the evidence shows that the conservatorship was conflicted from the very outset, when, among other things, Mr. Spears violated Rule of Court 7.1059 by obtaining a substantial loan from Tri Star and then hiring Tri Star (a then fledgling company) as her business manager. And any claim that *Mr. Spears* faces "oppression" such that he cannot respond to discovery relating to *his own* oppression of Britney Spears is, to say the least, rich. Mr. Spears put his conduct at issue and he must face the consequences.

Mr. Spears's objections on privileged meritless, inapplicable, and have been waived. *First*, to the extent any privilege was claimed, Mr. Spears should have supported the claim with "sufficient factual information for other parties to evaluate the merits of that claim," such as a privilege log. (See, e.g. Code Civ. Proc. § 2031.240(c); *Riddell, Inc. v. Superior Court* (2017) 14 Cal.App.5th 755, 772 ["if an objection to a document request is based on a claim of privilege or work product, then the response to the request 'shall provide sufficient factual information for other parties to evaluate the merits of that claim'"]); (See *Costco*, *supra*, 47 Cal.4th at p. 733 ["[t]he party claiming the privilege has the burden of establishing the preliminary facts necessary to support its exercise"].) He failed to do so.

Second, now that Mr. Spears has been suspended as conservator of the estate, he no longer holds any attorney-client privilege. (See *Stine v. Dell'Osso* (2014) 239 Cal.App.4th 834, 843 [successor fiduciary became holder of the privilege of all communications between fiduciary and his counsel regarding the estate, whenever they occurred]; see also *Moeller v. Superior Court* (1997) 16 Cal.4th 1124, 1129-1135 [because fiduciary is holder of the attorney-client privilege in his or her capacity as such, successor fiduciary becomes the holder as to confidential communications between the predecessor fiduciary and attorney concerning trust administration]; Cal. Probate Code, § 8524, subd. (c). Because he was suspended, Mr. Spears quite simply has no privilege to claim.

Third, as noted above, Mr. Spears also waived any privilege claims. In addition to failing to timely object, his counsel promised "***unconditional[] cooperat[ion]***," "***complete transparency without conditions***," and that Britney Spears was "***welcome to everything***." (See McCurdy Decl., ¶ 10, Ex. D.) Even further, Mr. Spears's counsel stated that he had "provided ***explicit instructions to prior counsel to***

produce everything <u>without exception</u>." (See McCurdy Decl., ¶ 11; see also *infra*, n.4.) Under *Moeller* and *Stine,* Mr. Spears does not hold the privilege. And in any event, even if the documents at issue were privileged (and they are not) he has waived any such privilege and should be estopped from asserted any such objections.

Mr. Spears also objects that the requests somehow violate his right to privacy. (McCurdy Decl., Ex. G, ¶ 10.) This makes no sense. It is Mr. Spears's burden to justify the objection, and he has failed to do so. (See *Coy*, *supra*, 58 Cal.2d at pp. 220-221; *Fairmont Ins. Co. v. Super. Ct.* (2000) 22 Cal.4th 245, 255.) Mr. Spears's position also reeks of hypocrisy given his gross violations of *his daughter's* privacy. Finally, any claimed right to privacy must be considered against the "historically important state interest of facilitating the ascertainment of truth in connection with legal proceedings." (See *Gregori v. Bank of America* (1989) 207 Cal.App.3d 291, 312.) Even as Mr. Spears hides it, the mission remains to ascertain the truth, which necessarily trumps Mr. Spears's evasive and fabricated "privacy rights."

Mr. Spears additionally claims each document request violates confidentiality or the "common interest doctrine." Not only does Mr. Spears once again fail to support this objection with any facts, the "common interest doctrine" is a "nonwaiver doctrine," and does not separately act as a privilege shielding documents from discovery. (See *OXY Resources California LLC v. Superior Court* (2004) 115 Cal.App.4th 874, 889-90 ["party seeking to invoke the [common interest] doctrine must first establish that the communicated information would otherwise be protected from a disclosure by a claim of privilege"].) No privilege exists here to protect the disclosure of the requested documents.

Finally, Mr. Spears purports to assert hodgepodge objections that the document requests are "speculative, lack foundation, or improperly assume the existence of hypothetical facts that are incorrect or unknown to Jamie" and "call for a legal conclusion." (McCurdy Decl., Ex. G, ¶¶ 13, 14.) In asserting this boilerplate objection, Mr., Spears does nothing more than cite boilerplate buzz words into his general objections; he fails to incorporate them anywhere else, and he fails to justify how the document requests are so formed. This is because he is, once again, wrong and he is once again seeking to evade the truth and its consequences. As demonstrated above and as the requests themselves demonstrate, the requests are narrowly tailored to pending issues, which were put front and center by Mr. Spears himself. The use of such general objections, as applied here, is improper under the California Civil Discovery Act, and

their bald assertion in this context demonstrates Mr. Spears's desperation and lack of any factual basis for them. (See generally *Korea Data Sys. Co. v. Superior Court* (1997) 51 Cal.App.4th 1513, 1516 [use of boilerplate objections is improper and sanctionable].)

REQUEST FOR PRODUCTION NO. 2:

All DOCUMENTS and COMMUNICATIONS RELATING TO any recording or listening device in the home or bedroom of Britney Jean Spears, including all DOCUMENTS and COMMUNICATIONS relating to the decision to place any such recording or listening device and the records of any such audio recordings.

RESPONSE TO REQUEST FOR PRODUCTION NO. 2:

Jamie incorporates by reference his General Objections. Jamie further objects to the Document Request to the extent it is vague, ambiguous, overly broad, unduly burdensome, and oppressive especially as it does not contain any temporal limitations. Jamie further objects to the Document Request to the extent it impermissibly seeks material protected by the attorney-client privilege, the attorney work-product doctrine, and/or the common interest doctrine. Jamie further objects to the Document Request to the extent that it seeks information that is already in Britney's possession or equally available to her. Jamie objects on the grounds that this Document Request presents an incomplete hypothetical and assumes facts.

Jamie further objects to the Document Request as follows:

- Jamie objects on the grounds that the Document Request is unduly burdensome and unreasonably duplicative and cumulative because it seeks the same information that was requested by Britney from Jamie in her December 17, 2021 Second Set of Requests for Production (*see, e.g.,* Request for Production Nos. 10-11).
- The Document Request extends beyond the proper scope of discovery and improperly attempts to re-litigate the thirteen-year Conservatorship and innumerable final court orders. California Civil Procedure Code Section 2017.010 limits the scope of discovery to matters relevant to the subject matter involved in the pending action. California Probate Code Section 2103 releases a conservator and the sureties from all the conservatee's claims when the court authorizes, approves, or confirms the action in an order. This Document Request is therefore overbroad, unduly burdensome, and beyond the scope of

discovery to the extent it is not relevant to the limited matters remaining before the Court and to the extent the Court already approved any action in an order or judgment.

- There is no legitimate reason for requiring Jamie to undertake the burden of sifting through documents he already produced and reproducing those documents that are responsive to this Document Request. Jamie objects to these Document Requests as duplicative, unduly burdensome, oppressive, and harassing to the extent the Document Requests seek some or all of the same documents and information that Jamie already voluntarily produced. Since October 2021, Jamie's counsel has arranged for nearly 600,000 pages of documents (consisting of more than 58 boxes of hard copy documents and more than 22 drives of electronic documents and spanning over 13 years of documents). Britney's own counsel admitted at the January 19, 2022 hearing that Jamie "produced voluminous information." *See* Jan. 19 Tr. 17:3-4. The nearly 600,000 pages of documents represent more than 124,500 electronic documents. Any responsive documents that are in Jamie's possession, custody, or control already are in Britney's possession, custody, or control or are otherwise equally available to her given Jamie's prior voluminous production of documents and information.

REASON TO COMPEL PRODUCTION TO REQUEST FOR PRODUCTION NO. 2:

As an initial matter, Mr. Spears fails to justify any of his objections with any facts, and none of his boilerplate objections are proper. (See *Costco Wholesale Corp. v. Superior Court* (2009) 47 Cal.4th 725, 733; *Coy v. Superior Court of Contra Costa County* (1962) 58 Cal.2d 210, 218-221.) It is important to bear in mind, too, that Mr. Spears has an obligation as a suspended conservator and fiduciary to turn over all relevant and responsive documents without any condition, regardless of the method of discovery sought. (See *Poag v. Winston* (1987) 195 Cal.App.3d 1161, 1176 ["As a fiduciary, a conservator owes a duty of loyalty which requires that he act in the highest good faith."].) This fact is buttressed by his new lawyer's own repeated claims of cooperation. Further, demonstrating regrettable gamesmanship and completely contradicting himself, Ms. Spears's counsel claims he "instructed" prior counsel to "withhold nothing" on the basis of privilege. Yet, his response to ***every single request*** for production includes objections on the basis of privilege. (See generally, McCurdy Decl., Ex. G.) This type of Alice-in-Wonderland dissembling is unacceptable.

As a matter of statutory law, Mr. Spears waived any and all objections to the document requests in the Deposition Notice that was served on October 1, 2021, and Amended Notice that was served on November 3, 2021. (See McCurdy Decl., Exs. B, E.) By failing to object, Mr. Spears now has no choice but to produce documents responsive to this request. (See Code Civ. Proc. § 2025.410(a); see also Weil & Brown, Cal. Practice Guide: Civil Procedure Before Trial (The Rutter Group 2021) ¶ 8:483 [Deponent "must timely serve written objections before the deposition. If [deponent] waits until the deposition to raise the objection, it is waived; and [deponent] cannot refuse to produce the documents at the deposition . . . ."] [emphasis in original].)

Mr. Spears's counsel repeatedly and profusely promised his client's unconditional, transparent cooperation in producing "***all***" documents to Ms. Spears's counsel. Although these representations have, regrettably, proven to be false, made in an effort to create a false narrative and record—and what has become a "Big Lie" of Mr. Spears's defense—they are nevertheless relevant; thus, in addition to Mr. Spears's statutory waiver, his boilerplate objections should also be considered waived as a matter of equity and fairness and he should be estopped from asserting them. By way of illustration only, by email dated October 22, 2021, Mr. Spears's counsel professed the following:

- That Mr. Spears would "***unconditionally[] cooperate*** with a complete and total transfer of ***all files*** regarding the conservatorship . . . ."
- That Ms. Spears was "***welcome to everything – complete transparency without conditions***."
- That he would "***do everything [he] [could]*** to help facilitate the direct transfer [of all files] from prior counsel . . . ."
- "Again, ***complete transparency without conditions***."

(McCurdy Decl., ¶ 10.)

In the November 1, 2021 Status Report, Mr. Spears's counsel represented the following:

- "Jamie has ***nothing to hide*** [and] ***will therefore hide nothing***."
- "Jamie affirms that he will ***unconditionally cooperate*** in transferring *all* [emphasis in original] files regarding the estate to Britney's counsel without delay."
- "Jamie recognizes his ***ongoing and transparent participation is paramount*** . . . ."

- "Jamie will ***unconditionally cooperate*** with a complete and total transfer of all files."
- "Jamie is committed to ***complete transparency without conditions***."

(McCurdy Decl., Ex. D.)

In a November 5, 2021 email, Mr. Spears's counsel stated that he and his client were supposedly "committed to ***complete transparency***," that they had "***withheld nothing***," and that he "provided ***explicit instructions to prior counsel to produce <u>everything without exception</u>***." (McCurdy Decl., ¶ 11.) Even more, Mr. Spears's counsel claimed that "whatever documents exist regarding electronic surveillance, to the extent that any, would part [*sic*] of the production being made by prior counsel." (*Id.*)

These promises are tantamount to a "Big Lie." By objecting to every single one of Ms. Spears's document requests, Mr. Spears has done the exact opposite of what he promised. Mr. Spears's tactics to create a false record and narrative should not be countenanced. Even putting aside his statutory and fiduciary obligations, he has waived any objections and he should be ordered to produce all documents contained in the applicable requests.

Mr. Spears objects to the document requests as "unduly burdensome and unreasonable duplicative and cumulative" because he claims Ms. Spears requested similar information in requests for production propounded on him. (McCurdy Decl., Ex. G, ¶ 5.) The objection is contrary to law. California's Code of Civil Procedure does not preclude a party from seeking similar documents through different methods of discovery. "[T]he inspection of documents procedure is quite different from a deposition at which a party is required to bring documents. Nothing in either section 2025 or section 2031 suggests that seeking documents under one statutory procedure bars a litigant from seeking the same documents under the other." (*Carter v. Superior Court* (1990) 218 Cal.App.3d 994, 997.)[3] Thus, consistent with the Court's reasoning in *Carter*, Mr. Spears must bring the requested documents to his deposition pursuant to this different method of discovery. (See also *Irvington-Moore, Inc. v. Superior Court* (1993) 14 Cal.App.4th 733, 739 ["[T]he selection of the method of discovery is to be utilized is to be made by the party seeking discovery. It cannot be dictated by the opposing party.].)

[3] See also 10 Witkin, Cal. Evid. Discovery § 143 [discussing *Carter*]. Notably, the Legislature has amended the Civil Discovery Act several times since *Carter*, and it has done so without overruling or modifying *Carter*'s interpretation of the Act. "When a statute has been construed by the courts, and the Legislature thereafter reenacts that statute without changing the interpretation put on that statute by the court, the Legislature is presumed to have been aware of, and acquiesced in, the courts' construction of that statute." (*People v. Ledesma* (1997) 16 Cal.4th 90, 100-01.)

Relatedly, Mr. Spears claims the document requests are "duplicative, unduly burdensome, oppressive, and harassing" because Mr. Spears already "voluntarily" produced some of the same documents and information. (McCurdy Decl., Ex. G, ¶ 7.) He is wrong, on multiple levels. Initially, "[a] party is permitted to use multiple methods of obtaining discovery and the fact that information was disclosed under one method is not, standing alone, a proper basis for refusing to provide discovery under another method." (*Irvington-Moore, Inc.*, *supra*, 14 Cal.App.4th at p. 739; see also *TBG Ins. Services Corp. v. Superior Court* (2002) 96 Cal.App.4th 443, 449 [citing *Irvington-Moore* for the proposition that "a party may use multiple methods to obtain discovery and the fact that information was disclosed under one method is not, by itself, a proper basis to refuse to provide discovery under another method"]; see, e.g. *Coy*, *supra*, 58 Cal.2d at p. 218 ["the bare claim of previous deposition is insufficient as an objection to an interrogatory . . . To suffice as a valid objection such claim must be supported by some showing (or, as a minimum, some claim) that the requirement of a reply would be unjust and inequitable"].)

Mr. Spears's objection that he has already produced some of the requested documents, even if true, is not a defense. To the extent he intended to actually rely on this objection, Mr. Spears needed to demonstrate that production of the requested documents now would be "unjust and inequitable." But he grossly fails to so demonstrate; instead, he relies on his "Big Lie" defense: that he has cooperated and transferred all of the documents requested. Mr. Spears also astonishingly objects on the basis that "there are no further documents [he] could provide to respond to the Deposition Notice, Document Requests, and definitions" because he supposedly has produced them all. (McCurdy Decl., Ex. G, at p. 3:22-23.) If this were true (and it is false), then why does he not so state in a single response, instead of making countless boilerplate objections? Why does he not appear at his deposition, and so state on the record, under penalty of perjury? Why does he not identify the requested documents—by Bates number? Why does he not correlate them to the document requests at issue? And why does he not simply provide answers to the following questions and requests that have been posed to him repeatedly?

As referenced above, despite our repeated and ongoing requests, while relying on the facile and false claim that he has produced "everything" requested, Mr. Spears has also failed to produce all text or email communications between and amongst Tri Star, Black Box, himself, and his counsel (see *Moeller* and *Stine*, *infra* at pp. 19-20) concerning the illicit surveillance operation at issue. Indeed, he falsely

claims it "***DIDN'T HAPPEN, YOUR HONOR***," *supra* at 9. In short, as part of their efforts to stonewall and hide the truth, Mr. Spears has engaged in improper disjointed and incomplete "document dumps" rather than a professional, organized, and labelled production of documents. More pointedly, he has failed to produce *any* documents pursuant to and correlated to the deposition notices, ***not one***. (See *Kayne v. Grande Holdings Ltd.* (2011) 198 Cal.App.4th 1470, 1475-76 [sanctions appropriate where party refused to produce documents in an organized and labelled manner].)[4]

Mr. Spears also objects that the document requests "attempt to relitigate the entire thirteen-year Conservatorship and innumerable final court orders," and "are not relevant and not reasonably calculated to lead to the discovery of admissible evidence." (McCurdy Decl., Ex. G, ¶¶ 6, 8.) Nonsense. "Discovery may relate to the claim or defense of the party seeking discovery or of any other party to the action." (Code Civ. Proc., § 2017.010.) In this case, the document requests directly relate to Mr. Spears's role and conduct as former conservator of the estate, which are also directly at issue under *Shine*, *Kasperbauer*, and *Hudson.* The requested documents are thus not only "reasonably calculated" to lead to the discovery of admissible evidence, they go directly to the heart of numerous pending matters including Mr. Spears's fee petition and accountings, see, e.g., *Shine*, *supra*, 16 Cal.App.4th at p. 540; *Hudson*, *supra*, 68 Cal.App.4th at pp. 669-670.

Under the circumstances, Mr. Spears's objection that the requests are somehow "not reasonably calculated to lead to the discovery of admissible evidence" (McCurdy Decl., Ex. G, ¶¶ 8, 9) are, in fact, legally frivolous. (See *Pacific Tel. & Tel. Co. v. Superior Court* (1970) 2 Cal.3d 161, 173; *Garamendi v. Golden Eagle Ins. Co*. (2004) 116 Cal.App.4th 694, 712 fn. 8.)

Mr. Spears's objections on grounds of purportedly vague and ambiguous requests, or the terms "YOU" and "YOUR," are all baseless. (McCurdy Decl. G, ¶¶ 9, 11.) He has not and cannot explain in any manner what he claims not to understand about the document requests. (See *Deyo v. Kilbourne* (1978) 84 Cal.App.3d 771, 783 ["[W]here the question is somewhat ambiguous, but the nature of the information sought is apparent, the proper solution is to provide an appropriate response."].) Mr. Spears also fails to support his baseless burdensome and oppressive objections and asserts all of them without any actual factual support whatsoever. (See McCurdy Decl., Ex. G, ¶¶ 9, 12, 15, 16, 17.) "The objection

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based upon burden must be sustained by ***evidence showing*** the quantum of work required, while to support an objection of oppression there must be ***some showing*** either of an intent to create an unreasonable burden or that the ultimate effect of the burden is incommensurate with the result sought." (*W. Pico Furniture Co. v. Superior Court* (1961) 56 Cal.2d 407, 417, 418.) Mr. Spears fails to make any showing as to burden or oppression. (See *id.* at p. 418 ["The objection of burden is valid only when that burden is ***demonstrated*** to result in injustice."]; *cf. Mead Reinsurance Co. v. Superior Ct.* (1986) 188 Cal.App.3d 313, 321. For these reasons, Mr. Spears's objection that the documents "may be obtained from other sources or through other means of discovery" (McCurdy Decl., Ex. G, ¶ 15), and that the burden and expense would "outweigh the likely benefit of this discovery" (McCurdy Decl., Ex. G, ¶ 17) is also completely meritless.

Additionally, to the extent Mr. Spears objects that the document requests are "oppressive" because they "do not contain any temporal limitations" (an objection repeated in every response) this argument is also meritless. Again, no showing has been made of any intent to create an unreasonable burden, and any objection based on a lack of temporal definition is hypocritical. We are only here today because Britney Spears was under her father's infantilizing control for more than a decade. Further, the evidence shows that the conservatorship was conflicted from the very outset, when, among other things, Mr. Spears violated Rule of Court 7.1059 by obtaining a substantial loan from Tri Star and then hiring Tri Star (a then fledgling company) as her business manager. And any claim that *Mr. Spears* faces "oppression" such that he cannot respond to discovery relating to *his own* oppression of Britney Spears is, to say the least, rich. Mr. Spears put his conduct at issue and he must face the consequences.

Mr. Spears's objections on privileged meritless, inapplicable, and have been waived. *First*, to the extent any privilege was claimed, Mr. Spears should have supported the claim with "sufficient factual information for other parties to evaluate the merits of that claim," such as a privilege log. (See, e.g. Code Civ. Proc. § 2031.240(c); *Riddell, Inc. v. Superior Court* (2017) 14 Cal.App.5th 755, 772 ["if an objection to a document request is based on a claim of privilege or work product, then the response to the request 'shall provide sufficient factual information for other parties to evaluate the merits of that claim'"]); (See *Costco*, *supra*, 47 Cal.4th at p. 733 ["[t]he party claiming the privilege has the burden of establishing the preliminary facts necessary to support its exercise"].) He failed to do so.

Second, now that Mr. Spears has been suspended as conservator of the estate, he no longer holds any attorney-client privilege. (See *Stine v. Dell'Osso* (2014) 239 Cal.App.4th 834, 843 [successor fiduciary became holder of the privilege of all communications between fiduciary and his counsel regarding the estate, whenever they occurred]; see also *Moeller v. Superior Court* (1997) 16 Cal.4th 1124, 1129-1135 [because fiduciary is holder of the attorney-client privilege in his or her capacity as such, successor fiduciary becomes the holder as to confidential communications between the predecessor fiduciary and attorney concerning trust administration]; Cal. Probate Code, § 8524, subd. (c). Because he was suspended, Mr. Spears quite simply has no privilege to claim.

Third, as noted above, Mr. Spears also waived any privilege claims. In addition to failing to timely object, his counsel promised "***unconditional[] cooperat[ion]***," "***complete transparency without conditions***," and that Britney Spears was "***welcome to everything***." (See McCurdy Decl., ¶ 10, Ex. D.) Even further, Mr. Spears's counsel stated that he had "provided ***explicit instructions to prior counsel to produce everything without exception***." (See McCurdy Decl., ¶ 11; see also *infra*, n.4.) Under *Moeller* and *Stine,* Mr. Spears does not hold the privilege. And in any event, even if the documents at issue were privileged (and they are not) he has waived any such privilege and should be estopped from asserted any such objections.

Mr. Spears also objects that the requests somehow violate his right to privacy. (McCurdy Decl., Ex. G, ¶ 10.) This makes no sense. It is Mr. Spears's burden to justify the objection, and he has failed to do so. (See *Coy*, *supra*, 58 Cal.2d at pp. 220-221; *Fairmont Ins. Co. v. Super. Ct.* (2000) 22 Cal.4th 245, 255.) Mr. Spears's position also reeks of hypocrisy given his gross violations of *his daughter's* privacy. Finally, any claimed right to privacy must be considered against the "historically important state interest of facilitating the ascertainment of truth in connection with legal proceedings." (See *Gregori v. Bank of America* (1989) 207 Cal.App.3d 291, 312.) Even as Mr. Spears hides it, the mission remains to ascertain the truth, which necessarily trumps Mr. Spears's evasive and fabricated "privacy rights."

Mr. Spears additionally claims each document request violates confidentiality or the "common interest doctrine." Not only does Mr. Spears once again fail to support this objection with any facts, the "common interest doctrine" is a "nonwaiver doctrine," and does not separately act as a privilege shielding documents from discovery. (See *OXY Resources California LLC v. Superior Court* (2004) 115

Cal.App.4th 874, 889-90 ["party seeking to invoke the [common interest] doctrine must first establish that the communicated information would otherwise be protected from a disclosure by a claim of privilege"].) No privilege exists here to protect the disclosure of the requested documents.

Finally, Mr. Spears purports to assert hodgepodge objections that the document requests are "speculative, lack foundation, or improperly assume the existence of hypothetical facts that are incorrect or unknown to Jamie" and "call for a legal conclusion." (McCurdy Decl., Ex. G, ¶¶ 13, 14.) In asserting this boilerplate objection, Mr., Spears does nothing more than cite boilerplate buzz words into his general objections; he fails to incorporate them anywhere else, and he fails to justify how the document requests are so formed. This is because he is, once again, wrong and he is once again seeking to evade the truth and its consequences. As demonstrated above and as the requests themselves demonstrate, the requests are narrowly tailored to pending issues, which were put front and center by Mr. Spears himself. The use of such general objections, as applied here, is improper under the California Civil Discovery Act, and their bald assertion in this context demonstrates Mr. Spears's desperation and lack of any factual basis for them. (See generally *Korea Data Sys. Co. v. Superior Court* (1997) 51 Cal.App.4th 1513, 1516 [use of boilerplate objections is improper and sanctionable].)

REQUEST FOR PRODUCTION NO. 3:

All DOCUMENTS and COMMUNICATIONS RELATING TO any and all loans you received from Tri Star Sports & Entertainment or Lou Taylor.

RESPONSE TO REQUEST FOR PRODUCTION NO. 3:

Jamie incorporates by reference his General Objections. Jamie further objects to the Document Request to the extent it is vague, ambiguous, overly broad, unduly burdensome, and oppressive especially as it does not contain any temporal limitations. Jamie further objects to the Document Request to the extent it impermissibly seeks material protected by the attorney-client privilege, the attorney work-product doctrine, and/or the common interest doctrine. Jamie also objects to the Document Request to the extent it seeks documents or information not relevant or related to Britney or the Conservatorship.

Jamie further objects to the Document Request as follows:

- Jamie objects on the grounds that the Document Request is unduly burdensome and unreasonably duplicative and cumulative because it seeks the same information that was requested by

Britney from Jamie in her August 25, 2021 First Set of Requests for Production (*see, e.g.*, Request for Production No. 9) and in her December 17, 2021 Second Set of Requests for Production (*see, e.g.*, Request for Production No. 5).

- The Document Request extends beyond the proper scope of discovery and improperly attempts to re-litigate the thirteen-year Conservatorship and innumerable final court orders. California Civil Procedure Code Section 2017.010 limits the scope of discovery to matters relevant to the subject matter involved in the pending action. California Probate Code Section 2103 releases a conservator and the sureties from all the conservatee's claims when the court authorizes, approves, or confirms the action in an order. This Document Request is therefore overbroad, unduly burdensome, and beyond the scope of discovery to the extent it is not relevant to the limited matters remaining before the Court and to the extent the Court already approved any action in an order or judgment.

- There is no legitimate reason for requiring Jamie to undertake the burden of sifting through documents he already produced and reproducing those documents that are responsive to this Document Request. Jamie objects to these Document Requests as duplicative, unduly burdensome, oppressive, and harassing to the extent the Document Requests seek some or all of the same documents and information that Jamie already voluntarily produced. Since October 2021, Jamie's counsel has arranged for nearly 600,000 pages of documents (consisting of more than 58 boxes of hard copy documents and more than 22 drives of electronic documents and spanning over 13 years of documents). Britney's own counsel admitted at the January 19, 2022 hearing that Jamie "produced voluminous information." *See* Jan. 19 Tr. 17:3-4. The nearly 600,000 pages of documents represent more than 124,500 electronic documents. Any responsive documents that are in Jamie's possession, custody, or control already are in Britney's possession, custody, or control or are otherwise equally available to her given Jamie's prior voluminous production of documents and information.

REASON TO COMPEL PRODUCTION TO REQUEST FOR PRODUCTION NO. 3:

As an initial matter, Mr. Spears fails to justify any of his objections with any facts, and none of his boilerplate objections are proper. (See *Costco Wholesale Corp. v. Superior Court* (2009) 47 Cal.4th 725, 733; *Coy v. Superior Court of Contra Costa County* (1962) 58 Cal.2d 210, 218-221.) It is important to bear in mind, too, that Mr. Spears has an obligation as a suspended conservator and fiduciary to turn

over all relevant and responsive documents without any condition, regardless of the method of discovery sought. (See *Poag v. Winston* (1987) 195 Cal.App.3d 1161, 1176 ["As a fiduciary, a conservator owes a duty of loyalty which requires that he act in the highest good faith."].) This fact is buttressed by his new lawyer's own repeated claims of cooperation. Further, demonstrating regrettable gamesmanship and completely contradicting himself, Ms. Spears's counsel claims he "instructed" prior counsel to "withhold nothing" on the basis of privilege. Yet, his response to ***every single request*** for production includes objections on the basis of privilege. (See generally, McCurdy Decl., Ex. G.) This type of Alice-in-Wonderland dissembling is unacceptable.

Mr. Spears's counsel repeatedly and profusely promised his client's unconditional, transparent cooperation in producing "***all***" documents to Ms. Spears's counsel. Although these representations have, regrettably, proven to be false, made in an effort to create a false narrative and record—and what has become a "Big Lie" of Mr. Spears's defense—they are nevertheless relevant; thus, in addition to Mr. Spears's statutory waiver, his boilerplate objections should also be considered waived as a matter of equity and fairness and he should be estopped from asserting them. By way of illustration only, by email dated October 22, 2021, Mr. Spears's counsel professed the following:

- That Mr. Spears would "***unconditionally[] cooperate*** with a complete and total transfer of ***all files*** regarding the conservatorship . . . ."
- That Ms. Spears was "***welcome to everything – complete transparency without conditions***."
- That he would "***do everything [he] [could]*** to help facilitate the direct transfer [of all files] from prior counsel . . . ."
- "Again, ***complete transparency without conditions***."

(McCurdy Decl., ¶ 10.)

In the November 1, 2021 Status Report, Mr. Spears's counsel represented the following:

- "Jamie has ***nothing to hide*** [and] ***will therefore hide nothing***."
- "Jamie affirms that he will ***unconditionally cooperate*** in transferring *all* [emphasis in original] files regarding the estate to Britney's counsel without delay."
- "Jamie recognizes his ***ongoing and transparent participation is paramount*** . . . ."

- "Jamie will ***unconditionally cooperate*** with a complete and total transfer of all files."
- "Jamie is committed to ***complete transparency without conditions***."

(McCurdy Decl., Ex. D.)

In a November 5, 2021 email, Mr. Spears's counsel stated that he and his client were supposedly "committed to ***complete transparency***," that they had "***withheld nothing***," and that he "provided ***explicit instructions to prior counsel to produce <u>everything without exception</u>***." (McCurdy Decl., ¶ 11.) Even more, Mr. Spears's counsel claimed that "whatever documents exist regarding electronic surveillance, to the extent that any, would part [*sic*] of the production being made by prior counsel." (*Id.*)

These promises are tantamount to a "Big Lie." By objecting to every single one of Ms. Spears's document requests, Mr. Spears has done the exact opposite of what he promised. Mr. Spears's tactics to create a false record and narrative should not be countenanced. Even putting aside his statutory and fiduciary obligations, he has waived any objections and he should be ordered to produce all documents contained in the applicable requests.

Mr. Spears objects to the document requests as "unduly burdensome and unreasonable duplicative and cumulative" because he claims Ms. Spears requested similar information in requests for production propounded on him. (McCurdy Decl., Ex. G, ¶ 5.) The objection is contrary to law. California's Code of Civil Procedure does not preclude a party from seeking similar documents through different methods of discovery. "[T]he inspection of documents procedure is quite different from a deposition at which a party is required to bring documents. Nothing in either section 2025 or section 2031 suggests that seeking documents under one statutory procedure bars a litigant from seeking the same documents under the other." (*Carter v. Superior Court* (1990) 218 Cal.App.3d 994, 997.)[5] Thus, consistent with the Court's reasoning in *Carter*, Mr. Spears must bring the requested documents to his deposition pursuant to this different method of discovery. (See also *Irvington-Moore, Inc. v. Superior Court* (1993) 14 Cal.App.4th 733, 739 ["[T]he selection of the method of discovery is to be utilized is to be made by the party seeking discovery. It cannot be dictated by the opposing party.].)

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Relatedly, Mr. Spears claims the document requests are "duplicative, unduly burdensome, oppressive, and harassing" because Mr. Spears already "voluntarily" produced some of the same documents and information. (McCurdy Decl., Ex. G, ¶ 7.) He is wrong, on multiple levels. Initially, "[a] party is permitted to use multiple methods of obtaining discovery and the fact that information was disclosed under one method is not, standing alone, a proper basis for refusing to provide discovery under another method." (*Irvington-Moore, Inc.*, *supra*, 14 Cal.App.4th at p. 739; see also *TBG Ins. Services Corp. v. Superior Court* (2002) 96 Cal.App.4th 443, 449 [citing *Irvington-Moore* for the proposition that "a party may use multiple methods to obtain discovery and the fact that information was disclosed under one method is not, by itself, a proper basis to refuse to provide discovery under another method"]; see, e.g. *Coy*, *supra*, 58 Cal.2d at p. 218 ["the bare claim of previous deposition is insufficient as an objection to an interrogatory . . . To suffice as a valid objection such claim must be supported by some showing (or, as a minimum, some claim) that the requirement of a reply would be unjust and inequitable"].)

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Mr. Spears's objections on grounds of purportedly vague and ambiguous requests, or the terms "YOU" and "YOUR," are all baseless. (McCurdy Decl. G, ¶¶ 9, 11.) He has not and cannot explain in any manner what he claims not to understand about the document requests. (See *Deyo v. Kilbourne* (1978) 84 Cal.App.3d 771, 783 ["[W]here the question is somewhat ambiguous, but the nature of the information sought is apparent, the proper solution is to provide an appropriate response."].) Mr. Spears also fails to support his baseless burdensome and oppressive objections and asserts all of them without any actual factual support whatsoever. (See McCurdy Decl., Ex. G, ¶¶ 9, 12, 15, 16, 17.) "The objection

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Second, now that Mr. Spears has been suspended as conservator of the estate, he no longer holds any attorney-client privilege. (See *Stine v. Dell'Osso* (2014) 239 Cal.App.4th 834, 843 [successor fiduciary became holder of the privilege of all communications between fiduciary and his counsel regarding the estate, whenever they occurred]; see also *Moeller v. Superior Court* (1997) 16 Cal.4th 1124, 1129-1135 [because fiduciary is holder of the attorney-client privilege in his or her capacity as such, successor fiduciary becomes the holder as to confidential communications between the predecessor fiduciary and attorney concerning trust administration]; Cal. Probate Code, § 8524, subd. (c). Because he was suspended, Mr. Spears quite simply has no privilege to claim.

Third, as noted above, Mr. Spears also waived any privilege claims. In addition to failing to timely object, his counsel promised "***unconditional[] cooperat[ion]***," "***complete transparency without conditions***," and that Britney Spears was "***welcome to everything***." (See McCurdy Decl., ¶ 10, Ex. D.) Even further, Mr. Spears's counsel stated that he had "provided ***explicit instructions to prior counsel to produce everything without exception***." (See McCurdy Decl., ¶ 11; see also *infra*, n.4.) Under *Moeller* and *Stine,* Mr. Spears does not hold the privilege. And in any event, even if the documents at issue were privileged (and they are not) he has waived any such privilege and should be estopped from asserted any such objections.

Mr. Spears also objects that the requests somehow violate his right to privacy. (McCurdy Decl., Ex. G, ¶ 10.) This makes no sense. It is Mr. Spears's burden to justify the objection, and he has failed to do so. (See *Coy*, *supra*, 58 Cal.2d at pp. 220-221; *Fairmont Ins. Co. v. Super. Ct.* (2000) 22 Cal.4th 245, 255.) Mr. Spears's position also reeks of hypocrisy given his gross violations of *his daughter's* privacy. Finally, any claimed right to privacy must be considered against the "historically important state interest of facilitating the ascertainment of truth in connection with legal proceedings." (See *Gregori v. Bank of America* (1989) 207 Cal.App.3d 291, 312.) Even as Mr. Spears hides it, the mission remains to ascertain the truth, which necessarily trumps Mr. Spears's evasive and fabricated "privacy rights."

Mr. Spears additionally claims each document request violates confidentiality or the "common interest doctrine." Not only does Mr. Spears once again fail to support this objection with any facts, the "common interest doctrine" is a "nonwaiver doctrine," and does not separately act as a privilege shielding documents from discovery. (See *OXY Resources California LLC v. Superior Court* (2004) 115

Cal.App.4th 874, 889-90 ["party seeking to invoke the [common interest] doctrine must first establish that the communicated information would otherwise be protected from a disclosure by a claim of privilege"].) No privilege exists here to protect the disclosure of the requested documents.

Finally, Mr. Spears purports to assert hodgepodge objections that the document requests are "speculative, lack foundation, or improperly assume the existence of hypothetical facts that are incorrect or unknown to Jamie" and "call for a legal conclusion." (McCurdy Decl., Ex. G, ¶¶ 13, 14.) In asserting this boilerplate objection, Mr., Spears does nothing more than cite boilerplate buzz words into his general objections; he fails to incorporate them anywhere else, and he fails to justify how the document requests are so formed. This is because he is, once again, wrong and he is once again seeking to evade the truth and its consequences. As demonstrated above and as the requests themselves demonstrate, the requests are narrowly tailored to pending issues, which were put front and center by Mr. Spears himself. The use of such general objections, as applied here, is improper under the California Civil Discovery Act, and their bald assertion in this context demonstrates Mr. Spears's desperation and lack of any factual basis for them. (See generally *Korea Data Sys. Co. v. Superior Court* (1997) 51 Cal.App.4th 1513, 1516 [use of boilerplate objections is improper and sanctionable].)

REQUEST FOR PRODUCTION NO. 4:

All agreements contracting for personal services of Britney Jean Spears.

RESPONSE TO REQUEST FOR PRODUCTION NO. 4:

Jamie incorporates by reference his General Objections. Jamie further objects to the Document Request to the extent it is vague, ambiguous, overly broad, unduly burdensome, and oppressive especially as it does not contain any temporal limitations. Jamie further objects to the Document Request to the extent it impermissibly seeks material protected by the attorney-client privilege, the attorney work-product doctrine, and/or the common interest doctrine. Jamie further objects to the Document Request to the extent that it seeks information that is already in Britney's possession or equally available to her.

Jamie further objects to the Document Request as follows:

- Jamie objects on the grounds that the Document Request is unduly burdensome and unreasonably duplicative and cumulative because it seeks the same information that was requested by Britney from Jamie in her August 25, 2021 First Set of Requests for Production (*see, e.g.*, Request for

Production No. 3) and in her December 17, 2021 Second Set of Requests for Production (*see, e.g.*, Request for Production No. 3). This is now the third time Britney served the exact same request.

- The Document Request extends beyond the proper scope of discovery and improperly attempts to re-litigate the thirteen-year Conservatorship and innumerable final court orders. California Civil Procedure Code Section 2017.010 limits the scope of discovery to matters relevant to the subject matter involved in the pending action. California Probate Code Section 2103 releases a conservator and the sureties from all the conservatee's claims when the court authorizes, approves, or confirms the action in an order. This Document Request is therefore overbroad, unduly burdensome, and beyond the scope of discovery to the extent it is not relevant to the limited matters remaining before the Court and to the extent the Court already approved any action in an order or judgment.

- There is no legitimate reason for requiring Jamie to undertake the burden of sifting through documents he already produced and reproducing those documents that are responsive to this Document Request. Jamie objects to these Document Requests as duplicative, unduly burdensome, oppressive, and harassing to the extent the Document Requests seek some or all of the same documents and information that Jamie already voluntarily produced. Since October 2021, Jamie's counsel has arranged for nearly 600,000 pages of documents (consisting of more than 58 boxes of hard copy documents and more than 22 drives of electronic documents and spanning over 13 years of documents). Britney's own counsel admitted at the January 19, 2022 hearing that Jamie "produced voluminous information." *See* Jan. 19 Tr. 17:3-4. The nearly 600,000 pages of documents represent more than 124,500 electronic documents. Any responsive documents that are in Jamie's possession, custody, or control already are in Britney's possession, custody, or control or are otherwise equally available to her given Jamie's prior voluminous production of documents and information.

REASON TO COMPEL PRODUCTION TO REQUEST FOR PRODUCTION NO. 4:

As an initial matter, Mr. Spears fails to justify any of his objections with any facts, and none of his boilerplate objections are proper. (See *Costco Wholesale Corp. v. Superior Court* (2009) 47 Cal.4th 725, 733; *Coy v. Superior Court of Contra Costa County* (1962) 58 Cal.2d 210, 218-221.) It is important to bear in mind, too, that Mr. Spears has an obligation as a suspended conservator and fiduciary to turn over all relevant and responsive documents without any condition, regardless of the method of discovery

sought. (See *Poag v. Winston* (1987) 195 Cal.App.3d 1161, 1176 ["As a fiduciary, a conservator owes a duty of loyalty which requires that he act in the highest good faith."].) This fact is buttressed by his new lawyer's own repeated claims of cooperation. Further, demonstrating regrettable gamesmanship and completely contradicting himself, Ms. Spears's counsel claims he "instructed" prior counsel to "withhold nothing" on the basis of privilege. Yet, his response to ***every single request*** for production includes objections on the basis of privilege. (See generally, McCurdy Decl., Ex. G.) This type of Alice-in-Wonderland dissembling is unacceptable.

Mr. Spears's counsel repeatedly and profusely promised his client's unconditional, transparent cooperation in producing "***all***" documents to Ms. Spears's counsel. Although these representations have, regrettably, proven to be false, made in an effort to create a false narrative and record—and what has become a "Big Lie" of Mr. Spears's defense—they are nevertheless relevant; thus, in addition to Mr. Spears's statutory waiver, his boilerplate objections should also be considered waived as a matter of equity and fairness and he should be estopped from asserting them. By way of illustration only, by email dated October 22, 2021, Mr. Spears's counsel professed the following:

- That Mr. Spears would "***unconditionally[] cooperate*** with a complete and total transfer of ***all files*** regarding the conservatorship . . . ."
- That Ms. Spears was "***welcome to everything – complete transparency without conditions***."
- That he would "***do everything [he] [could]*** to help facilitate the direct transfer [of all files] from prior counsel . . . ."
- "Again, ***complete transparency without conditions***."

(McCurdy Decl., ¶ 10.)

In the November 1, 2021 Status Report, Mr. Spears's counsel represented the following:

- "Jamie has ***nothing to hide*** [and] ***will therefore hide nothing***."
- "Jamie affirms that he will ***unconditionally cooperate*** in transferring *all* [emphasis in original] files regarding the estate to Britney's counsel without delay."
- "Jamie recognizes his ***ongoing and transparent participation is paramount*** . . . ."
- "Jamie will ***unconditionally cooperate*** with a complete and total transfer of all files."

- "Jamie is committed to ***complete transparency without conditions***."

(McCurdy Decl., Ex. D.)

In a November 5, 2021 email, Mr. Spears's counsel stated that he and his client were supposedly "committed to ***complete transparency***," that they had "***withheld nothing***," and that he "provided ***explicit instructions to prior counsel to produce <u>everything without exception</u>***." (McCurdy Decl., ¶ 11.) Even more, Mr. Spears's counsel claimed that "whatever documents exist regarding electronic surveillance, to the extent that any, would part [*sic*] of the production being made by prior counsel." (*Id.*)

These promises are tantamount to a "Big Lie." By objecting to every single one of Ms. Spears's document requests, Mr. Spears has done the exact opposite of what he promised. Mr. Spears's tactics to create a false record and narrative should not be countenanced. Even putting aside his statutory and fiduciary obligations, he has waived any objections and he should be ordered to produce all documents contained in the applicable requests.

Mr. Spears objects to the document requests as "unduly burdensome and unreasonable duplicative and cumulative" because he claims Ms. Spears requested similar information in requests for production propounded on him. (McCurdy Decl., Ex. G, ¶ 5.) The objection is contrary to law. California's Code of Civil Procedure does not preclude a party from seeking similar documents through different methods of discovery. "[T]he inspection of documents procedure is quite different from a deposition at which a party is required to bring documents. Nothing in either section 2025 or section 2031 suggests that seeking documents under one statutory procedure bars a litigant from seeking the same documents under the other." (*Carter v. Superior Court* (1990) 218 Cal.App.3d 994, 997.)[7] Thus, consistent with the Court's reasoning in *Carter*, Mr. Spears must bring the requested documents to his deposition pursuant to this different method of discovery. (See also *Irvington-Moore, Inc. v. Superior Court* (1993) 14 Cal.App.4th 733, 739 ["[T]he selection of the method of discovery is to be utilized is to be made by the party seeking discovery. It cannot be dictated by the opposing party.].)

[7] See also 10 Witkin, Cal. Evid. Discovery § 143 [discussing *Carter*]. Notably, the Legislature has amended the Civil Discovery Act several times since *Carter*, and it has done so without overruling or modifying *Carter*'s interpretation of the Act. "When a statute has been construed by the courts, and the Legislature thereafter reenacts that statute without changing the interpretation put on that statute by the court, the Legislature is presumed to have been aware of, and acquiesced in, the courts' construction of that statute." (*People v. Ledesma* (1997) 16 Cal.4th 90, 100-01.)

Relatedly, Mr. Spears claims the document requests are "duplicative, unduly burdensome, oppressive, and harassing" because Mr. Spears already "voluntarily" produced some of the same documents and information. (McCurdy Decl., Ex. G, ¶ 7.) He is wrong, on multiple levels. Initially, "[a] party is permitted to use multiple methods of obtaining discovery and the fact that information was disclosed under one method is not, standing alone, a proper basis for refusing to provide discovery under another method." (*Irvington-Moore, Inc.*, *supra*, 14 Cal.App.4th at p. 739; see also *TBG Ins. Services Corp. v. Superior Court* (2002) 96 Cal.App.4th 443, 449 [citing *Irvington-Moore* for the proposition that "a party may use multiple methods to obtain discovery and the fact that information was disclosed under one method is not, by itself, a proper basis to refuse to provide discovery under another method"]; see, e.g. *Coy*, *supra*, 58 Cal.2d at p. 218 ["the bare claim of previous deposition is insufficient as an objection to an interrogatory . . . To suffice as a valid objection such claim must be supported by some showing (or, as a minimum, some claim) that the requirement of a reply would be unjust and inequitable"].)

Mr. Spears's objection that he has already produced some of the requested documents, even if true, is not a defense. To the extent he intended to actually rely on this objection, Mr. Spears needed to demonstrate that production of the requested documents now would be "unjust and inequitable." But he grossly fails to so demonstrate; instead, he relies on his "Big Lie" defense: that he has cooperated and transferred all of the documents requested. Mr. Spears also astonishingly objects on the basis that "there are no further documents [he] could provide to respond to the Deposition Notice, Document Requests, and definitions" because he supposedly has produced them all. (McCurdy Decl., Ex. G, at p. 3:22-23.) If this were true (and it is false), then why does he not so state in a single response, instead of making countless boilerplate objections? Why does he not appear at his deposition, and so state on the record, under penalty of perjury? Why does he not identify the requested documents—by Bates number? Why does he not correlate them to the document requests at issue? And why does he not simply provide answers to the following questions and requests that have been posed to him repeatedly?

As referenced above, despite our repeated and ongoing requests, while relying on the facile and false claim that he has produced "everything" requested, Mr. Spears has also failed to produce all text or email communications between and amongst Tri Star, Black Box, himself, and his counsel (see *Moeller* and *Stine*, *infra* at pp. 19-20) concerning the illicit surveillance operation at issue. Indeed, he falsely

claims it "***DIDN'T HAPPEN, YOUR HONOR***," *supra* at 9. In short, as part of their efforts to stonewall and hide the truth, Mr. Spears has engaged in improper disjointed and incomplete "document dumps" rather than a professional, organized, and labelled production of documents. More pointedly, he has failed to produce *any* documents pursuant to and correlated to the deposition notices, ***not one***. (See *Kayne v. Grande Holdings Ltd.* (2011) 198 Cal.App.4th 1470, 1475-76 [sanctions appropriate where party refused to produce documents in an organized and labelled manner].)[8]

Mr. Spears also objects that the document requests "attempt to relitigate the entire thirteen-year Conservatorship and innumerable final court orders," and "are not relevant and not reasonably calculated to lead to the discovery of admissible evidence." (McCurdy Decl., Ex. G, ¶¶ 6, 8.) Nonsense. "Discovery may relate to the claim or defense of the party seeking discovery or of any other party to the action." (Code Civ. Proc., § 2017.010.) In this case, the document requests directly relate to Mr. Spears's role and conduct as former conservator of the estate, which are also directly at issue under *Shine*, *Kasperbauer*, and *Hudson.* The requested documents are thus not only "reasonably calculated" to lead to the discovery of admissible evidence, they go directly to the heart of numerous pending matters including Mr. Spears's fee petition and accountings, see, e.g., *Shine*, *supra*, 16 Cal.App.4th at p. 540; *Hudson*, *supra*, 68 Cal.App.4th at pp. 669-670.

Under the circumstances, Mr. Spears's objection that the requests are somehow "not reasonably calculated to lead to the discovery of admissible evidence" (McCurdy Decl., Ex. G, ¶¶ 8, 9) are, in fact, legally frivolous. (See *Pacific Tel. & Tel. Co. v. Superior Court* (1970) 2 Cal.3d 161, 173; *Garamendi v. Golden Eagle Ins. Co*. (2004) 116 Cal.App.4th 694, 712 fn. 8.)

Mr. Spears's objections on grounds of purportedly vague and ambiguous requests, or the terms "YOU" and "YOUR," are all baseless. (McCurdy Decl. G, ¶¶ 9, 11.) He has not and cannot explain in any manner what he claims not to understand about the document requests. (See *Deyo v. Kilbourne* (1978) 84 Cal.App.3d 771, 783 ["[W]here the question is somewhat ambiguous, but the nature of the information sought is apparent, the proper solution is to provide an appropriate response."].) Mr. Spears also fails to support his baseless burdensome and oppressive objections and asserts all of them without any actual factual support whatsoever. (See McCurdy Decl., Ex. G, ¶¶ 9, 12, 15, 16, 17.) "The objection

[8] As a matter of restraint, we refrain herein from moving for sanctions but reserve all rights in that regard.

based upon burden must be sustained by ***evidence showing*** the quantum of work required, while to support an objection of oppression there must be ***some showing*** either of an intent to create an unreasonable burden or that the ultimate effect of the burden is incommensurate with the result sought." (*W. Pico Furniture Co. v. Superior Court* (1961) 56 Cal.2d 407, 417, 418.) Mr. Spears fails to make any showing as to burden or oppression. (See *id.* at p. 418 ["The objection of burden is valid only when that burden is ***demonstrated*** to result in injustice."]; *cf. Mead Reinsurance Co. v. Superior Ct.* (1986) 188 Cal.App.3d 313, 321. For these reasons, Mr. Spears's objection that the documents "may be obtained from other sources or through other means of discovery" (McCurdy Decl., Ex. G, ¶ 15), and that the burden and expense would "outweigh the likely benefit of this discovery" (McCurdy Decl., Ex. G, ¶ 17) is also completely meritless.

Additionally, to the extent Mr. Spears objects that the document requests are "oppressive" because they "do not contain any temporal limitations" (an objection repeated in every response) this argument is also meritless. Again, no showing has been made of any intent to create an unreasonable burden, and any objection based on a lack of temporal definition is hypocritical. We are only here today because Britney Spears was under her father's infantilizing control for more than a decade. Further, the evidence shows that the conservatorship was conflicted from the very outset, when, among other things, Mr. Spears violated Rule of Court 7.1059 by obtaining a substantial loan from Tri Star and then hiring Tri Star (a then fledgling company) as her business manager. And any claim that *Mr. Spears* faces "oppression" such that he cannot respond to discovery relating to *his own* oppression of Britney Spears is, to say the least, rich. Mr. Spears put his conduct at issue and he must face the consequences.

Mr. Spears's objections on privileged meritless, inapplicable, and have been waived. *First*, to the extent any privilege was claimed, Mr. Spears should have supported the claim with "sufficient factual information for other parties to evaluate the merits of that claim," such as a privilege log. (See, e.g. Code Civ. Proc. § 2031.240(c); *Riddell, Inc. v. Superior Court* (2017) 14 Cal.App.5th 755, 772 ["if an objection to a document request is based on a claim of privilege or work product, then the response to the request 'shall provide sufficient factual information for other parties to evaluate the merits of that claim'"]); (See *Costco*, *supra*, 47 Cal.4th at p. 733 ["[t]he party claiming the privilege has the burden of establishing the preliminary facts necessary to support its exercise"].) He failed to do so.

Second, now that Mr. Spears has been suspended as conservator of the estate, he no longer holds any attorney-client privilege. (See *Stine v. Dell'Osso* (2014) 239 Cal.App.4th 834, 843 [successor fiduciary became holder of the privilege of all communications between fiduciary and his counsel regarding the estate, whenever they occurred]; see also *Moeller v. Superior Court* (1997) 16 Cal.4th 1124, 1129-1135 [because fiduciary is holder of the attorney-client privilege in his or her capacity as such, successor fiduciary becomes the holder as to confidential communications between the predecessor fiduciary and attorney concerning trust administration]; Cal. Probate Code, § 8524, subd. (c). Because he was suspended, Mr. Spears quite simply has no privilege to claim.

Third, as noted above, Mr. Spears also waived any privilege claims. In addition to failing to timely object, his counsel promised "***unconditional[] cooperat[ion]***," "***complete transparency without conditions***," and that Britney Spears was "***welcome to everything***." (See McCurdy Decl., ¶ 10, Ex. D.) Even further, Mr. Spears's counsel stated that he had "provided ***explicit instructions to prior counsel to produce everything without exception***." (See McCurdy Decl., ¶ 11; see also *infra*, n.4.) Under *Moeller* and *Stine,* Mr. Spears does not hold the privilege. And in any event, even if the documents at issue were privileged (and they are not) he has waived any such privilege and should be estopped from asserted any such objections.

Mr. Spears also objects that the requests somehow violate his right to privacy. (McCurdy Decl., Ex. G, ¶ 10.) This makes no sense. It is Mr. Spears's burden to justify the objection, and he has failed to do so. (See *Coy*, *supra*, 58 Cal.2d at pp. 220-221; *Fairmont Ins. Co. v. Super. Ct.* (2000) 22 Cal.4th 245, 255.) Mr. Spears's position also reeks of hypocrisy given his gross violations of *his daughter's* privacy. Finally, any claimed right to privacy must be considered against the "historically important state interest of facilitating the ascertainment of truth in connection with legal proceedings." (See *Gregori v. Bank of America* (1989) 207 Cal.App.3d 291, 312.) Even as Mr. Spears hides it, the mission remains to ascertain the truth, which necessarily trumps Mr. Spears's evasive and fabricated "privacy rights."

Mr. Spears additionally claims each document request violates confidentiality or the "common interest doctrine." Not only does Mr. Spears once again fail to support this objection with any facts, the "common interest doctrine" is a "nonwaiver doctrine," and does not separately act as a privilege shielding documents from discovery. (See *OXY Resources California LLC v. Superior Court* (2004) 115

Cal.App.4th 874, 889-90 ["party seeking to invoke the [common interest] doctrine must first establish that the communicated information would otherwise be protected from a disclosure by a claim of privilege"].) No privilege exists here to protect the disclosure of the requested documents.

Finally, Mr. Spears purports to assert hodgepodge objections that the document requests are "speculative, lack foundation, or improperly assume the existence of hypothetical facts that are incorrect or unknown to Jamie" and "call for a legal conclusion." (McCurdy Decl., Ex. G, ¶¶ 13, 14.) In asserting this boilerplate objection, Mr., Spears does nothing more than cite boilerplate buzz words into his general objections; he fails to incorporate them anywhere else, and he fails to justify how the document requests are so formed. This is because he is, once again, wrong and he is once again seeking to evade the truth and its consequences. As demonstrated above and as the requests themselves demonstrate, the requests are narrowly tailored to pending issues, which were put front and center by Mr. Spears himself. The use of such general objections, as applied here, is improper under the California Civil Discovery Act, and their bald assertion in this context demonstrates Mr. Spears's desperation and lack of any factual basis for them. (See generally *Korea Data Sys. Co. v. Superior Court* (1997) 51 Cal.App.4th 1513, 1516 [use of boilerplate objections is improper and sanctionable].)

REQUEST FOR PRODUCTION NO. 5:

All DOCUMENTS that refer, reflect, or RELATE TO any communications between YOU and any representative of Tri Star Sports & Entertainment Group, including Lou Taylor and Robin Greenhill.

RESPONSE TO REQUEST FOR PRODUCTION NO. 5:

Jamie incorporates by reference his General Objections. Jamie further objects to the Document Request to the extent it is vague, ambiguous, overly broad, unduly burdensome, and oppressive especially as it does not contain any temporal limitations. Jamie objects on the grounds that this Document Request seeks confidential or private financial information, confidential business or commercial information, trade secrets, proprietary information, or otherwise calls for information protected by the right of privacy. Jamie further objects to the Document Request to the extent it impermissibly seeks material protected by the attorney-client privilege, the attorney work-product doctrine, and/or the common interest doctrine. Jamie objects to this Document Request to the extent it calls for documents and information irrelevant and unrelated to Britney or the Conservatorship. Jamie

further objects to the Document Request to the extent that it seeks information that is already in Britney's possession or equally available to her.

Jamie further objects to the Document Request as follows:

- Jamie objects on the grounds that the Document Request is unduly burdensome and unreasonably duplicative and cumulative because it seeks the same information that was requested by Britney from Jamie in her August 25, 2021 First Set of Requests for Production (*see, e.g.*, Request for Production No. 4) and in her December 17, 2021 Second Set of Requests for Production (*see, e.g.*, Request for Production No. 4). This is now the third time Britney served the exact same request.
- The Document Request extends beyond the proper scope of discovery and improperly attempts to re-litigate the thirteen-year Conservatorship and innumerable final court orders. California Civil Procedure Code Section 2017.010 limits the scope of discovery to matters relevant to the subject matter involved in the pending action. California Probate Code Section 2103 releases a conservator and the sureties from all the conservatee's claims when the court authorizes, approves, or confirms the action in an order. This Document Request is therefore overbroad, unduly burdensome, and beyond the scope of discovery to the extent it is not relevant to the limited matters remaining before the Court and to the extent the Court already approved any action in an order or judgment.
- There is no legitimate reason for requiring Jamie to undertake the burden of sifting through documents he already produced and reproducing those documents that are responsive to this Document Request. Jamie objects to these Document Requests as duplicative, unduly burdensome, oppressive, and harassing to the extent the Document Requests seek some or all of the same documents and information that Jamie already voluntarily produced. Since October 2021, Jamie's counsel has arranged for nearly 600,000 pages of documents (consisting of more than 58 boxes of hard copy documents and more than 22 drives of electronic documents and spanning over 13 years of documents). Britney's own counsel admitted at the January 19, 2022 hearing that Jamie "produced voluminous information." *See* Jan. 19 Tr. 17:3-4. The nearly 600,000 pages of documents represent more than 124,500 electronic documents. Any responsive documents that are in Jamie's possession, custody, or control already are in Britney's possession, custody, or control or are otherwise equally available to her given Jamie's prior voluminous production of documents and information.

REASON TO COMPEL PRODUCTION TO REQUEST FOR PRODUCTION NO. 5:

As an initial matter, Mr. Spears fails to justify any of his objections with any facts, and none of his boilerplate objections are proper. (See *Costco Wholesale Corp. v. Superior Court* (2009) 47 Cal.4th 725, 733; *Coy v. Superior Court of Contra Costa County* (1962) 58 Cal.2d 210, 218-221.) It is important to bear in mind, too, that Mr. Spears has an obligation as a suspended conservator and fiduciary to turn over all relevant and responsive documents without any condition, regardless of the method of discovery sought. (See *Poag v. Winston* (1987) 195 Cal.App.3d 1161, 1176 ["As a fiduciary, a conservator owes a duty of loyalty which requires that he act in the highest good faith."].) This fact is buttressed by his new lawyer's own repeated claims of cooperation. Further, demonstrating regrettable gamesmanship and completely contradicting himself, Ms. Spears's counsel claims he "instructed" prior counsel to "withhold nothing" on the basis of privilege. Yet, his response to ***every single request*** for production includes objections on the basis of privilege. (See generally, McCurdy Decl., Ex. G.) This type of Alice-in-Wonderland dissembling is unacceptable.

Mr. Spears's counsel repeatedly and profusely promised his client's unconditional, transparent cooperation in producing "***all***" documents to Ms. Spears's counsel. Although these representations have, regrettably, proven to be false, made in an effort to create a false narrative and record—and what has become a "Big Lie" of Mr. Spears's defense—they are nevertheless relevant; thus, in addition to Mr. Spears's statutory waiver, his boilerplate objections should also be considered waived as a matter of equity and fairness and he should be estopped from asserting them. By way of illustration only, by email dated October 22, 2021, Mr. Spears's counsel professed the following:

- That Mr. Spears would "***unconditionally[] cooperate*** with a complete and total transfer of ***all files*** regarding the conservatorship . . . ."
- That Ms. Spears was "***welcome to everything – complete transparency without conditions***."
- That he would "***do everything [he] [could]*** to help facilitate the direct transfer [of all files] from prior counsel . . . ."
- "Again, ***complete transparency without conditions***."

(McCurdy Decl., ¶ 10.)

In the November 1, 2021 Status Report, Mr. Spears's counsel represented the following:

- "Jamie has ***nothing to hide*** [and] ***will therefore hide nothing***."
- "Jamie affirms that he will ***unconditionally cooperate*** in transferring *all* [emphasis in original] files regarding the estate to Britney's counsel without delay."
- "Jamie recognizes his ***ongoing and transparent participation is paramount*** . . . ."
- "Jamie will ***unconditionally cooperate*** with a complete and total transfer of all files."
- "Jamie is committed to ***complete transparency without conditions***."

(McCurdy Decl., Ex. D.)

In a November 5, 2021 email, Mr. Spears's counsel stated that he and his client were supposedly "committed to ***complete transparency***," that they had "***withheld nothing***," and that he "provided ***explicit instructions to prior counsel to produce <u>everything without exception</u>***." (McCurdy Decl., ¶ 11.) Even more, Mr. Spears's counsel claimed that "whatever documents exist regarding electronic surveillance, to the extent that any, would part [*sic*] of the production being made by prior counsel." (*Id.*)

These promises are tantamount to a "Big Lie." By objecting to every single one of Ms. Spears's document requests, Mr. Spears has done the exact opposite of what he promised. Mr. Spears's tactics to create a false record and narrative should not be countenanced. Even putting aside his statutory and fiduciary obligations, he has waived any objections and he should be ordered to produce all documents contained in the applicable requests.

Mr. Spears objects to the document requests as "unduly burdensome and unreasonable duplicative and cumulative" because he claims Ms. Spears requested similar information in requests for production propounded on him. (McCurdy Decl., Ex. G, ¶ 5.) The objection is contrary to law. California's Code of Civil Procedure does not preclude a party from seeking similar documents through different methods of discovery. "[T]he inspection of documents procedure is quite different from a deposition at which a party is required to bring documents. Nothing in either section 2025 or section 2031 suggests that seeking documents under one statutory procedure bars a litigant from seeking the same documents under the other." (*Carter v. Superior Court* (1990) 218 Cal.App.3d 994, 997.)[9] Thus, consistent with the

[9] See also 10 Witkin, Cal. Evid. Discovery § 143 [discussing *Carter*]. Notably, the Legislature has amended the Civil Discovery Act several times since *Carter*, and it has done so without overruling or modifying *Carter*'s interpretation of the Act. "When a statute has been construed by the courts, and the Legislature thereafter reenacts that statute without changing

Court's reasoning in *Carter*, Mr. Spears must bring the requested documents to his deposition pursuant to this different method of discovery. (See also *Irvington-Moore, Inc. v. Superior Court* (1993) 14 Cal.App.4th 733, 739 ["[T]he selection of the method of discovery is to be utilized is to be made by the party seeking discovery. It cannot be dictated by the opposing party.].)

Relatedly, Mr. Spears claims the document requests are "duplicative, unduly burdensome, oppressive, and harassing" because Mr. Spears already "voluntarily" produced some of the same documents and information. (McCurdy Decl., Ex. G, ¶ 7.) He is wrong, on multiple levels. Initially, "[a] party is permitted to use multiple methods of obtaining discovery and the fact that information was disclosed under one method is not, standing alone, a proper basis for refusing to provide discovery under another method." (*Irvington-Moore, Inc.*, *supra*, 14 Cal.App.4th at p. 739; see also *TBG Ins. Services Corp. v. Superior Court* (2002) 96 Cal.App.4th 443, 449 [citing *Irvington-Moore* for the proposition that "a party may use multiple methods to obtain discovery and the fact that information was disclosed under one method is not, by itself, a proper basis to refuse to provide discovery under another method"]; see, e.g. *Coy*, *supra*, 58 Cal.2d at p. 218 ["the bare claim of previous deposition is insufficient as an objection to an interrogatory . . . To suffice as a valid objection such claim must be supported by some showing (or, as a minimum, some claim) that the requirement of a reply would be unjust and inequitable"].)

Mr. Spears's objection that he has already produced some of the requested documents, even if true, is not a defense. To the extent he intended to actually rely on this objection, Mr. Spears needed to demonstrate that production of the requested documents now would be "unjust and inequitable." But he grossly fails to so demonstrate; instead, he relies on his "Big Lie" defense: that he has cooperated and transferred all of the documents requested. Mr. Spears also astonishingly objects on the basis that "there are no further documents [he] could provide to respond to the Deposition Notice, Document Requests, and definitions" because he supposedly has produced them all. (McCurdy Decl., Ex. G, at p. 3:22-23.) If this were true (and it is false), then why does he not so state in a single response, instead of making countless boilerplate objections? Why does he not appear at his deposition, and so state on the record, under penalty of perjury? Why does he not identify the requested documents—by Bates number? Why

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the interpretation put on that statute by the court, the Legislature is presumed to have been aware of, and acquiesced in, the courts' construction of that statute." (*People v. Ledesma* (1997) 16 Cal.4th 90, 100-01.)

does he not correlate them to the document requests at issue? And why does he not simply provide answers to the following questions and requests that have been posed to him repeatedly?

As referenced above, despite our repeated and ongoing requests, while relying on the facile and false claim that he has produced "everything" requested, Mr. Spears has also failed to produce all text or email communications between and amongst Tri Star, Black Box, himself, and his counsel (see *Moeller* and *Stine*, *infra* at pp. 19-20) concerning the illicit surveillance operation at issue. Indeed, he falsely claims it "***DIDN'T HAPPEN, YOUR HONOR***," *supra* at 9. In short, as part of their efforts to stonewall and hide the truth, Mr. Spears has engaged in improper disjointed and incomplete "document dumps" rather than a professional, organized, and labelled production of documents. More pointedly, he has failed to produce *any* documents pursuant to and correlated to the deposition notices, ***not one***. (See *Kayne v. Grande Holdings Ltd.* (2011) 198 Cal.App.4th 1470, 1475-76 [sanctions appropriate where party refused to produce documents in an organized and labelled manner].)[10]

Mr. Spears also objects that the document requests "attempt to relitigate the entire thirteen-year Conservatorship and innumerable final court orders," and "are not relevant and not reasonably calculated to lead to the discovery of admissible evidence." (McCurdy Decl., Ex. G, ¶¶ 6, 8.) Nonsense. "Discovery may relate to the claim or defense of the party seeking discovery or of any other party to the action." (Code Civ. Proc., § 2017.010.) In this case, the document requests directly relate to Mr. Spears's role and conduct as former conservator of the estate, which are also directly at issue under *Shine*, *Kasperbauer*, and *Hudson.* The requested documents are thus not only "reasonably calculated" to lead to the discovery of admissible evidence, they go directly to the heart of numerous pending matters including Mr. Spears's fee petition and accountings, see, e.g., *Shine*, *supra*, 16 Cal.App.4th at p. 540; *Hudson*, *supra*, 68 Cal.App.4th at pp. 669-670.

Under the circumstances, Mr. Spears's objection that the requests are somehow "not reasonably calculated to lead to the discovery of admissible evidence" (McCurdy Decl., Ex. G, ¶¶ 8, 9) are, in fact, legally frivolous. (See *Pacific Tel. & Tel. Co. v. Superior Court* (1970) 2 Cal.3d 161, 173; *Garamendi v. Golden Eagle Ins. Co*. (2004) 116 Cal.App.4th 694, 712 fn. 8.)

[10] As a matter of restraint, we refrain herein from moving for sanctions but reserve all rights in that regard.

Mr. Spears's objections on grounds of purportedly vague and ambiguous requests, or the terms "YOU" and "YOUR," are all baseless. (McCurdy Decl. G, ¶¶ 9, 11.) He has not and cannot explain in any manner what he claims not to understand about the document requests. (See *Deyo v. Kilbourne* (1978) 84 Cal.App.3d 771, 783 ["[W]here the question is somewhat ambiguous, but the nature of the information sought is apparent, the proper solution is to provide an appropriate response."].) Mr. Spears also fails to support his baseless burdensome and oppressive objections and asserts all of them without any actual factual support whatsoever. (See McCurdy Decl., Ex. G, ¶¶ 9, 12, 15, 16, 17.) "The objection based upon burden must be sustained by ***evidence showing*** the quantum of work required, while to support an objection of oppression there must be ***some showing*** either of an intent to create an unreasonable burden or that the ultimate effect of the burden is incommensurate with the result sought." (*W. Pico Furniture Co. v. Superior Court* (1961) 56 Cal.2d 407, 417, 418.) Mr. Spears fails to make any showing as to burden or oppression. (See *id.* at p. 418 ["The objection of burden is valid only when that burden is ***demonstrated*** to result in injustice."]; *cf. Mead Reinsurance Co. v. Superior Ct.* (1986) 188 Cal.App.3d 313, 321. For these reasons, Mr. Spears's objection that the documents "may be obtained from other sources or through other means of discovery" (McCurdy Decl., Ex. G, ¶ 15), and that the burden and expense would "outweigh the likely benefit of this discovery" (McCurdy Decl., Ex. G, ¶ 17) is also completely meritless.

Additionally, to the extent Mr. Spears objects that the document requests are "oppressive" because they "do not contain any temporal limitations" (an objection repeated in every response) this argument is also meritless. Again, no showing has been made of any intent to create an unreasonable burden, and any objection based on a lack of temporal definition is hypocritical. We are only here today because Britney Spears was under her father's infantilizing control for more than a decade. Further, the evidence shows that the conservatorship was conflicted from the very outset, when, among other things, Mr. Spears violated Rule of Court 7.1059 by obtaining a substantial loan from Tri Star and then hiring Tri Star (a then fledgling company) as her business manager. And any claim that *Mr. Spears* faces "oppression" such that he cannot respond to discovery relating to *his own* oppression of Britney Spears is, to say the least, rich. Mr. Spears put his conduct at issue and he must face the consequences.

Mr. Spears's objections on privileged meritless, inapplicable, and have been waived. *First*, to the extent any privilege was claimed, Mr. Spears should have supported the claim with "sufficient factual information for other parties to evaluate the merits of that claim," such as a privilege log. (See, e.g. Code Civ. Proc. § 2031.240(c); *Riddell, Inc. v. Superior Court* (2017) 14 Cal.App.5th 755, 772 ["if an objection to a document request is based on a claim of privilege or work product, then the response to the request 'shall provide sufficient factual information for other parties to evaluate the merits of that claim'"]); (See *Costco*, *supra*, 47 Cal.4th at p. 733 ["[t]he party claiming the privilege has the burden of establishing the preliminary facts necessary to support its exercise"].) He failed to do so.

Second, now that Mr. Spears has been suspended as conservator of the estate, he no longer holds any attorney-client privilege. (See *Stine v. Dell'Osso* (2014) 239 Cal.App.4th 834, 843 [successor fiduciary became holder of the privilege of all communications between fiduciary and his counsel regarding the estate, whenever they occurred]; see also *Moeller v. Superior Court* (1997) 16 Cal.4th 1124, 1129-1135 [because fiduciary is holder of the attorney-client privilege in his or her capacity as such, successor fiduciary becomes the holder as to confidential communications between the predecessor fiduciary and attorney concerning trust administration]; Cal. Probate Code, § 8524, subd. (c). Because he was suspended, Mr. Spears quite simply has no privilege to claim.

Third, as noted above, Mr. Spears also waived any privilege claims. In addition to failing to timely object, his counsel promised "***unconditional[] cooperat[ion]***," "***complete transparency without conditions***," and that Britney Spears was "***welcome to everything***." (See McCurdy Decl., ¶ 10, Ex. D.) Even further, Mr. Spears's counsel stated that he had "provided ***explicit instructions to prior counsel to produce everything without exception***." (See McCurdy Decl., ¶ 11; see also *infra*, n.4.) Under *Moeller* and *Stine,* Mr. Spears does not hold the privilege. And in any event, even if the documents at issue were privileged (and they are not) he has waived any such privilege and should be estopped from asserted any such objections.

Mr. Spears also objects that the requests somehow violate his right to privacy. (McCurdy Decl., Ex. G, ¶ 10.) This makes no sense. It is Mr. Spears's burden to justify the objection, and he has failed to do so. (See *Coy*, *supra*, 58 Cal.2d at pp. 220-221; *Fairmont Ins. Co. v. Super. Ct.* (2000) 22 Cal.4th 245, 255.) Mr. Spears's position also reeks of hypocrisy given his gross violations of *his daughter's* privacy.

Finally, any claimed right to privacy must be considered against the "historically important state interest of facilitating the ascertainment of truth in connection with legal proceedings." (See *Gregori v. Bank of America* (1989) 207 Cal.App.3d 291, 312.) Even as Mr. Spears hides it, the mission remains to ascertain the truth, which necessarily trumps Mr. Spears's evasive and fabricated "privacy rights."

Mr. Spears additionally claims each document request violates confidentiality or the "common interest doctrine." Not only does Mr. Spears once again fail to support this objection with any facts, the "common interest doctrine" is a "nonwaiver doctrine," and does not separately act as a privilege shielding documents from discovery. (See *OXY Resources California LLC v. Superior Court* (2004) 115 Cal.App.4th 874, 889-90 ["party seeking to invoke the [common interest] doctrine must first establish that the communicated information would otherwise be protected from a disclosure by a claim of privilege"].) No privilege exists here to protect the disclosure of the requested documents.

Finally, Mr. Spears purports to assert hodgepodge objections that the document requests are "speculative, lack foundation, or improperly assume the existence of hypothetical facts that are incorrect or unknown to Jamie" and "call for a legal conclusion." (McCurdy Decl., Ex. G, ¶¶ 13, 14.) In asserting this boilerplate objection, Mr., Spears does nothing more than cite boilerplate buzz words into his general objections; he fails to incorporate them anywhere else, and he fails to justify how the document requests are so formed. This is because he is, once again, wrong and he is once again seeking to evade the truth and its consequences. As demonstrated above and as the requests themselves demonstrate, the requests are narrowly tailored to pending issues, which were put front and center by Mr. Spears himself. The use of such general objections, as applied here, is improper under the California Civil Discovery Act, and their bald assertion in this context demonstrates Mr. Spears's desperation and lack of any factual basis for them. (See generally *Korea Data Sys. Co. v. Superior Court* (1997) 51 Cal.App.4th 1513, 1516 [use of boilerplate objections is improper and sanctionable].)

REQUEST FOR PRODUCTION NO. 6:

All communications, including agreements, with Tri Star Sports & Entertainment Group or any of its principals or employees.

RESPONSE TO REQUEST FOR PRODUCTION NO. 6:

Jamie incorporates by reference his General Objections. Jamie further objects to the Document Request to the extent it is vague, ambiguous, overly broad, unduly burdensome, and oppressive especially as it does not contain any temporal limitations. Jamie objects on the grounds that this Document Request seeks confidential or private financial information, confidential business or commercial information, trade secrets, proprietary information, or otherwise calls for information protected by the right of privacy. Jamie further objects to the Document Request to the extent it impermissibly seeks material protected by the attorney-client privilege, the attorney work-product doctrine, and/or the common interest doctrine. Jamie objects to this Document Request to the extent it calls for documents and information irrelevant and unrelated to Britney or the Conservatorship. Jamie further objects to the Document Request to the extent that it seeks information that is already in Britney's possession or equally available to her.

Jamie further objects to the Document Request as follows:

- Jamie objects on the grounds that the Document Request is unduly burdensome and unreasonably duplicative and cumulative because it seeks the same information that was requested by Britney from Jamie in her August 25, 2021 First Set of Requests for Production (*see, e.g.*, Request for Production No. 9) and in her December 17, 2021 Second Set of Requests for Production (*see, e.g.*, Request for Production No. 5). This is now the third time Britney served the exact same request.
- The Document Request extends beyond the proper scope of discovery and improperly attempts to re-litigate the thirteen-year Conservatorship and innumerable final court orders. California Civil Procedure Code Section 2017.010 limits the scope of discovery to matters relevant to the subject matter involved in the pending action. California Probate Code Section 2103 releases a conservator and the sureties from all the conservatee's claims when the court authorizes, approves, or confirms the action in an order. This Document Request is therefore overbroad, unduly burdensome, and beyond the scope of discovery to the extent it is not relevant to the limited matters remaining before the Court and to the extent the Court already approved any action in an order or judgment.
- There is no legitimate reason for requiring Jamie to undertake the burden of sifting through documents he already produced and reproducing those documents that are responsive to this

Document Request. Jamie objects to these Document Requests as duplicative, unduly burdensome, oppressive, and harassing to the extent the Document Requests seek some or all of the same documents and information that Jamie already voluntarily produced. Since October 2021, Jamie's counsel has arranged for nearly 600,000 pages of documents (consisting of more than 58 boxes of hard copy documents and more than 22 drives of electronic documents and spanning over 13 years of documents). Britney's own counsel admitted at the January 19, 2022 hearing that Jamie "produced voluminous information." *See* Jan. 19 Tr. 17:3-4. The nearly 600,000 pages of documents represent more than 124,500 electronic documents. Any responsive documents that are in Jarnie's possession, custody, or control already are in Britney's possession, custody, or control or are otherwise equally available to her given Jamie's prior voluminous production of documents and information.

REASON TO COMPEL PRODUCTION TO REQUEST FOR PRODUCTION NO. 6:

As an initial matter, Mr. Spears fails to justify any of his objections with any facts, and none of his boilerplate objections are proper. (See *Costco Wholesale Corp. v. Superior Court* (2009) 47 Cal.4th 725, 733; *Coy v. Superior Court of Contra Costa County* (1962) 58 Cal.2d 210, 218-221.) It is important to bear in mind, too, that Mr. Spears has an obligation as a suspended conservator and fiduciary to turn over all relevant and responsive documents without any condition, regardless of the method of discovery sought. (See *Poag v. Winston* (1987) 195 Cal.App.3d 1161, 1176 ["As a fiduciary, a conservator owes a duty of loyalty which requires that he act in the highest good faith."].) This fact is buttressed by his new lawyer's own repeated claims of cooperation. Further, demonstrating regrettable gamesmanship and completely contradicting himself, Ms. Spears's counsel claims he "instructed" prior counsel to "withhold nothing" on the basis of privilege. Yet, his response to ***every single request*** for production includes objections on the basis of privilege. (See generally, McCurdy Decl., Ex. G.) This type of Alice-in-Wonderland dissembling is unacceptable.

Mr. Spears's counsel repeatedly and profusely promised his client's unconditional, transparent cooperation in producing "***all***" documents to Ms. Spears's counsel. Although these representations have, regrettably, proven to be false, made in an effort to create a false narrative and record—and what has become a "Big Lie" of Mr. Spears's defense—they are nevertheless relevant; thus, in addition to Mr. Spears's statutory waiver, his boilerplate objections should also be considered waived as a matter of

equity and fairness and he should be estopped from asserting them. By way of illustration only, by email dated October 22, 2021, Mr. Spears's counsel professed the following:

- That Mr. Spears would "***unconditionally[] cooperate*** with a complete and total transfer of ***all files*** regarding the conservatorship . . . ."
- That Ms. Spears was "***welcome to everything – complete transparency without conditions***."
- That he would "***do everything [he] [could]*** to help facilitate the direct transfer [of all files] from prior counsel . . . ."
- "Again, ***complete transparency without conditions***."

(McCurdy Decl., ¶ 10.)

In the November 1, 2021 Status Report, Mr. Spears's counsel represented the following:

- "Jamie has ***nothing to hide*** [and] ***will therefore hide nothing***."
- "Jamie affirms that he will ***unconditionally cooperate*** in transferring *all* [emphasis in original] files regarding the estate to Britney's counsel without delay."
- "Jamie recognizes his ***ongoing and transparent participation is paramount*** . . . ."
- "Jamie will ***unconditionally cooperate*** with a complete and total transfer of all files."
- "Jamie is committed to ***complete transparency without conditions***."

(McCurdy Decl., Ex. D.)

In a November 5, 2021 email, Mr. Spears's counsel stated that he and his client were supposedly "committed to ***complete transparency***," that they had "***withheld nothing***," and that he "provided ***explicit instructions to prior counsel to produce <u>everything without exception</u>***." (McCurdy Decl., ¶ 11.) Even more, Mr. Spears's counsel claimed that "whatever documents exist regarding electronic surveillance, to the extent that any, would part [*sic*] of the production being made by prior counsel." (*Id.*)

These promises are tantamount to a "Big Lie." By objecting to every single one of Ms. Spears's document requests, Mr. Spears has done the exact opposite of what he promised. Mr. Spears's tactics to create a false record and narrative should not be countenanced. Even putting aside his statutory and fiduciary obligations, he has waived any objections and he should be ordered to produce all documents contained in the applicable requests.

Mr. Spears objects to the document requests as "unduly burdensome and unreasonable duplicative and cumulative" because he claims Ms. Spears requested similar information in requests for production propounded on him. (McCurdy Decl., Ex. G, ¶ 5.) The objection is contrary to law. California's Code of Civil Procedure does not preclude a party from seeking similar documents through different methods of discovery. "[T]he inspection of documents procedure is quite different from a deposition at which a party is required to bring documents. Nothing in either section 2025 or section 2031 suggests that seeking documents under one statutory procedure bars a litigant from seeking the same documents under the other." (*Carter v. Superior Court* (1990) 218 Cal.App.3d 994, 997.)[11] Thus, consistent with the Court's reasoning in *Carter*, Mr. Spears must bring the requested documents to his deposition pursuant to this different method of discovery. (See also *Irvington-Moore, Inc. v. Superior Court* (1993) 14 Cal.App.4th 733, 739 ["[T]he selection of the method of discovery is to be utilized is to be made by the party seeking discovery. It cannot be dictated by the opposing party.].)

Relatedly, Mr. Spears claims the document requests are "duplicative, unduly burdensome, oppressive, and harassing" because Mr. Spears already "voluntarily" produced some of the same documents and information. (McCurdy Decl., Ex. G, ¶ 7.) He is wrong, on multiple levels. Initially, "[a] party is permitted to use multiple methods of obtaining discovery and the fact that information was disclosed under one method is not, standing alone, a proper basis for refusing to provide discovery under another method." (*Irvington-Moore, Inc.*, *supra*, 14 Cal.App.4th at p. 739; see also *TBG Ins. Services Corp. v. Superior Court* (2002) 96 Cal.App.4th 443, 449 [citing *Irvington-Moore* for the proposition that "a party may use multiple methods to obtain discovery and the fact that information was disclosed under one method is not, by itself, a proper basis to refuse to provide discovery under another method"]; see, e.g. *Coy*, *supra*, 58 Cal.2d at p. 218 ["the bare claim of previous deposition is insufficient as an objection to an interrogatory . . . To suffice as a valid objection such claim must be supported by some showing (or, as a minimum, some claim) that the requirement of a reply would be unjust and inequitable"].)

[11] See also 10 Witkin, Cal. Evid. Discovery § 143 [discussing *Carter*]. Notably, the Legislature has amended the Civil Discovery Act several times since *Carter*, and it has done so without overruling or modifying *Carter*'s interpretation of the Act. "When a statute has been construed by the courts, and the Legislature thereafter reenacts that statute without changing the interpretation put on that statute by the court, the Legislature is presumed to have been aware of, and acquiesced in, the courts' construction of that statute." (*People v. Ledesma* (1997) 16 Cal.4th 90, 100-01.)

Mr. Spears's objection that he has already produced some of the requested documents, even if true, is not a defense. To the extent he intended to actually rely on this objection, Mr. Spears needed to demonstrate that production of the requested documents now would be "unjust and inequitable." But he grossly fails to so demonstrate; instead, he relies on his "Big Lie" defense: that he has cooperated and transferred all of the documents requested. Mr. Spears also astonishingly objects on the basis that "there are no further documents [he] could provide to respond to the Deposition Notice, Document Requests, and definitions" because he supposedly has produced them all. (McCurdy Decl., Ex. G, at p. 3:22-23.) If this were true (and it is false), then why does he not so state in a single response, instead of making countless boilerplate objections? Why does he not appear at his deposition, and so state on the record, under penalty of perjury? Why does he not identify the requested documents—by Bates number? Why does he not correlate them to the document requests at issue? And why does he not simply provide answers to the following questions and requests that have been posed to him repeatedly?

As referenced above, despite our repeated and ongoing requests, while relying on the facile and false claim that he has produced "everything" requested, Mr. Spears has also failed to produce all text or email communications between and amongst Tri Star, Black Box, himself, and his counsel (see *Moeller* and *Stine*, *infra* at pp. 19-20) concerning the illicit surveillance operation at issue. Indeed, he falsely claims it "***DIDN'T HAPPEN, YOUR HONOR***," *supra* at 9. In short, as part of their efforts to stonewall and hide the truth, Mr. Spears has engaged in improper disjointed and incomplete "document dumps" rather than a professional, organized, and labelled production of documents. More pointedly, he has failed to produce *any* documents pursuant to and correlated to the deposition notices, ***not one***. (See *Kayne v. Grande Holdings Ltd.* (2011) 198 Cal.App.4th 1470, 1475-76 [sanctions appropriate where party refused to produce documents in an organized and labelled manner].)[12]

Mr. Spears also objects that the document requests "attempt to relitigate the entire thirteen-year Conservatorship and innumerable final court orders," and "are not relevant and not reasonably calculated to lead to the discovery of admissible evidence." (McCurdy Decl., Ex. G, ¶¶ 6, 8.) Nonsense. "Discovery may relate to the claim or defense of the party seeking discovery or of any other party to the action." (Code Civ. Proc., § 2017.010.) In this case, the document requests directly relate to Mr.

[12] As a matter of restraint, we refrain herein from moving for sanctions but reserve all rights in that regard.

Spears's role and conduct as former conservator of the estate, which are also directly at issue under *Shine*, *Kasperbauer*, and *Hudson.* The requested documents are thus not only "reasonably calculated" to lead to the discovery of admissible evidence, they go directly to the heart of numerous pending matters including Mr. Spears's fee petition and accountings, see, e.g., *Shine*, *supra*, 16 Cal.App.4th at p. 540; *Hudson*, *supra*, 68 Cal.App.4th at pp. 669-670.

Under the circumstances, Mr. Spears's objection that the requests are somehow "not reasonably calculated to lead to the discovery of admissible evidence" (McCurdy Decl., Ex. G, ¶¶ 8, 9) are, in fact, legally frivolous. (See *Pacific Tel. & Tel. Co. v. Superior Court* (1970) 2 Cal.3d 161, 173; *Garamendi v. Golden Eagle Ins. Co*. (2004) 116 Cal.App.4th 694, 712 fn. 8.)

Mr. Spears's objections on grounds of purportedly vague and ambiguous requests, or the terms "YOU" and "YOUR," are all baseless. (McCurdy Decl. G, ¶¶ 9, 11.) He has not and cannot explain in any manner what he claims not to understand about the document requests. (See *Deyo v. Kilbourne* (1978) 84 Cal.App.3d 771, 783 ["[W]here the question is somewhat ambiguous, but the nature of the information sought is apparent, the proper solution is to provide an appropriate response."].) Mr. Spears also fails to support his baseless burdensome and oppressive objections and asserts all of them without any actual factual support whatsoever. (See McCurdy Decl., Ex. G, ¶¶ 9, 12, 15, 16, 17.) "The objection based upon burden must be sustained by ***evidence showing*** the quantum of work required, while to support an objection of oppression there must be ***some showing*** either of an intent to create an unreasonable burden or that the ultimate effect of the burden is incommensurate with the result sought." (*W. Pico Furniture Co. v. Superior Court* (1961) 56 Cal.2d 407, 417, 418.) Mr. Spears fails to make any showing as to burden or oppression. (See *id.* at p. 418 ["The objection of burden is valid only when that burden is ***demonstrated*** to result in injustice."]; *cf. Mead Reinsurance Co. v. Superior Ct.* (1986) 188 Cal.App.3d 313, 321. For these reasons, Mr. Spears's objection that the documents "may be obtained from other sources or through other means of discovery" (McCurdy Decl., Ex. G, ¶ 15), and that the burden and expense would "outweigh the likely benefit of this discovery" (McCurdy Decl., Ex. G, ¶ 17) is also completely meritless.

Additionally, to the extent Mr. Spears objects that the document requests are "oppressive" because they "do not contain any temporal limitations" (an objection repeated in every response) this

argument is also meritless. Again, no showing has been made of any intent to create an unreasonable burden, and any objection based on a lack of temporal definition is hypocritical. We are only here today because Britney Spears was under her father's infantilizing control for more than a decade. Further, the evidence shows that the conservatorship was conflicted from the very outset, when, among other things, Mr. Spears violated Rule of Court 7.1059 by obtaining a substantial loan from Tri Star and then hiring Tri Star (a then fledgling company) as her business manager. And any claim that *Mr. Spears* faces "oppression" such that he cannot respond to discovery relating to *his own* oppression of Britney Spears is, to say the least, rich. Mr. Spears put his conduct at issue and he must face the consequences.

Mr. Spears's objections on privileged meritless, inapplicable, and have been waived. *First*, to the extent any privilege was claimed, Mr. Spears should have supported the claim with "sufficient factual information for other parties to evaluate the merits of that claim," such as a privilege log. (See, e.g. Code Civ. Proc. § 2031.240(c); *Riddell, Inc. v. Superior Court* (2017) 14 Cal.App.5th 755, 772 ["if an objection to a document request is based on a claim of privilege or work product, then the response to the request 'shall provide sufficient factual information for other parties to evaluate the merits of that claim'"]); (See *Costco*, *supra*, 47 Cal.4th at p. 733 ["[t]he party claiming the privilege has the burden of establishing the preliminary facts necessary to support its exercise"].) He failed to do so.

Second, now that Mr. Spears has been suspended as conservator of the estate, he no longer holds any attorney-client privilege. (See *Stine v. Dell'Osso* (2014) 239 Cal.App.4th 834, 843 [successor fiduciary became holder of the privilege of all communications between fiduciary and his counsel regarding the estate, whenever they occurred]; see also *Moeller v. Superior Court* (1997) 16 Cal.4th 1124, 1129-1135 [because fiduciary is holder of the attorney-client privilege in his or her capacity as such, successor fiduciary becomes the holder as to confidential communications between the predecessor fiduciary and attorney concerning trust administration]; Cal. Probate Code, § 8524, subd. (c). Because he was suspended, Mr. Spears quite simply has no privilege to claim.

Third, as noted above, Mr. Spears also waived any privilege claims. In addition to failing to timely object, his counsel promised "***unconditional[] cooperat[ion]***," "***complete transparency without conditions***," and that Britney Spears was "***welcome to everything***." (See McCurdy Decl., ¶ 10, Ex. D.) Even further, Mr. Spears's counsel stated that he had "provided ***explicit instructions to prior counsel to***

produce everything <u>without exception</u>." (See McCurdy Decl., ¶ 11; see also *infra*, n.4.) Under *Moeller* and *Stine,* Mr. Spears does not hold the privilege. And in any event, even if the documents at issue were privileged (and they are not) he has waived any such privilege and should be estopped from asserted any such objections.

Mr. Spears also objects that the requests somehow violate his right to privacy. (McCurdy Decl., Ex. G, ¶ 10.) This makes no sense. It is Mr. Spears's burden to justify the objection, and he has failed to do so. (See *Coy*, *supra*, 58 Cal.2d at pp. 220-221; *Fairmont Ins. Co. v. Super. Ct.* (2000) 22 Cal.4th 245, 255.) Mr. Spears's position also reeks of hypocrisy given his gross violations of *his daughter's* privacy. Finally, any claimed right to privacy must be considered against the "historically important state interest of facilitating the ascertainment of truth in connection with legal proceedings." (See *Gregori v. Bank of America* (1989) 207 Cal.App.3d 291, 312.) Even as Mr. Spears hides it, the mission remains to ascertain the truth, which necessarily trumps Mr. Spears's evasive and fabricated "privacy rights."

Mr. Spears additionally claims each document request violates confidentiality or the "common interest doctrine." Not only does Mr. Spears once again fail to support this objection with any facts, the "common interest doctrine" is a "nonwaiver doctrine," and does not separately act as a privilege shielding documents from discovery. (See *OXY Resources California LLC v. Superior Court* (2004) 115 Cal.App.4th 874, 889-90 ["party seeking to invoke the [common interest] doctrine must first establish that the communicated information would otherwise be protected from a disclosure by a claim of privilege"].) No privilege exists here to protect the disclosure of the requested documents.

Finally, Mr. Spears purports to assert hodgepodge objections that the document requests are "speculative, lack foundation, or improperly assume the existence of hypothetical facts that are incorrect or unknown to Jamie" and "call for a legal conclusion." (McCurdy Decl., Ex. G, ¶¶ 13, 14.) In asserting this boilerplate objection, Mr., Spears does nothing more than cite boilerplate buzz words into his general objections; he fails to incorporate them anywhere else, and he fails to justify how the document requests are so formed. This is because he is, once again, wrong and he is once again seeking to evade the truth and its consequences. As demonstrated above and as the requests themselves demonstrate, the requests are narrowly tailored to pending issues, which were put front and center by Mr. Spears himself. The use of such general objections, as applied here, is improper under the California Civil Discovery Act, and

their bald assertion in this context demonstrates Mr. Spears's desperation and lack of any factual basis for them. (See generally *Korea Data Sys. Co. v. Superior Court* (1997) 51 Cal.App.4th 1513, 1516 [use of boilerplate objections is improper and sanctionable].)

REQUEST FOR PRODUCTION NO. 7:

All DOCUMENTS RELATING TO any agreements with Tri Star Sports & Entertainment Group.

RESPONSE TO REQUEST FOR PRODUCTION NO. 7:

Jamie incorporates by reference his General Objections. Jamie further objects to the Document Request to the extent it is vague, ambiguous, overly broad, unduly burdensome, and oppressive especially as it does not contain any temporal limitations. Jamie objects to this Document Request to the extent it calls for documents and information irrelevant and unrelated to Britney or the Conservatorship. Jamie further objects to the Document Request to the extent it impermissibly seeks material protected by the attorney-client privilege, the attorney work-product doctrine, and/or the common interest doctrine. Jamie further objects to the Document Request to the extent that it seeks information that is already in Britney's possession or equally available to her.

Jamie further objects to the Document Request as follows:

- Jamie objects on the grounds that the Document Request is unduly burdensome and unreasonably duplicative and cumulative because it seeks the same information that was requested by Britney from Jamie in her August 25, 2021 First Set of Requests for Production (*see, e.g.*, Request for Production No. 6) and in her December 17, 2021 Second Set of Requests for Production (*see, e.g.*, Request for Production No. 6). This is now the third time Britney served the exact same request.
- The Document Request extends beyond the proper scope of discovery and improperly attempts to re-litigate the thirteen-year Conservatorship and innumerable final court orders. California Civil Procedure Code Section 2017.010 limits the scope of discovery to matters relevant to the subject matter involved in the pending action. California Probate Code Section 2103 releases a conservator and the sureties from all the conservatee's claims when the court authorizes, approves, or confirms the action in an order. This Document Request is therefore overbroad, unduly burdensome, and beyond the scope of discovery to the extent it is not relevant to the limited matters remaining before the Court and to the extent the Court already approved any action in an order or judgment.

- There is no legitimate reason for requiring Jamie to undertake the burden of sifting through documents he already produced and reproducing those documents that are responsive to this Document Request. Jamie objects to these Document Requests as duplicative, unduly burdensome, oppressive, and harassing to the extent the Document Requests seek some or all of the same documents and information that Jamie already voluntarily produced. Since October 2021, Jamie's counsel has arranged for nearly 600,000 pages of documents (consisting of more than 58 boxes of hard copy documents and more than 22 drives of electronic documents and spanning over 13 years of documents). Britney's own counsel admitted at the January 19, 2022 hearing that Jamie "produced voluminous information." *See* Jan, 19 Tr. 17:3-4. The nearly 600,000 pages of documents represent more than 124,500 electronic documents. Any responsive documents that are in Jamie's possession, custody, or control already are in Britney's possession, custody, or control or are otherwise equally available to her given Jamie's prior voluminous production of documents and information.

REASON TO COMPEL PRODUCTION TO REQUEST FOR PRODUCTION NO. 7:

As an initial matter, Mr. Spears fails to justify any of his objections with any facts, and none of his boilerplate objections are proper. (See *Costco Wholesale Corp. v. Superior Court* (2009) 47 Cal.4th 725, 733; *Coy v. Superior Court of Contra Costa County* (1962) 58 Cal.2d 210, 218-221.) It is important to bear in mind, too, that Mr. Spears has an obligation as a suspended conservator and fiduciary to turn over all relevant and responsive documents without any condition, regardless of the method of discovery sought. (See *Poag v. Winston* (1987) 195 Cal.App.3d 1161, 1176 ["As a fiduciary, a conservator owes a duty of loyalty which requires that he act in the highest good faith."].) This fact is buttressed by his new lawyer's own repeated claims of cooperation. Further, demonstrating regrettable gamesmanship and completely contradicting himself, Ms. Spears's counsel claims he "instructed" prior counsel to "withhold nothing" on the basis of privilege. Yet, his response to ***every single request*** for production includes objections on the basis of privilege. (See generally, McCurdy Decl., Ex. G.) This type of Alice-in-Wonderland dissembling is unacceptable.

Mr. Spears's counsel repeatedly and profusely promised his client's unconditional, transparent cooperation in producing "***all***" documents to Ms. Spears's counsel. Although these representations have, regrettably, proven to be false, made in an effort to create a false narrative and record—and what has

become a "Big Lie" of Mr. Spears's defense—they are nevertheless relevant; thus, in addition to Mr. Spears's statutory waiver, his boilerplate objections should also be considered waived as a matter of equity and fairness and he should be estopped from asserting them. By way of illustration only, by email dated October 22, 2021, Mr. Spears's counsel professed the following:

- That Mr. Spears would "***unconditionally[] cooperate*** with a complete and total transfer of ***all files*** regarding the conservatorship . . . ."
- That Ms. Spears was "***welcome to everything – complete transparency without conditions***."
- That he would "***do everything [he] [could]*** to help facilitate the direct transfer [of all files] from prior counsel . . . ."
- "Again, ***complete transparency without conditions***."

(McCurdy Decl., ¶ 10.)

In the November 1, 2021 Status Report, Mr. Spears's counsel represented the following:

- "Jamie has ***nothing to hide*** [and] ***will therefore hide nothing***."
- "Jamie affirms that he will ***unconditionally cooperate*** in transferring *all* [emphasis in original] files regarding the estate to Britney's counsel without delay."
- "Jamie recognizes his ***ongoing and transparent participation is paramount*** . . . ."
- "Jamie will ***unconditionally cooperate*** with a complete and total transfer of all files."
- "Jamie is committed to ***complete transparency without conditions***."

(McCurdy Decl., Ex. D.)

In a November 5, 2021 email, Mr. Spears's counsel stated that he and his client were supposedly "committed to ***complete transparency***," that they had "***withheld nothing***," and that he "provided ***explicit instructions to prior counsel to produce <u>everything without exception</u>***." (McCurdy Decl., ¶ 11.) Even more, Mr. Spears's counsel claimed that "whatever documents exist regarding electronic surveillance, to the extent that any, would part [*sic*] of the production being made by prior counsel." (*Id.*)

These promises are tantamount to a "Big Lie." By objecting to every single one of Ms. Spears's document requests, Mr. Spears has done the exact opposite of what he promised. Mr. Spears's tactics to create a false record and narrative should not be countenanced. Even putting aside his statutory and

fiduciary obligations, he has waived any objections and he should be ordered to produce all documents contained in the applicable requests.

Mr. Spears objects to the document requests as "unduly burdensome and unreasonable duplicative and cumulative" because he claims Ms. Spears requested similar information in requests for production propounded on him. (McCurdy Decl., Ex. G, ¶ 5.) The objection is contrary to law. California's Code of Civil Procedure does not preclude a party from seeking similar documents through different methods of discovery. "[T]he inspection of documents procedure is quite different from a deposition at which a party is required to bring documents. Nothing in either section 2025 or section 2031 suggests that seeking documents under one statutory procedure bars a litigant from seeking the same documents under the other." (*Carter v. Superior Court* (1990) 218 Cal.App.3d 994, 997.)[13] Thus, consistent with the Court's reasoning in *Carter*, Mr. Spears must bring the requested documents to his deposition pursuant to this different method of discovery. (See also *Irvington-Moore, Inc. v. Superior Court* (1993) 14 Cal.App.4th 733, 739 ["[T]he selection of the method of discovery is to be utilized is to be made by the party seeking discovery. It cannot be dictated by the opposing party.].)

Relatedly, Mr. Spears claims the document requests are "duplicative, unduly burdensome, oppressive, and harassing" because Mr. Spears already "voluntarily" produced some of the same documents and information. (McCurdy Decl., Ex. G, ¶ 7.) He is wrong, on multiple levels. Initially, "[a] party is permitted to use multiple methods of obtaining discovery and the fact that information was disclosed under one method is not, standing alone, a proper basis for refusing to provide discovery under another method." (*Irvington-Moore, Inc.*, *supra*, 14 Cal.App.4th at p. 739; see also *TBG Ins. Services Corp. v. Superior Court* (2002) 96 Cal.App.4th 443, 449 [citing *Irvington-Moore* for the proposition that "a party may use multiple methods to obtain discovery and the fact that information was disclosed under one method is not, by itself, a proper basis to refuse to provide discovery under another method"]; see, e.g. *Coy*, *supra*, 58 Cal.2d at p. 218 ["the bare claim of previous deposition is insufficient as an objection

[13] See also 10 Witkin, Cal. Evid. Discovery § 143 [discussing *Carter*]. Notably, the Legislature has amended the Civil Discovery Act several times since *Carter*, and it has done so without overruling or modifying *Carter*'s interpretation of the Act. "When a statute has been construed by the courts, and the Legislature thereafter reenacts that statute without changing the interpretation put on that statute by the court, the Legislature is presumed to have been aware of, and acquiesced in, the courts' construction of that statute." (*People v. Ledesma* (1997) 16 Cal.4th 90, 100-01.)

to an interrogatory . . . To suffice as a valid objection such claim must be supported by some showing (or, as a minimum, some claim) that the requirement of a reply would be unjust and inequitable"].)

Mr. Spears's objection that he has already produced some of the requested documents, even if true, is not a defense. To the extent he intended to actually rely on this objection, Mr. Spears needed to demonstrate that production of the requested documents now would be "unjust and inequitable." But he grossly fails to so demonstrate; instead, he relies on his "Big Lie" defense: that he has cooperated and transferred all of the documents requested. Mr. Spears also astonishingly objects on the basis that "there are no further documents [he] could provide to respond to the Deposition Notice, Document Requests, and definitions" because he supposedly has produced them all. (McCurdy Decl., Ex. G, at p. 3:22-23.) If this were true (and it is false), then why does he not so state in a single response, instead of making countless boilerplate objections? Why does he not appear at his deposition, and so state on the record, under penalty of perjury? Why does he not identify the requested documents—by Bates number? Why does he not correlate them to the document requests at issue? And why does he not simply provide answers to the following questions and requests that have been posed to him repeatedly?

As referenced above, despite our repeated and ongoing requests, while relying on the facile and false claim that he has produced "everything" requested, Mr. Spears has also failed to produce all text or email communications between and amongst Tri Star, Black Box, himself, and his counsel (see *Moeller* and *Stine*, *infra* at pp. 19-20) concerning the illicit surveillance operation at issue. Indeed, he falsely claims it "***DIDN'T HAPPEN, YOUR HONOR***," *supra* at 9. In short, as part of their efforts to stonewall and hide the truth, Mr. Spears has engaged in improper disjointed and incomplete "document dumps" rather than a professional, organized, and labelled production of documents. More pointedly, he has failed to produce *any* documents pursuant to and correlated to the deposition notices, ***not one***. (See *Kayne v. Grande Holdings Ltd.* (2011) 198 Cal.App.4th 1470, 1475-76 [sanctions appropriate where party refused to produce documents in an organized and labelled manner].)[14]

Mr. Spears also objects that the document requests "attempt to relitigate the entire thirteen-year Conservatorship and innumerable final court orders," and "are not relevant and not reasonably calculated to lead to the discovery of admissible evidence." (McCurdy Decl., Ex. G, ¶¶ 6, 8.) Nonsense.

[14] As a matter of restraint, we refrain herein from moving for sanctions but reserve all rights in that regard.

"Discovery may relate to the claim or defense of the party seeking discovery or of any other party to the action." (Code Civ. Proc., § 2017.010.) In this case, the document requests directly relate to Mr. Spears's role and conduct as former conservator of the estate, which are also directly at issue under *Shine*, *Kasperbauer*, and *Hudson.* The requested documents are thus not only "reasonably calculated" to lead to the discovery of admissible evidence, they go directly to the heart of numerous pending matters including Mr. Spears's fee petition and accountings, see, e.g., *Shine*, *supra*, 16 Cal.App.4th at p. 540; *Hudson*, *supra*, 68 Cal.App.4th at pp. 669-670.

Under the circumstances, Mr. Spears's objection that the requests are somehow "not reasonably calculated to lead to the discovery of admissible evidence" (McCurdy Decl., Ex. G, ¶¶ 8, 9) are, in fact, legally frivolous. (See *Pacific Tel. & Tel. Co. v. Superior Court* (1970) 2 Cal.3d 161, 173; *Garamendi v. Golden Eagle Ins. Co*. (2004) 116 Cal.App.4th 694, 712 fn. 8.)

Mr. Spears's objections on grounds of purportedly vague and ambiguous requests, or the terms "YOU" and "YOUR," are all baseless. (McCurdy Decl. G, ¶¶ 9, 11.) He has not and cannot explain in any manner what he claims not to understand about the document requests. (See *Deyo v. Kilbourne* (1978) 84 Cal.App.3d 771, 783 ["[W]here the question is somewhat ambiguous, but the nature of the information sought is apparent, the proper solution is to provide an appropriate response."].) Mr. Spears also fails to support his baseless burdensome and oppressive objections and asserts all of them without any actual factual support whatsoever. (See McCurdy Decl., Ex. G, ¶¶ 9, 12, 15, 16, 17.) "The objection based upon burden must be sustained by ***evidence showing*** the quantum of work required, while to support an objection of oppression there must be ***some showing*** either of an intent to create an unreasonable burden or that the ultimate effect of the burden is incommensurate with the result sought." (*W. Pico Furniture Co. v. Superior Court* (1961) 56 Cal.2d 407, 417, 418.) Mr. Spears fails to make any showing as to burden or oppression. (See *id.* at p. 418 ["The objection of burden is valid only when that burden is ***demonstrated*** to result in injustice."]; *cf. Mead Reinsurance Co. v. Superior Ct.* (1986) 188 Cal.App.3d 313, 321. For these reasons, Mr. Spears's objection that the documents "may be obtained from other sources or through other means of discovery" (McCurdy Decl., Ex. G, ¶ 15), and that the burden and expense would "outweigh the likely benefit of this discovery" (McCurdy Decl., Ex. G, ¶ 17) is also completely meritless.

Additionally, to the extent Mr. Spears objects that the document requests are "oppressive" because they "do not contain any temporal limitations" (an objection repeated in every response) this argument is also meritless. Again, no showing has been made of any intent to create an unreasonable burden, and any objection based on a lack of temporal definition is hypocritical. We are only here today because Britney Spears was under her father's infantilizing control for more than a decade. Further, the evidence shows that the conservatorship was conflicted from the very outset, when, among other things, Mr. Spears violated Rule of Court 7.1059 by obtaining a substantial loan from Tri Star and then hiring Tri Star (a then fledgling company) as her business manager. And any claim that *Mr. Spears* faces "oppression" such that he cannot respond to discovery relating to *his own* oppression of Britney Spears is, to say the least, rich. Mr. Spears put his conduct at issue and he must face the consequences.

Mr. Spears's objections on privileged meritless, inapplicable, and have been waived. *First*, to the extent any privilege was claimed, Mr. Spears should have supported the claim with "sufficient factual information for other parties to evaluate the merits of that claim," such as a privilege log. (See, e.g. Code Civ. Proc. § 2031.240(c); *Riddell, Inc. v. Superior Court* (2017) 14 Cal.App.5th 755, 772 ["if an objection to a document request is based on a claim of privilege or work product, then the response to the request 'shall provide sufficient factual information for other parties to evaluate the merits of that claim'"]); (See *Costco*, *supra*, 47 Cal.4th at p. 733 ["[t]he party claiming the privilege has the burden of establishing the preliminary facts necessary to support its exercise"].) He failed to do so.

Second, now that Mr. Spears has been suspended as conservator of the estate, he no longer holds any attorney-client privilege. (See *Stine v. Dell'Osso* (2014) 239 Cal.App.4th 834, 843 [successor fiduciary became holder of the privilege of all communications between fiduciary and his counsel regarding the estate, whenever they occurred]; see also *Moeller v. Superior Court* (1997) 16 Cal.4th 1124, 1129-1135 [because fiduciary is holder of the attorney-client privilege in his or her capacity as such, successor fiduciary becomes the holder as to confidential communications between the predecessor fiduciary and attorney concerning trust administration]; Cal. Probate Code, § 8524, subd. (c). Because he was suspended, Mr. Spears quite simply has no privilege to claim.

Third, as noted above, Mr. Spears also waived any privilege claims. In addition to failing to timely object, his counsel promised "***unconditional[] cooperat[ion]***," "***complete transparency without***

conditions," and that Britney Spears was "***welcome to everything***." (See McCurdy Decl., ¶ 10, Ex. D.) Even further, Mr. Spears's counsel stated that he had "provided ***explicit instructions to prior counsel to produce everything without exception***." (See McCurdy Decl., ¶ 11; see also *infra*, n.4.) Under *Moeller* and *Stine,* Mr. Spears does not hold the privilege. And in any event, even if the documents at issue were privileged (and they are not) he has waived any such privilege and should be estopped from asserted any such objections.

Mr. Spears also objects that the requests somehow violate his right to privacy. (McCurdy Decl., Ex. G, ¶ 10.) This makes no sense. It is Mr. Spears's burden to justify the objection, and he has failed to do so. (See *Coy*, *supra*, 58 Cal.2d at pp. 220-221; *Fairmont Ins. Co. v. Super. Ct.* (2000) 22 Cal.4th 245, 255.) Mr. Spears's position also reeks of hypocrisy given his gross violations of *his daughter's* privacy. Finally, any claimed right to privacy must be considered against the "historically important state interest of facilitating the ascertainment of truth in connection with legal proceedings." (See *Gregori v. Bank of America* (1989) 207 Cal.App.3d 291, 312.) Even as Mr. Spears hides it, the mission remains to ascertain the truth, which necessarily trumps Mr. Spears's evasive and fabricated "privacy rights."

Mr. Spears additionally claims each document request violates confidentiality or the "common interest doctrine." Not only does Mr. Spears once again fail to support this objection with any facts, the "common interest doctrine" is a "nonwaiver doctrine," and does not separately act as a privilege shielding documents from discovery. (See *OXY Resources California LLC v. Superior Court* (2004) 115 Cal.App.4th 874, 889-90 ["party seeking to invoke the [common interest] doctrine must first establish that the communicated information would otherwise be protected from a disclosure by a claim of privilege"].) No privilege exists here to protect the disclosure of the requested documents.

Finally, Mr. Spears purports to assert hodgepodge objections that the document requests are "speculative, lack foundation, or improperly assume the existence of hypothetical facts that are incorrect or unknown to Jamie" and "call for a legal conclusion." (McCurdy Decl., Ex. G, ¶¶ 13, 14.) In asserting this boilerplate objection, Mr., Spears does nothing more than cite boilerplate buzz words into his general objections; he fails to incorporate them anywhere else, and he fails to justify how the document requests are so formed. This is because he is, once again, wrong and he is once again seeking to evade the truth and its consequences. As demonstrated above and as the requests themselves demonstrate, the requests

are narrowly tailored to pending issues, which were put front and center by Mr. Spears himself. The use of such general objections, as applied here, is improper under the California Civil Discovery Act, and their bald assertion in this context demonstrates Mr. Spears's desperation and lack of any factual basis for them. (See generally *Korea Data Sys. Co. v. Superior Court* (1997) 51 Cal.App.4th 1513, 1516 [use of boilerplate objections is improper and sanctionable].)

REQUEST FOR PRODUCTION NO. 8:

All correspondence (whether on paper, electronically, or by text or instant message) with Tri Star Sports & Entertainment Group RELATING TO Tri Star Sports & Entertainment Group's compensation.

RESPONSE TO REQUEST FOR PRODUCTION NO. 8:

Jamie incorporates by reference his General Objections. Jamie further objects to the Document Request to the extent it is vague, ambiguous, overly broad, unduly burdensome, and oppressive especially as it does not contain any temporal limitations. Jamie further objects to the Document Request to the extent it impermissibly seeks material protected by the attorney-client privilege, the attorney work-product doctrine, and/or the common interest doctrine. Jamie further objects to the Document Request to the extent that it seeks information that is already in Britney's possession or equally available to her.

Jamie further objects to the Document Request as follows:

- Jamie objects on the grounds that the Document Request is unduly burdensome and unreasonably duplicative and cumulative because it seeks the same information that was requested by Britney from Jamie in her August 25, 2021 First Set of Requests for Production (*see, e.g.*, Request for Production No. 8) and in her December 17, 2021 Second Set of Requests for Production (*see, e.g.*, Request for Production No. 8). This is now the third time Britney served the exact same request.
- The Document Request extends beyond the proper scope of discovery and improperly attempts to re-litigate the thirteen-year Conservatorship and innumerable final court orders. California Civil Procedure Code Section 2017.010 limits the scope of discovery to matters relevant to the subject matter involved in the pending action. California Probate Code Section 2103 releases a conservator and the sureties from all the conservatee's claims when the court authorizes, approves, or confirms the action in an order. This Document Request is therefore overbroad, unduly burdensome, and beyond the scope of

discovery to the extent it is not relevant to the limited matters remaining before the Court and to the extent the Court already approved any action in an order or judgment.

- There is no legitimate reason for requiring Jamie to undertake the burden of sifting through documents he already produced and reproducing those documents that are responsive to this Document Request. Jamie objects to these Document Requests as duplicative, unduly burdensome, oppressive, and harassing to the extent the Document Requests seek some or all of the same documents and information that Jamie already voluntarily produced. Since October 2021, Jamie's counsel has arranged for nearly 600,000 pages of documents (consisting of more than 58 boxes of hard copy documents and more than 22 drives of electronic documents and spanning over 13 years of documents). Britney's own counsel admitted at the January 19, 2022 hearing that Jamie "produced voluminous information." *See* Jan. 19 Tr. 17:3-4. The nearly 600,000 pages of documents represent more than 124,500 electronic documents. Any responsive documents that are in Jamie's possession, custody, or control already are in Britney's possession, custody, or control or are otherwise equally available to her given Jamie's prior voluminous production of documents and information.

REASON TO COMPEL PRODUCTION TO REQUEST FOR PRODUCTION NO. 8:

As an initial matter, Mr. Spears fails to justify any of his objections with any facts, and none of his boilerplate objections are proper. (See *Costco Wholesale Corp. v. Superior Court* (2009) 47 Cal.4th 725, 733; *Coy v. Superior Court of Contra Costa County* (1962) 58 Cal.2d 210, 218-221.) It is important to bear in mind, too, that Mr. Spears has an obligation as a suspended conservator and fiduciary to turn over all relevant and responsive documents without any condition, regardless of the method of discovery sought. (See *Poag v. Winston* (1987) 195 Cal.App.3d 1161, 1176 ["As a fiduciary, a conservator owes a duty of loyalty which requires that he act in the highest good faith."].) This fact is buttressed by his new lawyer's own repeated claims of cooperation. Further, demonstrating regrettable gamesmanship and completely contradicting himself, Ms. Spears's counsel claims he "instructed" prior counsel to "withhold nothing" on the basis of privilege. Yet, his response to ***every single request*** for production includes objections on the basis of privilege. (See generally, McCurdy Decl., Ex. G.) This type of Alice-in-Wonderland dissembling is unacceptable.

Mr. Spears's counsel repeatedly and profusely promised his client's unconditional, transparent cooperation in producing "***all***" documents to Ms. Spears's counsel. Although these representations have, regrettably, proven to be false, made in an effort to create a false narrative and record—and what has become a "Big Lie" of Mr. Spears's defense—they are nevertheless relevant; thus, in addition to Mr. Spears's statutory waiver, his boilerplate objections should also be considered waived as a matter of equity and fairness and he should be estopped from asserting them. By way of illustration only, by email dated October 22, 2021, Mr. Spears's counsel professed the following:

- That Mr. Spears would "***unconditionally[] cooperate*** with a complete and total transfer of ***all files*** regarding the conservatorship . . . ."
- That Ms. Spears was "***welcome to everything – complete transparency without conditions***."
- That he would "***do everything [he] [could]*** to help facilitate the direct transfer [of all files] from prior counsel . . . ."
- "Again, ***complete transparency without conditions***."

(McCurdy Decl., ¶ 10.)

In the November 1, 2021 Status Report, Mr. Spears's counsel represented the following:

- "Jamie has ***nothing to hide*** [and] ***will therefore hide nothing***."
- "Jamie affirms that he will ***unconditionally cooperate*** in transferring *all* [emphasis in original] files regarding the estate to Britney's counsel without delay."
- "Jamie recognizes his ***ongoing and transparent participation is paramount*** . . . ."
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- "Jamie is committed to ***complete transparency without conditions***."

(McCurdy Decl., Ex. D.)

In a November 5, 2021 email, Mr. Spears's counsel stated that he and his client were supposedly "committed to ***complete transparency***," that they had "***withheld nothing***," and that he "provided ***explicit instructions to prior counsel to produce everything without exception***." (McCurdy Decl., ¶ 11.) Even more, Mr. Spears's counsel claimed that "whatever documents exist regarding electronic surveillance, to the extent that any, would part [*sic*] of the production being made by prior counsel." (*Id.*)

These promises are tantamount to a "Big Lie." By objecting to every single one of Ms. Spears's document requests, Mr. Spears has done the exact opposite of what he promised. Mr. Spears's tactics to create a false record and narrative should not be countenanced. Even putting aside his statutory and fiduciary obligations, he has waived any objections and he should be ordered to produce all documents contained in the applicable requests.

Mr. Spears objects to the document requests as "unduly burdensome and unreasonable duplicative and cumulative" because he claims Ms. Spears requested similar information in requests for production propounded on him. (McCurdy Decl., Ex. G, ¶ 5.) The objection is contrary to law. California's Code of Civil Procedure does not preclude a party from seeking similar documents through different methods of discovery. "[T]he inspection of documents procedure is quite different from a deposition at which a party is required to bring documents. Nothing in either section 2025 or section 2031 suggests that seeking documents under one statutory procedure bars a litigant from seeking the same documents under the other." (*Carter v. Superior Court* (1990) 218 Cal.App.3d 994, 997.)[15] Thus, consistent with the Court's reasoning in *Carter*, Mr. Spears must bring the requested documents to his deposition pursuant to this different method of discovery. (See also *Irvington-Moore, Inc. v. Superior Court* (1993) 14 Cal.App.4th 733, 739 ["[T]he selection of the method of discovery is to be utilized is to be made by the party seeking discovery. It cannot be dictated by the opposing party.].)

Relatedly, Mr. Spears claims the document requests are "duplicative, unduly burdensome, oppressive, and harassing" because Mr. Spears already "voluntarily" produced some of the same documents and information. (McCurdy Decl., Ex. G, ¶ 7.) He is wrong, on multiple levels. Initially, "[a] party is permitted to use multiple methods of obtaining discovery and the fact that information was disclosed under one method is not, standing alone, a proper basis for refusing to provide discovery under another method." (*Irvington-Moore, Inc.*, *supra*, 14 Cal.App.4th at p. 739; see also *TBG Ins. Services Corp. v. Superior Court* (2002) 96 Cal.App.4th 443, 449 [citing *Irvington-Moore* for the proposition that "a party may use multiple methods to obtain discovery and the fact that information was disclosed under

[15] See also 10 Witkin, Cal. Evid. Discovery § 143 [discussing *Carter*]. Notably, the Legislature has amended the Civil Discovery Act several times since *Carter*, and it has done so without overruling or modifying *Carter*'s interpretation of the Act. "When a statute has been construed by the courts, and the Legislature thereafter reenacts that statute without changing the interpretation put on that statute by the court, the Legislature is presumed to have been aware of, and acquiesced in, the courts' construction of that statute." (*People v. Ledesma* (1997) 16 Cal.4th 90, 100-01.)

one method is not, by itself, a proper basis to refuse to provide discovery under another method"]; see, e.g. *Coy*, *supra*, 58 Cal.2d at p. 218 ["the bare claim of previous deposition is insufficient as an objection to an interrogatory . . . To suffice as a valid objection such claim must be supported by some showing (or, as a minimum, some claim) that the requirement of a reply would be unjust and inequitable"].)

Mr. Spears's objection that he has already produced some of the requested documents, even if true, is not a defense. To the extent he intended to actually rely on this objection, Mr. Spears needed to demonstrate that production of the requested documents now would be "unjust and inequitable." But he grossly fails to so demonstrate; instead, he relies on his "Big Lie" defense: that he has cooperated and transferred all of the documents requested. Mr. Spears also astonishingly objects on the basis that "there are no further documents [he] could provide to respond to the Deposition Notice, Document Requests, and definitions" because he supposedly has produced them all. (McCurdy Decl., Ex. G, at p. 3:22-23.) If this were true (and it is false), then why does he not so state in a single response, instead of making countless boilerplate objections? Why does he not appear at his deposition, and so state on the record, under penalty of perjury? Why does he not identify the requested documents—by Bates number? Why does he not correlate them to the document requests at issue? And why does he not simply provide answers to the following questions and requests that have been posed to him repeatedly?

As referenced above, despite our repeated and ongoing requests, while relying on the facile and false claim that he has produced "everything" requested, Mr. Spears has also failed to produce all text or email communications between and amongst Tri Star, Black Box, himself, and his counsel (see *Moeller* and *Stine*, *infra* at pp. 19-20) concerning the illicit surveillance operation at issue. Indeed, he falsely claims it "***DIDN'T HAPPEN, YOUR HONOR***," *supra* at 9. In short, as part of their efforts to stonewall and hide the truth, Mr. Spears has engaged in improper disjointed and incomplete "document dumps" rather than a professional, organized, and labelled production of documents. More pointedly, he has failed to produce *any* documents pursuant to and correlated to the deposition notices, ***not one***. (See *Kayne v. Grande Holdings Ltd.* (2011) 198 Cal.App.4th 1470, 1475-76 [sanctions appropriate where party refused to produce documents in an organized and labelled manner].)[16]

[16] As a matter of restraint, we refrain herein from moving for sanctions but reserve all rights in that regard.

Mr. Spears also objects that the document requests "attempt to relitigate the entire thirteen-year Conservatorship and innumerable final court orders," and "are not relevant and not reasonably calculated to lead to the discovery of admissible evidence." (McCurdy Decl., Ex. G, ¶¶ 6, 8.) Nonsense. "Discovery may relate to the claim or defense of the party seeking discovery or of any other party to the action." (Code Civ. Proc., § 2017.010.) In this case, the document requests directly relate to Mr. Spears's role and conduct as former conservator of the estate, which are also directly at issue under *Shine*, *Kasperbauer*, and *Hudson.* The requested documents are thus not only "reasonably calculated" to lead to the discovery of admissible evidence, they go directly to the heart of numerous pending matters including Mr. Spears's fee petition and accountings, see, e.g., *Shine*, *supra*, 16 Cal.App.4th at p. 540; *Hudson*, *supra*, 68 Cal.App.4th at pp. 669-670.

Under the circumstances, Mr. Spears's objection that the requests are somehow "not reasonably calculated to lead to the discovery of admissible evidence" (McCurdy Decl., Ex. G, ¶¶ 8, 9) are, in fact, legally frivolous. (See *Pacific Tel. & Tel. Co. v. Superior Court* (1970) 2 Cal.3d 161, 173; *Garamendi v. Golden Eagle Ins. Co*. (2004) 116 Cal.App.4th 694, 712 fn. 8.)

Mr. Spears's objections on grounds of purportedly vague and ambiguous requests, or the terms "YOU" and "YOUR," are all baseless. (McCurdy Decl. G, ¶¶ 9, 11.) He has not and cannot explain in any manner what he claims not to understand about the document requests. (See *Deyo v. Kilbourne* (1978) 84 Cal.App.3d 771, 783 ["[W]here the question is somewhat ambiguous, but the nature of the information sought is apparent, the proper solution is to provide an appropriate response."].) Mr. Spears also fails to support his baseless burdensome and oppressive objections and asserts all of them without any actual factual support whatsoever. (See McCurdy Decl., Ex. G, ¶¶ 9, 12, 15, 16, 17.) "The objection based upon burden must be sustained by ***evidence showing*** the quantum of work required, while to support an objection of oppression there must be ***some showing*** either of an intent to create an unreasonable burden or that the ultimate effect of the burden is incommensurate with the result sought." (*W. Pico Furniture Co. v. Superior Court* (1961) 56 Cal.2d 407, 417, 418.) Mr. Spears fails to make any showing as to burden or oppression. (See *id.* at p. 418 ["The objection of burden is valid only when that burden is ***demonstrated*** to result in injustice."]; *cf. Mead Reinsurance Co. v. Superior Ct.* (1986) 188 Cal.App.3d 313, 321. For these reasons, Mr. Spears's objection that the documents "may be obtained

from other sources or through other means of discovery" (McCurdy Decl., Ex. G, ¶ 15), and that the burden and expense would "outweigh the likely benefit of this discovery" (McCurdy Decl., Ex. G, ¶ 17) is also completely meritless.

Additionally, to the extent Mr. Spears objects that the document requests are "oppressive" because they "do not contain any temporal limitations" (an objection repeated in every response) this argument is also meritless. Again, no showing has been made of any intent to create an unreasonable burden, and any objection based on a lack of temporal definition is hypocritical. We are only here today because Britney Spears was under her father's infantilizing control for more than a decade. Further, the evidence shows that the conservatorship was conflicted from the very outset, when, among other things, Mr. Spears violated Rule of Court 7.1059 by obtaining a substantial loan from Tri Star and then hiring Tri Star (a then fledgling company) as her business manager. And any claim that *Mr. Spears* faces "oppression" such that he cannot respond to discovery relating to *his own* oppression of Britney Spears is, to say the least, rich. Mr. Spears put his conduct at issue and he must face the consequences.

Mr. Spears's objections on privileged meritless, inapplicable, and have been waived. *First*, to the extent any privilege was claimed, Mr. Spears should have supported the claim with "sufficient factual information for other parties to evaluate the merits of that claim," such as a privilege log. (See, e.g. Code Civ. Proc. § 2031.240(c); *Riddell, Inc. v. Superior Court* (2017) 14 Cal.App.5th 755, 772 ["if an objection to a document request is based on a claim of privilege or work product, then the response to the request 'shall provide sufficient factual information for other parties to evaluate the merits of that claim'"]); (See *Costco*, *supra*, 47 Cal.4th at p. 733 ["[t]he party claiming the privilege has the burden of establishing the preliminary facts necessary to support its exercise"].) He failed to do so.

Second, now that Mr. Spears has been suspended as conservator of the estate, he no longer holds any attorney-client privilege. (See *Stine v. Dell'Osso* (2014) 239 Cal.App.4th 834, 843 [successor fiduciary became holder of the privilege of all communications between fiduciary and his counsel regarding the estate, whenever they occurred]; see also *Moeller v. Superior Court* (1997) 16 Cal.4th 1124, 1129-1135 [because fiduciary is holder of the attorney-client privilege in his or her capacity as such, successor fiduciary becomes the holder as to confidential communications between the predecessor

fiduciary and attorney concerning trust administration]; Cal. Probate Code, § 8524, subd. (c). Because he was suspended, Mr. Spears quite simply has no privilege to claim.

Third, as noted above, Mr. Spears also waived any privilege claims. In addition to failing to timely object, his counsel promised "***unconditional[] cooperat[ion]***," "***complete transparency without conditions***," and that Britney Spears was "***welcome to everything***." (See McCurdy Decl., ¶ 10, Ex. D.) Even further, Mr. Spears's counsel stated that he had "provided ***explicit instructions to prior counsel to produce everything without exception***." (See McCurdy Decl., ¶ 11; see also *infra*, n.4.) Under *Moeller* and *Stine,* Mr. Spears does not hold the privilege. And in any event, even if the documents at issue were privileged (and they are not) he has waived any such privilege and should be estopped from asserted any such objections.

Mr. Spears also objects that the requests somehow violate his right to privacy. (McCurdy Decl., Ex. G, ¶ 10.) This makes no sense. It is Mr. Spears's burden to justify the objection, and he has failed to do so. (See *Coy*, *supra*, 58 Cal.2d at pp. 220-221; *Fairmont Ins. Co. v. Super. Ct.* (2000) 22 Cal.4th 245, 255.) Mr. Spears's position also reeks of hypocrisy given his gross violations of *his daughter's* privacy. Finally, any claimed right to privacy must be considered against the "historically important state interest of facilitating the ascertainment of truth in connection with legal proceedings." (See *Gregori v. Bank of America* (1989) 207 Cal.App.3d 291, 312.) Even as Mr. Spears hides it, the mission remains to ascertain the truth, which necessarily trumps Mr. Spears's evasive and fabricated "privacy rights."

Mr. Spears additionally claims each document request violates confidentiality or the "common interest doctrine." Not only does Mr. Spears once again fail to support this objection with any facts, the "common interest doctrine" is a "nonwaiver doctrine," and does not separately act as a privilege shielding documents from discovery. (See *OXY Resources California LLC v. Superior Court* (2004) 115 Cal.App.4th 874, 889-90 ["party seeking to invoke the [common interest] doctrine must first establish that the communicated information would otherwise be protected from a disclosure by a claim of privilege"].) No privilege exists here to protect the disclosure of the requested documents.

Finally, Mr. Spears purports to assert hodgepodge objections that the document requests are "speculative, lack foundation, or improperly assume the existence of hypothetical facts that are incorrect or unknown to Jamie" and "call for a legal conclusion." (McCurdy Decl., Ex. G, ¶¶ 13, 14.) In asserting

this boilerplate objection, Mr., Spears does nothing more than cite boilerplate buzz words into his general objections; he fails to incorporate them anywhere else, and he fails to justify how the document requests are so formed. This is because he is, once again, wrong and he is once again seeking to evade the truth and its consequences. As demonstrated above and as the requests themselves demonstrate, the requests are narrowly tailored to pending issues, which were put front and center by Mr. Spears himself. The use of such general objections, as applied here, is improper under the California Civil Discovery Act, and their bald assertion in this context demonstrates Mr. Spears's desperation and lack of any factual basis for them. (See generally *Korea Data Sys. Co. v. Superior Court* (1997) 51 Cal.App.4th 1513, 1516 [use of boilerplate objections is improper and sanctionable].)

REQUEST FOR PRODUCTION NO. 9:

All DOCUMENTS RELATING TO a listening or recording device placed in Britney Jean Spears's home or bedroom.

RESPONSE TO REQUEST FOR PRODUCTION NO. 9:

Jamie incorporates by reference his General Objections. Jamie further objects to the Document Request to the extent it is vague, ambiguous, overly broad, unduly burdensome, and oppressive especially as it does not contain any temporal limitations. Jamie further objects to the Document Request to the extent it impermissibly seeks material protected by the attorney-client privilege, the attorney work-product doctrine, and/or the common interest doctrine. Jamie further objects to the Document Request to the extent that it seeks information that is already in Britney's possession or equally available to her. Jamie objects on the grounds that this

Document Request presents an incomplete hypothetical and assumes facts.

Jamie further objects to the Document Request as follows:

- Jamie objects on the grounds that the Document Request is unduly burdensome and unreasonably duplicative and cumulative because it seeks the same information that was requested by Britney from Jamie in her December 17, 2021 Second Set of Requests for Production (*see, e.g.*, Request for Production No. 10). This is now the second time Britney served the exact same request.
- The Document Request extends beyond the proper scope of discovery and improperly attempts to re-litigate the thirteen-year Conservatorship and innumerable final court orders. California

Civil Procedure Code Section 2017.010 limits the scope of discovery to matters relevant to the subject matter involved in the pending action. California Probate Code Section 2103 releases a conservator and the sureties from all the conservatee's claims when the court authorizes, approves, or confirms the action in an order. This Document Request is therefore overbroad, unduly burdensome, and beyond the scope of discovery to the extent it is not relevant to the limited matters remaining before the Court and to the extent the Court already approved any action in an order or judgment.

- There is no legitimate reason for requiring Jamie to undertake the burden of sifting through documents he already produced and reproducing those documents that are responsive to this Document Request. Jamie objects to these Document Requests as duplicative, unduly burdensome, oppressive, and harassing to the extent the Document Requests seek some or all of the same documents and information that Jamie already voluntarily produced. Since October 2021, Jamie's counsel has arranged for nearly 600,000 pages of documents (consisting of more than 58 boxes of hard copy documents and more than 22 drives of electronic documents and spanning over 13 years of documents). Britney's own counsel admitted at the January 19, 2022 hearing that Jamie "produced voluminous information." *See* Jan. 19 Tr. 17:3-4. The nearly 600,000 pages of documents represent more than 124,500 electronic documents. Any responsive documents that are in Jamie's possession, custody, or control already are in Britney's possession, custody, or control or are otherwise equally available to her given Jamie's prior voluminous production of documents and information.

REASON TO COMPEL PRODUCTION TO REQUEST FOR PRODUCTION NO. 9:

As an initial matter, Mr. Spears fails to justify any of his objections with any facts, and none of his boilerplate objections are proper. (See *Costco Wholesale Corp. v. Superior Court* (2009) 47 Cal.4th 725, 733; *Coy v. Superior Court of Contra Costa County* (1962) 58 Cal.2d 210, 218-221.) It is important to bear in mind, too, that Mr. Spears has an obligation as a suspended conservator and fiduciary to turn over all relevant and responsive documents without any condition, regardless of the method of discovery sought. (See *Poag v. Winston* (1987) 195 Cal.App.3d 1161, 1176 ["As a fiduciary, a conservator owes a duty of loyalty which requires that he act in the highest good faith."].) This fact is buttressed by his new lawyer's own repeated claims of cooperation. Further, demonstrating regrettable gamesmanship and completely contradicting himself, Ms. Spears's counsel claims he "instructed" prior counsel to "withhold

nothing" on the basis of privilege. Yet, his response to ***every single request*** for production includes objections on the basis of privilege. (See generally, McCurdy Decl., Ex. G.) This type of Alice-in-Wonderland dissembling is unacceptable.

Mr. Spears's counsel repeatedly and profusely promised his client's unconditional, transparent cooperation in producing "***all***" documents to Ms. Spears's counsel. Although these representations have, regrettably, proven to be false, made in an effort to create a false narrative and record—and what has become a "Big Lie" of Mr. Spears's defense—they are nevertheless relevant; thus, in addition to Mr. Spears's statutory waiver, his boilerplate objections should also be considered waived as a matter of equity and fairness and he should be estopped from asserting them. By way of illustration only, by email dated October 22, 2021, Mr. Spears's counsel professed the following:

- That Mr. Spears would "***unconditionally[] cooperate*** with a complete and total transfer of ***all files*** regarding the conservatorship . . . ."
- That Ms. Spears was "***welcome to everything – complete transparency without conditions***."
- That he would "***do everything [he] [could]*** to help facilitate the direct transfer [of all files] from prior counsel . . . ."
- "Again, ***complete transparency without conditions***."

(McCurdy Decl., ¶ 10.)

In the November 1, 2021 Status Report, Mr. Spears's counsel represented the following:

- "Jamie has ***nothing to hide*** [and] ***will therefore hide nothing***."
- "Jamie affirms that he will ***unconditionally cooperate*** in transferring *all* [emphasis in original] files regarding the estate to Britney's counsel without delay."
- "Jamie recognizes his ***ongoing and transparent participation is paramount*** . . . ."
- "Jamie will ***unconditionally cooperate*** with a complete and total transfer of all files."
- "Jamie is committed to ***complete transparency without conditions***."

(McCurdy Decl., Ex. D.)

In a November 5, 2021 email, Mr. Spears's counsel stated that he and his client were supposedly "committed to ***complete transparency***," that they had "***withheld nothing***," and that he "provided ***explicit***

instructions to prior counsel to produce <u>everything without exception</u>." (McCurdy Decl., ¶ 11.) Even more, Mr. Spears's counsel claimed that "whatever documents exist regarding electronic surveillance, to the extent that any, would part [*sic*] of the production being made by prior counsel." (*Id.*)

These promises are tantamount to a "Big Lie." By objecting to every single one of Ms. Spears's document requests, Mr. Spears has done the exact opposite of what he promised. Mr. Spears's tactics to create a false record and narrative should not be countenanced. Even putting aside his statutory and fiduciary obligations, he has waived any objections and he should be ordered to produce all documents contained in the applicable requests.

Mr. Spears objects to the document requests as "unduly burdensome and unreasonable duplicative and cumulative" because he claims Ms. Spears requested similar information in requests for production propounded on him. (McCurdy Decl., Ex. G, ¶ 5.) The objection is contrary to law. California's Code of Civil Procedure does not preclude a party from seeking similar documents through different methods of discovery. "[T]he inspection of documents procedure is quite different from a deposition at which a party is required to bring documents. Nothing in either section 2025 or section 2031 suggests that seeking documents under one statutory procedure bars a litigant from seeking the same documents under the other." (*Carter v. Superior Court* (1990) 218 Cal.App.3d 994, 997.)[17] Thus, consistent with the Court's reasoning in *Carter*, Mr. Spears must bring the requested documents to his deposition pursuant to this different method of discovery. (See also *Irvington-Moore, Inc. v. Superior Court* (1993) 14 Cal.App.4th 733, 739 ["[T]he selection of the method of discovery is to be utilized is to be made by the party seeking discovery. It cannot be dictated by the opposing party.].)

Relatedly, Mr. Spears claims the document requests are "duplicative, unduly burdensome, oppressive, and harassing" because Mr. Spears already "voluntarily" produced some of the same documents and information. (McCurdy Decl., Ex. G, ¶ 7.) He is wrong, on multiple levels. Initially, "[a] party is permitted to use multiple methods of obtaining discovery and the fact that information was disclosed under one method is not, standing alone, a proper basis for refusing to provide discovery under

[17] See also 10 Witkin, Cal. Evid. Discovery § 143 [discussing *Carter*]. Notably, the Legislature has amended the Civil Discovery Act several times since *Carter*, and it has done so without overruling or modifying *Carter*'s interpretation of the Act. "When a statute has been construed by the courts, and the Legislature thereafter reenacts that statute without changing the interpretation put on that statute by the court, the Legislature is presumed to have been aware of, and acquiesced in, the courts' construction of that statute." (*People v. Ledesma* (1997) 16 Cal.4th 90, 100-01.)

another method." (*Irvington-Moore, Inc.*, *supra*, 14 Cal.App.4th at p. 739; see also *TBG Ins. Services Corp. v. Superior Court* (2002) 96 Cal.App.4th 443, 449 [citing *Irvington-Moore* for the proposition that "a party may use multiple methods to obtain discovery and the fact that information was disclosed under one method is not, by itself, a proper basis to refuse to provide discovery under another method"]; see, e.g. *Coy*, *supra*, 58 Cal.2d at p. 218 ["the bare claim of previous deposition is insufficient as an objection to an interrogatory . . . To suffice as a valid objection such claim must be supported by some showing (or, as a minimum, some claim) that the requirement of a reply would be unjust and inequitable"].)

Mr. Spears's objection that he has already produced some of the requested documents, even if true, is not a defense. To the extent he intended to actually rely on this objection, Mr. Spears needed to demonstrate that production of the requested documents now would be "unjust and inequitable." But he grossly fails to so demonstrate; instead, he relies on his "Big Lie" defense: that he has cooperated and transferred all of the documents requested. Mr. Spears also astonishingly objects on the basis that "there are no further documents [he] could provide to respond to the Deposition Notice, Document Requests, and definitions" because he supposedly has produced them all. (McCurdy Decl., Ex. G, at p. 3:22-23.) If this were true (and it is false), then why does he not so state in a single response, instead of making countless boilerplate objections? Why does he not appear at his deposition, and so state on the record, under penalty of perjury? Why does he not identify the requested documents—by Bates number? Why does he not correlate them to the document requests at issue? And why does he not simply provide answers to the following questions and requests that have been posed to him repeatedly?

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Kayne v. Grande Holdings Ltd. (2011) 198 Cal.App.4th 1470, 1475-76 [sanctions appropriate where party refused to produce documents in an organized and labelled manner].)[18]

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Under the circumstances, Mr. Spears's objection that the requests are somehow "not reasonably calculated to lead to the discovery of admissible evidence" (McCurdy Decl., Ex. G, ¶¶ 8, 9) are, in fact, legally frivolous. (See *Pacific Tel. & Tel. Co. v. Superior Court* (1970) 2 Cal.3d 161, 173; *Garamendi v. Golden Eagle Ins. Co*. (2004) 116 Cal.App.4th 694, 712 fn. 8.)

Mr. Spears's objections on grounds of purportedly vague and ambiguous requests, or the terms "YOU" and "YOUR," are all baseless. (McCurdy Decl. G, ¶¶ 9, 11.) He has not and cannot explain in any manner what he claims not to understand about the document requests. (See *Deyo v. Kilbourne* (1978) 84 Cal.App.3d 771, 783 ["[W]here the question is somewhat ambiguous, but the nature of the information sought is apparent, the proper solution is to provide an appropriate response."].) Mr. Spears also fails to support his baseless burdensome and oppressive objections and asserts all of them without any actual factual support whatsoever. (See McCurdy Decl., Ex. G, ¶¶ 9, 12, 15, 16, 17.) "The objection based upon burden must be sustained by ***evidence showing*** the quantum of work required, while to support an objection of oppression there must be ***some showing*** either of an intent to create an unreasonable burden or that the ultimate effect of the burden is incommensurate with the result sought." (*W. Pico Furniture Co. v. Superior Court* (1961) 56 Cal.2d 407, 417, 418.) Mr. Spears fails to make any

[18] As a matter of restraint, we refrain herein from moving for sanctions but reserve all rights in that regard.

showing as to burden or oppression. (See *id.* at p. 418 ["The objection of burden is valid only when that burden is ***demonstrated*** to result in injustice."]; *cf. Mead Reinsurance Co. v. Superior Ct.* (1986) 188 Cal.App.3d 313, 321. For these reasons, Mr. Spears's objection that the documents "may be obtained from other sources or through other means of discovery" (McCurdy Decl., Ex. G, ¶ 15), and that the burden and expense would "outweigh the likely benefit of this discovery" (McCurdy Decl., Ex. G, ¶ 17) is also completely meritless.

Additionally, to the extent Mr. Spears objects that the document requests are "oppressive" because they "do not contain any temporal limitations" (an objection repeated in every response) this argument is also meritless. Again, no showing has been made of any intent to create an unreasonable burden, and any objection based on a lack of temporal definition is hypocritical. We are only here today because Britney Spears was under her father's infantilizing control for more than a decade. Further, the evidence shows that the conservatorship was conflicted from the very outset, when, among other things, Mr. Spears violated Rule of Court 7.1059 by obtaining a substantial loan from Tri Star and then hiring Tri Star (a then fledgling company) as her business manager. And any claim that *Mr. Spears* faces "oppression" such that he cannot respond to discovery relating to *his own* oppression of Britney Spears is, to say the least, rich. Mr. Spears put his conduct at issue and he must face the consequences.

Mr. Spears's objections on privileged meritless, inapplicable, and have been waived. *First*, to the extent any privilege was claimed, Mr. Spears should have supported the claim with "sufficient factual information for other parties to evaluate the merits of that claim," such as a privilege log. (See, e.g. Code Civ. Proc. § 2031.240(c); *Riddell, Inc. v. Superior Court* (2017) 14 Cal.App.5th 755, 772 ["if an objection to a document request is based on a claim of privilege or work product, then the response to the request 'shall provide sufficient factual information for other parties to evaluate the merits of that claim'"]); (See *Costco*, *supra*, 47 Cal.4th at p. 733 ["[t]he party claiming the privilege has the burden of establishing the preliminary facts necessary to support its exercise"].) He failed to do so.

Second, now that Mr. Spears has been suspended as conservator of the estate, he no longer holds any attorney-client privilege. (See *Stine v. Dell'Osso* (2014) 239 Cal.App.4th 834, 843 [successor fiduciary became holder of the privilege of all communications between fiduciary and his counsel regarding the estate, whenever they occurred]; see also *Moeller v. Superior Court* (1997) 16 Cal.4th

1124, 1129-1135 [because fiduciary is holder of the attorney-client privilege in his or her capacity as such, successor fiduciary becomes the holder as to confidential communications between the predecessor fiduciary and attorney concerning trust administration]; Cal. Probate Code, § 8524, subd. (c). Because he was suspended, Mr. Spears quite simply has no privilege to claim.

Third, as noted above, Mr. Spears also waived any privilege claims. In addition to failing to timely object, his counsel promised "***unconditional[] cooperat[ion]***," "***complete transparency without conditions***," and that Britney Spears was "***welcome to everything***." (See McCurdy Decl., ¶ 10, Ex. D.) Even further, Mr. Spears's counsel stated that he had "provided ***explicit instructions to prior counsel to produce everything without exception***." (See McCurdy Decl., ¶ 11; see also *infra*, n.4.) Under *Moeller* and *Stine,* Mr. Spears does not hold the privilege. And in any event, even if the documents at issue were privileged (and they are not) he has waived any such privilege and should be estopped from asserted any such objections.

Mr. Spears also objects that the requests somehow violate his right to privacy. (McCurdy Decl., Ex. G, ¶ 10.) This makes no sense. It is Mr. Spears's burden to justify the objection, and he has failed to do so. (See *Coy*, *supra*, 58 Cal.2d at pp. 220-221; *Fairmont Ins. Co. v. Super. Ct.* (2000) 22 Cal.4th 245, 255.) Mr. Spears's position also reeks of hypocrisy given his gross violations of *his daughter's* privacy. Finally, any claimed right to privacy must be considered against the "historically important state interest of facilitating the ascertainment of truth in connection with legal proceedings." (See *Gregori v. Bank of America* (1989) 207 Cal.App.3d 291, 312.) Even as Mr. Spears hides it, the mission remains to ascertain the truth, which necessarily trumps Mr. Spears's evasive and fabricated "privacy rights."

Mr. Spears additionally claims each document request violates confidentiality or the "common interest doctrine." Not only does Mr. Spears once again fail to support this objection with any facts, the "common interest doctrine" is a "nonwaiver doctrine," and does not separately act as a privilege shielding documents from discovery. (See *OXY Resources California LLC v. Superior Court* (2004) 115 Cal.App.4th 874, 889-90 ["party seeking to invoke the [common interest] doctrine must first establish that the communicated information would otherwise be protected from a disclosure by a claim of privilege"].) No privilege exists here to protect the disclosure of the requested documents.

Finally, Mr. Spears purports to assert hodgepodge objections that the document requests are "speculative, lack foundation, or improperly assume the existence of hypothetical facts that are incorrect or unknown to Jamie" and "call for a legal conclusion." (McCurdy Decl., Ex. G, ¶¶ 13, 14.) In asserting this boilerplate objection, Mr., Spears does nothing more than cite boilerplate buzz words into his general objections; he fails to incorporate them anywhere else, and he fails to justify how the document requests are so formed. This is because he is, once again, wrong and he is once again seeking to evade the truth and its consequences. As demonstrated above and as the requests themselves demonstrate, the requests are narrowly tailored to pending issues, which were put front and center by Mr. Spears himself. The use of such general objections, as applied here, is improper under the California Civil Discovery Act, and their bald assertion in this context demonstrates Mr. Spears's desperation and lack of any factual basis for them. (See generally *Korea Data Sys. Co. v. Superior Court* (1997) 51 Cal.App.4th 1513, 1516 [use of boilerplate objections is improper and sanctionable].)

REQUEST FOR PRODUCTION NO. 10:

All correspondence (whether on paper, electronically, or by text or instant message) RELATING TO a listening or recording device placed in Britney Jean Spears's home or bedroom.

RESPONSE TO REQUEST FOR PRODUCTION NO. 10:

Jamie incorporates by reference his General Objections. Jamie further objects to the Document Request to the extent it is vague, ambiguous, overly broad, unduly burdensome, and oppressive especially as it does not contain any temporal limitations. Jamie further objects to the Document Request to the extent it impermissibly seeks material protected by the attorney-client privilege, the attorney work-product doctrine, and/or the common interest doctrine. Jamie further objects to the Document Request to the extent that it seeks information that is already in Britney's possession or equally available to her. Jamie objects on the grounds that this Document Request presents an incomplete hypothetical and assumes facts.

Jamie further objects to the Document Request as follows:

- Jamie objects on the grounds that the Document Request is unduly burdensome and unreasonably duplicative and cumulative because it seeks the same information that was requested by

Britney from Jamie in her December 17, 2021 Second Set of Requests for Production (*see, e.g.*, Request for Production No. 11). This is now the second time Britney served the exact same request.

- The Document Request extends beyond the proper scope of discovery and improperly attempts to re-litigate the thirteen-year Conservatorship and innumerable final court orders. California Civil Procedure Code Section 2017.010 limits the scope of discovery to matters relevant to the subject matter involved in the pending action. California Probate Code Section 2103 releases a conservator and the sureties from all the conservatee's claims when the court authorizes, approves, or confirms the action in an order. This Document Request is therefore overbroad, unduly burdensome, and beyond the scope of discovery to the extent it is not relevant to the limited matters remaining before the Court and to the extent the Court already approved any action in an order or judgment.

- There is no legitimate reason for requiring Jamie to undertake the burden of sifting through documents he already produced and reproducing those documents that are responsive to this Document Request. Jamie objects to these Document Requests as duplicative, unduly burdensome, oppressive, and harassing to the extent the Document Requests seek some or all of the same documents and information that Jamie already voluntarily produced. Since October 2021, Jamie's counsel has arranged for nearly 600,000 pages of documents (consisting of more than 58 boxes of hard copy documents and more than 22 drives of electronic documents and spanning over 13 years of documents). Britney's own counsel admitted at the January 19, 2022 hearing that Jamie "produced voluminous information." *See* Jan. 19 Tr. 17:3-4. The nearly 600,000 pages of documents represent more than 124,500 electronic documents. Any responsive documents that are in Jamie's possession, custody, or control already are in Britney's possession, custody, or control or are otherwise equally available to her given Jamie's prior voluminous production of documents and information.

REASON TO COMPEL PRODUCTION TO REQUEST FOR PRODUCTION NO. 10:

As an initial matter, Mr. Spears fails to justify any of his objections with any facts, and none of his boilerplate objections are proper. (See *Costco Wholesale Corp. v. Superior Court* (2009) 47 Cal.4th 725, 733; *Coy v. Superior Court of Contra Costa County* (1962) 58 Cal.2d 210, 218-221.) It is important to bear in mind, too, that Mr. Spears has an obligation as a suspended conservator and fiduciary to turn over all relevant and responsive documents without any condition, regardless of the method of discovery

sought. (See *Poag v. Winston* (1987) 195 Cal.App.3d 1161, 1176 ["As a fiduciary, a conservator owes a duty of loyalty which requires that he act in the highest good faith."].) This fact is buttressed by his new lawyer's own repeated claims of cooperation. Further, demonstrating regrettable gamesmanship and completely contradicting himself, Ms. Spears's counsel claims he "instructed" prior counsel to "withhold nothing" on the basis of privilege. Yet, his response to ***every single request*** for production includes objections on the basis of privilege. (See generally, McCurdy Decl., Ex. G.) This type of Alice-in-Wonderland dissembling is unacceptable.

Mr. Spears's counsel repeatedly and profusely promised his client's unconditional, transparent cooperation in producing "***all***" documents to Ms. Spears's counsel. Although these representations have, regrettably, proven to be false, made in an effort to create a false narrative and record—and what has become a "Big Lie" of Mr. Spears's defense—they are nevertheless relevant; thus, in addition to Mr. Spears's statutory waiver, his boilerplate objections should also be considered waived as a matter of equity and fairness and he should be estopped from asserting them. By way of illustration only, by email dated October 22, 2021, Mr. Spears's counsel professed the following:

- That Mr. Spears would "***unconditionally[] cooperate*** with a complete and total transfer of ***all files*** regarding the conservatorship . . . ."
- That Ms. Spears was "***welcome to everything – complete transparency without conditions***."
- That he would "***do everything [he] [could]*** to help facilitate the direct transfer [of all files] from prior counsel . . . ."
- "Again, ***complete transparency without conditions***."

(McCurdy Decl., ¶ 10.)

In the November 1, 2021 Status Report, Mr. Spears's counsel represented the following:

- "Jamie has ***nothing to hide*** [and] ***will therefore hide nothing***."
- "Jamie affirms that he will ***unconditionally cooperate*** in transferring *all* [emphasis in original] files regarding the estate to Britney's counsel without delay."
- "Jamie recognizes his ***ongoing and transparent participation is paramount*** . . . ."
- "Jamie will ***unconditionally cooperate*** with a complete and total transfer of all files."

- "Jamie is committed to ***complete transparency without conditions***."

(McCurdy Decl., Ex. D.)

In a November 5, 2021 email, Mr. Spears's counsel stated that he and his client were supposedly "committed to ***complete transparency***," that they had "***withheld nothing***," and that he "provided ***explicit instructions to prior counsel to produce <u>everything without exception</u>***." (McCurdy Decl., ¶ 11.) Even more, Mr. Spears's counsel claimed that "whatever documents exist regarding electronic surveillance, to the extent that any, would part [*sic*] of the production being made by prior counsel." (*Id.*)

These promises are tantamount to a "Big Lie." By objecting to every single one of Ms. Spears's document requests, Mr. Spears has done the exact opposite of what he promised. Mr. Spears's tactics to create a false record and narrative should not be countenanced. Even putting aside his statutory and fiduciary obligations, he has waived any objections and he should be ordered to produce all documents contained in the applicable requests.

Mr. Spears objects to the document requests as "unduly burdensome and unreasonable duplicative and cumulative" because he claims Ms. Spears requested similar information in requests for production propounded on him. (McCurdy Decl., Ex. G, ¶ 5.) The objection is contrary to law. California's Code of Civil Procedure does not preclude a party from seeking similar documents through different methods of discovery. "[T]he inspection of documents procedure is quite different from a deposition at which a party is required to bring documents. Nothing in either section 2025 or section 2031 suggests that seeking documents under one statutory procedure bars a litigant from seeking the same documents under the other." (*Carter v. Superior Court* (1990) 218 Cal.App.3d 994, 997.)[19] Thus, consistent with the Court's reasoning in *Carter*, Mr. Spears must bring the requested documents to his deposition pursuant to this different method of discovery. (See also *Irvington-Moore, Inc. v. Superior Court* (1993) 14 Cal.App.4th 733, 739 ["[T]he selection of the method of discovery is to be utilized is to be made by the party seeking discovery. It cannot be dictated by the opposing party.].)

[19] See also 10 Witkin, Cal. Evid. Discovery § 143 [discussing *Carter*]. Notably, the Legislature has amended the Civil Discovery Act several times since *Carter*, and it has done so without overruling or modifying *Carter*'s interpretation of the Act. "When a statute has been construed by the courts, and the Legislature thereafter reenacts that statute without changing the interpretation put on that statute by the court, the Legislature is presumed to have been aware of, and acquiesced in, the courts' construction of that statute." (*People v. Ledesma* (1997) 16 Cal.4th 90, 100-01.)

Relatedly, Mr. Spears claims the document requests are "duplicative, unduly burdensome, oppressive, and harassing" because Mr. Spears already "voluntarily" produced some of the same documents and information. (McCurdy Decl., Ex. G, ¶ 7.) He is wrong, on multiple levels. Initially, "[a] party is permitted to use multiple methods of obtaining discovery and the fact that information was disclosed under one method is not, standing alone, a proper basis for refusing to provide discovery under another method." (*Irvington-Moore, Inc.*, *supra*, 14 Cal.App.4th at p. 739; see also *TBG Ins. Services Corp. v. Superior Court* (2002) 96 Cal.App.4th 443, 449 [citing *Irvington-Moore* for the proposition that "a party may use multiple methods to obtain discovery and the fact that information was disclosed under one method is not, by itself, a proper basis to refuse to provide discovery under another method"]; see, e.g. *Coy*, *supra*, 58 Cal.2d at p. 218 ["the bare claim of previous deposition is insufficient as an objection to an interrogatory . . . To suffice as a valid objection such claim must be supported by some showing (or, as a minimum, some claim) that the requirement of a reply would be unjust and inequitable"].)

Mr. Spears's objection that he has already produced some of the requested documents, even if true, is not a defense. To the extent he intended to actually rely on this objection, Mr. Spears needed to demonstrate that production of the requested documents now would be "unjust and inequitable." But he grossly fails to so demonstrate; instead, he relies on his "Big Lie" defense: that he has cooperated and transferred all of the documents requested. Mr. Spears also astonishingly objects on the basis that "there are no further documents [he] could provide to respond to the Deposition Notice, Document Requests, and definitions" because he supposedly has produced them all. (McCurdy Decl., Ex. G, at p. 3:22-23.) If this were true (and it is false), then why does he not so state in a single response, instead of making countless boilerplate objections? Why does he not appear at his deposition, and so state on the record, under penalty of perjury? Why does he not identify the requested documents—by Bates number? Why does he not correlate them to the document requests at issue? And why does he not simply provide answers to the following questions and requests that have been posed to him repeatedly?

As referenced above, despite our repeated and ongoing requests, while relying on the facile and false claim that he has produced "everything" requested, Mr. Spears has also failed to produce all text or email communications between and amongst Tri Star, Black Box, himself, and his counsel (see *Moeller* and *Stine*, *infra* at pp. 19-20) concerning the illicit surveillance operation at issue. Indeed, he falsely

claims it "***DIDN'T HAPPEN, YOUR HONOR***," *supra* at 9. In short, as part of their efforts to stonewall and hide the truth, Mr. Spears has engaged in improper disjointed and incomplete "document dumps" rather than a professional, organized, and labelled production of documents. More pointedly, he has failed to produce *any* documents pursuant to and correlated to the deposition notices, ***not one***. (See *Kayne v. Grande Holdings Ltd.* (2011) 198 Cal.App.4th 1470, 1475-76 [sanctions appropriate where party refused to produce documents in an organized and labelled manner].)[20]

Mr. Spears also objects that the document requests "attempt to relitigate the entire thirteen-year Conservatorship and innumerable final court orders," and "are not relevant and not reasonably calculated to lead to the discovery of admissible evidence." (McCurdy Decl., Ex. G, ¶¶ 6, 8.) Nonsense. "Discovery may relate to the claim or defense of the party seeking discovery or of any other party to the action." (Code Civ. Proc., § 2017.010.) In this case, the document requests directly relate to Mr. Spears's role and conduct as former conservator of the estate, which are also directly at issue under *Shine*, *Kasperbauer*, and *Hudson.* The requested documents are thus not only "reasonably calculated" to lead to the discovery of admissible evidence, they go directly to the heart of numerous pending matters including Mr. Spears's fee petition and accountings, see, e.g., *Shine*, *supra*, 16 Cal.App.4th at p. 540; *Hudson*, *supra*, 68 Cal.App.4th at pp. 669-670.

Under the circumstances, Mr. Spears's objection that the requests are somehow "not reasonably calculated to lead to the discovery of admissible evidence" (McCurdy Decl., Ex. G, ¶¶ 8, 9) are, in fact, legally frivolous. (See *Pacific Tel. & Tel. Co. v. Superior Court* (1970) 2 Cal.3d 161, 173; *Garamendi v. Golden Eagle Ins. Co*. (2004) 116 Cal.App.4th 694, 712 fn. 8.)

Mr. Spears's objections on grounds of purportedly vague and ambiguous requests, or the terms "YOU" and "YOUR," are all baseless. (McCurdy Decl. G, ¶¶ 9, 11.) He has not and cannot explain in any manner what he claims not to understand about the document requests. (See *Deyo v. Kilbourne* (1978) 84 Cal.App.3d 771, 783 ["[W]here the question is somewhat ambiguous, but the nature of the information sought is apparent, the proper solution is to provide an appropriate response."].) Mr. Spears also fails to support his baseless burdensome and oppressive objections and asserts all of them without any actual factual support whatsoever. (See McCurdy Decl., Ex. G, ¶¶ 9, 12, 15, 16, 17.) "The objection

[20] As a matter of restraint, we refrain herein from moving for sanctions but reserve all rights in that regard.

based upon burden must be sustained by ***evidence showing*** the quantum of work required, while to support an objection of oppression there must be ***some showing*** either of an intent to create an unreasonable burden or that the ultimate effect of the burden is incommensurate with the result sought." (*W. Pico Furniture Co. v. Superior Court* (1961) 56 Cal.2d 407, 417, 418.) Mr. Spears fails to make any showing as to burden or oppression. (See *id.* at p. 418 ["The objection of burden is valid only when that burden is ***demonstrated*** to result in injustice."]; *cf. Mead Reinsurance Co. v. Superior Ct.* (1986) 188 Cal.App.3d 313, 321. For these reasons, Mr. Spears's objection that the documents "may be obtained from other sources or through other means of discovery" (McCurdy Decl., Ex. G, ¶ 15), and that the burden and expense would "outweigh the likely benefit of this discovery" (McCurdy Decl., Ex. G, ¶ 17) is also completely meritless.

Additionally, to the extent Mr. Spears objects that the document requests are "oppressive" because they "do not contain any temporal limitations" (an objection repeated in every response) this argument is also meritless. Again, no showing has been made of any intent to create an unreasonable burden, and any objection based on a lack of temporal definition is hypocritical. We are only here today because Britney Spears was under her father's infantilizing control for more than a decade. Further, the evidence shows that the conservatorship was conflicted from the very outset, when, among other things, Mr. Spears violated Rule of Court 7.1059 by obtaining a substantial loan from Tri Star and then hiring Tri Star (a then fledgling company) as her business manager. And any claim that *Mr. Spears* faces "oppression" such that he cannot respond to discovery relating to *his own* oppression of Britney Spears is, to say the least, rich. Mr. Spears put his conduct at issue and he must face the consequences.

Mr. Spears's objections on privileged meritless, inapplicable, and have been waived. *First*, to the extent any privilege was claimed, Mr. Spears should have supported the claim with "sufficient factual information for other parties to evaluate the merits of that claim," such as a privilege log. (See, e.g. Code Civ. Proc. § 2031.240(c); *Riddell, Inc. v. Superior Court* (2017) 14 Cal.App.5th 755, 772 ["if an objection to a document request is based on a claim of privilege or work product, then the response to the request 'shall provide sufficient factual information for other parties to evaluate the merits of that claim'"]); (See *Costco*, *supra*, 47 Cal.4th at p. 733 ["[t]he party claiming the privilege has the burden of establishing the preliminary facts necessary to support its exercise"].) He failed to do so.

Second, now that Mr. Spears has been suspended as conservator of the estate, he no longer holds any attorney-client privilege. (See *Stine v. Dell'Osso* (2014) 239 Cal.App.4th 834, 843 [successor fiduciary became holder of the privilege of all communications between fiduciary and his counsel regarding the estate, whenever they occurred]; see also *Moeller v. Superior Court* (1997) 16 Cal.4th 1124, 1129-1135 [because fiduciary is holder of the attorney-client privilege in his or her capacity as such, successor fiduciary becomes the holder as to confidential communications between the predecessor fiduciary and attorney concerning trust administration]; Cal. Probate Code, § 8524, subd. (c). Because he was suspended, Mr. Spears quite simply has no privilege to claim.

Third, as noted above, Mr. Spears also waived any privilege claims. In addition to failing to timely object, his counsel promised "***unconditional[] cooperat[ion]***," "***complete transparency without conditions***," and that Britney Spears was "***welcome to everything***." (See McCurdy Decl., ¶ 10, Ex. D.) Even further, Mr. Spears's counsel stated that he had "provided ***explicit instructions to prior counsel to produce everything without exception***." (See McCurdy Decl., ¶ 11; see also *infra*, n.4.) Under *Moeller* and *Stine,* Mr. Spears does not hold the privilege. And in any event, even if the documents at issue were privileged (and they are not) he has waived any such privilege and should be estopped from asserted any such objections.

Mr. Spears also objects that the requests somehow violate his right to privacy. (McCurdy Decl., Ex. G, ¶ 10.) This makes no sense. It is Mr. Spears's burden to justify the objection, and he has failed to do so. (See *Coy*, *supra*, 58 Cal.2d at pp. 220-221; *Fairmont Ins. Co. v. Super. Ct.* (2000) 22 Cal.4th 245, 255.) Mr. Spears's position also reeks of hypocrisy given his gross violations of *his daughter's* privacy. Finally, any claimed right to privacy must be considered against the "historically important state interest of facilitating the ascertainment of truth in connection with legal proceedings." (See *Gregori v. Bank of America* (1989) 207 Cal.App.3d 291, 312.) Even as Mr. Spears hides it, the mission remains to ascertain the truth, which necessarily trumps Mr. Spears's evasive and fabricated "privacy rights."

Mr. Spears additionally claims each document request violates confidentiality or the "common interest doctrine." Not only does Mr. Spears once again fail to support this objection with any facts, the "common interest doctrine" is a "nonwaiver doctrine," and does not separately act as a privilege shielding documents from discovery. (See *OXY Resources California LLC v. Superior Court* (2004) 115

Cal.App.4th 874, 889-90 ["party seeking to invoke the [common interest] doctrine must first establish that the communicated information would otherwise be protected from a disclosure by a claim of privilege"].) No privilege exists here to protect the disclosure of the requested documents.

Finally, Mr. Spears purports to assert hodgepodge objections that the document requests are "speculative, lack foundation, or improperly assume the existence of hypothetical facts that are incorrect or unknown to Jamie" and "call for a legal conclusion." (McCurdy Decl., Ex. G, ¶¶ 13, 14.) In asserting this boilerplate objection, Mr., Spears does nothing more than cite boilerplate buzz words into his general objections; he fails to incorporate them anywhere else, and he fails to justify how the document requests are so formed. This is because he is, once again, wrong and he is once again seeking to evade the truth and its consequences. As demonstrated above and as the requests themselves demonstrate, the requests are narrowly tailored to pending issues, which were put front and center by Mr. Spears himself. The use of such general objections, as applied here, is improper under the California Civil Discovery Act, and their bald assertion in this context demonstrates Mr. Spears's desperation and lack of any factual basis for them. (See generally *Korea Data Sys. Co. v. Superior Court* (1997) 51 Cal.App.4th 1513, 1516 [use of boilerplate objections is improper and sanctionable].)

REQUEST FOR PRODUCTION NO. 11:

All DOCUMENTS RELATING TO mirroring of Britney Jean Spears's mobile telephone on another device or mirroring any telephone or device utilized by Ms. Spears.

RESPONSE TO REQUEST FOR PRODUCTION NO. 11:

Jamie incorporates by reference his General Objections. Jamie further objects to the Document Request to the extent it is vague, ambiguous, overly broad, unduly burdensome, and oppressive especially as it does not contain any temporal limitations. Jamie further objects to the Document Request to the extent it impermissibly seeks material protected by the attorney-client privilege, the attorney work-product doctrine, and/or the common interest doctrine. Jamie further objects to the Document Request to the extent that it seeks information that is already in Britney's possession or equally available to her. Jamie objects on the grounds that this Document Request presents an incomplete hypothetical and assumes facts.

Jamie further objects to the Document Request as follows:

- Jamie objects on the grounds that the Document Request is unduly burdensome and unreasonably duplicative and cumulative because it seeks the same information that was requested by Britney from Jamie in her December 17, 2021 Second Set of Requests for Production (*see, e.g.*, Request for Production No. 12). This is now the second time Britney served the exact same request.

- The Document Request extends beyond the proper scope of discovery and improperly attempts to re-litigate the thirteen-year Conservatorship and innumerable final court orders. California Civil Procedure Code Section 2017.010 limits the scope of discovery to matters relevant to the subject matter involved in the pending action. California Probate Code Section 2103 releases a conservator and the sureties from all the conservatee's claims when the court authorizes, approves, or confirms the action in an order. This Document Request is therefore overbroad, unduly burdensome, and beyond the scope of discovery to the extent it is not relevant to the limited matters remaining before the Court and to the extent the Court already approved any action in an order or judgment.

- There is no legitimate reason for requiring Jamie to undertake the burden of sifting through documents he already produced and reproducing those documents that are responsive to this Document Request. Jamie objects to these Document Requests as duplicative, unduly burdensome, oppressive, and harassing to the extent the Document Requests seek some or all of the same documents and information that Jamie already voluntarily produced. Since October 2021, Jamie's counsel has arranged for nearly 600,000 pages of documents (consisting of more than 58 boxes of hard copy documents and more than 22 drives of electronic documents and spanning over 13 years of documents). Britney's own counsel admitted at the January 19, 2022 hearing that Jamie "produced voluminous information." *See* Jan. 19 Tr. 17:3-4. The nearly 600,000 pages of documents represent more than 124,500 electronic documents. Any responsive documents that are in Jamie's possession, custody, or control already are in Britney's possession, custody, or control or are otherwise equally available to her given Jamie's prior voluminous production of documents and information.

REASON TO COMPEL PRODUCTION TO REQUEST FOR PRODUCTION NO. 11:

As an initial matter, Mr. Spears fails to justify any of his objections with any facts, and none of his boilerplate objections are proper. (See *Costco Wholesale Corp. v. Superior Court* (2009) 47 Cal.4th 725, 733; *Coy v. Superior Court of Contra Costa County* (1962) 58 Cal.2d 210, 218-221.) It is important

to bear in mind, too, that Mr. Spears has an obligation as a suspended conservator and fiduciary to turn over all relevant and responsive documents without any condition, regardless of the method of discovery sought. (See *Poag v. Winston* (1987) 195 Cal.App.3d 1161, 1176 ["As a fiduciary, a conservator owes a duty of loyalty which requires that he act in the highest good faith."].) This fact is buttressed by his new lawyer's own repeated claims of cooperation. Further, demonstrating regrettable gamesmanship and completely contradicting himself, Ms. Spears's counsel claims he "instructed" prior counsel to "withhold nothing" on the basis of privilege. Yet, his response to ***every single request*** for production includes objections on the basis of privilege. (See generally, McCurdy Decl., Ex. G.) This type of Alice-in-Wonderland dissembling is unacceptable.

Mr. Spears's counsel repeatedly and profusely promised his client's unconditional, transparent cooperation in producing "***all***" documents to Ms. Spears's counsel. Although these representations have, regrettably, proven to be false, made in an effort to create a false narrative and record—and what has become a "Big Lie" of Mr. Spears's defense—they are nevertheless relevant; thus, in addition to Mr. Spears's statutory waiver, his boilerplate objections should also be considered waived as a matter of equity and fairness and he should be estopped from asserting them. By way of illustration only, by email dated October 22, 2021, Mr. Spears's counsel professed the following:

- That Mr. Spears would "***unconditionally[] cooperate*** with a complete and total transfer of ***all files*** regarding the conservatorship . . . ."
- That Ms. Spears was "***welcome to everything – complete transparency without conditions***."
- That he would "***do everything [he] [could]*** to help facilitate the direct transfer [of all files] from prior counsel . . . ."
- "Again, ***complete transparency without conditions***."

(McCurdy Decl., ¶ 10.)

In the November 1, 2021 Status Report, Mr. Spears's counsel represented the following:

- "Jamie has ***nothing to hide*** [and] ***will therefore hide nothing***."
- "Jamie affirms that he will ***unconditionally cooperate*** in transferring *all* [emphasis in original] files regarding the estate to Britney's counsel without delay."

- "Jamie recognizes his ***ongoing and transparent participation is paramount*** . . . ."
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(McCurdy Decl., Ex. D.)

In a November 5, 2021 email, Mr. Spears's counsel stated that he and his client were supposedly "committed to ***complete transparency***," that they had "***withheld nothing***," and that he "provided ***explicit instructions to prior counsel to produce <u>everything without exception</u>***." (McCurdy Decl., ¶ 11.) Even more, Mr. Spears's counsel claimed that "whatever documents exist regarding electronic surveillance, to the extent that any, would part [*sic*] of the production being made by prior counsel." (*Id.*)

These promises are tantamount to a "Big Lie." By objecting to every single one of Ms. Spears's document requests, Mr. Spears has done the exact opposite of what he promised. Mr. Spears's tactics to create a false record and narrative should not be countenanced. Even putting aside his statutory and fiduciary obligations, he has waived any objections and he should be ordered to produce all documents contained in the applicable requests.

Mr. Spears objects to the document requests as "unduly burdensome and unreasonable duplicative and cumulative" because he claims Ms. Spears requested similar information in requests for production propounded on him. (McCurdy Decl., Ex. G, ¶ 5.) The objection is contrary to law. California's Code of Civil Procedure does not preclude a party from seeking similar documents through different methods of discovery. "[T]he inspection of documents procedure is quite different from a deposition at which a party is required to bring documents. Nothing in either section 2025 or section 2031 suggests that seeking documents under one statutory procedure bars a litigant from seeking the same documents under the other." (*Carter v. Superior Court* (1990) 218 Cal.App.3d 994, 997.)[21] Thus, consistent with the Court's reasoning in *Carter*, Mr. Spears must bring the requested documents to his deposition pursuant to this different method of discovery. (See also *Irvington-Moore, Inc. v. Superior Court* (1993) 14

[21] See also 10 Witkin, Cal. Evid. Discovery § 143 [discussing *Carter*]. Notably, the Legislature has amended the Civil Discovery Act several times since *Carter*, and it has done so without overruling or modifying *Carter*'s interpretation of the Act. "When a statute has been construed by the courts, and the Legislature thereafter reenacts that statute without changing the interpretation put on that statute by the court, the Legislature is presumed to have been aware of, and acquiesced in, the courts' construction of that statute." (*People v. Ledesma* (1997) 16 Cal.4th 90, 100-01.)

Cal.App.4th 733, 739 ["[T]he selection of the method of discovery is to be utilized is to be made by the party seeking discovery. It cannot be dictated by the opposing party.].)

Relatedly, Mr. Spears claims the document requests are "duplicative, unduly burdensome, oppressive, and harassing" because Mr. Spears already "voluntarily" produced some of the same documents and information. (McCurdy Decl., Ex. G, ¶ 7.) He is wrong, on multiple levels. Initially, "[a] party is permitted to use multiple methods of obtaining discovery and the fact that information was disclosed under one method is not, standing alone, a proper basis for refusing to provide discovery under another method." (*Irvington-Moore, Inc.*, *supra*, 14 Cal.App.4th at p. 739; see also *TBG Ins. Services Corp. v. Superior Court* (2002) 96 Cal.App.4th 443, 449 [citing *Irvington-Moore* for the proposition that "a party may use multiple methods to obtain discovery and the fact that information was disclosed under one method is not, by itself, a proper basis to refuse to provide discovery under another method"]; see, e.g. *Coy*, *supra*, 58 Cal.2d at p. 218 ["the bare claim of previous deposition is insufficient as an objection to an interrogatory . . . To suffice as a valid objection such claim must be supported by some showing (or, as a minimum, some claim) that the requirement of a reply would be unjust and inequitable"].)

Mr. Spears's objection that he has already produced some of the requested documents, even if true, is not a defense. To the extent he intended to actually rely on this objection, Mr. Spears needed to demonstrate that production of the requested documents now would be "unjust and inequitable." But he grossly fails to so demonstrate; instead, he relies on his "Big Lie" defense: that he has cooperated and transferred all of the documents requested. Mr. Spears also astonishingly objects on the basis that "there are no further documents [he] could provide to respond to the Deposition Notice, Document Requests, and definitions" because he supposedly has produced them all. (McCurdy Decl., Ex. G, at p. 3:22-23.) If this were true (and it is false), then why does he not so state in a single response, instead of making countless boilerplate objections? Why does he not appear at his deposition, and so state on the record, under penalty of perjury? Why does he not identify the requested documents—by Bates number? Why does he not correlate them to the document requests at issue? And why does he not simply provide answers to the following questions and requests that have been posed to him repeatedly?

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email communications between and amongst Tri Star, Black Box, himself, and his counsel (see *Moeller* and *Stine*, *infra* at pp. 19-20) concerning the illicit surveillance operation at issue. Indeed, he falsely claims it "***DIDN'T HAPPEN, YOUR HONOR***," *supra* at 9. In short, as part of their efforts to stonewall and hide the truth, Mr. Spears has engaged in improper disjointed and incomplete "document dumps" rather than a professional, organized, and labelled production of documents. More pointedly, he has failed to produce *any* documents pursuant to and correlated to the deposition notices, ***not one***. (See *Kayne v. Grande Holdings Ltd.* (2011) 198 Cal.App.4th 1470, 1475-76 [sanctions appropriate where party refused to produce documents in an organized and labelled manner].)[22]

Mr. Spears also objects that the document requests "attempt to relitigate the entire thirteen-year Conservatorship and innumerable final court orders," and "are not relevant and not reasonably calculated to lead to the discovery of admissible evidence." (McCurdy Decl., Ex. G, ¶¶ 6, 8.) Nonsense. "Discovery may relate to the claim or defense of the party seeking discovery or of any other party to the action." (Code Civ. Proc., § 2017.010.) In this case, the document requests directly relate to Mr. Spears's role and conduct as former conservator of the estate, which are also directly at issue under *Shine*, *Kasperbauer*, and *Hudson.* The requested documents are thus not only "reasonably calculated" to lead to the discovery of admissible evidence, they go directly to the heart of numerous pending matters including Mr. Spears's fee petition and accountings, see, e.g., *Shine*, *supra*, 16 Cal.App.4th at p. 540; *Hudson*, *supra*, 68 Cal.App.4th at pp. 669-670.

Under the circumstances, Mr. Spears's objection that the requests are somehow "not reasonably calculated to lead to the discovery of admissible evidence" (McCurdy Decl., Ex. G, ¶¶ 8, 9) are, in fact, legally frivolous. (See *Pacific Tel. & Tel. Co. v. Superior Court* (1970) 2 Cal.3d 161, 173; *Garamendi v. Golden Eagle Ins. Co*. (2004) 116 Cal.App.4th 694, 712 fn. 8.)

Mr. Spears's objections on grounds of purportedly vague and ambiguous requests, or the terms "YOU" and "YOUR," are all baseless. (McCurdy Decl. G, ¶¶ 9, 11.) He has not and cannot explain in any manner what he claims not to understand about the document requests. (See *Deyo v. Kilbourne* (1978) 84 Cal.App.3d 771, 783 ["[W]here the question is somewhat ambiguous, but the nature of the information sought is apparent, the proper solution is to provide an appropriate response."].) Mr. Spears

[22] As a matter of restraint, we refrain herein from moving for sanctions but reserve all rights in that regard.

also fails to support his baseless burdensome and oppressive objections and asserts all of them without any actual factual support whatsoever. (See McCurdy Decl., Ex. G, ¶¶ 9, 12, 15, 16, 17.) "The objection based upon burden must be sustained by ***evidence showing*** the quantum of work required, while to support an objection of oppression there must be ***some showing*** either of an intent to create an unreasonable burden or that the ultimate effect of the burden is incommensurate with the result sought." (*W. Pico Furniture Co. v. Superior Court* (1961) 56 Cal.2d 407, 417, 418.) Mr. Spears fails to make any showing as to burden or oppression. (See *id.* at p. 418 ["The objection of burden is valid only when that burden is ***demonstrated*** to result in injustice."]; *cf. Mead Reinsurance Co. v. Superior Ct.* (1986) 188 Cal.App.3d 313, 321. For these reasons, Mr. Spears's objection that the documents "may be obtained from other sources or through other means of discovery" (McCurdy Decl., Ex. G, ¶ 15), and that the burden and expense would "outweigh the likely benefit of this discovery" (McCurdy Decl., Ex. G, ¶ 17) is also completely meritless.

Additionally, to the extent Mr. Spears objects that the document requests are "oppressive" because they "do not contain any temporal limitations" (an objection repeated in every response) this argument is also meritless. Again, no showing has been made of any intent to create an unreasonable burden, and any objection based on a lack of temporal definition is hypocritical. We are only here today because Britney Spears was under her father's infantilizing control for more than a decade. Further, the evidence shows that the conservatorship was conflicted from the very outset, when, among other things, Mr. Spears violated Rule of Court 7.1059 by obtaining a substantial loan from Tri Star and then hiring Tri Star (a then fledgling company) as her business manager. And any claim that *Mr. Spears* faces "oppression" such that he cannot respond to discovery relating to *his own* oppression of Britney Spears is, to say the least, rich. Mr. Spears put his conduct at issue and he must face the consequences.

Mr. Spears's objections on privileged meritless, inapplicable, and have been waived. *First*, to the extent any privilege was claimed, Mr. Spears should have supported the claim with "sufficient factual information for other parties to evaluate the merits of that claim," such as a privilege log. (See, e.g. Code Civ. Proc. § 2031.240(c); *Riddell, Inc. v. Superior Court* (2017) 14 Cal.App.5th 755, 772 ["if an objection to a document request is based on a claim of privilege or work product, then the response to the request 'shall provide sufficient factual information for other parties to evaluate the merits of that

claim'"]); (See *Costco*, *supra*, 47 Cal.4th at p. 733 ["[t]he party claiming the privilege has the burden of establishing the preliminary facts necessary to support its exercise"].) He failed to do so.

Second, now that Mr. Spears has been suspended as conservator of the estate, he no longer holds any attorney-client privilege. (See *Stine v. Dell'Osso* (2014) 239 Cal.App.4th 834, 843 [successor fiduciary became holder of the privilege of all communications between fiduciary and his counsel regarding the estate, whenever they occurred]; see also *Moeller v. Superior Court* (1997) 16 Cal.4th 1124, 1129-1135 [because fiduciary is holder of the attorney-client privilege in his or her capacity as such, successor fiduciary becomes the holder as to confidential communications between the predecessor fiduciary and attorney concerning trust administration]; Cal. Probate Code, § 8524, subd. (c). Because he was suspended, Mr. Spears quite simply has no privilege to claim.

Third, as noted above, Mr. Spears also waived any privilege claims. In addition to failing to timely object, his counsel promised "***unconditional[] cooperat[ion]***," "***complete transparency without conditions***," and that Britney Spears was "***welcome to everything***." (See McCurdy Decl., ¶ 10, Ex. D.) Even further, Mr. Spears's counsel stated that he had "provided ***explicit instructions to prior counsel to produce everything without exception***." (See McCurdy Decl., ¶ 11; see also *infra*, n.4.) Under *Moeller* and *Stine,* Mr. Spears does not hold the privilege. And in any event, even if the documents at issue were privileged (and they are not) he has waived any such privilege and should be estopped from asserted any such objections.

Mr. Spears also objects that the requests somehow violate his right to privacy. (McCurdy Decl., Ex. G, ¶ 10.) This makes no sense. It is Mr. Spears's burden to justify the objection, and he has failed to do so. (See *Coy*, *supra*, 58 Cal.2d at pp. 220-221; *Fairmont Ins. Co. v. Super. Ct.* (2000) 22 Cal.4th 245, 255.) Mr. Spears's position also reeks of hypocrisy given his gross violations of *his daughter's* privacy. Finally, any claimed right to privacy must be considered against the "historically important state interest of facilitating the ascertainment of truth in connection with legal proceedings." (See *Gregori v. Bank of America* (1989) 207 Cal.App.3d 291, 312.) Even as Mr. Spears hides it, the mission remains to ascertain the truth, which necessarily trumps Mr. Spears's evasive and fabricated "privacy rights."

Mr. Spears additionally claims each document request violates confidentiality or the "common interest doctrine." Not only does Mr. Spears once again fail to support this objection with any facts, the

"common interest doctrine" is a "nonwaiver doctrine," and does not separately act as a privilege shielding documents from discovery. (See *OXY Resources California LLC v. Superior Court* (2004) 115 Cal.App.4th 874, 889-90 ["party seeking to invoke the [common interest] doctrine must first establish that the communicated information would otherwise be protected from a disclosure by a claim of privilege"].) No privilege exists here to protect the disclosure of the requested documents.

Finally, Mr. Spears purports to assert hodgepodge objections that the document requests are "speculative, lack foundation, or improperly assume the existence of hypothetical facts that are incorrect or unknown to Jamie" and "call for a legal conclusion." (McCurdy Decl., Ex. G, ¶¶ 13, 14.) In asserting this boilerplate objection, Mr., Spears does nothing more than cite boilerplate buzz words into his general objections; he fails to incorporate them anywhere else, and he fails to justify how the document requests are so formed. This is because he is, once again, wrong and he is once again seeking to evade the truth and its consequences. As demonstrated above and as the requests themselves demonstrate, the requests are narrowly tailored to pending issues, which were put front and center by Mr. Spears himself. The use of such general objections, as applied here, is improper under the California Civil Discovery Act, and their bald assertion in this context demonstrates Mr. Spears's desperation and lack of any factual basis for them. (See generally *Korea Data Sys. Co. v. Superior Court* (1997) 51 Cal.App.4th 1513, 1516 [use of boilerplate objections is improper and sanctionable].)

REQUEST FOR PRODUCTION NO. 12:

All DOCUMENTS RELATING TO monitoring of Britney Jean Spears's personal computer, iPad or a computer used by Ms. Spears.

RESPONSE TO REQUEST FOR PRODUCTION NO. 12:

Jamie incorporates by reference his General Objections. Jamie further objects to the Document Request to the extent it is vague, ambiguous, overly broad, unduly burdensome, and oppressive especially as it does not contain any temporal limitations. Jamie further objects to the Document Request to the extent it impermissibly seeks material protected by the attorney-client privilege, the attorney work-product doctrine, and/or the common interest doctrine. Jamie further objects to the Document Request to the extent that it seeks information that is already in Britney's possession or equally available to her.

Jamie objects on the grounds that this Document Request presents an incomplete hypothetical and assumes facts.

Jamie further objects to the Document Request as follows:

- Jamie objects on the grounds that the Document Request is unduly burdensome and unreasonably duplicative and cumulative because it seeks the same information that was requested by Britney from Jamie in her December 17, 2021 Second Set of Requests for Production (*see, e.g.*, Request for Production No. 17).

- The Document Request extends beyond the proper scope of discovery and improperly attempts to re-litigate the thirteen-year Conservatorship and innumerable final court orders. California Civil Procedure Code Section 2017.010 limits the scope of discovery to matters relevant to the subject matter involved in the pending action. California Probate Code Section 2103 releases a conservator and the sureties from all the conservatee's claims when the court authorizes, approves, or confirms the action in an order. This Document Request is therefore overbroad, unduly burdensome, and beyond the scope of discovery to the extent it is not relevant to the limited matters remaining before the Court and to the extent the Court already approved any action in an order or judgment.

- There is no legitimate reason for requiring Jamie to undertake the burden of sifting through documents he already produced and reproducing those documents that are responsive to this Document Request. Jamie objects to these Document Requests as duplicative, unduly burdensome, oppressive, and harassing to the extent the Document Requests seek some or all of the same documents and information that Jamie already voluntarily produced. Since October 2021, Jamie's counsel has arranged for nearly 600,000 pages of documents (consisting of more than 58 boxes of hard copy documents and more than 22 drives of electronic documents and spanning over 13 years of documents). Britney's own counsel admitted at the January 19, 2022 hearing that Jamie "produced voluminous information." *See* Jan. 19 Tr. 17:3-4. The nearly 600,000 pages of documents represent more than 124,500 electronic documents. Any responsive documents that are in Jamie's possession, custody, or control already are in Britney's possession, custody, or control or are otherwise equally available to her given Jamie's prior voluminous production of documents and information.

REASON TO COMPEL PRODUCTION TO REQUEST FOR PRODUCTION NO. 12:

As an initial matter, Mr. Spears fails to justify any of his objections with any facts, and none of his boilerplate objections are proper. (See *Costco Wholesale Corp. v. Superior Court* (2009) 47 Cal.4th 725, 733; *Coy v. Superior Court of Contra Costa County* (1962) 58 Cal.2d 210, 218-221.) It is important to bear in mind, too, that Mr. Spears has an obligation as a suspended conservator and fiduciary to turn over all relevant and responsive documents without any condition, regardless of the method of discovery sought. (See *Poag v. Winston* (1987) 195 Cal.App.3d 1161, 1176 ["As a fiduciary, a conservator owes a duty of loyalty which requires that he act in the highest good faith."].) This fact is buttressed by his new lawyer's own repeated claims of cooperation. Further, demonstrating regrettable gamesmanship and completely contradicting himself, Ms. Spears's counsel claims he "instructed" prior counsel to "withhold nothing" on the basis of privilege. Yet, his response to ***every single request*** for production includes objections on the basis of privilege. (See generally, McCurdy Decl., Ex. G.) This type of Alice-in-Wonderland dissembling is unacceptable.

Mr. Spears's counsel repeatedly and profusely promised his client's unconditional, transparent cooperation in producing "***all***" documents to Ms. Spears's counsel. Although these representations have, regrettably, proven to be false, made in an effort to create a false narrative and record—and what has become a "Big Lie" of Mr. Spears's defense—they are nevertheless relevant; thus, in addition to Mr. Spears's statutory waiver, his boilerplate objections should also be considered waived as a matter of equity and fairness and he should be estopped from asserting them. By way of illustration only, by email dated October 22, 2021, Mr. Spears's counsel professed the following:

- That Mr. Spears would "***unconditionally[] cooperate*** with a complete and total transfer of ***all files*** regarding the conservatorship . . . ."
- That Ms. Spears was "***welcome to everything – complete transparency without conditions***."
- That he would "***do everything [he] [could]*** to help facilitate the direct transfer [of all files] from prior counsel . . . ."
- "Again, ***complete transparency without conditions***."

(McCurdy Decl., ¶ 10.)

In the November 1, 2021 Status Report, Mr. Spears's counsel represented the following:

- "Jamie has ***nothing to hide*** [and] ***will therefore hide nothing***."
- "Jamie affirms that he will ***unconditionally cooperate*** in transferring *all* [emphasis in original] files regarding the estate to Britney's counsel without delay."
- "Jamie recognizes his ***ongoing and transparent participation is paramount*** . . . ."
- "Jamie will ***unconditionally cooperate*** with a complete and total transfer of all files."
- "Jamie is committed to ***complete transparency without conditions***."

(McCurdy Decl., Ex. D.)

In a November 5, 2021 email, Mr. Spears's counsel stated that he and his client were supposedly "committed to ***complete transparency***," that they had "***withheld nothing***," and that he "provided ***explicit instructions to prior counsel to produce <u>everything without exception</u>***." (McCurdy Decl., ¶ 11.) Even more, Mr. Spears's counsel claimed that "whatever documents exist regarding electronic surveillance, to the extent that any, would part [*sic*] of the production being made by prior counsel." (*Id.*)

These promises are tantamount to a "Big Lie." By objecting to every single one of Ms. Spears's document requests, Mr. Spears has done the exact opposite of what he promised. Mr. Spears's tactics to create a false record and narrative should not be countenanced. Even putting aside his statutory and fiduciary obligations, he has waived any objections and he should be ordered to produce all documents contained in the applicable requests.

Mr. Spears objects to the document requests as "unduly burdensome and unreasonable duplicative and cumulative" because he claims Ms. Spears requested similar information in requests for production propounded on him. (McCurdy Decl., Ex. G, ¶ 5.) The objection is contrary to law. California's Code of Civil Procedure does not preclude a party from seeking similar documents through different methods of discovery. "[T]he inspection of documents procedure is quite different from a deposition at which a party is required to bring documents. Nothing in either section 2025 or section 2031 suggests that seeking documents under one statutory procedure bars a litigant from seeking the same documents under the other." (*Carter v. Superior Court* (1990) 218 Cal.App.3d 994, 997.)[23] Thus, consistent with the

[23] See also 10 Witkin, Cal. Evid. Discovery § 143 [discussing *Carter*]. Notably, the Legislature has amended the Civil Discovery Act several times since *Carter*, and it has done so without overruling or modifying *Carter*'s interpretation of the Act. "When a statute has been construed by the courts, and the Legislature thereafter reenacts that statute without changing the interpretation put on that statute by the court, the Legislature is presumed to have been aware of, and acquiesced in, the courts' construction of that statute." (*People v. Ledesma* (1997) 16 Cal.4th 90, 100-01.)

Court's reasoning in *Carter*, Mr. Spears must bring the requested documents to his deposition pursuant to this different method of discovery. (See also *Irvington-Moore, Inc. v. Superior Court* (1993) 14 Cal.App.4th 733, 739 ["[T]he selection of the method of discovery is to be utilized is to be made by the party seeking discovery. It cannot be dictated by the opposing party.].)

Relatedly, Mr. Spears claims the document requests are "duplicative, unduly burdensome, oppressive, and harassing" because Mr. Spears already "voluntarily" produced some of the same documents and information. (McCurdy Decl., Ex. G, ¶ 7.) He is wrong, on multiple levels. Initially, "[a] party is permitted to use multiple methods of obtaining discovery and the fact that information was disclosed under one method is not, standing alone, a proper basis for refusing to provide discovery under another method." (*Irvington-Moore, Inc.*, *supra*, 14 Cal.App.4th at p. 739; see also *TBG Ins. Services Corp. v. Superior Court* (2002) 96 Cal.App.4th 443, 449 [citing *Irvington-Moore* for the proposition that "a party may use multiple methods to obtain discovery and the fact that information was disclosed under one method is not, by itself, a proper basis to refuse to provide discovery under another method"]; see, e.g. *Coy*, *supra*, 58 Cal.2d at p. 218 ["the bare claim of previous deposition is insufficient as an objection to an interrogatory . . . To suffice as a valid objection such claim must be supported by some showing (or, as a minimum, some claim) that the requirement of a reply would be unjust and inequitable"].)

Mr. Spears's objection that he has already produced some of the requested documents, even if true, is not a defense. To the extent he intended to actually rely on this objection, Mr. Spears needed to demonstrate that production of the requested documents now would be "unjust and inequitable." But he grossly fails to so demonstrate; instead, he relies on his "Big Lie" defense: that he has cooperated and transferred all of the documents requested. Mr. Spears also astonishingly objects on the basis that "there are no further documents [he] could provide to respond to the Deposition Notice, Document Requests, and definitions" because he supposedly has produced them all. (McCurdy Decl., Ex. G, at p. 3:22-23.) If this were true (and it is false), then why does he not so state in a single response, instead of making countless boilerplate objections? Why does he not appear at his deposition, and so state on the record, under penalty of perjury? Why does he not identify the requested documents—by Bates number? Why does he not correlate them to the document requests at issue? And why does he not simply provide answers to the following questions and requests that have been posed to him repeatedly?

As referenced above, despite our repeated and ongoing requests, while relying on the facile and false claim that he has produced "everything" requested, Mr. Spears has also failed to produce all text or email communications between and amongst Tri Star, Black Box, himself, and his counsel (see *Moeller* and *Stine*, *infra* at pp. 19-20) concerning the illicit surveillance operation at issue. Indeed, he falsely claims it "***DIDN'T HAPPEN, YOUR HONOR***," *supra* at 9. In short, as part of their efforts to stonewall and hide the truth, Mr. Spears has engaged in improper disjointed and incomplete "document dumps" rather than a professional, organized, and labelled production of documents. More pointedly, he has failed to produce *any* documents pursuant to and correlated to the deposition notices, ***not one***. (See *Kayne v. Grande Holdings Ltd.* (2011) 198 Cal.App.4th 1470, 1475-76 [sanctions appropriate where party refused to produce documents in an organized and labelled manner].)[24]

Mr. Spears also objects that the document requests "attempt to relitigate the entire thirteen-year Conservatorship and innumerable final court orders," and "are not relevant and not reasonably calculated to lead to the discovery of admissible evidence." (McCurdy Decl., Ex. G, ¶¶ 6, 8.) Nonsense. "Discovery may relate to the claim or defense of the party seeking discovery or of any other party to the action." (Code Civ. Proc., § 2017.010.) In this case, the document requests directly relate to Mr. Spears's role and conduct as former conservator of the estate, which are also directly at issue under *Shine*, *Kasperbauer*, and *Hudson.* The requested documents are thus not only "reasonably calculated" to lead to the discovery of admissible evidence, they go directly to the heart of numerous pending matters including Mr. Spears's fee petition and accountings, see, e.g., *Shine*, *supra*, 16 Cal.App.4th at p. 540; *Hudson*, *supra*, 68 Cal.App.4th at pp. 669-670.

Under the circumstances, Mr. Spears's objection that the requests are somehow "not reasonably calculated to lead to the discovery of admissible evidence" (McCurdy Decl., Ex. G, ¶¶ 8, 9) are, in fact, legally frivolous. (See *Pacific Tel. & Tel. Co. v. Superior Court* (1970) 2 Cal.3d 161, 173; *Garamendi v. Golden Eagle Ins. Co*. (2004) 116 Cal.App.4th 694, 712 fn. 8.)

Mr. Spears's objections on grounds of purportedly vague and ambiguous requests, or the terms "YOU" and "YOUR," are all baseless. (McCurdy Decl. G, ¶¶ 9, 11.) He has not and cannot explain in any manner what he claims not to understand about the document requests. (See *Deyo v. Kilbourne*

[24] As a matter of restraint, we refrain herein from moving for sanctions but reserve all rights in that regard.

(1978) 84 Cal.App.3d 771, 783 ["[W]here the question is somewhat ambiguous, but the nature of the information sought is apparent, the proper solution is to provide an appropriate response."].) Mr. Spears also fails to support his baseless burdensome and oppressive objections and asserts all of them without any actual factual support whatsoever. (See McCurdy Decl., Ex. G, ¶¶ 9, 12, 15, 16, 17.) "The objection based upon burden must be sustained by ***evidence showing*** the quantum of work required, while to support an objection of oppression there must be ***some showing*** either of an intent to create an unreasonable burden or that the ultimate effect of the burden is incommensurate with the result sought." (*W. Pico Furniture Co. v. Superior Court* (1961) 56 Cal.2d 407, 417, 418.) Mr. Spears fails to make any showing as to burden or oppression. (See *id.* at p. 418 ["The objection of burden is valid only when that burden is ***demonstrated*** to result in injustice."]; *cf. Mead Reinsurance Co. v. Superior Ct.* (1986) 188 Cal.App.3d 313, 321. For these reasons, Mr. Spears's objection that the documents "may be obtained from other sources or through other means of discovery" (McCurdy Decl., Ex. G, ¶ 15), and that the burden and expense would "outweigh the likely benefit of this discovery" (McCurdy Decl., Ex. G, ¶ 17) is also completely meritless.

Additionally, to the extent Mr. Spears objects that the document requests are "oppressive" because they "do not contain any temporal limitations" (an objection repeated in every response) this argument is also meritless. Again, no showing has been made of any intent to create an unreasonable burden, and any objection based on a lack of temporal definition is hypocritical. We are only here today because Britney Spears was under her father's infantilizing control for more than a decade. Further, the evidence shows that the conservatorship was conflicted from the very outset, when, among other things, Mr. Spears violated Rule of Court 7.1059 by obtaining a substantial loan from Tri Star and then hiring Tri Star (a then fledgling company) as her business manager. And any claim that *Mr. Spears* faces "oppression" such that he cannot respond to discovery relating to *his own* oppression of Britney Spears is, to say the least, rich. Mr. Spears put his conduct at issue and he must face the consequences.

Mr. Spears's objections on privileged meritless, inapplicable, and have been waived. *First*, to the extent any privilege was claimed, Mr. Spears should have supported the claim with "sufficient factual information for other parties to evaluate the merits of that claim," such as a privilege log. (See, e.g. Code Civ. Proc. § 2031.240(c); *Riddell, Inc. v. Superior Court* (2017) 14 Cal.App.5th 755, 772 ["if an

objection to a document request is based on a claim of privilege or work product, then the response to the request 'shall provide sufficient factual information for other parties to evaluate the merits of that claim'"]); (See *Costco*, *supra*, 47 Cal.4th at p. 733 ["[t]he party claiming the privilege has the burden of establishing the preliminary facts necessary to support its exercise"].) He failed to do so.

Second, now that Mr. Spears has been suspended as conservator of the estate, he no longer holds any attorney-client privilege. (See *Stine v. Dell'Osso* (2014) 239 Cal.App.4th 834, 843 [successor fiduciary became holder of the privilege of all communications between fiduciary and his counsel regarding the estate, whenever they occurred]; see also *Moeller v. Superior Court* (1997) 16 Cal.4th 1124, 1129-1135 [because fiduciary is holder of the attorney-client privilege in his or her capacity as such, successor fiduciary becomes the holder as to confidential communications between the predecessor fiduciary and attorney concerning trust administration]; Cal. Probate Code, § 8524, subd. (c). Because he was suspended, Mr. Spears quite simply has no privilege to claim.

Third, as noted above, Mr. Spears also waived any privilege claims. In addition to failing to timely object, his counsel promised "***unconditional[] cooperat[ion]***," "***complete transparency without conditions***," and that Britney Spears was "***welcome to everything***." (See McCurdy Decl., ¶ 10, Ex. D.) Even further, Mr. Spears's counsel stated that he had "provided ***explicit instructions to prior counsel to produce everything without exception***." (See McCurdy Decl., ¶ 11; see also *infra*, n.4.) Under *Moeller* and *Stine,* Mr. Spears does not hold the privilege. And in any event, even if the documents at issue were privileged (and they are not) he has waived any such privilege and should be estopped from asserted any such objections.

Mr. Spears also objects that the requests somehow violate his right to privacy. (McCurdy Decl., Ex. G, ¶ 10.) This makes no sense. It is Mr. Spears's burden to justify the objection, and he has failed to do so. (See *Coy*, *supra*, 58 Cal.2d at pp. 220-221; *Fairmont Ins. Co. v. Super. Ct.* (2000) 22 Cal.4th 245, 255.) Mr. Spears's position also reeks of hypocrisy given his gross violations of *his daughter's* privacy. Finally, any claimed right to privacy must be considered against the "historically important state interest of facilitating the ascertainment of truth in connection with legal proceedings." (See *Gregori v. Bank of America* (1989) 207 Cal.App.3d 291, 312.) Even as Mr. Spears hides it, the mission remains to ascertain the truth, which necessarily trumps Mr. Spears's evasive and fabricated "privacy rights."

Mr. Spears additionally claims each document request violates confidentiality or the "common interest doctrine." Not only does Mr. Spears once again fail to support this objection with any facts, the "common interest doctrine" is a "nonwaiver doctrine," and does not separately act as a privilege shielding documents from discovery. (See *OXY Resources California LLC v. Superior Court* (2004) 115 Cal.App.4th 874, 889-90 ["party seeking to invoke the [common interest] doctrine must first establish that the communicated information would otherwise be protected from a disclosure by a claim of privilege"].) No privilege exists here to protect the disclosure of the requested documents.

Finally, Mr. Spears purports to assert hodgepodge objections that the document requests are "speculative, lack foundation, or improperly assume the existence of hypothetical facts that are incorrect or unknown to Jamie" and "call for a legal conclusion." (McCurdy Decl., Ex. G, ¶¶ 13, 14.) In asserting this boilerplate objection, Mr., Spears does nothing more than cite boilerplate buzz words into his general objections; he fails to incorporate them anywhere else, and he fails to justify how the document requests are so formed. This is because he is, once again, wrong and he is once again seeking to evade the truth and its consequences. As demonstrated above and as the requests themselves demonstrate, the requests are narrowly tailored to pending issues, which were put front and center by Mr. Spears himself. The use of such general objections, as applied here, is improper under the California Civil Discovery Act, and their bald assertion in this context demonstrates Mr. Spears's desperation and lack of any factual basis for them. (See generally *Korea Data Sys. Co. v. Superior Court* (1997) 51 Cal.App.4th 1513, 1516 [use of boilerplate objections is improper and sanctionable].)

REQUEST FOR PRODUCTION NO. 13:

All DOCUMENTS RELATING TO monitoring of Britney Jean Spears's iCloud account or an iCloud account used by Britney Spears.

RESPONSE TO REQUEST FOR PRODUCTION NO. 13:

Jamie incorporates by reference his General Objections. Jamie further objects to the Document Request to the extent it is vague, ambiguous, overly broad, unduly burdensome, and oppressive especially as it does not contain any temporal limitations. Jamie further objects to the Document Request to the extent it impermissibly seeks material protected by the attorney-client privilege, the attorney work-product doctrine, and/or the common interest doctrine. Jamie further objects to the Document Request to

the extent that it seeks information that is already in Britney's possession or equally available to her. Jamie objects on the grounds that this Document Request presents an incomplete hypothetical and assumes facts.

Jamie further objects to the Document Request as follows:

- Jamie objects on the grounds that the Document Request is unduly burdensome and unreasonably duplicative and cumulative because it seeks the same information that was requested by Britney from Jamie in her December 17, 2021 Second Set of Requests for Production (*see, e.g.*, Request for Production No. 20).
- The Document Request extends beyond the proper scope of discovery and improperly attempts to re-litigate the thirteen-year Conservatorship and innumerable final court orders. California Civil Procedure Code Section 2017.010 limits the scope of discovery to matters relevant to the subject matter involved in the pending action. California Probate Code Section 2103 releases a conservator and the sureties from all the conservatee's claims when the court authorizes, approves, or confirms the action in an order. This Document Request is therefore overbroad, unduly burdensome, and beyond the scope of discovery to the extent it is not relevant to the limited matters remaining before the Court and to the extent the Court already approved any action in an order or judgment.
- There is no legitimate reason for requiring Jamie to undertake the burden of sifting through documents he already produced and reproducing those documents that are responsive to this Document Request. Jamie objects to these Document Requests as duplicative, unduly burdensome, oppressive, and harassing to the extent the Document Requests seek some or all of the same documents and information that Jamie already voluntarily produced. Since October 2021, Jamie's counsel has arranged for nearly 600,000 pages of documents (consisting of more than 58 boxes of hard copy documents and more than 22 drives of electronic documents and spanning over 13 years of documents). Britney's own counsel admitted at the January 19, 2022 hearing that Jamie "produced voluminous information." *See* Jan. 19 Tr. 17:3-4. The nearly 600,000 pages of documents represent more than 124,500 electronic documents. Any responsive documents that are in Jamie's possession, custody, or control already are in Britney's possession, custody, or control or are otherwise equally available to her given Jamie's prior voluminous production of documents and information.

REASON TO COMPEL PRODUCTION TO REQUEST FOR PRODUCTION NO. 13:

As an initial matter, Mr. Spears fails to justify any of his objections with any facts, and none of his boilerplate objections are proper. (See *Costco Wholesale Corp. v. Superior Court* (2009) 47 Cal.4th 725, 733; *Coy v. Superior Court of Contra Costa County* (1962) 58 Cal.2d 210, 218-221.) It is important to bear in mind, too, that Mr. Spears has an obligation as a suspended conservator and fiduciary to turn over all relevant and responsive documents without any condition, regardless of the method of discovery sought. (See *Poag v. Winston* (1987) 195 Cal.App.3d 1161, 1176 ["As a fiduciary, a conservator owes a duty of loyalty which requires that he act in the highest good faith."].) This fact is buttressed by his new lawyer's own repeated claims of cooperation. Further, demonstrating regrettable gamesmanship and completely contradicting himself, Ms. Spears's counsel claims he "instructed" prior counsel to "withhold nothing" on the basis of privilege. Yet, his response to ***every single request*** for production includes objections on the basis of privilege. (See generally, McCurdy Decl., Ex. G.) This type of Alice-in-Wonderland dissembling is unacceptable.

Mr. Spears's counsel repeatedly and profusely promised his client's unconditional, transparent cooperation in producing "***all***" documents to Ms. Spears's counsel. Although these representations have, regrettably, proven to be false, made in an effort to create a false narrative and record—and what has become a "Big Lie" of Mr. Spears's defense—they are nevertheless relevant; thus, in addition to Mr. Spears's statutory waiver, his boilerplate objections should also be considered waived as a matter of equity and fairness and he should be estopped from asserting them. By way of illustration only, by email dated October 22, 2021, Mr. Spears's counsel professed the following:

- That Mr. Spears would "***unconditionally[] cooperate*** with a complete and total transfer of ***all files*** regarding the conservatorship . . . ."
- That Ms. Spears was "***welcome to everything – complete transparency without conditions***."
- That he would "***do everything [he] [could]*** to help facilitate the direct transfer [of all files] from prior counsel . . . ."
- "Again, ***complete transparency without conditions***."

(McCurdy Decl., ¶ 10.)

In the November 1, 2021 Status Report, Mr. Spears's counsel represented the following:

- "Jamie has ***nothing to hide*** [and] ***will therefore hide nothing***."
- "Jamie affirms that he will ***unconditionally cooperate*** in transferring *all* [emphasis in original] files regarding the estate to Britney's counsel without delay."
- "Jamie recognizes his ***ongoing and transparent participation is paramount*** . . . ."
- "Jamie will ***unconditionally cooperate*** with a complete and total transfer of all files."
- "Jamie is committed to ***complete transparency without conditions***."

(McCurdy Decl., Ex. D.)

In a November 5, 2021 email, Mr. Spears's counsel stated that he and his client were supposedly "committed to ***complete transparency***," that they had "***withheld nothing***," and that he "provided ***explicit instructions to prior counsel to produce <u>everything without exception</u>***." (McCurdy Decl., ¶ 11.) Even more, Mr. Spears's counsel claimed that "whatever documents exist regarding electronic surveillance, to the extent that any, would part [*sic*] of the production being made by prior counsel." (*Id.*)

These promises are tantamount to a "Big Lie." By objecting to every single one of Ms. Spears's document requests, Mr. Spears has done the exact opposite of what he promised. Mr. Spears's tactics to create a false record and narrative should not be countenanced. Even putting aside his statutory and fiduciary obligations, he has waived any objections and he should be ordered to produce all documents contained in the applicable requests.

Mr. Spears objects to the document requests as "unduly burdensome and unreasonable duplicative and cumulative" because he claims Ms. Spears requested similar information in requests for production propounded on him. (McCurdy Decl., Ex. G, ¶ 5.) The objection is contrary to law. California's Code of Civil Procedure does not preclude a party from seeking similar documents through different methods of discovery. "[T]he inspection of documents procedure is quite different from a deposition at which a party is required to bring documents. Nothing in either section 2025 or section 2031 suggests that seeking documents under one statutory procedure bars a litigant from seeking the same documents under the other." (*Carter v. Superior Court* (1990) 218 Cal.App.3d 994, 997.)[25] Thus, consistent with the

[25] See also 10 Witkin, Cal. Evid. Discovery § 143 [discussing *Carter*]. Notably, the Legislature has amended the Civil Discovery Act several times since *Carter*, and it has done so without overruling or modifying *Carter*'s interpretation of the Act. "When a statute has been construed by the courts, and the Legislature thereafter reenacts that statute without changing

Court's reasoning in *Carter*, Mr. Spears must bring the requested documents to his deposition pursuant to this different method of discovery. (See also *Irvington-Moore, Inc. v. Superior Court* (1993) 14 Cal.App.4th 733, 739 ["[T]he selection of the method of discovery is to be utilized is to be made by the party seeking discovery. It cannot be dictated by the opposing party.].)

Relatedly, Mr. Spears claims the document requests are "duplicative, unduly burdensome, oppressive, and harassing" because Mr. Spears already "voluntarily" produced some of the same documents and information. (McCurdy Decl., Ex. G, ¶ 7.) He is wrong, on multiple levels. Initially, "[a] party is permitted to use multiple methods of obtaining discovery and the fact that information was disclosed under one method is not, standing alone, a proper basis for refusing to provide discovery under another method." (*Irvington-Moore, Inc.*, *supra*, 14 Cal.App.4th at p. 739; see also *TBG Ins. Services Corp. v. Superior Court* (2002) 96 Cal.App.4th 443, 449 [citing *Irvington-Moore* for the proposition that "a party may use multiple methods to obtain discovery and the fact that information was disclosed under one method is not, by itself, a proper basis to refuse to provide discovery under another method"]; see, e.g. *Coy*, *supra*, 58 Cal.2d at p. 218 ["the bare claim of previous deposition is insufficient as an objection to an interrogatory . . . To suffice as a valid objection such claim must be supported by some showing (or, as a minimum, some claim) that the requirement of a reply would be unjust and inequitable"].)

Mr. Spears's objection that he has already produced some of the requested documents, even if true, is not a defense. To the extent he intended to actually rely on this objection, Mr. Spears needed to demonstrate that production of the requested documents now would be "unjust and inequitable." But he grossly fails to so demonstrate; instead, he relies on his "Big Lie" defense: that he has cooperated and transferred all of the documents requested. Mr. Spears also astonishingly objects on the basis that "there are no further documents [he] could provide to respond to the Deposition Notice, Document Requests, and definitions" because he supposedly has produced them all. (McCurdy Decl., Ex. G, at p. 3:22-23.) If this were true (and it is false), then why does he not so state in a single response, instead of making countless boilerplate objections? Why does he not appear at his deposition, and so state on the record, under penalty of perjury? Why does he not identify the requested documents—by Bates number? Why

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the interpretation put on that statute by the court, the Legislature is presumed to have been aware of, and acquiesced in, the courts' construction of that statute." (*People v. Ledesma* (1997) 16 Cal.4th 90, 100-01.)

does he not correlate them to the document requests at issue? And why does he not simply provide answers to the following questions and requests that have been posed to him repeatedly?

As referenced above, despite our repeated and ongoing requests, while relying on the facile and false claim that he has produced "everything" requested, Mr. Spears has also failed to produce all text or email communications between and amongst Tri Star, Black Box, himself, and his counsel (see *Moeller* and *Stine*, *infra* at pp. 19-20) concerning the illicit surveillance operation at issue. Indeed, he falsely claims it "***DIDN'T HAPPEN, YOUR HONOR***," *supra* at 9. In short, as part of their efforts to stonewall and hide the truth, Mr. Spears has engaged in improper disjointed and incomplete "document dumps" rather than a professional, organized, and labelled production of documents. More pointedly, he has failed to produce *any* documents pursuant to and correlated to the deposition notices, ***not one***. (See *Kayne v. Grande Holdings Ltd.* (2011) 198 Cal.App.4th 1470, 1475-76 [sanctions appropriate where party refused to produce documents in an organized and labelled manner].)[26]

Mr. Spears also objects that the document requests "attempt to relitigate the entire thirteen-year Conservatorship and innumerable final court orders," and "are not relevant and not reasonably calculated to lead to the discovery of admissible evidence." (McCurdy Decl., Ex. G, ¶¶ 6, 8.) Nonsense. "Discovery may relate to the claim or defense of the party seeking discovery or of any other party to the action." (Code Civ. Proc., § 2017.010.) In this case, the document requests directly relate to Mr. Spears's role and conduct as former conservator of the estate, which are also directly at issue under *Shine*, *Kasperbauer*, and *Hudson.* The requested documents are thus not only "reasonably calculated" to lead to the discovery of admissible evidence, they go directly to the heart of numerous pending matters including Mr. Spears's fee petition and accountings, see, e.g., *Shine*, *supra*, 16 Cal.App.4th at p. 540; *Hudson*, *supra*, 68 Cal.App.4th at pp. 669-670.

Under the circumstances, Mr. Spears's objection that the requests are somehow "not reasonably calculated to lead to the discovery of admissible evidence" (McCurdy Decl., Ex. G, ¶¶ 8, 9) are, in fact, legally frivolous. (See *Pacific Tel. & Tel. Co. v. Superior Court* (1970) 2 Cal.3d 161, 173; *Garamendi v. Golden Eagle Ins. Co*. (2004) 116 Cal.App.4th 694, 712 fn. 8.)

[26] As a matter of restraint, we refrain herein from moving for sanctions but reserve all rights in that regard.

Mr. Spears's objections on grounds of purportedly vague and ambiguous requests, or the terms "YOU" and "YOUR," are all baseless. (McCurdy Decl. G, ¶¶ 9, 11.) He has not and cannot explain in any manner what he claims not to understand about the document requests. (See *Deyo v. Kilbourne* (1978) 84 Cal.App.3d 771, 783 ["[W]here the question is somewhat ambiguous, but the nature of the information sought is apparent, the proper solution is to provide an appropriate response."].) Mr. Spears also fails to support his baseless burdensome and oppressive objections and asserts all of them without any actual factual support whatsoever. (See McCurdy Decl., Ex. G, ¶¶ 9, 12, 15, 16, 17.) "The objection based upon burden must be sustained by ***evidence showing*** the quantum of work required, while to support an objection of oppression there must be ***some showing*** either of an intent to create an unreasonable burden or that the ultimate effect of the burden is incommensurate with the result sought." (*W. Pico Furniture Co. v. Superior Court* (1961) 56 Cal.2d 407, 417, 418.) Mr. Spears fails to make any showing as to burden or oppression. (See *id.* at p. 418 ["The objection of burden is valid only when that burden is ***demonstrated*** to result in injustice."]; *cf. Mead Reinsurance Co. v. Superior Ct.* (1986) 188 Cal.App.3d 313, 321. For these reasons, Mr. Spears's objection that the documents "may be obtained from other sources or through other means of discovery" (McCurdy Decl., Ex. G, ¶ 15), and that the burden and expense would "outweigh the likely benefit of this discovery" (McCurdy Decl., Ex. G, ¶ 17) is also completely meritless.

Additionally, to the extent Mr. Spears objects that the document requests are "oppressive" because they "do not contain any temporal limitations" (an objection repeated in every response) this argument is also meritless. Again, no showing has been made of any intent to create an unreasonable burden, and any objection based on a lack of temporal definition is hypocritical. We are only here today because Britney Spears was under her father's infantilizing control for more than a decade. Further, the evidence shows that the conservatorship was conflicted from the very outset, when, among other things, Mr. Spears violated Rule of Court 7.1059 by obtaining a substantial loan from Tri Star and then hiring Tri Star (a then fledgling company) as her business manager. And any claim that *Mr. Spears* faces "oppression" such that he cannot respond to discovery relating to *his own* oppression of Britney Spears is, to say the least, rich. Mr. Spears put his conduct at issue and he must face the consequences.

Mr. Spears's objections on privileged meritless, inapplicable, and have been waived. *First*, to the extent any privilege was claimed, Mr. Spears should have supported the claim with "sufficient factual information for other parties to evaluate the merits of that claim," such as a privilege log. (See, e.g. Code Civ. Proc. § 2031.240(c); *Riddell, Inc. v. Superior Court* (2017) 14 Cal.App.5th 755, 772 ["if an objection to a document request is based on a claim of privilege or work product, then the response to the request 'shall provide sufficient factual information for other parties to evaluate the merits of that claim'"]); (See *Costco*, *supra*, 47 Cal.4th at p. 733 ["[t]he party claiming the privilege has the burden of establishing the preliminary facts necessary to support its exercise"].) He failed to do so.

Second, now that Mr. Spears has been suspended as conservator of the estate, he no longer holds any attorney-client privilege. (See *Stine v. Dell'Osso* (2014) 239 Cal.App.4th 834, 843 [successor fiduciary became holder of the privilege of all communications between fiduciary and his counsel regarding the estate, whenever they occurred]; see also *Moeller v. Superior Court* (1997) 16 Cal.4th 1124, 1129-1135 [because fiduciary is holder of the attorney-client privilege in his or her capacity as such, successor fiduciary becomes the holder as to confidential communications between the predecessor fiduciary and attorney concerning trust administration]; Cal. Probate Code, § 8524, subd. (c). Because he was suspended, Mr. Spears quite simply has no privilege to claim.

Third, as noted above, Mr. Spears also waived any privilege claims. In addition to failing to timely object, his counsel promised "***unconditional[] cooperat[ion]***," "***complete transparency without conditions***," and that Britney Spears was "***welcome to everything***." (See McCurdy Decl., ¶ 10, Ex. D.) Even further, Mr. Spears's counsel stated that he had "provided ***explicit instructions to prior counsel to produce everything without exception***." (See McCurdy Decl., ¶ 11; see also *infra*, n.4.) Under *Moeller* and *Stine,* Mr. Spears does not hold the privilege. And in any event, even if the documents at issue were privileged (and they are not) he has waived any such privilege and should be estopped from asserted any such objections.

Mr. Spears also objects that the requests somehow violate his right to privacy. (McCurdy Decl., Ex. G, ¶ 10.) This makes no sense. It is Mr. Spears's burden to justify the objection, and he has failed to do so. (See *Coy*, *supra*, 58 Cal.2d at pp. 220-221; *Fairmont Ins. Co. v. Super. Ct.* (2000) 22 Cal.4th 245, 255.) Mr. Spears's position also reeks of hypocrisy given his gross violations of *his daughter's* privacy.

Finally, any claimed right to privacy must be considered against the "historically important state interest of facilitating the ascertainment of truth in connection with legal proceedings." (See *Gregori v. Bank of America* (1989) 207 Cal.App.3d 291, 312.) Even as Mr. Spears hides it, the mission remains to ascertain the truth, which necessarily trumps Mr. Spears's evasive and fabricated "privacy rights."

Mr. Spears additionally claims each document request violates confidentiality or the "common interest doctrine." Not only does Mr. Spears once again fail to support this objection with any facts, the "common interest doctrine" is a "nonwaiver doctrine," and does not separately act as a privilege shielding documents from discovery. (See *OXY Resources California LLC v. Superior Court* (2004) 115 Cal.App.4th 874, 889-90 ["party seeking to invoke the [common interest] doctrine must first establish that the communicated information would otherwise be protected from a disclosure by a claim of privilege"].) No privilege exists here to protect the disclosure of the requested documents.

Finally, Mr. Spears purports to assert hodgepodge objections that the document requests are "speculative, lack foundation, or improperly assume the existence of hypothetical facts that are incorrect or unknown to Jamie" and "call for a legal conclusion." (McCurdy Decl., Ex. G, ¶¶ 13, 14.) In asserting this boilerplate objection, Mr., Spears does nothing more than cite boilerplate buzz words into his general objections; he fails to incorporate them anywhere else, and he fails to justify how the document requests are so formed. This is because he is, once again, wrong and he is once again seeking to evade the truth and its consequences. As demonstrated above and as the requests themselves demonstrate, the requests are narrowly tailored to pending issues, which were put front and center by Mr. Spears himself. The use of such general objections, as applied here, is improper under the California Civil Discovery Act, and their bald assertion in this context demonstrates Mr. Spears's desperation and lack of any factual basis for them. (See generally *Korea Data Sys. Co. v. Superior Court* (1997) 51 Cal.App.4th 1513, 1516 [use of boilerplate objections is improper and sanctionable].)

REQUEST FOR PRODUCTION NO. 14:

All correspondence (whether on paper, electronically, or by text or instant message) RELATING TO monitoring of Britney Jean Spears's iCloud account.

RESPONSE TO REQUEST FOR PRODUCTION NO. 14:

Jamie incorporates by reference his General Objections. Jamie further objects to the Document Request to the extent it is vague, ambiguous, overly broad, unduly burdensome, and oppressive especially as it does not contain any temporal limitations. Jamie further objects to the Document Request to the extent it impermissibly seeks material protected by the attorney-client privilege, the attorney work-product doctrine, and/or the common interest doctrine. Jamie further objects to the Document Request to the extent that it seeks information that is already in Britney's possession or equally available to her. Jamie objects on the grounds that this Document Request presents an incomplete hypothetical and assumes facts.

Jamie further objects to the Document Request as follows:

- Jamie objects on the grounds that the Document Request is unduly burdensome and unreasonably duplicative and cumulative because it seeks the same information that was requested by Britney from Jamie in her December 17, 2021 Second Set of Requests for Production (*see, e.g.*, Request for Production No. 21). This is now the second time Britney served the exact same request.
- The Document Request extends beyond the proper scope of discovery and improperly attempts to re-litigate the thirteen-year Conservatorship and innumerable final court orders. California Civil Procedure Code Section 2017.010 limits the scope of discovery to matters relevant to the subject matter involved in the pending action. California Probate Code Section 2103 releases a conservator and the sureties from all the conservatee's claims when the court authorizes, approves, or confirms the action in an order. This Document Request is therefore overbroad, unduly burdensome, and beyond the scope of discovery to the extent it is not relevant to the limited matters remaining before the Court and to the extent the Court already approved any action in an order or judgment.
- There is no legitimate reason for requiring Jamie to undertake the burden of sifting through documents he already produced and reproducing those documents that are responsive to this Document Request. Jamie objects to these Document Requests as duplicative, unduly burdensome, oppressive, and harassing to the extent the Document Requests seek some or all of the same documents and information that Jamie already voluntarily produced. Since October 2021, Jamie's counsel has arranged for nearly 600,000 pages of documents (consisting of more than 58 boxes of hard copy

documents and more than 22 drives of electronic documents and spanning over 13 years of documents). Britney's own counsel admitted at the January 19, 2022 hearing that Jamie "produced voluminous information." *See* Jan. 19 Tr. 17:3-4. The nearly 600,000 pages of documents represent more than 124,500 electronic documents. Any responsive documents that are in Jamie's possession, custody, or control already are in Britney's possession, custody, or control or are otherwise equally available to her given Jamie's prior voluminous production of documents and information.

REASON TO COMPEL PRODUCTION TO REQUEST FOR PRODUCTION NO. 14:

As an initial matter, Mr. Spears fails to justify any of his objections with any facts, and none of his boilerplate objections are proper. (See *Costco Wholesale Corp. v. Superior Court* (2009) 47 Cal.4th 725, 733; *Coy v. Superior Court of Contra Costa County* (1962) 58 Cal.2d 210, 218-221.) It is important to bear in mind, too, that Mr. Spears has an obligation as a suspended conservator and fiduciary to turn over all relevant and responsive documents without any condition, regardless of the method of discovery sought. (See *Poag v. Winston* (1987) 195 Cal.App.3d 1161, 1176 ["As a fiduciary, a conservator owes a duty of loyalty which requires that he act in the highest good faith."].) This fact is buttressed by his new lawyer's own repeated claims of cooperation. Further, demonstrating regrettable gamesmanship and completely contradicting himself, Ms. Spears's counsel claims he "instructed" prior counsel to "withhold nothing" on the basis of privilege. Yet, his response to ***every single request*** for production includes objections on the basis of privilege. (See generally, McCurdy Decl., Ex. G.) This type of Alice-in-Wonderland dissembling is unacceptable.

Mr. Spears's counsel repeatedly and profusely promised his client's unconditional, transparent cooperation in producing "***all***" documents to Ms. Spears's counsel. Although these representations have, regrettably, proven to be false, made in an effort to create a false narrative and record—and what has become a "Big Lie" of Mr. Spears's defense—they are nevertheless relevant; thus, in addition to Mr. Spears's statutory waiver, his boilerplate objections should also be considered waived as a matter of equity and fairness and he should be estopped from asserting them. By way of illustration only, by email dated October 22, 2021, Mr. Spears's counsel professed the following:

- That Mr. Spears would "***unconditionally[] cooperate*** with a complete and total transfer of ***all files*** regarding the conservatorship . . . ."

- That Ms. Spears was "***welcome to everything – complete transparency without conditions***."
- That he would "***do everything [he] [could]*** to help facilitate the direct transfer [of all files] from prior counsel . . . ."
- "Again, ***complete transparency without conditions***."

(McCurdy Decl., ¶ 10.)

In the November 1, 2021 Status Report, Mr. Spears's counsel represented the following:

- "Jamie has ***nothing to hide*** [and] ***will therefore hide nothing***."
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In a November 5, 2021 email, Mr. Spears's counsel stated that he and his client were supposedly "committed to ***complete transparency***," that they had "***withheld nothing***," and that he "provided ***explicit instructions to prior counsel to produce <u>everything without exception</u>***." (McCurdy Decl., ¶ 11.) Even more, Mr. Spears's counsel claimed that "whatever documents exist regarding electronic surveillance, to the extent that any, would part [*sic*] of the production being made by prior counsel." (*Id.*)

These promises are tantamount to a "Big Lie." By objecting to every single one of Ms. Spears's document requests, Mr. Spears has done the exact opposite of what he promised. Mr. Spears's tactics to create a false record and narrative should not be countenanced. Even putting aside his statutory and fiduciary obligations, he has waived any objections and he should be ordered to produce all documents contained in the applicable requests.

Mr. Spears objects to the document requests as "unduly burdensome and unreasonable duplicative and cumulative" because he claims Ms. Spears requested similar information in requests for production propounded on him. (McCurdy Decl., Ex. G, ¶ 5.) The objection is contrary to law. California's Code of Civil Procedure does not preclude a party from seeking similar documents through different methods

of discovery. "[T]he inspection of documents procedure is quite different from a deposition at which a party is required to bring documents. Nothing in either section 2025 or section 2031 suggests that seeking documents under one statutory procedure bars a litigant from seeking the same documents under the other." (*Carter v. Superior Court* (1990) 218 Cal.App.3d 994, 997.)[27] Thus, consistent with the Court's reasoning in *Carter*, Mr. Spears must bring the requested documents to his deposition pursuant to this different method of discovery. (See also *Irvington-Moore, Inc. v. Superior Court* (1993) 14 Cal.App.4th 733, 739 ["[T]he selection of the method of discovery is to be utilized is to be made by the party seeking discovery. It cannot be dictated by the opposing party.].)

Relatedly, Mr. Spears claims the document requests are "duplicative, unduly burdensome, oppressive, and harassing" because Mr. Spears already "voluntarily" produced some of the same documents and information. (McCurdy Decl., Ex. G, ¶ 7.) He is wrong, on multiple levels. Initially, "[a] party is permitted to use multiple methods of obtaining discovery and the fact that information was disclosed under one method is not, standing alone, a proper basis for refusing to provide discovery under another method." (*Irvington-Moore, Inc.*, *supra*, 14 Cal.App.4th at p. 739; see also *TBG Ins. Services Corp. v. Superior Court* (2002) 96 Cal.App.4th 443, 449 [citing *Irvington-Moore* for the proposition that "a party may use multiple methods to obtain discovery and the fact that information was disclosed under one method is not, by itself, a proper basis to refuse to provide discovery under another method"]; see, e.g. *Coy*, *supra*, 58 Cal.2d at p. 218 ["the bare claim of previous deposition is insufficient as an objection to an interrogatory . . . To suffice as a valid objection such claim must be supported by some showing (or, as a minimum, some claim) that the requirement of a reply would be unjust and inequitable"].)

Mr. Spears's objection that he has already produced some of the requested documents, even if true, is not a defense. To the extent he intended to actually rely on this objection, Mr. Spears needed to demonstrate that production of the requested documents now would be "unjust and inequitable." But he grossly fails to so demonstrate; instead, he relies on his "Big Lie" defense: that he has cooperated and transferred all of the documents requested. Mr. Spears also astonishingly objects on the basis that "there

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are no further documents [he] could provide to respond to the Deposition Notice, Document Requests, and definitions" because he supposedly has produced them all. (McCurdy Decl., Ex. G, at p. 3:22-23.) If this were true (and it is false), then why does he not so state in a single response, instead of making countless boilerplate objections? Why does he not appear at his deposition, and so state on the record, under penalty of perjury? Why does he not identify the requested documents—by Bates number? Why does he not correlate them to the document requests at issue? And why does he not simply provide answers to the following questions and requests that have been posed to him repeatedly?

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Mr. Spears's objections on grounds of purportedly vague and ambiguous requests, or the terms "YOU" and "YOUR," are all baseless. (McCurdy Decl. G, ¶¶ 9, 11.) He has not and cannot explain in any manner what he claims not to understand about the document requests. (See *Deyo v. Kilbourne* (1978) 84 Cal.App.3d 771, 783 ["[W]here the question is somewhat ambiguous, but the nature of the information sought is apparent, the proper solution is to provide an appropriate response."].) Mr. Spears also fails to support his baseless burdensome and oppressive objections and asserts all of them without any actual factual support whatsoever. (See McCurdy Decl., Ex. G, ¶¶ 9, 12, 15, 16, 17.) "The objection based upon burden must be sustained by ***evidence showing*** the quantum of work required, while to support an objection of oppression there must be ***some showing*** either of an intent to create an unreasonable burden or that the ultimate effect of the burden is incommensurate with the result sought." (*W. Pico Furniture Co. v. Superior Court* (1961) 56 Cal.2d 407, 417, 418.) Mr. Spears fails to make any showing as to burden or oppression. (See *id.* at p. 418 ["The objection of burden is valid only when that burden is ***demonstrated*** to result in injustice."]; *cf. Mead Reinsurance Co. v. Superior Ct.* (1986) 188 Cal.App.3d 313, 321. For these reasons, Mr. Spears's objection that the documents "may be obtained from other sources or through other means of discovery" (McCurdy Decl., Ex. G, ¶ 15), and that the burden and expense would "outweigh the likely benefit of this discovery" (McCurdy Decl., Ex. G, ¶ 17) is also completely meritless.

Additionally, to the extent Mr. Spears objects that the document requests are "oppressive" because they "do not contain any temporal limitations" (an objection repeated in every response) this argument is also meritless. Again, no showing has been made of any intent to create an unreasonable burden, and any objection based on a lack of temporal definition is hypocritical. We are only here today because Britney Spears was under her father's infantilizing control for more than a decade. Further, the evidence shows that the conservatorship was conflicted from the very outset, when, among other things, Mr. Spears violated Rule of Court 7.1059 by obtaining a substantial loan from Tri Star and then hiring

Tri Star (a then fledgling company) as her business manager. And any claim that *Mr. Spears* faces "oppression" such that he cannot respond to discovery relating to *his own* oppression of Britney Spears is, to say the least, rich. Mr. Spears put his conduct at issue and he must face the consequences.

Mr. Spears's objections on privileged meritless, inapplicable, and have been waived. *First*, to the extent any privilege was claimed, Mr. Spears should have supported the claim with "sufficient factual information for other parties to evaluate the merits of that claim," such as a privilege log. (See, e.g. Code Civ. Proc. § 2031.240(c); *Riddell, Inc. v. Superior Court* (2017) 14 Cal.App.5th 755, 772 ["if an objection to a document request is based on a claim of privilege or work product, then the response to the request 'shall provide sufficient factual information for other parties to evaluate the merits of that claim'"]); (See *Costco*, *supra*, 47 Cal.4th at p. 733 ["[t]he party claiming the privilege has the burden of establishing the preliminary facts necessary to support its exercise"].) He failed to do so.

Second, now that Mr. Spears has been suspended as conservator of the estate, he no longer holds any attorney-client privilege. (See *Stine v. Dell'Osso* (2014) 239 Cal.App.4th 834, 843 [successor fiduciary became holder of the privilege of all communications between fiduciary and his counsel regarding the estate, whenever they occurred]; see also *Moeller v. Superior Court* (1997) 16 Cal.4th 1124, 1129-1135 [because fiduciary is holder of the attorney-client privilege in his or her capacity as such, successor fiduciary becomes the holder as to confidential communications between the predecessor fiduciary and attorney concerning trust administration]; Cal. Probate Code, § 8524, subd. (c). Because he was suspended, Mr. Spears quite simply has no privilege to claim.

Third, as noted above, Mr. Spears also waived any privilege claims. In addition to failing to timely object, his counsel promised "***unconditional[] cooperat[ion]***," "***complete transparency without conditions***," and that Britney Spears was "***welcome to everything***." (See McCurdy Decl., ¶ 10, Ex. D.) Even further, Mr. Spears's counsel stated that he had "provided ***explicit instructions to prior counsel to produce everything without exception***." (See McCurdy Decl., ¶ 11; see also *infra*, n.4.) Under *Moeller* and *Stine,* Mr. Spears does not hold the privilege. And in any event, even if the documents at issue were privileged (and they are not) he has waived any such privilege and should be estopped from asserted any such objections.

Mr. Spears also objects that the requests somehow violate his right to privacy. (McCurdy Decl., Ex. G, ¶ 10.) This makes no sense. It is Mr. Spears's burden to justify the objection, and he has failed to do so. (See *Coy*, *supra*, 58 Cal.2d at pp. 220-221; *Fairmont Ins. Co. v. Super. Ct.* (2000) 22 Cal.4th 245, 255.) Mr. Spears's position also reeks of hypocrisy given his gross violations of *his daughter's* privacy. Finally, any claimed right to privacy must be considered against the "historically important state interest of facilitating the ascertainment of truth in connection with legal proceedings." (See *Gregori v. Bank of America* (1989) 207 Cal.App.3d 291, 312.) Even as Mr. Spears hides it, the mission remains to ascertain the truth, which necessarily trumps Mr. Spears's evasive and fabricated "privacy rights."

Mr. Spears additionally claims each document request violates confidentiality or the "common interest doctrine." Not only does Mr. Spears once again fail to support this objection with any facts, the "common interest doctrine" is a "nonwaiver doctrine," and does not separately act as a privilege shielding documents from discovery. (See *OXY Resources California LLC v. Superior Court* (2004) 115 Cal.App.4th 874, 889-90 ["party seeking to invoke the [common interest] doctrine must first establish that the communicated information would otherwise be protected from a disclosure by a claim of privilege"].) No privilege exists here to protect the disclosure of the requested documents.

Finally, Mr. Spears purports to assert hodgepodge objections that the document requests are "speculative, lack foundation, or improperly assume the existence of hypothetical facts that are incorrect or unknown to Jamie" and "call for a legal conclusion." (McCurdy Decl., Ex. G, ¶¶ 13, 14.) In asserting this boilerplate objection, Mr., Spears does nothing more than cite boilerplate buzz words into his general objections; he fails to incorporate them anywhere else, and he fails to justify how the document requests are so formed. This is because he is, once again, wrong and he is once again seeking to evade the truth and its consequences. As demonstrated above and as the requests themselves demonstrate, the requests are narrowly tailored to pending issues, which were put front and center by Mr. Spears himself. The use of such general objections, as applied here, is improper under the California Civil Discovery Act, and their bald assertion in this context demonstrates Mr. Spears's desperation and lack of any factual basis for them. (See generally *Korea Data Sys. Co. v. Superior Court* (1997) 51 Cal.App.4th 1513, 1516 [use of boilerplate objections is improper and sanctionable].)

REQUEST FOR PRODUCTION NO. 15:

All DOCUMENTS RELATING TO payments or approvals for payments made for legal representation of Lou Taylor or Robin Greenhill.

RESPONSE TO REQUEST FOR PRODUCTION NO. 15:

Jamie incorporates by reference his General Objections. Jamie further objects to the Document Request to the extent it is vague, ambiguous, overly broad, unduly burdensome, and oppressive especially as it does not contain any temporal limitations. Jamie further objects to the Document Request to the extent it impermissibly seeks material protected by the attorney-client privilege, the attorney work-product doctrine, and/or the common interest doctrine. Jamie further objects to the Document Request to the extent that it seeks information that is already in Britney's possession or equally available to her.

Jamie further objects to the Document Request as follows:

- Jamie objects on the grounds that the Document Request is unduly burdensome and unreasonably duplicative and cumulative because it seeks the same information that was requested by Britney from Jamie in her August 25, 2021 First Set of Requests for Production (*see, e.g.*, Request for Production No. 10) and in her December 17, 2021 Second Set of Requests for Production (*see, e.g.*, Request for Production No. 22). This is now the third time Britney served the exact same request.
- The Document Request extends beyond the proper scope of discovery and improperly attempts to re-litigate the thirteen-year Conservatorship and innumerable final court orders. California Civil Procedure Code Section 2017.010 limits the scope of discovery to matters relevant to the subject matter involved in the pending action. California Probate Code Section 2103 releases a conservator and the sureties from all the conservatee's claims when the court authorizes, approves, or confirms the action in an order. This Document Request is therefore overbroad, unduly burdensome, and beyond the scope of discovery to the extent it is not relevant to the limited matters remaining before the Court and to the extent the Court already approved any action in an order or judgment.
- There is no legitimate reason for requiring Jamie to undertake the burden of sifting through documents he already produced and reproducing those documents that are responsive to this Document Request. Jamie objects to these Document Requests as duplicative, unduly burdensome, oppressive, and harassing to the extent the Document Requests seek some or all of the same documents

and information that Jamie already voluntarily produced. Since October 2021, Jamie's counsel has arranged for nearly 600,000 pages of documents (consisting of more than 58 boxes of hard copy documents and more than 22 drives of electronic documents and spanning over 13 years of documents). Britney's own counsel admitted at the January 19, 2022 hearing that Jamie "produced voluminous information." *See* Jan. 19 Tr. 17:3-4. The nearly 600,000 pages of documents represent more than 124,500 electronic documents. Any responsive documents that are in Jamie's possession, custody, or control already are in Britney's possession, custody, or control or are otherwise equally available to her given Jamie's prior voluminous production of documents and information.

REASON TO COMPEL PRODUCTION TO REQUEST FOR PRODUCTION NO. 15:

As an initial matter, Mr. Spears fails to justify any of his objections with any facts, and none of his boilerplate objections are proper. (See *Costco Wholesale Corp. v. Superior Court* (2009) 47 Cal.4th 725, 733; *Coy v. Superior Court of Contra Costa County* (1962) 58 Cal.2d 210, 218-221.) It is important to bear in mind, too, that Mr. Spears has an obligation as a suspended conservator and fiduciary to turn over all relevant and responsive documents without any condition, regardless of the method of discovery sought. (See *Poag v. Winston* (1987) 195 Cal.App.3d 1161, 1176 ["As a fiduciary, a conservator owes a duty of loyalty which requires that he act in the highest good faith."].) This fact is buttressed by his new lawyer's own repeated claims of cooperation. Further, demonstrating regrettable gamesmanship and completely contradicting himself, Ms. Spears's counsel claims he "instructed" prior counsel to "withhold nothing" on the basis of privilege. Yet, his response to ***every single request*** for production includes objections on the basis of privilege. (See generally, McCurdy Decl., Ex. G.) This type of Alice-in-Wonderland dissembling is unacceptable.

Mr. Spears's counsel repeatedly and profusely promised his client's unconditional, transparent cooperation in producing "***all***" documents to Ms. Spears's counsel. Although these representations have, regrettably, proven to be false, made in an effort to create a false narrative and record—and what has become a "Big Lie" of Mr. Spears's defense—they are nevertheless relevant; thus, in addition to Mr. Spears's statutory waiver, his boilerplate objections should also be considered waived as a matter of equity and fairness and he should be estopped from asserting them. By way of illustration only, by email dated October 22, 2021, Mr. Spears's counsel professed the following:

- That Mr. Spears would "***unconditionally[] cooperate*** with a complete and total transfer of ***all files*** regarding the conservatorship . . . ."
- That Ms. Spears was "***welcome to everything – complete transparency without conditions***."
- That he would "***do everything [he] [could]*** to help facilitate the direct transfer [of all files] from prior counsel . . . ."
- "Again, ***complete transparency without conditions***."

(McCurdy Decl., ¶ 10.)

In the November 1, 2021 Status Report, Mr. Spears's counsel represented the following:

- "Jamie has ***nothing to hide*** [and] ***will therefore hide nothing***."
- "Jamie affirms that he will ***unconditionally cooperate*** in transferring *all* [emphasis in original] files regarding the estate to Britney's counsel without delay."
- "Jamie recognizes his ***ongoing and transparent participation is paramount*** . . . ."
- "Jamie will ***unconditionally cooperate*** with a complete and total transfer of all files."
- "Jamie is committed to ***complete transparency without conditions***."

(McCurdy Decl., Ex. D.)

In a November 5, 2021 email, Mr. Spears's counsel stated that he and his client were supposedly "committed to ***complete transparency***," that they had "***withheld nothing***," and that he "provided ***explicit instructions to prior counsel to produce <u>everything without exception</u>***." (McCurdy Decl., ¶ 11.) Even more, Mr. Spears's counsel claimed that "whatever documents exist regarding electronic surveillance, to the extent that any, would part [*sic*] of the production being made by prior counsel." (*Id.*)

These promises are tantamount to a "Big Lie." By objecting to every single one of Ms. Spears's document requests, Mr. Spears has done the exact opposite of what he promised. Mr. Spears's tactics to create a false record and narrative should not be countenanced. Even putting aside his statutory and fiduciary obligations, he has waived any objections and he should be ordered to produce all documents contained in the applicable requests.

Mr. Spears objects to the document requests as "unduly burdensome and unreasonable duplicative and cumulative" because he claims Ms. Spears requested similar information in requests for production

propounded on him. (McCurdy Decl., Ex. G, ¶ 5.) The objection is contrary to law. California's Code of Civil Procedure does not preclude a party from seeking similar documents through different methods of discovery. "[T]he inspection of documents procedure is quite different from a deposition at which a party is required to bring documents. Nothing in either section 2025 or section 2031 suggests that seeking documents under one statutory procedure bars a litigant from seeking the same documents under the other." (*Carter v. Superior Court* (1990) 218 Cal.App.3d 994, 997.)[29] Thus, consistent with the Court's reasoning in *Carter*, Mr. Spears must bring the requested documents to his deposition pursuant to this different method of discovery. (See also *Irvington-Moore, Inc. v. Superior Court* (1993) 14 Cal.App.4th 733, 739 ["[T]he selection of the method of discovery is to be utilized is to be made by the party seeking discovery. It cannot be dictated by the opposing party.].)

Relatedly, Mr. Spears claims the document requests are "duplicative, unduly burdensome, oppressive, and harassing" because Mr. Spears already "voluntarily" produced some of the same documents and information. (McCurdy Decl., Ex. G, ¶ 7.) He is wrong, on multiple levels. Initially, "[a] party is permitted to use multiple methods of obtaining discovery and the fact that information was disclosed under one method is not, standing alone, a proper basis for refusing to provide discovery under another method." (*Irvington-Moore, Inc.*, *supra*, 14 Cal.App.4th at p. 739; see also *TBG Ins. Services Corp. v. Superior Court* (2002) 96 Cal.App.4th 443, 449 [citing *Irvington-Moore* for the proposition that "a party may use multiple methods to obtain discovery and the fact that information was disclosed under one method is not, by itself, a proper basis to refuse to provide discovery under another method"]; see, e.g. *Coy*, *supra*, 58 Cal.2d at p. 218 ["the bare claim of previous deposition is insufficient as an objection to an interrogatory . . . To suffice as a valid objection such claim must be supported by some showing (or, as a minimum, some claim) that the requirement of a reply would be unjust and inequitable"].)

Mr. Spears's objection that he has already produced some of the requested documents, even if true, is not a defense. To the extent he intended to actually rely on this objection, Mr. Spears needed to demonstrate that production of the requested documents now would be "unjust and inequitable." But he

[29] See also 10 Witkin, Cal. Evid. Discovery § 143 [discussing *Carter*]. Notably, the Legislature has amended the Civil Discovery Act several times since *Carter*, and it has done so without overruling or modifying *Carter*'s interpretation of the Act. "When a statute has been construed by the courts, and the Legislature thereafter reenacts that statute without changing the interpretation put on that statute by the court, the Legislature is presumed to have been aware of, and acquiesced in, the courts' construction of that statute." (*People v. Ledesma* (1997) 16 Cal.4th 90, 100-01.)

grossly fails to so demonstrate; instead, he relies on his "Big Lie" defense: that he has cooperated and transferred all of the documents requested. Mr. Spears also astonishingly objects on the basis that "there are no further documents [he] could provide to respond to the Deposition Notice, Document Requests, and definitions" because he supposedly has produced them all. (McCurdy Decl., Ex. G, at p. 3:22-23.) If this were true (and it is false), then why does he not so state in a single response, instead of making countless boilerplate objections? Why does he not appear at his deposition, and so state on the record, under penalty of perjury? Why does he not identify the requested documents—by Bates number? Why does he not correlate them to the document requests at issue? And why does he not simply provide answers to the following questions and requests that have been posed to him repeatedly?

As referenced above, despite our repeated and ongoing requests, while relying on the facile and false claim that he has produced "everything" requested, Mr. Spears has also failed to produce all text or email communications between and amongst Tri Star, Black Box, himself, and his counsel (see *Moeller* and *Stine*, *infra* at pp. 19-20) concerning the illicit surveillance operation at issue. Indeed, he falsely claims it "***DIDN'T HAPPEN, YOUR HONOR***," *supra* at 9. In short, as part of their efforts to stonewall and hide the truth, Mr. Spears has engaged in improper disjointed and incomplete "document dumps" rather than a professional, organized, and labelled production of documents. More pointedly, he has failed to produce *any* documents pursuant to and correlated to the deposition notices, ***not one***. (See *Kayne v. Grande Holdings Ltd.* (2011) 198 Cal.App.4th 1470, 1475-76 [sanctions appropriate where party refused to produce documents in an organized and labelled manner].)[30]

Mr. Spears also objects that the document requests "attempt to relitigate the entire thirteen-year Conservatorship and innumerable final court orders," and "are not relevant and not reasonably calculated to lead to the discovery of admissible evidence." (McCurdy Decl., Ex. G, ¶¶ 6, 8.) Nonsense. "Discovery may relate to the claim or defense of the party seeking discovery or of any other party to the action." (Code Civ. Proc., § 2017.010.) In this case, the document requests directly relate to Mr. Spears's role and conduct as former conservator of the estate, which are also directly at issue under *Shine*, *Kasperbauer*, and *Hudson.* The requested documents are thus not only "reasonably calculated" to lead to the discovery of admissible evidence, they go directly to the heart of numerous pending matters

[30] As a matter of restraint, we refrain herein from moving for sanctions but reserve all rights in that regard.

including Mr. Spears's fee petition and accountings, see, e.g., *Shine*, *supra*, 16 Cal.App.4th at p. 540; *Hudson*, *supra*, 68 Cal.App.4th at pp. 669-670.

Under the circumstances, Mr. Spears's objection that the requests are somehow "not reasonably calculated to lead to the discovery of admissible evidence" (McCurdy Decl., Ex. G, ¶¶ 8, 9) are, in fact, legally frivolous. (See *Pacific Tel. & Tel. Co. v. Superior Court* (1970) 2 Cal.3d 161, 173; *Garamendi v. Golden Eagle Ins. Co*. (2004) 116 Cal.App.4th 694, 712 fn. 8.)

Mr. Spears's objections on grounds of purportedly vague and ambiguous requests, or the terms "YOU" and "YOUR," are all baseless. (McCurdy Decl. G, ¶¶ 9, 11.) He has not and cannot explain in any manner what he claims not to understand about the document requests. (See *Deyo v. Kilbourne* (1978) 84 Cal.App.3d 771, 783 ["[W]here the question is somewhat ambiguous, but the nature of the information sought is apparent, the proper solution is to provide an appropriate response."].) Mr. Spears also fails to support his baseless burdensome and oppressive objections and asserts all of them without any actual factual support whatsoever. (See McCurdy Decl., Ex. G, ¶¶ 9, 12, 15, 16, 17.) "The objection based upon burden must be sustained by ***evidence showing*** the quantum of work required, while to support an objection of oppression there must be ***some showing*** either of an intent to create an unreasonable burden or that the ultimate effect of the burden is incommensurate with the result sought." (*W. Pico Furniture Co. v. Superior Court* (1961) 56 Cal.2d 407, 417, 418.) Mr. Spears fails to make any showing as to burden or oppression. (See *id.* at p. 418 ["The objection of burden is valid only when that burden is ***demonstrated*** to result in injustice."]; *cf. Mead Reinsurance Co. v. Superior Ct.* (1986) 188 Cal.App.3d 313, 321. For these reasons, Mr. Spears's objection that the documents "may be obtained from other sources or through other means of discovery" (McCurdy Decl., Ex. G, ¶ 15), and that the burden and expense would "outweigh the likely benefit of this discovery" (McCurdy Decl., Ex. G, ¶ 17) is also completely meritless.

Additionally, to the extent Mr. Spears objects that the document requests are "oppressive" because they "do not contain any temporal limitations" (an objection repeated in every response) this argument is also meritless. Again, no showing has been made of any intent to create an unreasonable burden, and any objection based on a lack of temporal definition is hypocritical. We are only here today because Britney Spears was under her father's infantilizing control for more than a decade. Further, the

evidence shows that the conservatorship was conflicted from the very outset, when, among other things, Mr. Spears violated Rule of Court 7.1059 by obtaining a substantial loan from Tri Star and then hiring Tri Star (a then fledgling company) as her business manager. And any claim that *Mr. Spears* faces "oppression" such that he cannot respond to discovery relating to *his own* oppression of Britney Spears is, to say the least, rich. Mr. Spears put his conduct at issue and he must face the consequences.

Mr. Spears's objections on privileged meritless, inapplicable, and have been waived. *First*, to the extent any privilege was claimed, Mr. Spears should have supported the claim with "sufficient factual information for other parties to evaluate the merits of that claim," such as a privilege log. (See, e.g. Code Civ. Proc. § 2031.240(c); *Riddell, Inc. v. Superior Court* (2017) 14 Cal.App.5th 755, 772 ["if an objection to a document request is based on a claim of privilege or work product, then the response to the request 'shall provide sufficient factual information for other parties to evaluate the merits of that claim'"]); (See *Costco*, *supra*, 47 Cal.4th at p. 733 ["[t]he party claiming the privilege has the burden of establishing the preliminary facts necessary to support its exercise"].) He failed to do so.

Second, now that Mr. Spears has been suspended as conservator of the estate, he no longer holds any attorney-client privilege. (See *Stine v. Dell'Osso* (2014) 239 Cal.App.4th 834, 843 [successor fiduciary became holder of the privilege of all communications between fiduciary and his counsel regarding the estate, whenever they occurred]; see also *Moeller v. Superior Court* (1997) 16 Cal.4th 1124, 1129-1135 [because fiduciary is holder of the attorney-client privilege in his or her capacity as such, successor fiduciary becomes the holder as to confidential communications between the predecessor fiduciary and attorney concerning trust administration]; Cal. Probate Code, § 8524, subd. (c). Because he was suspended, Mr. Spears quite simply has no privilege to claim.

Third, as noted above, Mr. Spears also waived any privilege claims. In addition to failing to timely object, his counsel promised "***unconditional[] cooperat[ion]***," "***complete transparency without conditions***," and that Britney Spears was "***welcome to everything***." (See McCurdy Decl., ¶ 10, Ex. D.) Even further, Mr. Spears's counsel stated that he had "provided ***explicit instructions to prior counsel to produce everything without exception***." (See McCurdy Decl., ¶ 11; see also *infra*, n.4.) Under *Moeller* and *Stine,* Mr. Spears does not hold the privilege. And in any event, even if the documents at issue were

privileged (and they are not) he has waived any such privilege and should be estopped from asserted any such objections.

Mr. Spears also objects that the requests somehow violate his right to privacy. (McCurdy Decl., Ex. G, ¶ 10.) This makes no sense. It is Mr. Spears's burden to justify the objection, and he has failed to do so. (See *Coy*, *supra*, 58 Cal.2d at pp. 220-221; *Fairmont Ins. Co. v. Super. Ct.* (2000) 22 Cal.4th 245, 255.) Mr. Spears's position also reeks of hypocrisy given his gross violations of *his daughter's* privacy. Finally, any claimed right to privacy must be considered against the "historically important state interest of facilitating the ascertainment of truth in connection with legal proceedings." (See *Gregori v. Bank of America* (1989) 207 Cal.App.3d 291, 312.) Even as Mr. Spears hides it, the mission remains to ascertain the truth, which necessarily trumps Mr. Spears's evasive and fabricated "privacy rights."

Mr. Spears additionally claims each document request violates confidentiality or the "common interest doctrine." Not only does Mr. Spears once again fail to support this objection with any facts, the "common interest doctrine" is a "nonwaiver doctrine," and does not separately act as a privilege shielding documents from discovery. (See *OXY Resources California LLC v. Superior Court* (2004) 115 Cal.App.4th 874, 889-90 ["party seeking to invoke the [common interest] doctrine must first establish that the communicated information would otherwise be protected from a disclosure by a claim of privilege"].) No privilege exists here to protect the disclosure of the requested documents.

Finally, Mr. Spears purports to assert hodgepodge objections that the document requests are "speculative, lack foundation, or improperly assume the existence of hypothetical facts that are incorrect or unknown to Jamie" and "call for a legal conclusion." (McCurdy Decl., Ex. G, ¶¶ 13, 14.) In asserting this boilerplate objection, Mr., Spears does nothing more than cite boilerplate buzz words into his general objections; he fails to incorporate them anywhere else, and he fails to justify how the document requests are so formed. This is because he is, once again, wrong and he is once again seeking to evade the truth and its consequences. As demonstrated above and as the requests themselves demonstrate, the requests are narrowly tailored to pending issues, which were put front and center by Mr. Spears himself. The use of such general objections, as applied here, is improper under the California Civil Discovery Act, and their bald assertion in this context demonstrates Mr. Spears's desperation and lack of any factual basis for

them. (See generally *Korea Data Sys. Co. v. Superior Court* (1997) 51 Cal.App.4th 1513, 1516 [use of boilerplate objections is improper and sanctionable].)

REQUEST FOR PRODUCTION NO. 16:

All DOCUMENTS RELATING TO tax or "accounting services" rendered by Tri Star Sports & Entertainment Group.

RESPONSE TO REQUEST FOR PRODUCTION NO. 16:

Jamie incorporates by reference his General Objections. Jamie further objects to the Document Request to the extent it is vague, ambiguous, overly broad, unduly burdensome, and oppressive especially as it does not contain any temporal limitations. Jamie further objects to the Document Request to the extent it impermissibly seeks material protected by the attorney-client privilege, the attorney work-product doctrine, and/or the common interest doctrine. Jamie further objects to the Document Request to the extent that it seeks information that is already in Britney's possession or equally available to her.

Jamie further objects to the Document Request as follows:

- Jamie objects on the grounds that the Document Request is unduly burdensome and unreasonably duplicative and cumulative because it seeks the same information that was requested by Britney from Jamie in her August 25, 2021 First Set of Requests for Production (*see, e.g.*, Request for Production No. 11) and in her December 17, 2021 Second Set of Requests for Production (*see, e.g.*, Request for Production No. 24). This is now the third time Britney served the exact same request.
- The Document Request extends beyond the proper scope of discovery and improperly attempts to re-litigate the thirteen-year Conservatorship and innumerable final court orders. California Civil Procedure Code Section 2017.010 limits the scope of discovery to matters relevant to the subject matter involved in the pending action. California Probate Code Section 2103 releases a conservator and the sureties from all the conservatee's claims when the court authorizes, approves, or confirms the action in an order. This Document Request is therefore overbroad, unduly burdensome, and beyond the scope of discovery to the extent it is not relevant to the limited matters remaining before the Court and to the extent the Court already approved any action in an order or judgment.
- There is no legitimate reason for requiring Jamie to undertake the burden of sifting through documents he already produced and reproducing those documents that are responsive to this

Document Request. Jamie objects to these Document Requests as duplicative, unduly burdensome, oppressive, and harassing to the extent the Document Requests seek some or all of the same documents and information that Jamie already voluntarily produced. Since October 2021, Jamie's counsel has arranged for nearly 600,000 pages of documents (consisting of more than 58 boxes of hard copy documents and more than 22 drives of electronic documents and spanning over 13 years of documents). Britney's own counsel admitted at the January 19, 2022 hearing that Jamie "produced voluminous information." *See* Jan. 19 Tr. 17:3-4. The nearly 600,000 pages of documents represent more than 124,500 electronic documents. Any responsive documents that are in Jamie's possession, custody, or control already are in Britney's possession, custody, or control or are otherwise equally available to her given Jamie's prior voluminous production of documents and information.

REASON TO COMPEL PRODUCTION TO REQUEST FOR PRODUCTION NO. 16:

As an initial matter, Mr. Spears fails to justify any of his objections with any facts, and none of his boilerplate objections are proper. (See *Costco Wholesale Corp. v. Superior Court* (2009) 47 Cal.4th 725, 733; *Coy v. Superior Court of Contra Costa County* (1962) 58 Cal.2d 210, 218-221.) It is important to bear in mind, too, that Mr. Spears has an obligation as a suspended conservator and fiduciary to turn over all relevant and responsive documents without any condition, regardless of the method of discovery sought. (See *Poag v. Winston* (1987) 195 Cal.App.3d 1161, 1176 ["As a fiduciary, a conservator owes a duty of loyalty which requires that he act in the highest good faith."].) This fact is buttressed by his new lawyer's own repeated claims of cooperation. Further, demonstrating regrettable gamesmanship and completely contradicting himself, Ms. Spears's counsel claims he "instructed" prior counsel to "withhold nothing" on the basis of privilege. Yet, his response to ***every single request*** for production includes objections on the basis of privilege. (See generally, McCurdy Decl., Ex. G.) This type of Alice-in-Wonderland dissembling is unacceptable.

Mr. Spears's counsel repeatedly and profusely promised his client's unconditional, transparent cooperation in producing "***all***" documents to Ms. Spears's counsel. Although these representations have, regrettably, proven to be false, made in an effort to create a false narrative and record—and what has become a "Big Lie" of Mr. Spears's defense—they are nevertheless relevant; thus, in addition to Mr. Spears's statutory waiver, his boilerplate objections should also be considered waived as a matter of

equity and fairness and he should be estopped from asserting them. By way of illustration only, by email dated October 22, 2021, Mr. Spears's counsel professed the following:

- That Mr. Spears would "***unconditionally[] cooperate*** with a complete and total transfer of ***all files*** regarding the conservatorship . . . ."
- That Ms. Spears was "***welcome to everything – complete transparency without conditions***."
- That he would "***do everything [he] [could]*** to help facilitate the direct transfer [of all files] from prior counsel . . . ."
- "Again, ***complete transparency without conditions***."

(McCurdy Decl., ¶ 10.)

In the November 1, 2021 Status Report, Mr. Spears's counsel represented the following:

- "Jamie has ***nothing to hide*** [and] ***will therefore hide nothing***."
- "Jamie affirms that he will ***unconditionally cooperate*** in transferring *all* [emphasis in original] files regarding the estate to Britney's counsel without delay."
- "Jamie recognizes his ***ongoing and transparent participation is paramount*** . . . ."
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(McCurdy Decl., Ex. D.)

In a November 5, 2021 email, Mr. Spears's counsel stated that he and his client were supposedly "committed to ***complete transparency***," that they had "***withheld nothing***," and that he "provided ***explicit instructions to prior counsel to produce <u>everything without exception</u>***." (McCurdy Decl., ¶ 11.) Even more, Mr. Spears's counsel claimed that "whatever documents exist regarding electronic surveillance, to the extent that any, would part [*sic*] of the production being made by prior counsel." (*Id.*)

These promises are tantamount to a "Big Lie." By objecting to every single one of Ms. Spears's document requests, Mr. Spears has done the exact opposite of what he promised. Mr. Spears's tactics to create a false record and narrative should not be countenanced. Even putting aside his statutory and fiduciary obligations, he has waived any objections and he should be ordered to produce all documents contained in the applicable requests.

Mr. Spears objects to the document requests as "unduly burdensome and unreasonable duplicative and cumulative" because he claims Ms. Spears requested similar information in requests for production propounded on him. (McCurdy Decl., Ex. G, ¶ 5.) The objection is contrary to law. California's Code of Civil Procedure does not preclude a party from seeking similar documents through different methods of discovery. "[T]he inspection of documents procedure is quite different from a deposition at which a party is required to bring documents. Nothing in either section 2025 or section 2031 suggests that seeking documents under one statutory procedure bars a litigant from seeking the same documents under the other." (*Carter v. Superior Court* (1990) 218 Cal.App.3d 994, 997.)[31] Thus, consistent with the Court's reasoning in *Carter*, Mr. Spears must bring the requested documents to his deposition pursuant to this different method of discovery. (See also *Irvington-Moore, Inc. v. Superior Court* (1993) 14 Cal.App.4th 733, 739 ["[T]he selection of the method of discovery is to be utilized is to be made by the party seeking discovery. It cannot be dictated by the opposing party.].)

Relatedly, Mr. Spears claims the document requests are "duplicative, unduly burdensome, oppressive, and harassing" because Mr. Spears already "voluntarily" produced some of the same documents and information. (McCurdy Decl., Ex. G, ¶ 7.) He is wrong, on multiple levels. Initially, "[a] party is permitted to use multiple methods of obtaining discovery and the fact that information was disclosed under one method is not, standing alone, a proper basis for refusing to provide discovery under another method." (*Irvington-Moore, Inc.*, *supra*, 14 Cal.App.4th at p. 739; see also *TBG Ins. Services Corp. v. Superior Court* (2002) 96 Cal.App.4th 443, 449 [citing *Irvington-Moore* for the proposition that "a party may use multiple methods to obtain discovery and the fact that information was disclosed under one method is not, by itself, a proper basis to refuse to provide discovery under another method"]; see, e.g. *Coy*, *supra*, 58 Cal.2d at p. 218 ["the bare claim of previous deposition is insufficient as an objection to an interrogatory . . . To suffice as a valid objection such claim must be supported by some showing (or, as a minimum, some claim) that the requirement of a reply would be unjust and inequitable"].)

[31] See also 10 Witkin, Cal. Evid. Discovery § 143 [discussing *Carter*]. Notably, the Legislature has amended the Civil Discovery Act several times since *Carter*, and it has done so without overruling or modifying *Carter*'s interpretation of the Act. "When a statute has been construed by the courts, and the Legislature thereafter reenacts that statute without changing the interpretation put on that statute by the court, the Legislature is presumed to have been aware of, and acquiesced in, the courts' construction of that statute." (*People v. Ledesma* (1997) 16 Cal.4th 90, 100-01.)

Mr. Spears's objection that he has already produced some of the requested documents, even if true, is not a defense. To the extent he intended to actually rely on this objection, Mr. Spears needed to demonstrate that production of the requested documents now would be "unjust and inequitable." But he grossly fails to so demonstrate; instead, he relies on his "Big Lie" defense: that he has cooperated and transferred all of the documents requested. Mr. Spears also astonishingly objects on the basis that "there are no further documents [he] could provide to respond to the Deposition Notice, Document Requests, and definitions" because he supposedly has produced them all. (McCurdy Decl., Ex. G, at p. 3:22-23.) If this were true (and it is false), then why does he not so state in a single response, instead of making countless boilerplate objections? Why does he not appear at his deposition, and so state on the record, under penalty of perjury? Why does he not identify the requested documents—by Bates number? Why does he not correlate them to the document requests at issue? And why does he not simply provide answers to the following questions and requests that have been posed to him repeatedly?

As referenced above, despite our repeated and ongoing requests, while relying on the facile and false claim that he has produced "everything" requested, Mr. Spears has also failed to produce all text or email communications between and amongst Tri Star, Black Box, himself, and his counsel (see *Moeller* and *Stine*, *infra* at pp. 19-20) concerning the illicit surveillance operation at issue. Indeed, he falsely claims it "***DIDN'T HAPPEN, YOUR HONOR***," *supra* at 9. In short, as part of their efforts to stonewall and hide the truth, Mr. Spears has engaged in improper disjointed and incomplete "document dumps" rather than a professional, organized, and labelled production of documents. More pointedly, he has failed to produce *any* documents pursuant to and correlated to the deposition notices, ***not one***. (See *Kayne v. Grande Holdings Ltd.* (2011) 198 Cal.App.4th 1470, 1475-76 [sanctions appropriate where party refused to produce documents in an organized and labelled manner].)[32]

Mr. Spears also objects that the document requests "attempt to relitigate the entire thirteen-year Conservatorship and innumerable final court orders," and "are not relevant and not reasonably calculated to lead to the discovery of admissible evidence." (McCurdy Decl., Ex. G, ¶¶ 6, 8.) Nonsense. "Discovery may relate to the claim or defense of the party seeking discovery or of any other party to the action." (Code Civ. Proc., § 2017.010.) In this case, the document requests directly relate to Mr.

[32] As a matter of restraint, we refrain herein from moving for sanctions but reserve all rights in that regard.

Spears's role and conduct as former conservator of the estate, which are also directly at issue under *Shine*, *Kasperbauer*, and *Hudson.* The requested documents are thus not only "reasonably calculated" to lead to the discovery of admissible evidence, they go directly to the heart of numerous pending matters including Mr. Spears's fee petition and accountings, see, e.g., *Shine*, *supra*, 16 Cal.App.4th at p. 540; *Hudson*, *supra*, 68 Cal.App.4th at pp. 669-670.

Under the circumstances, Mr. Spears's objection that the requests are somehow "not reasonably calculated to lead to the discovery of admissible evidence" (McCurdy Decl., Ex. G, ¶¶ 8, 9) are, in fact, legally frivolous. (See *Pacific Tel. & Tel. Co. v. Superior Court* (1970) 2 Cal.3d 161, 173; *Garamendi v. Golden Eagle Ins. Co*. (2004) 116 Cal.App.4th 694, 712 fn. 8.)

Mr. Spears's objections on grounds of purportedly vague and ambiguous requests, or the terms "YOU" and "YOUR," are all baseless. (McCurdy Decl. G, ¶¶ 9, 11.) He has not and cannot explain in any manner what he claims not to understand about the document requests. (See *Deyo v. Kilbourne* (1978) 84 Cal.App.3d 771, 783 ["[W]here the question is somewhat ambiguous, but the nature of the information sought is apparent, the proper solution is to provide an appropriate response."].) Mr. Spears also fails to support his baseless burdensome and oppressive objections and asserts all of them without any actual factual support whatsoever. (See McCurdy Decl., Ex. G, ¶¶ 9, 12, 15, 16, 17.) "The objection based upon burden must be sustained by ***evidence showing*** the quantum of work required, while to support an objection of oppression there must be ***some showing*** either of an intent to create an unreasonable burden or that the ultimate effect of the burden is incommensurate with the result sought." (*W. Pico Furniture Co. v. Superior Court* (1961) 56 Cal.2d 407, 417, 418.) Mr. Spears fails to make any showing as to burden or oppression. (See *id.* at p. 418 ["The objection of burden is valid only when that burden is ***demonstrated*** to result in injustice."]; *cf. Mead Reinsurance Co. v. Superior Ct.* (1986) 188 Cal.App.3d 313, 321. For these reasons, Mr. Spears's objection that the documents "may be obtained from other sources or through other means of discovery" (McCurdy Decl., Ex. G, ¶ 15), and that the burden and expense would "outweigh the likely benefit of this discovery" (McCurdy Decl., Ex. G, ¶ 17) is also completely meritless.

Additionally, to the extent Mr. Spears objects that the document requests are "oppressive" because they "do not contain any temporal limitations" (an objection repeated in every response) this

argument is also meritless. Again, no showing has been made of any intent to create an unreasonable burden, and any objection based on a lack of temporal definition is hypocritical. We are only here today because Britney Spears was under her father's infantilizing control for more than a decade. Further, the evidence shows that the conservatorship was conflicted from the very outset, when, among other things, Mr. Spears violated Rule of Court 7.1059 by obtaining a substantial loan from Tri Star and then hiring Tri Star (a then fledgling company) as her business manager. And any claim that *Mr. Spears* faces "oppression" such that he cannot respond to discovery relating to *his own* oppression of Britney Spears is, to say the least, rich. Mr. Spears put his conduct at issue and he must face the consequences.

Mr. Spears's objections on privileged meritless, inapplicable, and have been waived. *First*, to the extent any privilege was claimed, Mr. Spears should have supported the claim with "sufficient factual information for other parties to evaluate the merits of that claim," such as a privilege log. (See, e.g. Code Civ. Proc. § 2031.240(c); *Riddell, Inc. v. Superior Court* (2017) 14 Cal.App.5th 755, 772 ["if an objection to a document request is based on a claim of privilege or work product, then the response to the request 'shall provide sufficient factual information for other parties to evaluate the merits of that claim'"]); (See *Costco*, *supra*, 47 Cal.4th at p. 733 ["[t]he party claiming the privilege has the burden of establishing the preliminary facts necessary to support its exercise"].) He failed to do so.

Second, now that Mr. Spears has been suspended as conservator of the estate, he no longer holds any attorney-client privilege. (See *Stine v. Dell'Osso* (2014) 239 Cal.App.4th 834, 843 [successor fiduciary became holder of the privilege of all communications between fiduciary and his counsel regarding the estate, whenever they occurred]; see also *Moeller v. Superior Court* (1997) 16 Cal.4th 1124, 1129-1135 [because fiduciary is holder of the attorney-client privilege in his or her capacity as such, successor fiduciary becomes the holder as to confidential communications between the predecessor fiduciary and attorney concerning trust administration]; Cal. Probate Code, § 8524, subd. (c). Because he was suspended, Mr. Spears quite simply has no privilege to claim.

Third, as noted above, Mr. Spears also waived any privilege claims. In addition to failing to timely object, his counsel promised "***unconditional[] cooperat[ion]***," "***complete transparency without conditions***," and that Britney Spears was "***welcome to everything***." (See McCurdy Decl., ¶ 10, Ex. D.) Even further, Mr. Spears's counsel stated that he had "provided ***explicit instructions to prior counsel to***

produce everything <u>without exception</u>." (See McCurdy Decl., ¶ 11; see also *infra*, n.4.) Under *Moeller* and *Stine,* Mr. Spears does not hold the privilege. And in any event, even if the documents at issue were privileged (and they are not) he has waived any such privilege and should be estopped from asserted any such objections.

Mr. Spears also objects that the requests somehow violate his right to privacy. (McCurdy Decl., Ex. G, ¶ 10.) This makes no sense. It is Mr. Spears's burden to justify the objection, and he has failed to do so. (See *Coy*, *supra*, 58 Cal.2d at pp. 220-221; *Fairmont Ins. Co. v. Super. Ct.* (2000) 22 Cal.4th 245, 255.) Mr. Spears's position also reeks of hypocrisy given his gross violations of *his daughter's* privacy. Finally, any claimed right to privacy must be considered against the "historically important state interest of facilitating the ascertainment of truth in connection with legal proceedings." (See *Gregori v. Bank of America* (1989) 207 Cal.App.3d 291, 312.) Even as Mr. Spears hides it, the mission remains to ascertain the truth, which necessarily trumps Mr. Spears's evasive and fabricated "privacy rights."

Mr. Spears additionally claims each document request violates confidentiality or the "common interest doctrine." Not only does Mr. Spears once again fail to support this objection with any facts, the "common interest doctrine" is a "nonwaiver doctrine," and does not separately act as a privilege shielding documents from discovery. (See *OXY Resources California LLC v. Superior Court* (2004) 115 Cal.App.4th 874, 889-90 ["party seeking to invoke the [common interest] doctrine must first establish that the communicated information would otherwise be protected from a disclosure by a claim of privilege"].) No privilege exists here to protect the disclosure of the requested documents.

Finally, Mr. Spears purports to assert hodgepodge objections that the document requests are "speculative, lack foundation, or improperly assume the existence of hypothetical facts that are incorrect or unknown to Jamie" and "call for a legal conclusion." (McCurdy Decl., Ex. G, ¶¶ 13, 14.) In asserting this boilerplate objection, Mr., Spears does nothing more than cite boilerplate buzz words into his general objections; he fails to incorporate them anywhere else, and he fails to justify how the document requests are so formed. This is because he is, once again, wrong and he is once again seeking to evade the truth and its consequences. As demonstrated above and as the requests themselves demonstrate, the requests are narrowly tailored to pending issues, which were put front and center by Mr. Spears himself. The use of such general objections, as applied here, is improper under the California Civil Discovery Act, and

their bald assertion in this context demonstrates Mr. Spears's desperation and lack of any factual basis for them. (See generally *Korea Data Sys. Co. v. Superior Court* (1997) 51 Cal.App.4th 1513, 1516 [use of boilerplate objections is improper and sanctionable].)

REQUEST FOR PRODUCTION NO. 17:

All correspondence (whether on paper, electronically, or by text or instant message) with security services and/or guards at Black Box Security, Inc. or otherwise, who have worked at the residence of Britney Jean Spears concerning electronic surveillance.

RESPONSE TO REQUEST FOR PRODUCTION NO. 17:

Jamie incorporates by reference his General Objections. Jamie further objects to the Document Request to the extent it is vague, ambiguous, overly broad, unduly burdensome, and oppressive especially as it does not contain any temporal limitations. Jamie further objects to the Document Request to the extent it impermissibly seeks material protected by the attorney-client privilege, the attorney work-product doctrine, and/or the common interest doctrine. Jamie further objects to the Document Request to the extent that it seeks information that is already in Britney's possession or equally available to her.

Jamie further objects to the Document Request as follows:

- The Document Request extends beyond the proper scope of discovery and improperly attempts to re-litigate the thirteen-year Conservatorship and innumerable final court orders. California Civil Procedure Code Section 2017.010 limits the scope of discovery to matters relevant to the subject matter involved in the pending action. California Probate Code Section 2103 releases a conservator and the sureties from all the conservatee's claims when the court authorizes, approves, or confirms the action in an order. This Document Request is therefore overbroad, unduly burdensome, and beyond the scope of discovery to the extent it is not relevant to the limited matters remaining before the Court and to the extent the Court already approved any action in an order or judgment.
- There is no legitimate reason for requiring Jamie to undertake the burden of sifting through documents he already produced and reproducing those documents that are responsive to this Document Request. Jamie objects to these Document Requests as duplicative, unduly burdensome, oppressive, and harassing to the extent the Document Requests seek some or all of the same documents and information that Jamie already voluntarily produced. Since October 2021, Jamie's counsel has

arranged for nearly 600,000 pages of documents (consisting of more than 58 boxes of hard copy documents and more than 22 drives of electronic documents and spanning over 13 years of documents). Britney's own counsel admitted at the January 19, 2022 hearing that Jamie "produced voluminous information." *See* Jan. 19 Tr. 17:3-4. The nearly 600,000 pages of documents represent more than 124,500 electronic documents. Any responsive documents that are in Jamie's possession, custody, or control already are in Britney's possession, custody, or control or are otherwise equally available to her given Jamie's prior voluminous production of documents and information.

REASON TO COMPEL PRODUCTION TO REQUEST FOR PRODUCTION NO. 17:

As an initial matter, Mr. Spears fails to justify any of his objections with any facts, and none of his boilerplate objections are proper. (See *Costco Wholesale Corp. v. Superior Court* (2009) 47 Cal.4th 725, 733; *Coy v. Superior Court of Contra Costa County* (1962) 58 Cal.2d 210, 218-221.) It is important to bear in mind, too, that Mr. Spears has an obligation as a suspended conservator and fiduciary to turn over all relevant and responsive documents without any condition, regardless of the method of discovery sought. (See *Poag v. Winston* (1987) 195 Cal.App.3d 1161, 1176 ["As a fiduciary, a conservator owes a duty of loyalty which requires that he act in the highest good faith."].) This fact is buttressed by his new lawyer's own repeated claims of cooperation. Further, demonstrating regrettable gamesmanship and completely contradicting himself, Ms. Spears's counsel claims he "instructed" prior counsel to "withhold nothing" on the basis of privilege. Yet, his response to ***every single request*** for production includes objections on the basis of privilege. (See generally, McCurdy Decl., Ex. G.) This type of Alice-in-Wonderland dissembling is unacceptable.

Mr. Spears's counsel repeatedly and profusely promised his client's unconditional, transparent cooperation in producing "***all***" documents to Ms. Spears's counsel. Although these representations have, regrettably, proven to be false, made in an effort to create a false narrative and record—and what has become a "Big Lie" of Mr. Spears's defense—they are nevertheless relevant; thus, in addition to Mr. Spears's statutory waiver, his boilerplate objections should also be considered waived as a matter of equity and fairness and he should be estopped from asserting them. By way of illustration only, by email dated October 22, 2021, Mr. Spears's counsel professed the following:

- That Mr. Spears would "***unconditionally[] cooperate*** with a complete and total transfer of ***all files*** regarding the conservatorship . . . ."
- That Ms. Spears was "***welcome to everything – complete transparency without conditions***."
- That he would "***do everything [he] [could]*** to help facilitate the direct transfer [of all files] from prior counsel . . . ."
- "Again, ***complete transparency without conditions***."

(McCurdy Decl., ¶ 10.)

In the November 1, 2021 Status Report, Mr. Spears's counsel represented the following:

- "Jamie has ***nothing to hide*** [and] ***will therefore hide nothing***."
- "Jamie affirms that he will ***unconditionally cooperate*** in transferring *all* [emphasis in original] files regarding the estate to Britney's counsel without delay."
- "Jamie recognizes his ***ongoing and transparent participation is paramount*** . . . ."
- "Jamie will ***unconditionally cooperate*** with a complete and total transfer of all files."
- "Jamie is committed to ***complete transparency without conditions***."

(McCurdy Decl., Ex. D.)

In a November 5, 2021 email, Mr. Spears's counsel stated that he and his client were supposedly "committed to ***complete transparency***," that they had "***withheld nothing***," and that he "provided ***explicit instructions to prior counsel to produce <u>everything without exception</u>***." (McCurdy Decl., ¶ 11.) Even more, Mr. Spears's counsel claimed that "whatever documents exist regarding electronic surveillance, to the extent that any, would part [*sic*] of the production being made by prior counsel." (*Id.*)

These promises are tantamount to a "Big Lie." By objecting to every single one of Ms. Spears's document requests, Mr. Spears has done the exact opposite of what he promised. Mr. Spears's tactics to create a false record and narrative should not be countenanced. Even putting aside his statutory and fiduciary obligations, he has waived any objections and he should be ordered to produce all documents contained in the applicable requests.

Mr. Spears objects to the document requests as "unduly burdensome and unreasonable duplicative and cumulative" because he claims Ms. Spears requested similar information in requests for production

propounded on him. (McCurdy Decl., Ex. G, ¶ 5.) The objection is contrary to law. California's Code of Civil Procedure does not preclude a party from seeking similar documents through different methods of discovery. "[T]he inspection of documents procedure is quite different from a deposition at which a party is required to bring documents. Nothing in either section 2025 or section 2031 suggests that seeking documents under one statutory procedure bars a litigant from seeking the same documents under the other." (*Carter v. Superior Court* (1990) 218 Cal.App.3d 994, 997.)[33] Thus, consistent with the Court's reasoning in *Carter*, Mr. Spears must bring the requested documents to his deposition pursuant to this different method of discovery. (See also *Irvington-Moore, Inc. v. Superior Court* (1993) 14 Cal.App.4th 733, 739 ["[T]he selection of the method of discovery is to be utilized is to be made by the party seeking discovery. It cannot be dictated by the opposing party.].)

Relatedly, Mr. Spears claims the document requests are "duplicative, unduly burdensome, oppressive, and harassing" because Mr. Spears already "voluntarily" produced some of the same documents and information. (McCurdy Decl., Ex. G, ¶ 7.) He is wrong, on multiple levels. Initially, "[a] party is permitted to use multiple methods of obtaining discovery and the fact that information was disclosed under one method is not, standing alone, a proper basis for refusing to provide discovery under another method." (*Irvington-Moore, Inc.*, *supra*, 14 Cal.App.4th at p. 739; see also *TBG Ins. Services Corp. v. Superior Court* (2002) 96 Cal.App.4th 443, 449 [citing *Irvington-Moore* for the proposition that "a party may use multiple methods to obtain discovery and the fact that information was disclosed under one method is not, by itself, a proper basis to refuse to provide discovery under another method"]; see, e.g. *Coy*, *supra*, 58 Cal.2d at p. 218 ["the bare claim of previous deposition is insufficient as an objection to an interrogatory . . . To suffice as a valid objection such claim must be supported by some showing (or, as a minimum, some claim) that the requirement of a reply would be unjust and inequitable"].)

Mr. Spears's objection that he has already produced some of the requested documents, even if true, is not a defense. To the extent he intended to actually rely on this objection, Mr. Spears needed to demonstrate that production of the requested documents now would be "unjust and inequitable." But he

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grossly fails to so demonstrate; instead, he relies on his "Big Lie" defense: that he has cooperated and transferred all of the documents requested. Mr. Spears also astonishingly objects on the basis that "there are no further documents [he] could provide to respond to the Deposition Notice, Document Requests, and definitions" because he supposedly has produced them all. (McCurdy Decl., Ex. G, at p. 3:22-23.) If this were true (and it is false), then why does he not so state in a single response, instead of making countless boilerplate objections? Why does he not appear at his deposition, and so state on the record, under penalty of perjury? Why does he not identify the requested documents—by Bates number? Why does he not correlate them to the document requests at issue? And why does he not simply provide answers to the following questions and requests that have been posed to him repeatedly?

As referenced above, despite our repeated and ongoing requests, while relying on the facile and false claim that he has produced "everything" requested, Mr. Spears has also failed to produce all text or email communications between and amongst Tri Star, Black Box, himself, and his counsel (see *Moeller* and *Stine*, *infra* at pp. 19-20) concerning the illicit surveillance operation at issue. Indeed, he falsely claims it "***DIDN'T HAPPEN, YOUR HONOR***," *supra* at 9. In short, as part of their efforts to stonewall and hide the truth, Mr. Spears has engaged in improper disjointed and incomplete "document dumps" rather than a professional, organized, and labelled production of documents. More pointedly, he has failed to produce *any* documents pursuant to and correlated to the deposition notices, ***not one***. (See *Kayne v. Grande Holdings Ltd.* (2011) 198 Cal.App.4th 1470, 1475-76 [sanctions appropriate where party refused to produce documents in an organized and labelled manner].)[34]

Mr. Spears also objects that the document requests "attempt to relitigate the entire thirteen-year Conservatorship and innumerable final court orders," and "are not relevant and not reasonably calculated to lead to the discovery of admissible evidence." (McCurdy Decl., Ex. G, ¶¶ 6, 8.) Nonsense. "Discovery may relate to the claim or defense of the party seeking discovery or of any other party to the action." (Code Civ. Proc., § 2017.010.) In this case, the document requests directly relate to Mr. Spears's role and conduct as former conservator of the estate, which are also directly at issue under *Shine*, *Kasperbauer*, and *Hudson.* The requested documents are thus not only "reasonably calculated" to lead to the discovery of admissible evidence, they go directly to the heart of numerous pending matters

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Mr. Spears's objections on grounds of purportedly vague and ambiguous requests, or the terms "YOU" and "YOUR," are all baseless. (McCurdy Decl. G, ¶¶ 9, 11.) He has not and cannot explain in any manner what he claims not to understand about the document requests. (See *Deyo v. Kilbourne* (1978) 84 Cal.App.3d 771, 783 ["[W]here the question is somewhat ambiguous, but the nature of the information sought is apparent, the proper solution is to provide an appropriate response."].) Mr. Spears also fails to support his baseless burdensome and oppressive objections and asserts all of them without any actual factual support whatsoever. (See McCurdy Decl., Ex. G, ¶¶ 9, 12, 15, 16, 17.) "The objection based upon burden must be sustained by ***evidence showing*** the quantum of work required, while to support an objection of oppression there must be ***some showing*** either of an intent to create an unreasonable burden or that the ultimate effect of the burden is incommensurate with the result sought." (*W. Pico Furniture Co. v. Superior Court* (1961) 56 Cal.2d 407, 417, 418.) Mr. Spears fails to make any showing as to burden or oppression. (See *id.* at p. 418 ["The objection of burden is valid only when that burden is ***demonstrated*** to result in injustice."]; *cf. Mead Reinsurance Co. v. Superior Ct.* (1986) 188 Cal.App.3d 313, 321. For these reasons, Mr. Spears's objection that the documents "may be obtained from other sources or through other means of discovery" (McCurdy Decl., Ex. G, ¶ 15), and that the burden and expense would "outweigh the likely benefit of this discovery" (McCurdy Decl., Ex. G, ¶ 17) is also completely meritless.

Additionally, to the extent Mr. Spears objects that the document requests are "oppressive" because they "do not contain any temporal limitations" (an objection repeated in every response) this argument is also meritless. Again, no showing has been made of any intent to create an unreasonable burden, and any objection based on a lack of temporal definition is hypocritical. We are only here today because Britney Spears was under her father's infantilizing control for more than a decade. Further, the

evidence shows that the conservatorship was conflicted from the very outset, when, among other things, Mr. Spears violated Rule of Court 7.1059 by obtaining a substantial loan from Tri Star and then hiring Tri Star (a then fledgling company) as her business manager. And any claim that *Mr. Spears* faces "oppression" such that he cannot respond to discovery relating to *his own* oppression of Britney Spears is, to say the least, rich. Mr. Spears put his conduct at issue and he must face the consequences.

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Second, now that Mr. Spears has been suspended as conservator of the estate, he no longer holds any attorney-client privilege. (See *Stine v. Dell'Osso* (2014) 239 Cal.App.4th 834, 843 [successor fiduciary became holder of the privilege of all communications between fiduciary and his counsel regarding the estate, whenever they occurred]; see also *Moeller v. Superior Court* (1997) 16 Cal.4th 1124, 1129-1135 [because fiduciary is holder of the attorney-client privilege in his or her capacity as such, successor fiduciary becomes the holder as to confidential communications between the predecessor fiduciary and attorney concerning trust administration]; Cal. Probate Code, § 8524, subd. (c). Because he was suspended, Mr. Spears quite simply has no privilege to claim.

Third, as noted above, Mr. Spears also waived any privilege claims. In addition to failing to timely object, his counsel promised "***unconditional[] cooperat[ion]***," "***complete transparency without conditions***," and that Britney Spears was "***welcome to everything***." (See McCurdy Decl., ¶ 10, Ex. D.) Even further, Mr. Spears's counsel stated that he had "provided ***explicit instructions to prior counsel to produce everything without exception***." (See McCurdy Decl., ¶ 11; see also *infra*, n.4.) Under *Moeller* and *Stine,* Mr. Spears does not hold the privilege. And in any event, even if the documents at issue were

privileged (and they are not) he has waived any such privilege and should be estopped from asserted any such objections.

Mr. Spears also objects that the requests somehow violate his right to privacy. (McCurdy Decl., Ex. G, ¶ 10.) This makes no sense. It is Mr. Spears's burden to justify the objection, and he has failed to do so. (See *Coy*, *supra*, 58 Cal.2d at pp. 220-221; *Fairmont Ins. Co. v. Super. Ct.* (2000) 22 Cal.4th 245, 255.) Mr. Spears's position also reeks of hypocrisy given his gross violations of *his daughter's* privacy. Finally, any claimed right to privacy must be considered against the "historically important state interest of facilitating the ascertainment of truth in connection with legal proceedings." (See *Gregori v. Bank of America* (1989) 207 Cal.App.3d 291, 312.) Even as Mr. Spears hides it, the mission remains to ascertain the truth, which necessarily trumps Mr. Spears's evasive and fabricated "privacy rights."

Mr. Spears additionally claims each document request violates confidentiality or the "common interest doctrine." Not only does Mr. Spears once again fail to support this objection with any facts, the "common interest doctrine" is a "nonwaiver doctrine," and does not separately act as a privilege shielding documents from discovery. (See *OXY Resources California LLC v. Superior Court* (2004) 115 Cal.App.4th 874, 889-90 ["party seeking to invoke the [common interest] doctrine must first establish that the communicated information would otherwise be protected from a disclosure by a claim of privilege"].) No privilege exists here to protect the disclosure of the requested documents.

Finally, Mr. Spears purports to assert hodgepodge objections that the document requests are "speculative, lack foundation, or improperly assume the existence of hypothetical facts that are incorrect or unknown to Jamie" and "call for a legal conclusion." (McCurdy Decl., Ex. G, ¶¶ 13, 14.) In asserting this boilerplate objection, Mr., Spears does nothing more than cite boilerplate buzz words into his general objections; he fails to incorporate them anywhere else, and he fails to justify how the document requests are so formed. This is because he is, once again, wrong and he is once again seeking to evade the truth and its consequences. As demonstrated above and as the requests themselves demonstrate, the requests are narrowly tailored to pending issues, which were put front and center by Mr. Spears himself. The use of such general objections, as applied here, is improper under the California Civil Discovery Act, and their bald assertion in this context demonstrates Mr. Spears's desperation and lack of any factual basis for

them. (See generally *Korea Data Sys. Co. v. Superior Court* (1997) 51 Cal.App.4th 1513, 1516 [use of boilerplate objections is improper and sanctionable].)

REQUEST FOR PRODUCTION NO. 18:

All lease or other rental agreements paid for out of the Conservatorship Estate of Britney Jean Spears.

RESPONSE TO REQUEST FOR PRODUCTION NO. 18:

Jamie incorporates by reference his General Objections. Jamie further objects to the Document Request to the extent it is vague, ambiguous, overly broad, unduly burdensome, and oppressive especially as it does not contain any temporal limitations. Jamie further objects to the Document Request to the extent it impermissibly seeks material protected by the attorney-client privilege, the attorney work-product doctrine, and/or the common interest doctrine. Jamie further objects to the Document Request to the extent that it seeks information that is already in Britney's possession or equally available to her.

Jamie further objects to the Document Request as follows:

- Jamie objects on the grounds that the Document Request is unduly burdensome and unreasonably duplicative and cumulative because it seeks the same information that was requested by Britney from Jamie in her August 25, 2021 First Set of Requests for Production (*see, e.g.*, Request for Production No. 18) and in her December 17, 2021 Second Set of Requests for Production (*see, e.g.*, Request for Production No. 27). This is now the third time Britney served the exact same request.
- The Document Request extends beyond the proper scope of discovery and improperly attempts to re-litigate the thirteen-year Conservatorship and innumerable final court orders. California Civil Procedure Code Section 2017.010 limits the scope of discovery to matters relevant to the subject matter involved in the pending action. California Probate Code Section 2103 releases a conservator and the sureties from all the conservatee's claims when the court authorizes, approves, or confirms the action in an order. This Document Request is therefore overbroad, unduly burdensome, and beyond the scope of discovery to the extent it is not relevant to the limited matters remaining before the Court and to the extent the Court already approved any action in an order or judgment.
- There is no legitimate reason for requiring Jamie to undertake the burden of sifting through documents he already produced and reproducing those documents that are responsive to this

Document Request. Jamie objects to these Document Requests as duplicative, unduly burdensome, oppressive, and harassing to the extent the Document Requests seek some or all of the same documents and information that Jamie already voluntarily produced. Since October 2021, Jamie's counsel has arranged for nearly 600,000 pages of documents (consisting of more than 58 boxes of hard copy documents and more than 22 drives of electronic documents and spanning over 13 years of documents). Britney's own counsel admitted at the January 19, 2022 hearing that Jamie "produced voluminous information." *See* Jan. 19 Tr. 17:3-4. The nearly 600,000 pages of documents represent more than 124,500 electronic documents. Any responsive documents that are in Jamie's possession, custody, or control already are in Britney's possession, custody, or control or are otherwise equally available to her given Jamie's prior voluminous production of documents and information.

REASON TO COMPEL PRODUCTION TO REQUEST FOR PRODUCTION NO. 18:

As an initial matter, Mr. Spears fails to justify any of his objections with any facts, and none of his boilerplate objections are proper. (See *Costco Wholesale Corp. v. Superior Court* (2009) 47 Cal.4th 725, 733; *Coy v. Superior Court of Contra Costa County* (1962) 58 Cal.2d 210, 218-221.) It is important to bear in mind, too, that Mr. Spears has an obligation as a suspended conservator and fiduciary to turn over all relevant and responsive documents without any condition, regardless of the method of discovery sought. (See *Poag v. Winston* (1987) 195 Cal.App.3d 1161, 1176 ["As a fiduciary, a conservator owes a duty of loyalty which requires that he act in the highest good faith."].) This fact is buttressed by his new lawyer's own repeated claims of cooperation. Further, demonstrating regrettable gamesmanship and completely contradicting himself, Ms. Spears's counsel claims he "instructed" prior counsel to "withhold nothing" on the basis of privilege. Yet, his response to ***every single request*** for production includes objections on the basis of privilege. (See generally, McCurdy Decl., Ex. G.) This type of Alice-in-Wonderland dissembling is unacceptable.

Mr. Spears's counsel repeatedly and profusely promised his client's unconditional, transparent cooperation in producing "***all***" documents to Ms. Spears's counsel. Although these representations have, regrettably, proven to be false, made in an effort to create a false narrative and record—and what has become a "Big Lie" of Mr. Spears's defense—they are nevertheless relevant; thus, in addition to Mr. Spears's statutory waiver, his boilerplate objections should also be considered waived as a matter of

equity and fairness and he should be estopped from asserting them. By way of illustration only, by email dated October 22, 2021, Mr. Spears's counsel professed the following:

- That Mr. Spears would "***unconditionally[] cooperate*** with a complete and total transfer of ***all files*** regarding the conservatorship . . . ."
- That Ms. Spears was "***welcome to everything – complete transparency without conditions***."
- That he would "***do everything [he] [could]*** to help facilitate the direct transfer [of all files] from prior counsel . . . ."
- "Again, ***complete transparency without conditions***."

(McCurdy Decl., ¶ 10.)

In the November 1, 2021 Status Report, Mr. Spears's counsel represented the following:

- "Jamie has ***nothing to hide*** [and] ***will therefore hide nothing***."
- "Jamie affirms that he will ***unconditionally cooperate*** in transferring *all* [emphasis in original] files regarding the estate to Britney's counsel without delay."
- "Jamie recognizes his ***ongoing and transparent participation is paramount*** . . . ."
- "Jamie will ***unconditionally cooperate*** with a complete and total transfer of all files."
- "Jamie is committed to ***complete transparency without conditions***."

(McCurdy Decl., Ex. D.)

In a November 5, 2021 email, Mr. Spears's counsel stated that he and his client were supposedly "committed to ***complete transparency***," that they had "***withheld nothing***," and that he "provided ***explicit instructions to prior counsel to produce <u>everything without exception</u>***." (McCurdy Decl., ¶ 11.) Even more, Mr. Spears's counsel claimed that "whatever documents exist regarding electronic surveillance, to the extent that any, would part [*sic*] of the production being made by prior counsel." (*Id.*)

These promises are tantamount to a "Big Lie." By objecting to every single one of Ms. Spears's document requests, Mr. Spears has done the exact opposite of what he promised. Mr. Spears's tactics to create a false record and narrative should not be countenanced. Even putting aside his statutory and fiduciary obligations, he has waived any objections and he should be ordered to produce all documents contained in the applicable requests.

Mr. Spears objects to the document requests as "unduly burdensome and unreasonable duplicative and cumulative" because he claims Ms. Spears requested similar information in requests for production propounded on him. (McCurdy Decl., Ex. G, ¶ 5.) The objection is contrary to law. California's Code of Civil Procedure does not preclude a party from seeking similar documents through different methods of discovery. "[T]he inspection of documents procedure is quite different from a deposition at which a party is required to bring documents. Nothing in either section 2025 or section 2031 suggests that seeking documents under one statutory procedure bars a litigant from seeking the same documents under the other." (*Carter v. Superior Court* (1990) 218 Cal.App.3d 994, 997.)[35] Thus, consistent with the Court's reasoning in *Carter*, Mr. Spears must bring the requested documents to his deposition pursuant to this different method of discovery. (See also *Irvington-Moore, Inc. v. Superior Court* (1993) 14 Cal.App.4th 733, 739 ["[T]he selection of the method of discovery is to be utilized is to be made by the party seeking discovery. It cannot be dictated by the opposing party.].)

Relatedly, Mr. Spears claims the document requests are "duplicative, unduly burdensome, oppressive, and harassing" because Mr. Spears already "voluntarily" produced some of the same documents and information. (McCurdy Decl., Ex. G, ¶ 7.) He is wrong, on multiple levels. Initially, "[a] party is permitted to use multiple methods of obtaining discovery and the fact that information was disclosed under one method is not, standing alone, a proper basis for refusing to provide discovery under another method." (*Irvington-Moore, Inc.*, *supra*, 14 Cal.App.4th at p. 739; see also *TBG Ins. Services Corp. v. Superior Court* (2002) 96 Cal.App.4th 443, 449 [citing *Irvington-Moore* for the proposition that "a party may use multiple methods to obtain discovery and the fact that information was disclosed under one method is not, by itself, a proper basis to refuse to provide discovery under another method"]; see, e.g. *Coy*, *supra*, 58 Cal.2d at p. 218 ["the bare claim of previous deposition is insufficient as an objection to an interrogatory . . . To suffice as a valid objection such claim must be supported by some showing (or, as a minimum, some claim) that the requirement of a reply would be unjust and inequitable"].)

[35] See also 10 Witkin, Cal. Evid. Discovery § 143 [discussing *Carter*]. Notably, the Legislature has amended the Civil Discovery Act several times since *Carter*, and it has done so without overruling or modifying *Carter*'s interpretation of the Act. "When a statute has been construed by the courts, and the Legislature thereafter reenacts that statute without changing the interpretation put on that statute by the court, the Legislature is presumed to have been aware of, and acquiesced in, the courts' construction of that statute." (*People v. Ledesma* (1997) 16 Cal.4th 90, 100-01.)

Mr. Spears's objection that he has already produced some of the requested documents, even if true, is not a defense. To the extent he intended to actually rely on this objection, Mr. Spears needed to demonstrate that production of the requested documents now would be "unjust and inequitable." But he grossly fails to so demonstrate; instead, he relies on his "Big Lie" defense: that he has cooperated and transferred all of the documents requested. Mr. Spears also astonishingly objects on the basis that "there are no further documents [he] could provide to respond to the Deposition Notice, Document Requests, and definitions" because he supposedly has produced them all. (McCurdy Decl., Ex. G, at p. 3:22-23.) If this were true (and it is false), then why does he not so state in a single response, instead of making countless boilerplate objections? Why does he not appear at his deposition, and so state on the record, under penalty of perjury? Why does he not identify the requested documents—by Bates number? Why does he not correlate them to the document requests at issue? And why does he not simply provide answers to the following questions and requests that have been posed to him repeatedly?

As referenced above, despite our repeated and ongoing requests, while relying on the facile and false claim that he has produced "everything" requested, Mr. Spears has also failed to produce all text or email communications between and amongst Tri Star, Black Box, himself, and his counsel (see *Moeller* and *Stine*, *infra* at pp. 19-20) concerning the illicit surveillance operation at issue. Indeed, he falsely claims it "***DIDN'T HAPPEN, YOUR HONOR***," *supra* at 9. In short, as part of their efforts to stonewall and hide the truth, Mr. Spears has engaged in improper disjointed and incomplete "document dumps" rather than a professional, organized, and labelled production of documents. More pointedly, he has failed to produce *any* documents pursuant to and correlated to the deposition notices, ***not one***. (See *Kayne v. Grande Holdings Ltd.* (2011) 198 Cal.App.4th 1470, 1475-76 [sanctions appropriate where party refused to produce documents in an organized and labelled manner].)[36]

Mr. Spears also objects that the document requests "attempt to relitigate the entire thirteen-year Conservatorship and innumerable final court orders," and "are not relevant and not reasonably calculated to lead to the discovery of admissible evidence." (McCurdy Decl., Ex. G, ¶¶ 6, 8.) Nonsense. "Discovery may relate to the claim or defense of the party seeking discovery or of any other party to the action." (Code Civ. Proc., § 2017.010.) In this case, the document requests directly relate to Mr.

[36] As a matter of restraint, we refrain herein from moving for sanctions but reserve all rights in that regard.

Spears's role and conduct as former conservator of the estate, which are also directly at issue under *Shine*, *Kasperbauer*, and *Hudson.* The requested documents are thus not only "reasonably calculated" to lead to the discovery of admissible evidence, they go directly to the heart of numerous pending matters including Mr. Spears's fee petition and accountings, see, e.g., *Shine*, *supra*, 16 Cal.App.4th at p. 540; *Hudson*, *supra*, 68 Cal.App.4th at pp. 669-670.

Under the circumstances, Mr. Spears's objection that the requests are somehow "not reasonably calculated to lead to the discovery of admissible evidence" (McCurdy Decl., Ex. G, ¶¶ 8, 9) are, in fact, legally frivolous. (See *Pacific Tel. & Tel. Co. v. Superior Court* (1970) 2 Cal.3d 161, 173; *Garamendi v. Golden Eagle Ins. Co*. (2004) 116 Cal.App.4th 694, 712 fn. 8.)

Mr. Spears's objections on grounds of purportedly vague and ambiguous requests, or the terms "YOU" and "YOUR," are all baseless. (McCurdy Decl. G, ¶¶ 9, 11.) He has not and cannot explain in any manner what he claims not to understand about the document requests. (See *Deyo v. Kilbourne* (1978) 84 Cal.App.3d 771, 783 ["[W]here the question is somewhat ambiguous, but the nature of the information sought is apparent, the proper solution is to provide an appropriate response."].) Mr. Spears also fails to support his baseless burdensome and oppressive objections and asserts all of them without any actual factual support whatsoever. (See McCurdy Decl., Ex. G, ¶¶ 9, 12, 15, 16, 17.) "The objection based upon burden must be sustained by ***evidence showing*** the quantum of work required, while to support an objection of oppression there must be ***some showing*** either of an intent to create an unreasonable burden or that the ultimate effect of the burden is incommensurate with the result sought." (*W. Pico Furniture Co. v. Superior Court* (1961) 56 Cal.2d 407, 417, 418.) Mr. Spears fails to make any showing as to burden or oppression. (See *id.* at p. 418 ["The objection of burden is valid only when that burden is ***demonstrated*** to result in injustice."]; *cf. Mead Reinsurance Co. v. Superior Ct.* (1986) 188 Cal.App.3d 313, 321. For these reasons, Mr. Spears's objection that the documents "may be obtained from other sources or through other means of discovery" (McCurdy Decl., Ex. G, ¶ 15), and that the burden and expense would "outweigh the likely benefit of this discovery" (McCurdy Decl., Ex. G, ¶ 17) is also completely meritless.

Additionally, to the extent Mr. Spears objects that the document requests are "oppressive" because they "do not contain any temporal limitations" (an objection repeated in every response) this

argument is also meritless. Again, no showing has been made of any intent to create an unreasonable burden, and any objection based on a lack of temporal definition is hypocritical. We are only here today because Britney Spears was under her father's infantilizing control for more than a decade. Further, the evidence shows that the conservatorship was conflicted from the very outset, when, among other things, Mr. Spears violated Rule of Court 7.1059 by obtaining a substantial loan from Tri Star and then hiring Tri Star (a then fledgling company) as her business manager. And any claim that *Mr. Spears* faces "oppression" such that he cannot respond to discovery relating to *his own* oppression of Britney Spears is, to say the least, rich. Mr. Spears put his conduct at issue and he must face the consequences.

Mr. Spears's objections on privileged meritless, inapplicable, and have been waived. *First*, to the extent any privilege was claimed, Mr. Spears should have supported the claim with "sufficient factual information for other parties to evaluate the merits of that claim," such as a privilege log. (See, e.g. Code Civ. Proc. § 2031.240(c); *Riddell, Inc. v. Superior Court* (2017) 14 Cal.App.5th 755, 772 ["if an objection to a document request is based on a claim of privilege or work product, then the response to the request 'shall provide sufficient factual information for other parties to evaluate the merits of that claim'"]); (See *Costco*, *supra*, 47 Cal.4th at p. 733 ["[t]he party claiming the privilege has the burden of establishing the preliminary facts necessary to support its exercise"].) He failed to do so.

Second, now that Mr. Spears has been suspended as conservator of the estate, he no longer holds any attorney-client privilege. (See *Stine v. Dell'Osso* (2014) 239 Cal.App.4th 834, 843 [successor fiduciary became holder of the privilege of all communications between fiduciary and his counsel regarding the estate, whenever they occurred]; see also *Moeller v. Superior Court* (1997) 16 Cal.4th 1124, 1129-1135 [because fiduciary is holder of the attorney-client privilege in his or her capacity as such, successor fiduciary becomes the holder as to confidential communications between the predecessor fiduciary and attorney concerning trust administration]; Cal. Probate Code, § 8524, subd. (c). Because he was suspended, Mr. Spears quite simply has no privilege to claim.

Third, as noted above, Mr. Spears also waived any privilege claims. In addition to failing to timely object, his counsel promised "***unconditional[] cooperat[ion]***," "***complete transparency without conditions***," and that Britney Spears was "***welcome to everything***." (See McCurdy Decl., ¶ 10, Ex. D.) Even further, Mr. Spears's counsel stated that he had "provided ***explicit instructions to prior counsel to***

produce everything <u>without exception</u>." (See McCurdy Decl., ¶ 11; see also *infra*, n.4.) Under *Moeller* and *Stine,* Mr. Spears does not hold the privilege. And in any event, even if the documents at issue were privileged (and they are not) he has waived any such privilege and should be estopped from asserted any such objections.

Mr. Spears also objects that the requests somehow violate his right to privacy. (McCurdy Decl., Ex. G, ¶ 10.) This makes no sense. It is Mr. Spears's burden to justify the objection, and he has failed to do so. (See *Coy*, *supra*, 58 Cal.2d at pp. 220-221; *Fairmont Ins. Co. v. Super. Ct.* (2000) 22 Cal.4th 245, 255.) Mr. Spears's position also reeks of hypocrisy given his gross violations of *his daughter's* privacy. Finally, any claimed right to privacy must be considered against the "historically important state interest of facilitating the ascertainment of truth in connection with legal proceedings." (See *Gregori v. Bank of America* (1989) 207 Cal.App.3d 291, 312.) Even as Mr. Spears hides it, the mission remains to ascertain the truth, which necessarily trumps Mr. Spears's evasive and fabricated "privacy rights."

Mr. Spears additionally claims each document request violates confidentiality or the "common interest doctrine." Not only does Mr. Spears once again fail to support this objection with any facts, the "common interest doctrine" is a "nonwaiver doctrine," and does not separately act as a privilege shielding documents from discovery. (See *OXY Resources California LLC v. Superior Court* (2004) 115 Cal.App.4th 874, 889-90 ["party seeking to invoke the [common interest] doctrine must first establish that the communicated information would otherwise be protected from a disclosure by a claim of privilege"].) No privilege exists here to protect the disclosure of the requested documents.

Finally, Mr. Spears purports to assert hodgepodge objections that the document requests are "speculative, lack foundation, or improperly assume the existence of hypothetical facts that are incorrect or unknown to Jamie" and "call for a legal conclusion." (McCurdy Decl., Ex. G, ¶¶ 13, 14.) In asserting this boilerplate objection, Mr., Spears does nothing more than cite boilerplate buzz words into his general objections; he fails to incorporate them anywhere else, and he fails to justify how the document requests are so formed. This is because he is, once again, wrong and he is once again seeking to evade the truth and its consequences. As demonstrated above and as the requests themselves demonstrate, the requests are narrowly tailored to pending issues, which were put front and center by Mr. Spears himself. The use of such general objections, as applied here, is improper under the California Civil Discovery Act, and

their bald assertion in this context demonstrates Mr. Spears's desperation and lack of any factual basis for them. (See generally *Korea Data Sys. Co. v. Superior Court* (1997) 51 Cal.App.4th 1513, 1516 [use of boilerplate objections is improper and sanctionable].)

REQUEST FOR PRODUCTION NO. 19:

All correspondence (whether on paper, electronically, or by text or instant message) RELATING TO the monthly allowance that you allowed to Britney Jean Spears out of her Conservatorship Estate.

RESPONSE TO REQUEST FOR PRODUCTION NO. 19:

Jamie incorporates by reference his General Objections. Jamie further objects to the Document Request to the extent it is vague, ambiguous, overly broad, unduly burdensome, and oppressive especially as it does not contain any temporal limitations. Jamie further objects to the Document Request to the extent it impermissibly seeks material protected by the attorney-client privilege, the attorney work-product doctrine, and/or the common interest doctrine. Jamie further objects to the Document Request to the extent that it seeks information that is already in Britney's possession or equally available to her.

Jamie further objects to the Document Request as follows:

- Jamie objects on the grounds that the Document Request is unduly burdensome and unreasonably duplicative and cumulative because it seeks the same information that was requested by Britney from Jamie in her August 25, 2021 First Set of Requests for Production (*see, e.g.*, Request for Production No. 19) and in her December 17, 2021 Second Set of Requests for Production (*see, e.g.*, Request for Production No. 28). This is now the third time Britney served the exact same request.
- The Document Request extends beyond the proper scope of discovery and improperly attempts to re-litigate the thirteen-year Conservatorship and innumerable final court orders. California Civil Procedure Code Section 2017.010 limits the scope of discovery to matters relevant to the subject matter involved in the pending action. California Probate Code Section 2103 releases a conservator and the sureties from all the conservatee's claims when the court authorizes, approves, or confirms the action in an order. This Document Request is therefore overbroad, unduly burdensome, and beyond the scope of discovery to the extent it is not relevant to the limited matters remaining before the Court and to the extent the Court already approved any action in an order or judgment.

- There is no legitimate reason for requiring Jamie to undertake the burden of sifting through documents he already produced and reproducing those documents that are responsive to this Document Request. Jamie objects to these Document Requests as duplicative, unduly burdensome, oppressive, and harassing to the extent the Document Requests seek some or all of the same documents and information that Jamie already voluntarily produced. Since October 2021, Jamie's counsel has arranged for nearly 600,000 pages of documents (consisting of more than 58 boxes of hard copy documents and more than 22 drives of electronic documents and spanning over 13 years of documents). Britney's own counsel admitted at the January 19, 2022 hearing that Jamie "produced voluminous information." *See* Jan. 19 Tr. 17:3-4. The nearly 600,000 pages of documents represent more than 124,500 electronic documents. Any responsive documents that are in Jamie's possession, custody, or control already are in Britney's possession, custody, or control or are otherwise equally available to her given Jamie's prior voluminous production of documents and information.

REASON TO COMPEL PRODUCTION TO REQUEST FOR PRODUCTION NO. 19:

As an initial matter, Mr. Spears fails to justify any of his objections with any facts, and none of his boilerplate objections are proper. (See *Costco Wholesale Corp. v. Superior Court* (2009) 47 Cal.4th 725, 733; *Coy v. Superior Court of Contra Costa County* (1962) 58 Cal.2d 210, 218-221.) It is important to bear in mind, too, that Mr. Spears has an obligation as a suspended conservator and fiduciary to turn over all relevant and responsive documents without any condition, regardless of the method of discovery sought. (See *Poag v. Winston* (1987) 195 Cal.App.3d 1161, 1176 ["As a fiduciary, a conservator owes a duty of loyalty which requires that he act in the highest good faith."].) This fact is buttressed by his new lawyer's own repeated claims of cooperation. Further, demonstrating regrettable gamesmanship and completely contradicting himself, Ms. Spears's counsel claims he "instructed" prior counsel to "withhold nothing" on the basis of privilege. Yet, his response to ***every single request*** for production includes objections on the basis of privilege. (See generally, McCurdy Decl., Ex. G.) This type of Alice-in-Wonderland dissembling is unacceptable.

Mr. Spears's counsel repeatedly and profusely promised his client's unconditional, transparent cooperation in producing "***all***" documents to Ms. Spears's counsel. Although these representations have, regrettably, proven to be false, made in an effort to create a false narrative and record—and what has

become a "Big Lie" of Mr. Spears's defense—they are nevertheless relevant; thus, in addition to Mr. Spears's statutory waiver, his boilerplate objections should also be considered waived as a matter of equity and fairness and he should be estopped from asserting them. By way of illustration only, by email dated October 22, 2021, Mr. Spears's counsel professed the following:

- That Mr. Spears would "***unconditionally[] cooperate*** with a complete and total transfer of ***all files*** regarding the conservatorship . . . ."
- That Ms. Spears was "***welcome to everything – complete transparency without conditions***."
- That he would "***do everything [he] [could]*** to help facilitate the direct transfer [of all files] from prior counsel . . . ."
- "Again, ***complete transparency without conditions***."

(McCurdy Decl., ¶ 10.)

In the November 1, 2021 Status Report, Mr. Spears's counsel represented the following:

- "Jamie has ***nothing to hide*** [and] ***will therefore hide nothing***."
- "Jamie affirms that he will ***unconditionally cooperate*** in transferring *all* [emphasis in original] files regarding the estate to Britney's counsel without delay."
- "Jamie recognizes his ***ongoing and transparent participation is paramount*** . . . ."
- "Jamie will ***unconditionally cooperate*** with a complete and total transfer of all files."
- "Jamie is committed to ***complete transparency without conditions***."

(McCurdy Decl., Ex. D.)

In a November 5, 2021 email, Mr. Spears's counsel stated that he and his client were supposedly "committed to ***complete transparency***," that they had "***withheld nothing***," and that he "provided ***explicit instructions to prior counsel to produce <u>everything without exception</u>***." (McCurdy Decl., ¶ 11.) Even more, Mr. Spears's counsel claimed that "whatever documents exist regarding electronic surveillance, to the extent that any, would part [*sic*] of the production being made by prior counsel." (*Id.*)

These promises are tantamount to a "Big Lie." By objecting to every single one of Ms. Spears's document requests, Mr. Spears has done the exact opposite of what he promised. Mr. Spears's tactics to create a false record and narrative should not be countenanced. Even putting aside his statutory and

fiduciary obligations, he has waived any objections and he should be ordered to produce all documents contained in the applicable requests.

Mr. Spears objects to the document requests as "unduly burdensome and unreasonable duplicative and cumulative" because he claims Ms. Spears requested similar information in requests for production propounded on him. (McCurdy Decl., Ex. G, ¶ 5.) The objection is contrary to law. California's Code of Civil Procedure does not preclude a party from seeking similar documents through different methods of discovery. "[T]he inspection of documents procedure is quite different from a deposition at which a party is required to bring documents. Nothing in either section 2025 or section 2031 suggests that seeking documents under one statutory procedure bars a litigant from seeking the same documents under the other." (*Carter v. Superior Court* (1990) 218 Cal.App.3d 994, 997.)[37] Thus, consistent with the Court's reasoning in *Carter*, Mr. Spears must bring the requested documents to his deposition pursuant to this different method of discovery. (See also *Irvington-Moore, Inc. v. Superior Court* (1993) 14 Cal.App.4th 733, 739 ["[T]he selection of the method of discovery is to be utilized is to be made by the party seeking discovery. It cannot be dictated by the opposing party.].)

Relatedly, Mr. Spears claims the document requests are "duplicative, unduly burdensome, oppressive, and harassing" because Mr. Spears already "voluntarily" produced some of the same documents and information. (McCurdy Decl., Ex. G, ¶ 7.) He is wrong, on multiple levels. Initially, "[a] party is permitted to use multiple methods of obtaining discovery and the fact that information was disclosed under one method is not, standing alone, a proper basis for refusing to provide discovery under another method." (*Irvington-Moore, Inc.*, *supra*, 14 Cal.App.4th at p. 739; see also *TBG Ins. Services Corp. v. Superior Court* (2002) 96 Cal.App.4th 443, 449 [citing *Irvington-Moore* for the proposition that "a party may use multiple methods to obtain discovery and the fact that information was disclosed under one method is not, by itself, a proper basis to refuse to provide discovery under another method"]; see, e.g. *Coy*, *supra*, 58 Cal.2d at p. 218 ["the bare claim of previous deposition is insufficient as an objection

[37] See also 10 Witkin, Cal. Evid. Discovery § 143 [discussing *Carter*]. Notably, the Legislature has amended the Civil Discovery Act several times since *Carter*, and it has done so without overruling or modifying *Carter*'s interpretation of the Act. "When a statute has been construed by the courts, and the Legislature thereafter reenacts that statute without changing the interpretation put on that statute by the court, the Legislature is presumed to have been aware of, and acquiesced in, the courts' construction of that statute." (*People v. Ledesma* (1997) 16 Cal.4th 90, 100-01.)

to an interrogatory . . . To suffice as a valid objection such claim must be supported by some showing (or, as a minimum, some claim) that the requirement of a reply would be unjust and inequitable"].)

Mr. Spears's objection that he has already produced some of the requested documents, even if true, is not a defense. To the extent he intended to actually rely on this objection, Mr. Spears needed to demonstrate that production of the requested documents now would be "unjust and inequitable." But he grossly fails to so demonstrate; instead, he relies on his "Big Lie" defense: that he has cooperated and transferred all of the documents requested. Mr. Spears also astonishingly objects on the basis that "there are no further documents [he] could provide to respond to the Deposition Notice, Document Requests, and definitions" because he supposedly has produced them all. (McCurdy Decl., Ex. G, at p. 3:22-23.) If this were true (and it is false), then why does he not so state in a single response, instead of making countless boilerplate objections? Why does he not appear at his deposition, and so state on the record, under penalty of perjury? Why does he not identify the requested documents—by Bates number? Why does he not correlate them to the document requests at issue? And why does he not simply provide answers to the following questions and requests that have been posed to him repeatedly?

As referenced above, despite our repeated and ongoing requests, while relying on the facile and false claim that he has produced "everything" requested, Mr. Spears has also failed to produce all text or email communications between and amongst Tri Star, Black Box, himself, and his counsel (see *Moeller* and *Stine*, *infra* at pp. 19-20) concerning the illicit surveillance operation at issue. Indeed, he falsely claims it "***DIDN'T HAPPEN, YOUR HONOR***," *supra* at 9. In short, as part of their efforts to stonewall and hide the truth, Mr. Spears has engaged in improper disjointed and incomplete "document dumps" rather than a professional, organized, and labelled production of documents. More pointedly, he has failed to produce *any* documents pursuant to and correlated to the deposition notices, ***not one***. (See *Kayne v. Grande Holdings Ltd.* (2011) 198 Cal.App.4th 1470, 1475-76 [sanctions appropriate where party refused to produce documents in an organized and labelled manner].)[38]

Mr. Spears also objects that the document requests "attempt to relitigate the entire thirteen-year Conservatorship and innumerable final court orders," and "are not relevant and not reasonably calculated to lead to the discovery of admissible evidence." (McCurdy Decl., Ex. G, ¶¶ 6, 8.) Nonsense.

[38] As a matter of restraint, we refrain herein from moving for sanctions but reserve all rights in that regard.

"Discovery may relate to the claim or defense of the party seeking discovery or of any other party to the action." (Code Civ. Proc., § 2017.010.) In this case, the document requests directly relate to Mr. Spears's role and conduct as former conservator of the estate, which are also directly at issue under *Shine*, *Kasperbauer*, and *Hudson.* The requested documents are thus not only "reasonably calculated" to lead to the discovery of admissible evidence, they go directly to the heart of numerous pending matters including Mr. Spears's fee petition and accountings, see, e.g., *Shine*, *supra*, 16 Cal.App.4th at p. 540; *Hudson*, *supra*, 68 Cal.App.4th at pp. 669-670.

Under the circumstances, Mr. Spears's objection that the requests are somehow "not reasonably calculated to lead to the discovery of admissible evidence" (McCurdy Decl., Ex. G, ¶¶ 8, 9) are, in fact, legally frivolous. (See *Pacific Tel. & Tel. Co. v. Superior Court* (1970) 2 Cal.3d 161, 173; *Garamendi v. Golden Eagle Ins. Co*. (2004) 116 Cal.App.4th 694, 712 fn. 8.)

Mr. Spears's objections on grounds of purportedly vague and ambiguous requests, or the terms "YOU" and "YOUR," are all baseless. (McCurdy Decl. G, ¶¶ 9, 11.) He has not and cannot explain in any manner what he claims not to understand about the document requests. (See *Deyo v. Kilbourne* (1978) 84 Cal.App.3d 771, 783 ["[W]here the question is somewhat ambiguous, but the nature of the information sought is apparent, the proper solution is to provide an appropriate response."].) Mr. Spears also fails to support his baseless burdensome and oppressive objections and asserts all of them without any actual factual support whatsoever. (See McCurdy Decl., Ex. G, ¶¶ 9, 12, 15, 16, 17.) "The objection based upon burden must be sustained by ***evidence showing*** the quantum of work required, while to support an objection of oppression there must be ***some showing*** either of an intent to create an unreasonable burden or that the ultimate effect of the burden is incommensurate with the result sought." (*W. Pico Furniture Co. v. Superior Court* (1961) 56 Cal.2d 407, 417, 418.) Mr. Spears fails to make any showing as to burden or oppression. (See *id.* at p. 418 ["The objection of burden is valid only when that burden is ***demonstrated*** to result in injustice."]; *cf. Mead Reinsurance Co. v. Superior Ct.* (1986) 188 Cal.App.3d 313, 321. For these reasons, Mr. Spears's objection that the documents "may be obtained from other sources or through other means of discovery" (McCurdy Decl., Ex. G, ¶ 15), and that the burden and expense would "outweigh the likely benefit of this discovery" (McCurdy Decl., Ex. G, ¶ 17) is also completely meritless.

Additionally, to the extent Mr. Spears objects that the document requests are "oppressive" because they "do not contain any temporal limitations" (an objection repeated in every response) this argument is also meritless. Again, no showing has been made of any intent to create an unreasonable burden, and any objection based on a lack of temporal definition is hypocritical. We are only here today because Britney Spears was under her father's infantilizing control for more than a decade. Further, the evidence shows that the conservatorship was conflicted from the very outset, when, among other things, Mr. Spears violated Rule of Court 7.1059 by obtaining a substantial loan from Tri Star and then hiring Tri Star (a then fledgling company) as her business manager. And any claim that *Mr. Spears* faces "oppression" such that he cannot respond to discovery relating to *his own* oppression of Britney Spears is, to say the least, rich. Mr. Spears put his conduct at issue and he must face the consequences.

Mr. Spears's objections on privileged meritless, inapplicable, and have been waived. *First*, to the extent any privilege was claimed, Mr. Spears should have supported the claim with "sufficient factual information for other parties to evaluate the merits of that claim," such as a privilege log. (See, e.g. Code Civ. Proc. § 2031.240(c); *Riddell, Inc. v. Superior Court* (2017) 14 Cal.App.5th 755, 772 ["if an objection to a document request is based on a claim of privilege or work product, then the response to the request 'shall provide sufficient factual information for other parties to evaluate the merits of that claim'"]); (See *Costco*, *supra*, 47 Cal.4th at p. 733 ["[t]he party claiming the privilege has the burden of establishing the preliminary facts necessary to support its exercise"].) He failed to do so.

Second, now that Mr. Spears has been suspended as conservator of the estate, he no longer holds any attorney-client privilege. (See *Stine v. Dell'Osso* (2014) 239 Cal.App.4th 834, 843 [successor fiduciary became holder of the privilege of all communications between fiduciary and his counsel regarding the estate, whenever they occurred]; see also *Moeller v. Superior Court* (1997) 16 Cal.4th 1124, 1129-1135 [because fiduciary is holder of the attorney-client privilege in his or her capacity as such, successor fiduciary becomes the holder as to confidential communications between the predecessor fiduciary and attorney concerning trust administration]; Cal. Probate Code, § 8524, subd. (c). Because he was suspended, Mr. Spears quite simply has no privilege to claim.

Third, as noted above, Mr. Spears also waived any privilege claims. In addition to failing to timely object, his counsel promised "***unconditional[] cooperat[ion]***," "***complete transparency without***

conditions," and that Britney Spears was "***welcome to everything***." (See McCurdy Decl., ¶ 10, Ex. D.) Even further, Mr. Spears's counsel stated that he had "provided ***explicit instructions to prior counsel to produce everything without exception***." (See McCurdy Decl., ¶ 11; see also *infra*, n.4.) Under *Moeller* and *Stine,* Mr. Spears does not hold the privilege. And in any event, even if the documents at issue were privileged (and they are not) he has waived any such privilege and should be estopped from asserted any such objections.

Mr. Spears also objects that the requests somehow violate his right to privacy. (McCurdy Decl., Ex. G, ¶ 10.) This makes no sense. It is Mr. Spears's burden to justify the objection, and he has failed to do so. (See *Coy*, *supra*, 58 Cal.2d at pp. 220-221; *Fairmont Ins. Co. v. Super. Ct.* (2000) 22 Cal.4th 245, 255.) Mr. Spears's position also reeks of hypocrisy given his gross violations of *his daughter's* privacy. Finally, any claimed right to privacy must be considered against the "historically important state interest of facilitating the ascertainment of truth in connection with legal proceedings." (See *Gregori v. Bank of America* (1989) 207 Cal.App.3d 291, 312.) Even as Mr. Spears hides it, the mission remains to ascertain the truth, which necessarily trumps Mr. Spears's evasive and fabricated "privacy rights."

Mr. Spears additionally claims each document request violates confidentiality or the "common interest doctrine." Not only does Mr. Spears once again fail to support this objection with any facts, the "common interest doctrine" is a "nonwaiver doctrine," and does not separately act as a privilege shielding documents from discovery. (See *OXY Resources California LLC v. Superior Court* (2004) 115 Cal.App.4th 874, 889-90 ["party seeking to invoke the [common interest] doctrine must first establish that the communicated information would otherwise be protected from a disclosure by a claim of privilege"].) No privilege exists here to protect the disclosure of the requested documents.

Finally, Mr. Spears purports to assert hodgepodge objections that the document requests are "speculative, lack foundation, or improperly assume the existence of hypothetical facts that are incorrect or unknown to Jamie" and "call for a legal conclusion." (McCurdy Decl., Ex. G, ¶¶ 13, 14.) In asserting this boilerplate objection, Mr., Spears does nothing more than cite boilerplate buzz words into his general objections; he fails to incorporate them anywhere else, and he fails to justify how the document requests are so formed. This is because he is, once again, wrong and he is once again seeking to evade the truth and its consequences. As demonstrated above and as the requests themselves demonstrate, the requests

are narrowly tailored to pending issues, which were put front and center by Mr. Spears himself. The use of such general objections, as applied here, is improper under the California Civil Discovery Act, and their bald assertion in this context demonstrates Mr. Spears's desperation and lack of any factual basis for them. (See generally *Korea Data Sys. Co. v. Superior Court* (1997) 51 Cal.App.4th 1513, 1516 [use of boilerplate objections is improper and sanctionable].)

REQUEST FOR PRODUCTION NO. 20:

All DOCUMENTS evidencing any analysis performed RELATING TO the monthly allowance that you permitted to Britney Jean Spears out of her Conservatorship Estate.

RESPONSE TO REQUEST FOR PRODUCTION NO. 20:

Jamie incorporates by reference his General Objections. Jamie further objects to the Document Request to the extent it is vague, ambiguous, overly broad, unduly burdensome, and oppressive especially as it does not contain any temporal limitations. Jamie further objects to the Document Request to the extent it impermissibly seeks material protected by the attorney-client privilege, the attorney work-product doctrine, and/or the common interest doctrine. Jamie further objects to the Document Request to the extent that it seeks information that is already in Britney's possession or equally available to her.

Jamie further objects to the Document Request as follows:

- Jamie objects on the grounds that the Document Request is unduly burdensome and unreasonably duplicative and cumulative because it seeks the same information that was requested by Britney from Jamie in her August 25, 2021 First Set of Requests for Production (*see, e.g.*, Request for Production No. 20) and in her December 17, 2021 Second Set of Requests for Production (*see, e.g.*, Request for Production No. 29). This is now the third time Britney served the exact same request.
- The Document Request extends beyond the proper scope of discovery and improperly attempts to re-litigate the thirteen-year Conservatorship and innumerable final court orders. California Civil Procedure Code Section 2017.010 limits the scope of discovery to matters relevant to the subject matter involved in the pending action. California Probate Code Section 2103 releases a conservator and the sureties from all the conservatee's claims when the court authorizes, approves, or confirms the action in an order. This Document Request is therefore overbroad, unduly burdensome, and beyond the scope of

discovery to the extent it is not relevant to the limited matters remaining before the Court and to the extent the Court already approved any action in an order or judgment.

- There is no legitimate reason for requiring Jamie to undertake the burden of sifting through documents he already produced and reproducing those documents that are responsive to this Document Request. Jamie objects to these Document Requests as duplicative, unduly burdensome, oppressive, and harassing to the extent the Document Requests seek some or all of the same documents and information that Jamie already voluntarily produced. Since October 2021, Jamie's counsel has arranged for nearly 600,000 pages of documents (consisting of more than 58 boxes of hard copy documents and more than 22 drives of electronic documents and spanning over 13 years of documents). Britney's own counsel admitted at the January 19, 2022 hearing that Jamie "produced voluminous information." *See* Jan. 19 Tr. 17:3-4. The nearly 600,000 pages of documents represent more than 124,500 electronic documents. Any responsive documents that are in Jamie's possession, custody, or control already are in Britney's possession, custody, or control or are otherwise equally available to her given Jamie's prior voluminous production of documents and information.

REASON TO COMPEL PRODUCTION TO REQUEST FOR PRODUCTION NO. 20:

As an initial matter, Mr. Spears fails to justify any of his objections with any facts, and none of his boilerplate objections are proper. (See *Costco Wholesale Corp. v. Superior Court* (2009) 47 Cal.4th 725, 733; *Coy v. Superior Court of Contra Costa County* (1962) 58 Cal.2d 210, 218-221.) It is important to bear in mind, too, that Mr. Spears has an obligation as a suspended conservator and fiduciary to turn over all relevant and responsive documents without any condition, regardless of the method of discovery sought. (See *Poag v. Winston* (1987) 195 Cal.App.3d 1161, 1176 ["As a fiduciary, a conservator owes a duty of loyalty which requires that he act in the highest good faith."].) This fact is buttressed by his new lawyer's own repeated claims of cooperation. Further, demonstrating regrettable gamesmanship and completely contradicting himself, Ms. Spears's counsel claims he "instructed" prior counsel to "withhold nothing" on the basis of privilege. Yet, his response to ***every single request*** for production includes objections on the basis of privilege. (See generally, McCurdy Decl., Ex. G.) This type of Alice-in-Wonderland dissembling is unacceptable.

Mr. Spears's counsel repeatedly and profusely promised his client's unconditional, transparent cooperation in producing "***all***" documents to Ms. Spears's counsel. Although these representations have, regrettably, proven to be false, made in an effort to create a false narrative and record—and what has become a "Big Lie" of Mr. Spears's defense—they are nevertheless relevant; thus, in addition to Mr. Spears's statutory waiver, his boilerplate objections should also be considered waived as a matter of equity and fairness and he should be estopped from asserting them. By way of illustration only, by email dated October 22, 2021, Mr. Spears's counsel professed the following:

- That Mr. Spears would "***unconditionally[] cooperate*** with a complete and total transfer of ***all files*** regarding the conservatorship . . . ."
- That Ms. Spears was "***welcome to everything – complete transparency without conditions***."
- That he would "***do everything [he] [could]*** to help facilitate the direct transfer [of all files] from prior counsel . . . ."
- "Again, ***complete transparency without conditions***."

(McCurdy Decl., ¶ 10.)

In the November 1, 2021 Status Report, Mr. Spears's counsel represented the following:

- "Jamie has ***nothing to hide*** [and] ***will therefore hide nothing***."
- "Jamie affirms that he will ***unconditionally cooperate*** in transferring *all* [emphasis in original] files regarding the estate to Britney's counsel without delay."
- "Jamie recognizes his ***ongoing and transparent participation is paramount*** . . . ."
- "Jamie will ***unconditionally cooperate*** with a complete and total transfer of all files."
- "Jamie is committed to ***complete transparency without conditions***."

(McCurdy Decl., Ex. D.)

In a November 5, 2021 email, Mr. Spears's counsel stated that he and his client were supposedly "committed to ***complete transparency***," that they had "***withheld nothing***," and that he "provided ***explicit instructions to prior counsel to produce everything without exception***." (McCurdy Decl., ¶ 11.) Even more, Mr. Spears's counsel claimed that "whatever documents exist regarding electronic surveillance, to the extent that any, would part [*sic*] of the production being made by prior counsel." (*Id.*)

These promises are tantamount to a "Big Lie." By objecting to every single one of Ms. Spears's document requests, Mr. Spears has done the exact opposite of what he promised. Mr. Spears's tactics to create a false record and narrative should not be countenanced. Even putting aside his statutory and fiduciary obligations, he has waived any objections and he should be ordered to produce all documents contained in the applicable requests.

Mr. Spears objects to the document requests as "unduly burdensome and unreasonable duplicative and cumulative" because he claims Ms. Spears requested similar information in requests for production propounded on him. (McCurdy Decl., Ex. G, ¶ 5.) The objection is contrary to law. California's Code of Civil Procedure does not preclude a party from seeking similar documents through different methods of discovery. "[T]he inspection of documents procedure is quite different from a deposition at which a party is required to bring documents. Nothing in either section 2025 or section 2031 suggests that seeking documents under one statutory procedure bars a litigant from seeking the same documents under the other." (*Carter v. Superior Court* (1990) 218 Cal.App.3d 994, 997.)[39] Thus, consistent with the Court's reasoning in *Carter*, Mr. Spears must bring the requested documents to his deposition pursuant to this different method of discovery. (See also *Irvington-Moore, Inc. v. Superior Court* (1993) 14 Cal.App.4th 733, 739 ["[T]he selection of the method of discovery is to be utilized is to be made by the party seeking discovery. It cannot be dictated by the opposing party.].)

Relatedly, Mr. Spears claims the document requests are "duplicative, unduly burdensome, oppressive, and harassing" because Mr. Spears already "voluntarily" produced some of the same documents and information. (McCurdy Decl., Ex. G, ¶ 7.) He is wrong, on multiple levels. Initially, "[a] party is permitted to use multiple methods of obtaining discovery and the fact that information was disclosed under one method is not, standing alone, a proper basis for refusing to provide discovery under another method." (*Irvington-Moore, Inc.*, *supra*, 14 Cal.App.4th at p. 739; see also *TBG Ins. Services Corp. v. Superior Court* (2002) 96 Cal.App.4th 443, 449 [citing *Irvington-Moore* for the proposition that "a party may use multiple methods to obtain discovery and the fact that information was disclosed under

[39] See also 10 Witkin, Cal. Evid. Discovery § 143 [discussing *Carter*]. Notably, the Legislature has amended the Civil Discovery Act several times since *Carter*, and it has done so without overruling or modifying *Carter*'s interpretation of the Act. "When a statute has been construed by the courts, and the Legislature thereafter reenacts that statute without changing the interpretation put on that statute by the court, the Legislature is presumed to have been aware of, and acquiesced in, the courts' construction of that statute." (*People v. Ledesma* (1997) 16 Cal.4th 90, 100-01.)

one method is not, by itself, a proper basis to refuse to provide discovery under another method"]; see, e.g. *Coy*, *supra*, 58 Cal.2d at p. 218 ["the bare claim of previous deposition is insufficient as an objection to an interrogatory . . . To suffice as a valid objection such claim must be supported by some showing (or, as a minimum, some claim) that the requirement of a reply would be unjust and inequitable"].)

Mr. Spears's objection that he has already produced some of the requested documents, even if true, is not a defense. To the extent he intended to actually rely on this objection, Mr. Spears needed to demonstrate that production of the requested documents now would be "unjust and inequitable." But he grossly fails to so demonstrate; instead, he relies on his "Big Lie" defense: that he has cooperated and transferred all of the documents requested. Mr. Spears also astonishingly objects on the basis that "there are no further documents [he] could provide to respond to the Deposition Notice, Document Requests, and definitions" because he supposedly has produced them all. (McCurdy Decl., Ex. G, at p. 3:22-23.) If this were true (and it is false), then why does he not so state in a single response, instead of making countless boilerplate objections? Why does he not appear at his deposition, and so state on the record, under penalty of perjury? Why does he not identify the requested documents—by Bates number? Why does he not correlate them to the document requests at issue? And why does he not simply provide answers to the following questions and requests that have been posed to him repeatedly?

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[40] As a matter of restraint, we refrain herein from moving for sanctions but reserve all rights in that regard.

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Under the circumstances, Mr. Spears's objection that the requests are somehow "not reasonably calculated to lead to the discovery of admissible evidence" (McCurdy Decl., Ex. G, ¶¶ 8, 9) are, in fact, legally frivolous. (See *Pacific Tel. & Tel. Co. v. Superior Court* (1970) 2 Cal.3d 161, 173; *Garamendi v. Golden Eagle Ins. Co*. (2004) 116 Cal.App.4th 694, 712 fn. 8.)

Mr. Spears's objections on grounds of purportedly vague and ambiguous requests, or the terms "YOU" and "YOUR," are all baseless. (McCurdy Decl. G, ¶¶ 9, 11.) He has not and cannot explain in any manner what he claims not to understand about the document requests. (See *Deyo v. Kilbourne* (1978) 84 Cal.App.3d 771, 783 ["[W]here the question is somewhat ambiguous, but the nature of the information sought is apparent, the proper solution is to provide an appropriate response."].) Mr. Spears also fails to support his baseless burdensome and oppressive objections and asserts all of them without any actual factual support whatsoever. (See McCurdy Decl., Ex. G, ¶¶ 9, 12, 15, 16, 17.) "The objection based upon burden must be sustained by ***evidence showing*** the quantum of work required, while to support an objection of oppression there must be ***some showing*** either of an intent to create an unreasonable burden or that the ultimate effect of the burden is incommensurate with the result sought." (*W. Pico Furniture Co. v. Superior Court* (1961) 56 Cal.2d 407, 417, 418.) Mr. Spears fails to make any showing as to burden or oppression. (See *id.* at p. 418 ["The objection of burden is valid only when that burden is ***demonstrated*** to result in injustice."]; *cf. Mead Reinsurance Co. v. Superior Ct.* (1986) 188 Cal.App.3d 313, 321. For these reasons, Mr. Spears's objection that the documents "may be obtained

from other sources or through other means of discovery" (McCurdy Decl., Ex. G, ¶ 15), and that the burden and expense would "outweigh the likely benefit of this discovery" (McCurdy Decl., Ex. G, ¶ 17) is also completely meritless.

Additionally, to the extent Mr. Spears objects that the document requests are "oppressive" because they "do not contain any temporal limitations" (an objection repeated in every response) this argument is also meritless. Again, no showing has been made of any intent to create an unreasonable burden, and any objection based on a lack of temporal definition is hypocritical. We are only here today because Britney Spears was under her father's infantilizing control for more than a decade. Further, the evidence shows that the conservatorship was conflicted from the very outset, when, among other things, Mr. Spears violated Rule of Court 7.1059 by obtaining a substantial loan from Tri Star and then hiring Tri Star (a then fledgling company) as her business manager. And any claim that *Mr. Spears* faces "oppression" such that he cannot respond to discovery relating to *his own* oppression of Britney Spears is, to say the least, rich. Mr. Spears put his conduct at issue and he must face the consequences.

Mr. Spears's objections on privileged meritless, inapplicable, and have been waived. *First*, to the extent any privilege was claimed, Mr. Spears should have supported the claim with "sufficient factual information for other parties to evaluate the merits of that claim," such as a privilege log. (See, e.g. Code Civ. Proc. § 2031.240(c); *Riddell, Inc. v. Superior Court* (2017) 14 Cal.App.5th 755, 772 ["if an objection to a document request is based on a claim of privilege or work product, then the response to the request 'shall provide sufficient factual information for other parties to evaluate the merits of that claim'"]); (See *Costco*, *supra*, 47 Cal.4th at p. 733 ["[t]he party claiming the privilege has the burden of establishing the preliminary facts necessary to support its exercise"].) He failed to do so.

Second, now that Mr. Spears has been suspended as conservator of the estate, he no longer holds any attorney-client privilege. (See *Stine v. Dell'Osso* (2014) 239 Cal.App.4th 834, 843 [successor fiduciary became holder of the privilege of all communications between fiduciary and his counsel regarding the estate, whenever they occurred]; see also *Moeller v. Superior Court* (1997) 16 Cal.4th 1124, 1129-1135 [because fiduciary is holder of the attorney-client privilege in his or her capacity as such, successor fiduciary becomes the holder as to confidential communications between the predecessor

fiduciary and attorney concerning trust administration]; Cal. Probate Code, § 8524, subd. (c). Because he was suspended, Mr. Spears quite simply has no privilege to claim.

Third, as noted above, Mr. Spears also waived any privilege claims. In addition to failing to timely object, his counsel promised "***unconditional[] cooperat[ion]***," "***complete transparency without conditions***," and that Britney Spears was "***welcome to everything***." (See McCurdy Decl., ¶ 10, Ex. D.) Even further, Mr. Spears's counsel stated that he had "provided ***explicit instructions to prior counsel to produce everything without exception***." (See McCurdy Decl., ¶ 11; see also *infra*, n.4.) Under *Moeller* and *Stine,* Mr. Spears does not hold the privilege. And in any event, even if the documents at issue were privileged (and they are not) he has waived any such privilege and should be estopped from asserted any such objections.

Mr. Spears also objects that the requests somehow violate his right to privacy. (McCurdy Decl., Ex. G, ¶ 10.) This makes no sense. It is Mr. Spears's burden to justify the objection, and he has failed to do so. (See *Coy*, *supra*, 58 Cal.2d at pp. 220-221; *Fairmont Ins. Co. v. Super. Ct.* (2000) 22 Cal.4th 245, 255.) Mr. Spears's position also reeks of hypocrisy given his gross violations of *his daughter's* privacy. Finally, any claimed right to privacy must be considered against the "historically important state interest of facilitating the ascertainment of truth in connection with legal proceedings." (See *Gregori v. Bank of America* (1989) 207 Cal.App.3d 291, 312.) Even as Mr. Spears hides it, the mission remains to ascertain the truth, which necessarily trumps Mr. Spears's evasive and fabricated "privacy rights."

Mr. Spears additionally claims each document request violates confidentiality or the "common interest doctrine." Not only does Mr. Spears once again fail to support this objection with any facts, the "common interest doctrine" is a "nonwaiver doctrine," and does not separately act as a privilege shielding documents from discovery. (See *OXY Resources California LLC v. Superior Court* (2004) 115 Cal.App.4th 874, 889-90 ["party seeking to invoke the [common interest] doctrine must first establish that the communicated information would otherwise be protected from a disclosure by a claim of privilege"].) No privilege exists here to protect the disclosure of the requested documents.

Finally, Mr. Spears purports to assert hodgepodge objections that the document requests are "speculative, lack foundation, or improperly assume the existence of hypothetical facts that are incorrect or unknown to Jamie" and "call for a legal conclusion." (McCurdy Decl., Ex. G, ¶¶ 13, 14.) In asserting

this boilerplate objection, Mr., Spears does nothing more than cite boilerplate buzz words into his general objections; he fails to incorporate them anywhere else, and he fails to justify how the document requests are so formed. This is because he is, once again, wrong and he is once again seeking to evade the truth and its consequences. As demonstrated above and as the requests themselves demonstrate, the requests are narrowly tailored to pending issues, which were put front and center by Mr. Spears himself. The use of such general objections, as applied here, is improper under the California Civil Discovery Act, and their bald assertion in this context demonstrates Mr. Spears's desperation and lack of any factual basis for them. (See generally *Korea Data Sys. Co. v. Superior Court* (1997) 51 Cal.App.4th 1513, 1516 [use of boilerplate objections is improper and sanctionable].)

REQUEST FOR PRODUCTION NO. 21:

All DOCUMENTS evidencing your ascertainment, if any, of the goals, needs and preferences of Britney Jean Spears while you were the Conservator of the Person.

RESPONSE TO REQUEST FOR PRODUCTION NO. 21:

Jamie incorporates by reference his General Objections. Jamie further objects to the Document Request to the extent it is vague, ambiguous, overly broad, unduly burdensome, and oppressive especially as it does not contain any temporal limitations. Jamie further objects to the Document Request to the extent it impermissibly seeks material protected by the attorney-client privilege, the attorney work-product doctrine, and/or the common interest doctrine. Jamie further objects to the Document Request to the extent that it seeks information that is already in Britney's possession or equally available to her.

Jamie further objects to the Document Request as follows:

- Jamie objects on the grounds that the Document Request is unduly burdensome and unreasonably duplicative and cumulative because it seeks the same information that was requested by Britney from Jamie in her August 25, 2021 First Set of Requests for Production (*see, e.g.*, Request for Production No. 22) and in her December 17, 2021 Second Set of Requests for Production (*see, e.g.*, Request for Production No. 31). This is now the third time Britney served the exact same request.
- The Document Request extends beyond the proper scope of discovery and improperly attempts to re-litigate the thirteen-year Conservatorship and innumerable final court orders. California Civil Procedure Code Section 2017.010 limits the scope of discovery to matters relevant to the subject

matter involved in the pending action. California Probate Code Section 2103 releases a conservator and the sureties from all the conservatee's claims when the court authorizes, approves, or confirms the action in an order. This Document Request is therefore overbroad, unduly burdensome, and beyond the scope of discovery to the extent it is not relevant to the limited matters remaining before the Court and to the extent the Court already approved any action in an order or judgment.

- There is no legitimate reason for requiring Jamie to undertake the burden of sifting through documents he already produced and reproducing those documents that are responsive to this Document Request. Jamie objects to these Document Requests as duplicative, unduly burdensome, oppressive, and harassing to the extent the Document Requests seek some or all of the same documents and information that Jamie already voluntarily produced. Since October 2021, Jamie's counsel has arranged for nearly 600,000 pages of documents (consisting of more than 58 boxes of hard copy documents and more than 22 drives of electronic documents and spanning over 13 years of documents). Britney's own counsel admitted at the January 19, 2022 hearing that Jamie "produced voluminous information." *See* Jan. 19 Tr. 17:3-4. The nearly 600,000 pages of documents represent more than 124,500 electronic documents. Any responsive documents that are in Jamie's possession, custody, or control already are in Britney's possession, custody, or control or are otherwise equally available to her given Jamie's prior voluminous production of documents and information.

REASON TO COMPEL PRODUCTION TO REQUEST FOR PRODUCTION NO. 21:

As an initial matter, Mr. Spears fails to justify any of his objections with any facts, and none of his boilerplate objections are proper. (See *Costco Wholesale Corp. v. Superior Court* (2009) 47 Cal.4th 725, 733; *Coy v. Superior Court of Contra Costa County* (1962) 58 Cal.2d 210, 218-221.) It is important to bear in mind, too, that Mr. Spears has an obligation as a suspended conservator and fiduciary to turn over all relevant and responsive documents without any condition, regardless of the method of discovery sought. (See *Poag v. Winston* (1987) 195 Cal.App.3d 1161, 1176 ["As a fiduciary, a conservator owes a duty of loyalty which requires that he act in the highest good faith."].) This fact is buttressed by his new lawyer's own repeated claims of cooperation. Further, demonstrating regrettable gamesmanship and completely contradicting himself, Ms. Spears's counsel claims he "instructed" prior counsel to "withhold nothing" on the basis of privilege. Yet, his response to ***every single request*** for production includes

objections on the basis of privilege. (See generally, McCurdy Decl., Ex. G.) This type of Alice-in-Wonderland dissembling is unacceptable.

Mr. Spears's counsel repeatedly and profusely promised his client's unconditional, transparent cooperation in producing "***all***" documents to Ms. Spears's counsel. Although these representations have, regrettably, proven to be false, made in an effort to create a false narrative and record—and what has become a "Big Lie" of Mr. Spears's defense—they are nevertheless relevant; thus, in addition to Mr. Spears's statutory waiver, his boilerplate objections should also be considered waived as a matter of equity and fairness and he should be estopped from asserting them. By way of illustration only, by email dated October 22, 2021, Mr. Spears's counsel professed the following:

- That Mr. Spears would "***unconditionally[] cooperate*** with a complete and total transfer of ***all files*** regarding the conservatorship . . . ."
- That Ms. Spears was "***welcome to everything – complete transparency without conditions***."
- That he would "***do everything [he] [could]*** to help facilitate the direct transfer [of all files] from prior counsel . . . ."
- "Again, ***complete transparency without conditions***."

(McCurdy Decl., ¶ 10.)

In the November 1, 2021 Status Report, Mr. Spears's counsel represented the following:

- "Jamie has ***nothing to hide*** [and] ***will therefore hide nothing***."
- "Jamie affirms that he will ***unconditionally cooperate*** in transferring *all* [emphasis in original] files regarding the estate to Britney's counsel without delay."
- "Jamie recognizes his ***ongoing and transparent participation is paramount*** . . . ."
- "Jamie will ***unconditionally cooperate*** with a complete and total transfer of all files."
- "Jamie is committed to ***complete transparency without conditions***."

(McCurdy Decl., Ex. D.)

In a November 5, 2021 email, Mr. Spears's counsel stated that he and his client were supposedly "committed to ***complete transparency***," that they had "***withheld nothing***," and that he "provided ***explicit instructions to prior counsel to produce everything without exception***." (McCurdy Decl., ¶ 11.) Even

more, Mr. Spears's counsel claimed that "whatever documents exist regarding electronic surveillance, to the extent that any, would part [*sic*] of the production being made by prior counsel." (*Id.*)

These promises are tantamount to a "Big Lie." By objecting to every single one of Ms. Spears's document requests, Mr. Spears has done the exact opposite of what he promised. Mr. Spears's tactics to create a false record and narrative should not be countenanced. Even putting aside his statutory and fiduciary obligations, he has waived any objections and he should be ordered to produce all documents contained in the applicable requests.

Mr. Spears objects to the document requests as "unduly burdensome and unreasonable duplicative and cumulative" because he claims Ms. Spears requested similar information in requests for production propounded on him. (McCurdy Decl., Ex. G, ¶ 5.) The objection is contrary to law. California's Code of Civil Procedure does not preclude a party from seeking similar documents through different methods of discovery. "[T]he inspection of documents procedure is quite different from a deposition at which a party is required to bring documents. Nothing in either section 2025 or section 2031 suggests that seeking documents under one statutory procedure bars a litigant from seeking the same documents under the other." (*Carter v. Superior Court* (1990) 218 Cal.App.3d 994, 997.)[41] Thus, consistent with the Court's reasoning in *Carter*, Mr. Spears must bring the requested documents to his deposition pursuant to this different method of discovery. (See also *Irvington-Moore, Inc. v. Superior Court* (1993) 14 Cal.App.4th 733, 739 ["[T]he selection of the method of discovery is to be utilized is to be made by the party seeking discovery. It cannot be dictated by the opposing party.].)

Relatedly, Mr. Spears claims the document requests are "duplicative, unduly burdensome, oppressive, and harassing" because Mr. Spears already "voluntarily" produced some of the same documents and information. (McCurdy Decl., Ex. G, ¶ 7.) He is wrong, on multiple levels. Initially, "[a] party is permitted to use multiple methods of obtaining discovery and the fact that information was disclosed under one method is not, standing alone, a proper basis for refusing to provide discovery under another method." (*Irvington-Moore, Inc.*, *supra*, 14 Cal.App.4th at p. 739; see also *TBG Ins. Services*

[41] See also 10 Witkin, Cal. Evid. Discovery § 143 [discussing *Carter*]. Notably, the Legislature has amended the Civil Discovery Act several times since *Carter*, and it has done so without overruling or modifying *Carter*'s interpretation of the Act. "When a statute has been construed by the courts, and the Legislature thereafter reenacts that statute without changing the interpretation put on that statute by the court, the Legislature is presumed to have been aware of, and acquiesced in, the courts' construction of that statute." (*People v. Ledesma* (1997) 16 Cal.4th 90, 100-01.)

Corp. v. Superior Court (2002) 96 Cal.App.4th 443, 449 [citing *Irvington-Moore* for the proposition that "a party may use multiple methods to obtain discovery and the fact that information was disclosed under one method is not, by itself, a proper basis to refuse to provide discovery under another method"]; see, e.g. *Coy*, *supra*, 58 Cal.2d at p. 218 ["the bare claim of previous deposition is insufficient as an objection to an interrogatory . . . To suffice as a valid objection such claim must be supported by some showing (or, as a minimum, some claim) that the requirement of a reply would be unjust and inequitable"].)

Mr. Spears's objection that he has already produced some of the requested documents, even if true, is not a defense. To the extent he intended to actually rely on this objection, Mr. Spears needed to demonstrate that production of the requested documents now would be "unjust and inequitable." But he grossly fails to so demonstrate; instead, he relies on his "Big Lie" defense: that he has cooperated and transferred all of the documents requested. Mr. Spears also astonishingly objects on the basis that "there are no further documents [he] could provide to respond to the Deposition Notice, Document Requests, and definitions" because he supposedly has produced them all. (McCurdy Decl., Ex. G, at p. 3:22-23.) If this were true (and it is false), then why does he not so state in a single response, instead of making countless boilerplate objections? Why does he not appear at his deposition, and so state on the record, under penalty of perjury? Why does he not identify the requested documents—by Bates number? Why does he not correlate them to the document requests at issue? And why does he not simply provide answers to the following questions and requests that have been posed to him repeatedly?

As referenced above, despite our repeated and ongoing requests, while relying on the facile and false claim that he has produced "everything" requested, Mr. Spears has also failed to produce all text or email communications between and amongst Tri Star, Black Box, himself, and his counsel (see *Moeller* and *Stine*, *infra* at pp. 19-20) concerning the illicit surveillance operation at issue. Indeed, he falsely claims it "***DIDN'T HAPPEN, YOUR HONOR***," *supra* at 9. In short, as part of their efforts to stonewall and hide the truth, Mr. Spears has engaged in improper disjointed and incomplete "document dumps" rather than a professional, organized, and labelled production of documents. More pointedly, he has failed to produce *any* documents pursuant to and correlated to the deposition notices, ***not one***. (See

Kayne v. Grande Holdings Ltd. (2011) 198 Cal.App.4th 1470, 1475-76 [sanctions appropriate where party refused to produce documents in an organized and labelled manner].)[42]

Mr. Spears also objects that the document requests "attempt to relitigate the entire thirteen-year Conservatorship and innumerable final court orders," and "are not relevant and not reasonably calculated to lead to the discovery of admissible evidence." (McCurdy Decl., Ex. G, ¶¶ 6, 8.) Nonsense. "Discovery may relate to the claim or defense of the party seeking discovery or of any other party to the action." (Code Civ. Proc., § 2017.010.) In this case, the document requests directly relate to Mr. Spears's role and conduct as former conservator of the estate, which are also directly at issue under *Shine*, *Kasperbauer*, and *Hudson.* The requested documents are thus not only "reasonably calculated" to lead to the discovery of admissible evidence, they go directly to the heart of numerous pending matters including Mr. Spears's fee petition and accountings, see, e.g., *Shine*, *supra*, 16 Cal.App.4th at p. 540; *Hudson*, *supra*, 68 Cal.App.4th at pp. 669-670.

Under the circumstances, Mr. Spears's objection that the requests are somehow "not reasonably calculated to lead to the discovery of admissible evidence" (McCurdy Decl., Ex. G, ¶¶ 8, 9) are, in fact, legally frivolous. (See *Pacific Tel. & Tel. Co. v. Superior Court* (1970) 2 Cal.3d 161, 173; *Garamendi v. Golden Eagle Ins. Co*. (2004) 116 Cal.App.4th 694, 712 fn. 8.)

Mr. Spears's objections on grounds of purportedly vague and ambiguous requests, or the terms "YOU" and "YOUR," are all baseless. (McCurdy Decl. G, ¶¶ 9, 11.) He has not and cannot explain in any manner what he claims not to understand about the document requests. (See *Deyo v. Kilbourne* (1978) 84 Cal.App.3d 771, 783 ["[W]here the question is somewhat ambiguous, but the nature of the information sought is apparent, the proper solution is to provide an appropriate response."].) Mr. Spears also fails to support his baseless burdensome and oppressive objections and asserts all of them without any actual factual support whatsoever. (See McCurdy Decl., Ex. G, ¶¶ 9, 12, 15, 16, 17.) "The objection based upon burden must be sustained by ***evidence showing*** the quantum of work required, while to support an objection of oppression there must be ***some showing*** either of an intent to create an unreasonable burden or that the ultimate effect of the burden is incommensurate with the result sought." (*W. Pico Furniture Co. v. Superior Court* (1961) 56 Cal.2d 407, 417, 418.) Mr. Spears fails to make any

[42] As a matter of restraint, we refrain herein from moving for sanctions but reserve all rights in that regard.

showing as to burden or oppression. (See *id.* at p. 418 ["The objection of burden is valid only when that burden is ***demonstrated*** to result in injustice."]; *cf. Mead Reinsurance Co. v. Superior Ct.* (1986) 188 Cal.App.3d 313, 321. For these reasons, Mr. Spears's objection that the documents "may be obtained from other sources or through other means of discovery" (McCurdy Decl., Ex. G, ¶ 15), and that the burden and expense would "outweigh the likely benefit of this discovery" (McCurdy Decl., Ex. G, ¶ 17) is also completely meritless.

Additionally, to the extent Mr. Spears objects that the document requests are "oppressive" because they "do not contain any temporal limitations" (an objection repeated in every response) this argument is also meritless. Again, no showing has been made of any intent to create an unreasonable burden, and any objection based on a lack of temporal definition is hypocritical. We are only here today because Britney Spears was under her father's infantilizing control for more than a decade. Further, the evidence shows that the conservatorship was conflicted from the very outset, when, among other things, Mr. Spears violated Rule of Court 7.1059 by obtaining a substantial loan from Tri Star and then hiring Tri Star (a then fledgling company) as her business manager. And any claim that *Mr. Spears* faces "oppression" such that he cannot respond to discovery relating to *his own* oppression of Britney Spears is, to say the least, rich. Mr. Spears put his conduct at issue and he must face the consequences.

Mr. Spears's objections on privileged meritless, inapplicable, and have been waived. *First*, to the extent any privilege was claimed, Mr. Spears should have supported the claim with "sufficient factual information for other parties to evaluate the merits of that claim," such as a privilege log. (See, e.g. Code Civ. Proc. § 2031.240(c); *Riddell, Inc. v. Superior Court* (2017) 14 Cal.App.5th 755, 772 ["if an objection to a document request is based on a claim of privilege or work product, then the response to the request 'shall provide sufficient factual information for other parties to evaluate the merits of that claim'"]); (See *Costco*, *supra*, 47 Cal.4th at p. 733 ["[t]he party claiming the privilege has the burden of establishing the preliminary facts necessary to support its exercise"].) He failed to do so.

Second, now that Mr. Spears has been suspended as conservator of the estate, he no longer holds any attorney-client privilege. (See *Stine v. Dell'Osso* (2014) 239 Cal.App.4th 834, 843 [successor fiduciary became holder of the privilege of all communications between fiduciary and his counsel regarding the estate, whenever they occurred]; see also *Moeller v. Superior Court* (1997) 16 Cal.4th

1124, 1129-1135 [because fiduciary is holder of the attorney-client privilege in his or her capacity as such, successor fiduciary becomes the holder as to confidential communications between the predecessor fiduciary and attorney concerning trust administration]; Cal. Probate Code, § 8524, subd. (c). Because he was suspended, Mr. Spears quite simply has no privilege to claim.

Third, as noted above, Mr. Spears also waived any privilege claims. In addition to failing to timely object, his counsel promised "***unconditional[] cooperat[ion]***," "***complete transparency without conditions***," and that Britney Spears was "***welcome to everything***." (See McCurdy Decl., ¶ 10, Ex. D.) Even further, Mr. Spears's counsel stated that he had "provided ***explicit instructions to prior counsel to produce everything without exception***." (See McCurdy Decl., ¶ 11; see also *infra*, n.4.) Under *Moeller* and *Stine,* Mr. Spears does not hold the privilege. And in any event, even if the documents at issue were privileged (and they are not) he has waived any such privilege and should be estopped from asserted any such objections.

Mr. Spears also objects that the requests somehow violate his right to privacy. (McCurdy Decl., Ex. G, ¶ 10.) This makes no sense. It is Mr. Spears's burden to justify the objection, and he has failed to do so. (See *Coy*, *supra*, 58 Cal.2d at pp. 220-221; *Fairmont Ins. Co. v. Super. Ct.* (2000) 22 Cal.4th 245, 255.) Mr. Spears's position also reeks of hypocrisy given his gross violations of *his daughter's* privacy. Finally, any claimed right to privacy must be considered against the "historically important state interest of facilitating the ascertainment of truth in connection with legal proceedings." (See *Gregori v. Bank of America* (1989) 207 Cal.App.3d 291, 312.) Even as Mr. Spears hides it, the mission remains to ascertain the truth, which necessarily trumps Mr. Spears's evasive and fabricated "privacy rights."

Mr. Spears additionally claims each document request violates confidentiality or the "common interest doctrine." Not only does Mr. Spears once again fail to support this objection with any facts, the "common interest doctrine" is a "nonwaiver doctrine," and does not separately act as a privilege shielding documents from discovery. (See *OXY Resources California LLC v. Superior Court* (2004) 115 Cal.App.4th 874, 889-90 ["party seeking to invoke the [common interest] doctrine must first establish that the communicated information would otherwise be protected from a disclosure by a claim of privilege"].) No privilege exists here to protect the disclosure of the requested documents.

Finally, Mr. Spears purports to assert hodgepodge objections that the document requests are "speculative, lack foundation, or improperly assume the existence of hypothetical facts that are incorrect or unknown to Jamie" and "call for a legal conclusion." (McCurdy Decl., Ex. G, ¶¶ 13, 14.) In asserting this boilerplate objection, Mr., Spears does nothing more than cite boilerplate buzz words into his general objections; he fails to incorporate them anywhere else, and he fails to justify how the document requests are so formed. This is because he is, once again, wrong and he is once again seeking to evade the truth and its consequences. As demonstrated above and as the requests themselves demonstrate, the requests are narrowly tailored to pending issues, which were put front and center by Mr. Spears himself. The use of such general objections, as applied here, is improper under the California Civil Discovery Act, and their bald assertion in this context demonstrates Mr. Spears's desperation and lack of any factual basis for them. (See generally *Korea Data Sys. Co. v. Superior Court* (1997) 51 Cal.App.4th 1513, 1516 [use of boilerplate objections is improper and sanctionable].)

REQUEST FOR PRODUCTION NO. 22:

All DOCUMENTS RELATING TO any discussion or negotiation for your resignation from the position of Conservator.

RESPONSE TO REQUEST FOR PRODUCTION NO. 22:

Jamie incorporates by reference his General Objections. Jamie further objects to the Document Request to the extent it is vague, ambiguous, overly broad, unduly burdensome, and oppressive especially as it does not contain any temporal limitations. Jamie further objects to the Document Request to the extent that it seeks information that is already in Britney's possession or equally available to her. Jamie further objects to the Document Request to the extent it impermissibly seeks material protected by the attorney-client privilege, the attorney work-product doctrine, and/or the common interest doctrine.

Jamie further objects to the Document Request as follows:

- Jamie objects on the grounds that the Document Request is unduly burdensome and unreasonably duplicative and cumulative because it seeks the same information that was requested by Britney from Jamie in her August 25, 2021 First Set of Requests for Production (*see, e.g.*, Request for Production No. 24) and in her December 17, 2021 Second Set of Requests for Production (*see, e.g.*, Request for Production No. 33). This is now the third time Britney served the exact same request.

- The Document Request extends beyond the proper scope of discovery and improperly attempts to re-litigate the thirteen-year Conservatorship and innumerable final court orders. California Civil Procedure Code Section 2017.010 limits the scope of discovery to matters relevant to the subject matter involved in the pending action. California Probate Code Section 2103 releases a conservator and the sureties from all the conservatee's claims when the court authorizes, approves, or confirms the action in an order. This Document Request is therefore overbroad, unduly burdensome, and beyond the scope of discovery to the extent it is not relevant to the limited matters remaining before the Court and to the extent the Court already approved any action in an order or judgment.
- There is no legitimate reason for requiring Jamie to undertake the burden of sifting through documents he already produced and reproducing those documents that are responsive to this Document Request. Jamie objects to these Document Requests as duplicative, unduly burdensome, oppressive, and harassing to the extent the Document Requests seek some or all of the same documents and information that Jamie already voluntarily produced. Since October 2021, Jamie's counsel has arranged for nearly 600,000 pages of documents (consisting of more than 58 boxes of hard copy documents and more than 22 drives of electronic documents and spanning over 13 years of documents). Britney's own counsel admitted at the January 19, 2022 hearing that Jamie "produced voluminous information." *See* Jan. 19 Tr. 17:3-4. The nearly 600,000 pages of documents represent more than 124,500 electronic documents. Any responsive documents that are in Jamie's possession, custody, or control already are in Britney's possession, custody, or control or are otherwise equally available to her given Jamie's prior voluminous production of documents and information.

REASON TO COMPEL PRODUCTION TO REQUEST FOR PRODUCTION NO. 22:

As an initial matter, Mr. Spears fails to justify any of his objections with any facts, and none of his boilerplate objections are proper. (See *Costco Wholesale Corp. v. Superior Court* (2009) 47 Cal.4th 725, 733; *Coy v. Superior Court of Contra Costa County* (1962) 58 Cal.2d 210, 218-221.) It is important to bear in mind, too, that Mr. Spears has an obligation as a suspended conservator and fiduciary to turn over all relevant and responsive documents without any condition, regardless of the method of discovery sought. (See *Poag v. Winston* (1987) 195 Cal.App.3d 1161, 1176 ["As a fiduciary, a conservator owes a duty of loyalty which requires that he act in the highest good faith."].) This fact is buttressed by his new

lawyer's own repeated claims of cooperation. Further, demonstrating regrettable gamesmanship and completely contradicting himself, Ms. Spears's counsel claims he "instructed" prior counsel to "withhold nothing" on the basis of privilege. Yet, his response to ***every single request*** for production includes objections on the basis of privilege. (See generally, McCurdy Decl., Ex. G.) This type of Alice-in-Wonderland dissembling is unacceptable.

Mr. Spears's counsel repeatedly and profusely promised his client's unconditional, transparent cooperation in producing "***all***" documents to Ms. Spears's counsel. Although these representations have, regrettably, proven to be false, made in an effort to create a false narrative and record—and what has become a "Big Lie" of Mr. Spears's defense—they are nevertheless relevant; thus, in addition to Mr. Spears's statutory waiver, his boilerplate objections should also be considered waived as a matter of equity and fairness and he should be estopped from asserting them. By way of illustration only, by email dated October 22, 2021, Mr. Spears's counsel professed the following:

- That Mr. Spears would "***unconditionally[] cooperate*** with a complete and total transfer of ***all files*** regarding the conservatorship . . . ."
- That Ms. Spears was "***welcome to everything – complete transparency without conditions***."
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- "Again, ***complete transparency without conditions***."

(McCurdy Decl., ¶ 10.)

In the November 1, 2021 Status Report, Mr. Spears's counsel represented the following:

- "Jamie has ***nothing to hide*** [and] ***will therefore hide nothing***."
- "Jamie affirms that he will ***unconditionally cooperate*** in transferring *all* [emphasis in original] files regarding the estate to Britney's counsel without delay."
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In a November 5, 2021 email, Mr. Spears's counsel stated that he and his client were supposedly "committed to ***complete transparency***," that they had "***withheld nothing***," and that he "provided ***explicit instructions to prior counsel to produce <u>everything without exception</u>***." (McCurdy Decl., ¶ 11.) Even more, Mr. Spears's counsel claimed that "whatever documents exist regarding electronic surveillance, to the extent that any, would part [*sic*] of the production being made by prior counsel." (*Id.*)

These promises are tantamount to a "Big Lie." By objecting to every single one of Ms. Spears's document requests, Mr. Spears has done the exact opposite of what he promised. Mr. Spears's tactics to create a false record and narrative should not be countenanced. Even putting aside his statutory and fiduciary obligations, he has waived any objections and he should be ordered to produce all documents contained in the applicable requests.

Mr. Spears objects to the document requests as "unduly burdensome and unreasonable duplicative and cumulative" because he claims Ms. Spears requested similar information in requests for production propounded on him. (McCurdy Decl., Ex. G, ¶ 5.) The objection is contrary to law. California's Code of Civil Procedure does not preclude a party from seeking similar documents through different methods of discovery. "[T]he inspection of documents procedure is quite different from a deposition at which a party is required to bring documents. Nothing in either section 2025 or section 2031 suggests that seeking documents under one statutory procedure bars a litigant from seeking the same documents under the other." (*Carter v. Superior Court* (1990) 218 Cal.App.3d 994, 997.)[43] Thus, consistent with the Court's reasoning in *Carter*, Mr. Spears must bring the requested documents to his deposition pursuant to this different method of discovery. (See also *Irvington-Moore, Inc. v. Superior Court* (1993) 14 Cal.App.4th 733, 739 ["[T]he selection of the method of discovery is to be utilized is to be made by the party seeking discovery. It cannot be dictated by the opposing party.].)

Relatedly, Mr. Spears claims the document requests are "duplicative, unduly burdensome, oppressive, and harassing" because Mr. Spears already "voluntarily" produced some of the same documents and information. (McCurdy Decl., Ex. G, ¶ 7.) He is wrong, on multiple levels. Initially,

[43] See also 10 Witkin, Cal. Evid. Discovery § 143 [discussing *Carter*]. Notably, the Legislature has amended the Civil Discovery Act several times since *Carter*, and it has done so without overruling or modifying *Carter*'s interpretation of the Act. "When a statute has been construed by the courts, and the Legislature thereafter reenacts that statute without changing the interpretation put on that statute by the court, the Legislature is presumed to have been aware of, and acquiesced in, the courts' construction of that statute." (*People v. Ledesma* (1997) 16 Cal.4th 90, 100-01.)

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Mr. Spears's objection that he has already produced some of the requested documents, even if true, is not a defense. To the extent he intended to actually rely on this objection, Mr. Spears needed to demonstrate that production of the requested documents now would be "unjust and inequitable." But he grossly fails to so demonstrate; instead, he relies on his "Big Lie" defense: that he has cooperated and transferred all of the documents requested. Mr. Spears also astonishingly objects on the basis that "there are no further documents [he] could provide to respond to the Deposition Notice, Document Requests, and definitions" because he supposedly has produced them all. (McCurdy Decl., Ex. G, at p. 3:22-23.) If this were true (and it is false), then why does he not so state in a single response, instead of making countless boilerplate objections? Why does he not appear at his deposition, and so state on the record, under penalty of perjury? Why does he not identify the requested documents—by Bates number? Why does he not correlate them to the document requests at issue? And why does he not simply provide answers to the following questions and requests that have been posed to him repeatedly?

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failed to produce *any* documents pursuant to and correlated to the deposition notices, ***not one***. (See *Kayne v. Grande Holdings Ltd.* (2011) 198 Cal.App.4th 1470, 1475-76 [sanctions appropriate where party refused to produce documents in an organized and labelled manner].)[44]

Mr. Spears also objects that the document requests "attempt to relitigate the entire thirteen-year Conservatorship and innumerable final court orders," and "are not relevant and not reasonably calculated to lead to the discovery of admissible evidence." (McCurdy Decl., Ex. G, ¶¶ 6, 8.) Nonsense. "Discovery may relate to the claim or defense of the party seeking discovery or of any other party to the action." (Code Civ. Proc., § 2017.010.) In this case, the document requests directly relate to Mr. Spears's role and conduct as former conservator of the estate, which are also directly at issue under *Shine*, *Kasperbauer*, and *Hudson.* The requested documents are thus not only "reasonably calculated" to lead to the discovery of admissible evidence, they go directly to the heart of numerous pending matters including Mr. Spears's fee petition and accountings, see, e.g., *Shine*, *supra*, 16 Cal.App.4th at p. 540; *Hudson*, *supra*, 68 Cal.App.4th at pp. 669-670.

Under the circumstances, Mr. Spears's objection that the requests are somehow "not reasonably calculated to lead to the discovery of admissible evidence" (McCurdy Decl., Ex. G, ¶¶ 8, 9) are, in fact, legally frivolous. (See *Pacific Tel. & Tel. Co. v. Superior Court* (1970) 2 Cal.3d 161, 173; *Garamendi v. Golden Eagle Ins. Co*. (2004) 116 Cal.App.4th 694, 712 fn. 8.)

Mr. Spears's objections on grounds of purportedly vague and ambiguous requests, or the terms "YOU" and "YOUR," are all baseless. (McCurdy Decl. G, ¶¶ 9, 11.) He has not and cannot explain in any manner what he claims not to understand about the document requests. (See *Deyo v. Kilbourne* (1978) 84 Cal.App.3d 771, 783 ["[W]here the question is somewhat ambiguous, but the nature of the information sought is apparent, the proper solution is to provide an appropriate response."].) Mr. Spears also fails to support his baseless burdensome and oppressive objections and asserts all of them without any actual factual support whatsoever. (See McCurdy Decl., Ex. G, ¶¶ 9, 12, 15, 16, 17.) "The objection based upon burden must be sustained by ***evidence showing*** the quantum of work required, while to support an objection of oppression there must be ***some showing*** either of an intent to create an unreasonable burden or that the ultimate effect of the burden is incommensurate with the result sought."

[44] As a matter of restraint, we refrain herein from moving for sanctions but reserve all rights in that regard.

(*W. Pico Furniture Co. v. Superior Court* (1961) 56 Cal.2d 407, 417, 418.) Mr. Spears fails to make any showing as to burden or oppression. (See *id.* at p. 418 ["The objection of burden is valid only when that burden is ***demonstrated*** to result in injustice."]; *cf. Mead Reinsurance Co. v. Superior Ct.* (1986) 188 Cal.App.3d 313, 321. For these reasons, Mr. Spears's objection that the documents "may be obtained from other sources or through other means of discovery" (McCurdy Decl., Ex. G, ¶ 15), and that the burden and expense would "outweigh the likely benefit of this discovery" (McCurdy Decl., Ex. G, ¶ 17) is also completely meritless.

Additionally, to the extent Mr. Spears objects that the document requests are "oppressive" because they "do not contain any temporal limitations" (an objection repeated in every response) this argument is also meritless. Again, no showing has been made of any intent to create an unreasonable burden, and any objection based on a lack of temporal definition is hypocritical. We are only here today because Britney Spears was under her father's infantilizing control for more than a decade. Further, the evidence shows that the conservatorship was conflicted from the very outset, when, among other things, Mr. Spears violated Rule of Court 7.1059 by obtaining a substantial loan from Tri Star and then hiring Tri Star (a then fledgling company) as her business manager. And any claim that *Mr. Spears* faces "oppression" such that he cannot respond to discovery relating to *his own* oppression of Britney Spears is, to say the least, rich. Mr. Spears put his conduct at issue and he must face the consequences.

Mr. Spears's objections on privileged meritless, inapplicable, and have been waived. *First*, to the extent any privilege was claimed, Mr. Spears should have supported the claim with "sufficient factual information for other parties to evaluate the merits of that claim," such as a privilege log. (See, e.g. Code Civ. Proc. § 2031.240(c); *Riddell, Inc. v. Superior Court* (2017) 14 Cal.App.5th 755, 772 ["if an objection to a document request is based on a claim of privilege or work product, then the response to the request 'shall provide sufficient factual information for other parties to evaluate the merits of that claim'"]); (See *Costco*, *supra*, 47 Cal.4th at p. 733 ["[t]he party claiming the privilege has the burden of establishing the preliminary facts necessary to support its exercise"].) He failed to do so.

Second, now that Mr. Spears has been suspended as conservator of the estate, he no longer holds any attorney-client privilege. (See *Stine v. Dell'Osso* (2014) 239 Cal.App.4th 834, 843 [successor fiduciary became holder of the privilege of all communications between fiduciary and his counsel

regarding the estate, whenever they occurred]; see also *Moeller v. Superior Court* (1997) 16 Cal.4th 1124, 1129-1135 [because fiduciary is holder of the attorney-client privilege in his or her capacity as such, successor fiduciary becomes the holder as to confidential communications between the predecessor fiduciary and attorney concerning trust administration]; Cal. Probate Code, § 8524, subd. (c). Because he was suspended, Mr. Spears quite simply has no privilege to claim.

Third, as noted above, Mr. Spears also waived any privilege claims. In addition to failing to timely object, his counsel promised "***unconditional[] cooperat[ion]***," "***complete transparency without conditions***," and that Britney Spears was "***welcome to everything***." (See McCurdy Decl., ¶ 10, Ex. D.) Even further, Mr. Spears's counsel stated that he had "provided ***explicit instructions to prior counsel to produce everything without exception***." (See McCurdy Decl., ¶ 11; see also *infra*, n.4.) Under *Moeller* and *Stine,* Mr. Spears does not hold the privilege. And in any event, even if the documents at issue were privileged (and they are not) he has waived any such privilege and should be estopped from asserted any such objections.

Mr. Spears also objects that the requests somehow violate his right to privacy. (McCurdy Decl., Ex. G, ¶ 10.) This makes no sense. It is Mr. Spears's burden to justify the objection, and he has failed to do so. (See *Coy*, *supra*, 58 Cal.2d at pp. 220-221; *Fairmont Ins. Co. v. Super. Ct.* (2000) 22 Cal.4th 245, 255.) Mr. Spears's position also reeks of hypocrisy given his gross violations of *his daughter's* privacy. Finally, any claimed right to privacy must be considered against the "historically important state interest of facilitating the ascertainment of truth in connection with legal proceedings." (See *Gregori v. Bank of America* (1989) 207 Cal.App.3d 291, 312.) Even as Mr. Spears hides it, the mission remains to ascertain the truth, which necessarily trumps Mr. Spears's evasive and fabricated "privacy rights."

Mr. Spears additionally claims each document request violates confidentiality or the "common interest doctrine." Not only does Mr. Spears once again fail to support this objection with any facts, the "common interest doctrine" is a "nonwaiver doctrine," and does not separately act as a privilege shielding documents from discovery. (See *OXY Resources California LLC v. Superior Court* (2004) 115 Cal.App.4th 874, 889-90 ["party seeking to invoke the [common interest] doctrine must first establish that the communicated information would otherwise be protected from a disclosure by a claim of privilege"].) No privilege exists here to protect the disclosure of the requested documents.

Finally, Mr. Spears purports to assert hodgepodge objections that the document requests are "speculative, lack foundation, or improperly assume the existence of hypothetical facts that are incorrect or unknown to Jamie" and "call for a legal conclusion." (McCurdy Decl., Ex. G, ¶¶ 13, 14.) In asserting this boilerplate objection, Mr., Spears does nothing more than cite boilerplate buzz words into his general objections; he fails to incorporate them anywhere else, and he fails to justify how the document requests are so formed. This is because he is, once again, wrong and he is once again seeking to evade the truth and its consequences. As demonstrated above and as the requests themselves demonstrate, the requests are narrowly tailored to pending issues, which were put front and center by Mr. Spears himself. The use of such general objections, as applied here, is improper under the California Civil Discovery Act, and their bald assertion in this context demonstrates Mr. Spears's desperation and lack of any factual basis for them. (See generally *Korea Data Sys. Co. v. Superior Court* (1997) 51 Cal.App.4th 1513, 1516 [use of boilerplate objections is improper and sanctionable].)

REQUEST FOR PRODUCTION NO. 23:

All DOCUMENTS RELATING TO any payments to third parties that you sought as part of any discussion or negotiation for your resignation from the position of Conservator.

RESPONSE TO REQUEST FOR PRODUCTION NO. 23:

Jamie incorporates by reference his General Objections. Jamie further objects to the Document Request to the extent it is vague, ambiguous, overly broad, unduly burdensome, and oppressive especially as it does not contain any temporal limitations. Jamie further objects to the Document Request to the extent that it seeks information that is already in Britney's possession or equally available to her. Jamie further objects to the Document Request to the extent it impermissibly seeks material protected by the attorney-client privilege, the attorney work-product doctrine, and/or the common interest doctrine.

Jamie further objects to the Document Request as follows:

- Jamie objects on the grounds that the Document Request is unduly burdensome and unreasonably duplicative and cumulative because it seeks the same information that was requested by Britney from Jamie in her August 25, 2021 First Set of Requests for Production (*see, e.g.*, Request for Production No. 25) and in her December 17, 2021 Second Set of Requests for Production (*see, e.g.*, Request for Production No. 34). This is now the third time Britney served the exact same request.

- The Document Request extends beyond the proper scope of discovery and improperly attempts to re-litigate the thirteen-year Conservatorship and innumerable final court orders. California Civil Procedure Code Section 2017.010 limits the scope of discovery to matters relevant to the subject matter involved in the pending action. California Probate Code Section 2103 releases a conservator and the sureties from all the conservatee's claims when the court authorizes, approves, or confirms the action in an order. This Document Request is therefore overbroad, unduly burdensome, and beyond the scope of discovery to the extent it is not relevant to the limited matters remaining before the Court and to the extent the Court already approved any action in an order or judgment.
- There is no legitimate reason for requiring Jamie to undertake the burden of sifting through documents he already produced and reproducing those documents that are responsive to this Document Request. Jamie objects to these Document Requests as duplicative, unduly burdensome, oppressive, and harassing to the extent the Document Requests seek some or all of the same documents and information that Jamie already voluntarily produced. Since October 2021, Jamie's counsel has arranged for nearly 600,000 pages of documents (consisting of more than 58 boxes of hard copy documents and more than 22 drives of electronic documents and spanning over 13 years of documents). Britney's own counsel admitted at the January 19, 2022 hearing that Jamie "produced voluminous information." *See* Jan. 19 Tr. 17:3-4. The nearly 600,000 pages of documents represent more than 124,500 electronic documents. Any responsive documents that are in Jamie's possession, custody, or control already are in Britney's possession, custody, or control or are otherwise equally available to her given Jamie's prior voluminous production of documents and information.

REASON TO COMPEL PRODUCTION TO REQUEST FOR PRODUCTION NO. 23:

As an initial matter, Mr. Spears fails to justify any of his objections with any facts, and none of his boilerplate objections are proper. (See *Costco Wholesale Corp. v. Superior Court* (2009) 47 Cal.4th 725, 733; *Coy v. Superior Court of Contra Costa County* (1962) 58 Cal.2d 210, 218-221.) It is important to bear in mind, too, that Mr. Spears has an obligation as a suspended conservator and fiduciary to turn over all relevant and responsive documents without any condition, regardless of the method of discovery sought. (See *Poag v. Winston* (1987) 195 Cal.App.3d 1161, 1176 ["As a fiduciary, a conservator owes a duty of loyalty which requires that he act in the highest good faith."].) This fact is buttressed by his new

lawyer's own repeated claims of cooperation. Further, demonstrating regrettable gamesmanship and completely contradicting himself, Ms. Spears's counsel claims he "instructed" prior counsel to "withhold nothing" on the basis of privilege. Yet, his response to ***every single request*** for production includes objections on the basis of privilege. (See generally, McCurdy Decl., Ex. G.) This type of Alice-in-Wonderland dissembling is unacceptable.

Mr. Spears's counsel repeatedly and profusely promised his client's unconditional, transparent cooperation in producing "***all***" documents to Ms. Spears's counsel. Although these representations have, regrettably, proven to be false, made in an effort to create a false narrative and record—and what has become a "Big Lie" of Mr. Spears's defense—they are nevertheless relevant; thus, in addition to Mr. Spears's statutory waiver, his boilerplate objections should also be considered waived as a matter of equity and fairness and he should be estopped from asserting them. By way of illustration only, by email dated October 22, 2021, Mr. Spears's counsel professed the following:

- That Mr. Spears would "***unconditionally[] cooperate*** with a complete and total transfer of ***all files*** regarding the conservatorship . . . ."
- That Ms. Spears was "***welcome to everything – complete transparency without conditions***."
- That he would "***do everything [he] [could]*** to help facilitate the direct transfer [of all files] from prior counsel . . . ."
- "Again, ***complete transparency without conditions***."

(McCurdy Decl., ¶ 10.)

In the November 1, 2021 Status Report, Mr. Spears's counsel represented the following:

- "Jamie has ***nothing to hide*** [and] ***will therefore hide nothing***."
- "Jamie affirms that he will ***unconditionally cooperate*** in transferring *all* [emphasis in original] files regarding the estate to Britney's counsel without delay."
- "Jamie recognizes his ***ongoing and transparent participation is paramount*** . . . ."
- "Jamie will ***unconditionally cooperate*** with a complete and total transfer of all files."
- "Jamie is committed to ***complete transparency without conditions***."

(McCurdy Decl., Ex. D.)

In a November 5, 2021 email, Mr. Spears's counsel stated that he and his client were supposedly "committed to ***complete transparency***," that they had "***withheld nothing***," and that he "provided ***explicit instructions to prior counsel to produce <u>everything without exception</u>***." (McCurdy Decl., ¶ 11.) Even more, Mr. Spears's counsel claimed that "whatever documents exist regarding electronic surveillance, to the extent that any, would part [*sic*] of the production being made by prior counsel." (*Id.*)

These promises are tantamount to a "Big Lie." By objecting to every single one of Ms. Spears's document requests, Mr. Spears has done the exact opposite of what he promised. Mr. Spears's tactics to create a false record and narrative should not be countenanced. Even putting aside his statutory and fiduciary obligations, he has waived any objections and he should be ordered to produce all documents contained in the applicable requests.

Mr. Spears objects to the document requests as "unduly burdensome and unreasonable duplicative and cumulative" because he claims Ms. Spears requested similar information in requests for production propounded on him. (McCurdy Decl., Ex. G, ¶ 5.) The objection is contrary to law. California's Code of Civil Procedure does not preclude a party from seeking similar documents through different methods of discovery. "[T]he inspection of documents procedure is quite different from a deposition at which a party is required to bring documents. Nothing in either section 2025 or section 2031 suggests that seeking documents under one statutory procedure bars a litigant from seeking the same documents under the other." (*Carter v. Superior Court* (1990) 218 Cal.App.3d 994, 997.)[45] Thus, consistent with the Court's reasoning in *Carter*, Mr. Spears must bring the requested documents to his deposition pursuant to this different method of discovery. (See also *Irvington-Moore, Inc. v. Superior Court* (1993) 14 Cal.App.4th 733, 739 ["[T]he selection of the method of discovery is to be utilized is to be made by the party seeking discovery. It cannot be dictated by the opposing party.].)

Relatedly, Mr. Spears claims the document requests are "duplicative, unduly burdensome, oppressive, and harassing" because Mr. Spears already "voluntarily" produced some of the same documents and information. (McCurdy Decl., Ex. G, ¶ 7.) He is wrong, on multiple levels. Initially,

[45] See also 10 Witkin, Cal. Evid. Discovery § 143 [discussing *Carter*]. Notably, the Legislature has amended the Civil Discovery Act several times since *Carter*, and it has done so without overruling or modifying *Carter*'s interpretation of the Act. "When a statute has been construed by the courts, and the Legislature thereafter reenacts that statute without changing the interpretation put on that statute by the court, the Legislature is presumed to have been aware of, and acquiesced in, the courts' construction of that statute." (*People v. Ledesma* (1997) 16 Cal.4th 90, 100-01.)

"[a] party is permitted to use multiple methods of obtaining discovery and the fact that information was disclosed under one method is not, standing alone, a proper basis for refusing to provide discovery under another method." (*Irvington-Moore, Inc.*, *supra*, 14 Cal.App.4th at p. 739; see also *TBG Ins. Services Corp. v. Superior Court* (2002) 96 Cal.App.4th 443, 449 [citing *Irvington-Moore* for the proposition that "a party may use multiple methods to obtain discovery and the fact that information was disclosed under one method is not, by itself, a proper basis to refuse to provide discovery under another method"]; see, e.g. *Coy*, *supra*, 58 Cal.2d at p. 218 ["the bare claim of previous deposition is insufficient as an objection to an interrogatory . . . To suffice as a valid objection such claim must be supported by some showing (or, as a minimum, some claim) that the requirement of a reply would be unjust and inequitable"].)

Mr. Spears's objection that he has already produced some of the requested documents, even if true, is not a defense. To the extent he intended to actually rely on this objection, Mr. Spears needed to demonstrate that production of the requested documents now would be "unjust and inequitable." But he grossly fails to so demonstrate; instead, he relies on his "Big Lie" defense: that he has cooperated and transferred all of the documents requested. Mr. Spears also astonishingly objects on the basis that "there are no further documents [he] could provide to respond to the Deposition Notice, Document Requests, and definitions" because he supposedly has produced them all. (McCurdy Decl., Ex. G, at p. 3:22-23.) If this were true (and it is false), then why does he not so state in a single response, instead of making countless boilerplate objections? Why does he not appear at his deposition, and so state on the record, under penalty of perjury? Why does he not identify the requested documents—by Bates number? Why does he not correlate them to the document requests at issue? And why does he not simply provide answers to the following questions and requests that have been posed to him repeatedly?

As referenced above, despite our repeated and ongoing requests, while relying on the facile and false claim that he has produced "everything" requested, Mr. Spears has also failed to produce all text or email communications between and amongst Tri Star, Black Box, himself, and his counsel (see *Moeller* and *Stine*, *infra* at pp. 19-20) concerning the illicit surveillance operation at issue. Indeed, he falsely claims it "***DIDN'T HAPPEN, YOUR HONOR***," *supra* at 9. In short, as part of their efforts to stonewall and hide the truth, Mr. Spears has engaged in improper disjointed and incomplete "document dumps" rather than a professional, organized, and labelled production of documents. More pointedly, he has

failed to produce *any* documents pursuant to and correlated to the deposition notices, ***not one***. (See *Kayne v. Grande Holdings Ltd.* (2011) 198 Cal.App.4th 1470, 1475-76 [sanctions appropriate where party refused to produce documents in an organized and labelled manner].)[46]

Mr. Spears also objects that the document requests "attempt to relitigate the entire thirteen-year Conservatorship and innumerable final court orders," and "are not relevant and not reasonably calculated to lead to the discovery of admissible evidence." (McCurdy Decl., Ex. G, ¶¶ 6, 8.) Nonsense. "Discovery may relate to the claim or defense of the party seeking discovery or of any other party to the action." (Code Civ. Proc., § 2017.010.) In this case, the document requests directly relate to Mr. Spears's role and conduct as former conservator of the estate, which are also directly at issue under *Shine*, *Kasperbauer*, and *Hudson.* The requested documents are thus not only "reasonably calculated" to lead to the discovery of admissible evidence, they go directly to the heart of numerous pending matters including Mr. Spears's fee petition and accountings, see, e.g., *Shine*, *supra*, 16 Cal.App.4th at p. 540; *Hudson*, *supra*, 68 Cal.App.4th at pp. 669-670.

Under the circumstances, Mr. Spears's objection that the requests are somehow "not reasonably calculated to lead to the discovery of admissible evidence" (McCurdy Decl., Ex. G, ¶¶ 8, 9) are, in fact, legally frivolous. (See *Pacific Tel. & Tel. Co. v. Superior Court* (1970) 2 Cal.3d 161, 173; *Garamendi v. Golden Eagle Ins. Co*. (2004) 116 Cal.App.4th 694, 712 fn. 8.)

Mr. Spears's objections on grounds of purportedly vague and ambiguous requests, or the terms "YOU" and "YOUR," are all baseless. (McCurdy Decl. G, ¶¶ 9, 11.) He has not and cannot explain in any manner what he claims not to understand about the document requests. (See *Deyo v. Kilbourne* (1978) 84 Cal.App.3d 771, 783 ["[W]here the question is somewhat ambiguous, but the nature of the information sought is apparent, the proper solution is to provide an appropriate response."].) Mr. Spears also fails to support his baseless burdensome and oppressive objections and asserts all of them without any actual factual support whatsoever. (See McCurdy Decl., Ex. G, ¶¶ 9, 12, 15, 16, 17.) "The objection based upon burden must be sustained by ***evidence showing*** the quantum of work required, while to support an objection of oppression there must be ***some showing*** either of an intent to create an unreasonable burden or that the ultimate effect of the burden is incommensurate with the result sought."

[46] As a matter of restraint, we refrain herein from moving for sanctions but reserve all rights in that regard.

(*W. Pico Furniture Co. v. Superior Court* (1961) 56 Cal.2d 407, 417, 418.) Mr. Spears fails to make any showing as to burden or oppression. (See *id.* at p. 418 ["The objection of burden is valid only when that burden is ***demonstrated*** to result in injustice."]; *cf. Mead Reinsurance Co. v. Superior Ct.* (1986) 188 Cal.App.3d 313, 321. For these reasons, Mr. Spears's objection that the documents "may be obtained from other sources or through other means of discovery" (McCurdy Decl., Ex. G, ¶ 15), and that the burden and expense would "outweigh the likely benefit of this discovery" (McCurdy Decl., Ex. G, ¶ 17) is also completely meritless.

Additionally, to the extent Mr. Spears objects that the document requests are "oppressive" because they "do not contain any temporal limitations" (an objection repeated in every response) this argument is also meritless. Again, no showing has been made of any intent to create an unreasonable burden, and any objection based on a lack of temporal definition is hypocritical. We are only here today because Britney Spears was under her father's infantilizing control for more than a decade. Further, the evidence shows that the conservatorship was conflicted from the very outset, when, among other things, Mr. Spears violated Rule of Court 7.1059 by obtaining a substantial loan from Tri Star and then hiring Tri Star (a then fledgling company) as her business manager. And any claim that *Mr. Spears* faces "oppression" such that he cannot respond to discovery relating to *his own* oppression of Britney Spears is, to say the least, rich. Mr. Spears put his conduct at issue and he must face the consequences.

Mr. Spears's objections on privileged meritless, inapplicable, and have been waived. *First*, to the extent any privilege was claimed, Mr. Spears should have supported the claim with "sufficient factual information for other parties to evaluate the merits of that claim," such as a privilege log. (See, e.g. Code Civ. Proc. § 2031.240(c); *Riddell, Inc. v. Superior Court* (2017) 14 Cal.App.5th 755, 772 ["if an objection to a document request is based on a claim of privilege or work product, then the response to the request 'shall provide sufficient factual information for other parties to evaluate the merits of that claim'"]); (See *Costco*, *supra*, 47 Cal.4th at p. 733 ["[t]he party claiming the privilege has the burden of establishing the preliminary facts necessary to support its exercise"].) He failed to do so.

Second, now that Mr. Spears has been suspended as conservator of the estate, he no longer holds any attorney-client privilege. (See *Stine v. Dell'Osso* (2014) 239 Cal.App.4th 834, 843 [successor fiduciary became holder of the privilege of all communications between fiduciary and his counsel

regarding the estate, whenever they occurred]; see also *Moeller v. Superior Court* (1997) 16 Cal.4th 1124, 1129-1135 [because fiduciary is holder of the attorney-client privilege in his or her capacity as such, successor fiduciary becomes the holder as to confidential communications between the predecessor fiduciary and attorney concerning trust administration]; Cal. Probate Code, § 8524, subd. (c). Because he was suspended, Mr. Spears quite simply has no privilege to claim.

Third, as noted above, Mr. Spears also waived any privilege claims. In addition to failing to timely object, his counsel promised "***unconditional[] cooperat[ion]***," "***complete transparency without conditions***," and that Britney Spears was "***welcome to everything***." (See McCurdy Decl., ¶ 10, Ex. D.) Even further, Mr. Spears's counsel stated that he had "provided ***explicit instructions to prior counsel to produce everything without exception***." (See McCurdy Decl., ¶ 11; see also *infra*, n.4.) Under *Moeller* and *Stine,* Mr. Spears does not hold the privilege. And in any event, even if the documents at issue were privileged (and they are not) he has waived any such privilege and should be estopped from asserted any such objections.

Mr. Spears also objects that the requests somehow violate his right to privacy. (McCurdy Decl., Ex. G, ¶ 10.) This makes no sense. It is Mr. Spears's burden to justify the objection, and he has failed to do so. (See *Coy*, *supra*, 58 Cal.2d at pp. 220-221; *Fairmont Ins. Co. v. Super. Ct.* (2000) 22 Cal.4th 245, 255.) Mr. Spears's position also reeks of hypocrisy given his gross violations of *his daughter's* privacy. Finally, any claimed right to privacy must be considered against the "historically important state interest of facilitating the ascertainment of truth in connection with legal proceedings." (See *Gregori v. Bank of America* (1989) 207 Cal.App.3d 291, 312.) Even as Mr. Spears hides it, the mission remains to ascertain the truth, which necessarily trumps Mr. Spears's evasive and fabricated "privacy rights."

Mr. Spears additionally claims each document request violates confidentiality or the "common interest doctrine." Not only does Mr. Spears once again fail to support this objection with any facts, the "common interest doctrine" is a "nonwaiver doctrine," and does not separately act as a privilege shielding documents from discovery. (See *OXY Resources California LLC v. Superior Court* (2004) 115 Cal.App.4th 874, 889-90 ["party seeking to invoke the [common interest] doctrine must first establish that the communicated information would otherwise be protected from a disclosure by a claim of privilege"].) No privilege exists here to protect the disclosure of the requested documents.

Finally, Mr. Spears purports to assert hodgepodge objections that the document requests are "speculative, lack foundation, or improperly assume the existence of hypothetical facts that are incorrect or unknown to Jamie" and "call for a legal conclusion." (McCurdy Decl., Ex. G, ¶¶ 13, 14.) In asserting this boilerplate objection, Mr., Spears does nothing more than cite boilerplate buzz words into his general objections; he fails to incorporate them anywhere else, and he fails to justify how the document requests are so formed. This is because he is, once again, wrong and he is once again seeking to evade the truth and its consequences. As demonstrated above and as the requests themselves demonstrate, the requests are narrowly tailored to pending issues, which were put front and center by Mr. Spears himself. The use of such general objections, as applied here, is improper under the California Civil Discovery Act, and their bald assertion in this context demonstrates Mr. Spears's desperation and lack of any factual basis for them. (See generally *Korea Data Sys. Co. v. Superior Court* (1997) 51 Cal.App.4th 1513, 1516 [use of boilerplate objections is improper and sanctionable].)

REQUEST FOR PRODUCTION NO. 24:

All correspondence (whether on paper, electronically, or by text or instant message) RELATING TO any payments to third parties that you sought as part of any discussion or negotiation for your resignation from the position of Conservator.

RESPONSE TO REQUEST FOR PRODUCTION NO. 24:

Jamie incorporates by reference his General Objections. Jamie further objects to the Document Request to the extent it is vague, ambiguous, overly broad, unduly burdensome, and oppressive especially as it does not contain any temporal limitations. Jamie further objects to the Document Request to the extent that it seeks information that is already in Britney's possession or equally available to her. Jamie further objects to the Document Request to the extent it impermissibly seeks material protected by the attorney-client privilege, the attorney work-product doctrine, and/or the common interest doctrine.

Jamie further objects to the Document Request as follows:

- Jamie objects on the grounds that the Document Request is unduly burdensome and unreasonably duplicative and cumulative because it seeks the same information that was requested by Britney from Jamie in her August 25, 2021 First Set of Requests for Production (*see, e.g.*, Request for

Production No. 26) and in her December 17, 2021 Second Set of Requests for Production (*see, e.g.*, Request for Production No. 35). This is now the third time Britney served the exact same request.

- The Document Request extends beyond the proper scope of discovery and improperly attempts to re-litigate the thirteen-year Conservatorship and innumerable final court orders. California Civil Procedure Code Section 2017.010 limits the scope of discovery to matters relevant to the subject matter involved in the pending action. California Probate Code Section 2103 releases a conservator and the sureties from all the conservatee's claims when the court authorizes, approves, or confirms the action in an order. This Document Request is therefore overbroad, unduly burdensome, and beyond the scope of discovery to the extent it is not relevant to the limited matters remaining before the Court and to the extent the Court already approved any action in an order or judgment.

- There is no legitimate reason for requiring Jamie to undertake the burden of sifting through documents he already produced and reproducing those documents that are responsive to this Document Request. Jamie objects to these Document Requests as duplicative, unduly burdensome, oppressive, and harassing to the extent the Document Requests seek some or all of the same documents and information that Jamie already voluntarily produced. Since October 2021, Jamie's counsel has arranged for nearly 600,000 pages of documents (consisting of more than 58 boxes of hard copy documents and more than 22 drives of electronic documents and spanning over 13 years of documents). Britney's own counsel admitted at the January 19, 2022 hearing that Jamie "produced voluminous information." *See* Jan. 19 Tr. 17:3-4. The nearly 600,000 pages of documents represent more than 124,500 electronic documents. Any responsive documents that are in Jamie's possession, custody, or control already are in Britney's possession, custody, or control or are otherwise equally available to her given Jamie's prior voluminous production of documents and information.

REASON TO COMPEL PRODUCTION TO REQUEST FOR PRODUCTION NO. 24:

As an initial matter, Mr. Spears fails to justify any of his objections with any facts, and none of his boilerplate objections are proper. (See *Costco Wholesale Corp. v. Superior Court* (2009) 47 Cal.4th 725, 733; *Coy v. Superior Court of Contra Costa County* (1962) 58 Cal.2d 210, 218-221.) It is important to bear in mind, too, that Mr. Spears has an obligation as a suspended conservator and fiduciary to turn over all relevant and responsive documents without any condition, regardless of the method of discovery

sought. (See *Poag v. Winston* (1987) 195 Cal.App.3d 1161, 1176 ["As a fiduciary, a conservator owes a duty of loyalty which requires that he act in the highest good faith."].) This fact is buttressed by his new lawyer's own repeated claims of cooperation. Further, demonstrating regrettable gamesmanship and completely contradicting himself, Ms. Spears's counsel claims he "instructed" prior counsel to "withhold nothing" on the basis of privilege. Yet, his response to ***every single request*** for production includes objections on the basis of privilege. (See generally, McCurdy Decl., Ex. G.) This type of Alice-in-Wonderland dissembling is unacceptable.

Mr. Spears's counsel repeatedly and profusely promised his client's unconditional, transparent cooperation in producing "***all***" documents to Ms. Spears's counsel. Although these representations have, regrettably, proven to be false, made in an effort to create a false narrative and record—and what has become a "Big Lie" of Mr. Spears's defense—they are nevertheless relevant; thus, in addition to Mr. Spears's statutory waiver, his boilerplate objections should also be considered waived as a matter of equity and fairness and he should be estopped from asserting them. By way of illustration only, by email dated October 22, 2021, Mr. Spears's counsel professed the following:

- That Mr. Spears would "***unconditionally[] cooperate*** with a complete and total transfer of ***all files*** regarding the conservatorship . . . ."
- That Ms. Spears was "***welcome to everything – complete transparency without conditions***."
- That he would "***do everything [he] [could]*** to help facilitate the direct transfer [of all files] from prior counsel . . . ."
- "Again, ***complete transparency without conditions***."

(McCurdy Decl., ¶ 10.)

In the November 1, 2021 Status Report, Mr. Spears's counsel represented the following:

- "Jamie has ***nothing to hide*** [and] ***will therefore hide nothing***."
- "Jamie affirms that he will ***unconditionally cooperate*** in transferring *all* [emphasis in original] files regarding the estate to Britney's counsel without delay."
- "Jamie recognizes his ***ongoing and transparent participation is paramount*** . . . ."
- "Jamie will ***unconditionally cooperate*** with a complete and total transfer of all files."

- "Jamie is committed to ***complete transparency without conditions***."

(McCurdy Decl., Ex. D.)

In a November 5, 2021 email, Mr. Spears's counsel stated that he and his client were supposedly "committed to ***complete transparency***," that they had "***withheld nothing***," and that he "provided ***explicit instructions to prior counsel to produce <u>everything without exception</u>***." (McCurdy Decl., ¶ 11.) Even more, Mr. Spears's counsel claimed that "whatever documents exist regarding electronic surveillance, to the extent that any, would part [*sic*] of the production being made by prior counsel." (*Id.*)

These promises are tantamount to a "Big Lie." By objecting to every single one of Ms. Spears's document requests, Mr. Spears has done the exact opposite of what he promised. Mr. Spears's tactics to create a false record and narrative should not be countenanced. Even putting aside his statutory and fiduciary obligations, he has waived any objections and he should be ordered to produce all documents contained in the applicable requests.

Mr. Spears objects to the document requests as "unduly burdensome and unreasonable duplicative and cumulative" because he claims Ms. Spears requested similar information in requests for production propounded on him. (McCurdy Decl., Ex. G, ¶ 5.) The objection is contrary to law. California's Code of Civil Procedure does not preclude a party from seeking similar documents through different methods of discovery. "[T]he inspection of documents procedure is quite different from a deposition at which a party is required to bring documents. Nothing in either section 2025 or section 2031 suggests that seeking documents under one statutory procedure bars a litigant from seeking the same documents under the other." (*Carter v. Superior Court* (1990) 218 Cal.App.3d 994, 997.)[47] Thus, consistent with the Court's reasoning in *Carter*, Mr. Spears must bring the requested documents to his deposition pursuant to this different method of discovery. (See also *Irvington-Moore, Inc. v. Superior Court* (1993) 14 Cal.App.4th 733, 739 ["[T]he selection of the method of discovery is to be utilized is to be made by the party seeking discovery. It cannot be dictated by the opposing party.].)

[47] See also 10 Witkin, Cal. Evid. Discovery § 143 [discussing *Carter*]. Notably, the Legislature has amended the Civil Discovery Act several times since *Carter*, and it has done so without overruling or modifying *Carter*'s interpretation of the Act. "When a statute has been construed by the courts, and the Legislature thereafter reenacts that statute without changing the interpretation put on that statute by the court, the Legislature is presumed to have been aware of, and acquiesced in, the courts' construction of that statute." (*People v. Ledesma* (1997) 16 Cal.4th 90, 100-01.)

Relatedly, Mr. Spears claims the document requests are "duplicative, unduly burdensome, oppressive, and harassing" because Mr. Spears already "voluntarily" produced some of the same documents and information. (McCurdy Decl., Ex. G, ¶ 7.) He is wrong, on multiple levels. Initially, "[a] party is permitted to use multiple methods of obtaining discovery and the fact that information was disclosed under one method is not, standing alone, a proper basis for refusing to provide discovery under another method." (*Irvington-Moore, Inc.*, *supra*, 14 Cal.App.4th at p. 739; see also *TBG Ins. Services Corp. v. Superior Court* (2002) 96 Cal.App.4th 443, 449 [citing *Irvington-Moore* for the proposition that "a party may use multiple methods to obtain discovery and the fact that information was disclosed under one method is not, by itself, a proper basis to refuse to provide discovery under another method"]; see, e.g. *Coy*, *supra*, 58 Cal.2d at p. 218 ["the bare claim of previous deposition is insufficient as an objection to an interrogatory . . . To suffice as a valid objection such claim must be supported by some showing (or, as a minimum, some claim) that the requirement of a reply would be unjust and inequitable"].)

Mr. Spears's objection that he has already produced some of the requested documents, even if true, is not a defense. To the extent he intended to actually rely on this objection, Mr. Spears needed to demonstrate that production of the requested documents now would be "unjust and inequitable." But he grossly fails to so demonstrate; instead, he relies on his "Big Lie" defense: that he has cooperated and transferred all of the documents requested. Mr. Spears also astonishingly objects on the basis that "there are no further documents [he] could provide to respond to the Deposition Notice, Document Requests, and definitions" because he supposedly has produced them all. (McCurdy Decl., Ex. G, at p. 3:22-23.) If this were true (and it is false), then why does he not so state in a single response, instead of making countless boilerplate objections? Why does he not appear at his deposition, and so state on the record, under penalty of perjury? Why does he not identify the requested documents—by Bates number? Why does he not correlate them to the document requests at issue? And why does he not simply provide answers to the following questions and requests that have been posed to him repeatedly?

As referenced above, despite our repeated and ongoing requests, while relying on the facile and false claim that he has produced "everything" requested, Mr. Spears has also failed to produce all text or email communications between and amongst Tri Star, Black Box, himself, and his counsel (see *Moeller* and *Stine*, *infra* at pp. 19-20) concerning the illicit surveillance operation at issue. Indeed, he falsely

claims it "***DIDN'T HAPPEN, YOUR HONOR***," *supra* at 9. In short, as part of their efforts to stonewall and hide the truth, Mr. Spears has engaged in improper disjointed and incomplete "document dumps" rather than a professional, organized, and labelled production of documents. More pointedly, he has failed to produce *any* documents pursuant to and correlated to the deposition notices, ***not one***. (See *Kayne v. Grande Holdings Ltd.* (2011) 198 Cal.App.4th 1470, 1475-76 [sanctions appropriate where party refused to produce documents in an organized and labelled manner].)[48]

Mr. Spears also objects that the document requests "attempt to relitigate the entire thirteen-year Conservatorship and innumerable final court orders," and "are not relevant and not reasonably calculated to lead to the discovery of admissible evidence." (McCurdy Decl., Ex. G, ¶¶ 6, 8.) Nonsense. "Discovery may relate to the claim or defense of the party seeking discovery or of any other party to the action." (Code Civ. Proc., § 2017.010.) In this case, the document requests directly relate to Mr. Spears's role and conduct as former conservator of the estate, which are also directly at issue under *Shine*, *Kasperbauer*, and *Hudson.* The requested documents are thus not only "reasonably calculated" to lead to the discovery of admissible evidence, they go directly to the heart of numerous pending matters including Mr. Spears's fee petition and accountings, see, e.g., *Shine*, *supra*, 16 Cal.App.4th at p. 540; *Hudson*, *supra*, 68 Cal.App.4th at pp. 669-670.

Under the circumstances, Mr. Spears's objection that the requests are somehow "not reasonably calculated to lead to the discovery of admissible evidence" (McCurdy Decl., Ex. G, ¶¶ 8, 9) are, in fact, legally frivolous. (See *Pacific Tel. & Tel. Co. v. Superior Court* (1970) 2 Cal.3d 161, 173; *Garamendi v. Golden Eagle Ins. Co*. (2004) 116 Cal.App.4th 694, 712 fn. 8.)

Mr. Spears's objections on grounds of purportedly vague and ambiguous requests, or the terms "YOU" and "YOUR," are all baseless. (McCurdy Decl. G, ¶¶ 9, 11.) He has not and cannot explain in any manner what he claims not to understand about the document requests. (See *Deyo v. Kilbourne* (1978) 84 Cal.App.3d 771, 783 ["[W]here the question is somewhat ambiguous, but the nature of the information sought is apparent, the proper solution is to provide an appropriate response."].) Mr. Spears also fails to support his baseless burdensome and oppressive objections and asserts all of them without any actual factual support whatsoever. (See McCurdy Decl., Ex. G, ¶¶ 9, 12, 15, 16, 17.) "The objection

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based upon burden must be sustained by ***evidence showing*** the quantum of work required, while to support an objection of oppression there must be ***some showing*** either of an intent to create an unreasonable burden or that the ultimate effect of the burden is incommensurate with the result sought." (*W. Pico Furniture Co. v. Superior Court* (1961) 56 Cal.2d 407, 417, 418.) Mr. Spears fails to make any showing as to burden or oppression. (See *id.* at p. 418 ["The objection of burden is valid only when that burden is ***demonstrated*** to result in injustice."]; *cf. Mead Reinsurance Co. v. Superior Ct.* (1986) 188 Cal.App.3d 313, 321. For these reasons, Mr. Spears's objection that the documents "may be obtained from other sources or through other means of discovery" (McCurdy Decl., Ex. G, ¶ 15), and that the burden and expense would "outweigh the likely benefit of this discovery" (McCurdy Decl., Ex. G, ¶ 17) is also completely meritless.

Additionally, to the extent Mr. Spears objects that the document requests are "oppressive" because they "do not contain any temporal limitations" (an objection repeated in every response) this argument is also meritless. Again, no showing has been made of any intent to create an unreasonable burden, and any objection based on a lack of temporal definition is hypocritical. We are only here today because Britney Spears was under her father's infantilizing control for more than a decade. Further, the evidence shows that the conservatorship was conflicted from the very outset, when, among other things, Mr. Spears violated Rule of Court 7.1059 by obtaining a substantial loan from Tri Star and then hiring Tri Star (a then fledgling company) as her business manager. And any claim that *Mr. Spears* faces "oppression" such that he cannot respond to discovery relating to *his own* oppression of Britney Spears is, to say the least, rich. Mr. Spears put his conduct at issue and he must face the consequences.

Mr. Spears's objections on privileged meritless, inapplicable, and have been waived. *First*, to the extent any privilege was claimed, Mr. Spears should have supported the claim with "sufficient factual information for other parties to evaluate the merits of that claim," such as a privilege log. (See, e.g. Code Civ. Proc. § 2031.240(c); *Riddell, Inc. v. Superior Court* (2017) 14 Cal.App.5th 755, 772 ["if an objection to a document request is based on a claim of privilege or work product, then the response to the request 'shall provide sufficient factual information for other parties to evaluate the merits of that claim'"]); (See *Costco*, *supra*, 47 Cal.4th at p. 733 ["[t]he party claiming the privilege has the burden of establishing the preliminary facts necessary to support its exercise"].) He failed to do so.

Second, now that Mr. Spears has been suspended as conservator of the estate, he no longer holds any attorney-client privilege. (See *Stine v. Dell'Osso* (2014) 239 Cal.App.4th 834, 843 [successor fiduciary became holder of the privilege of all communications between fiduciary and his counsel regarding the estate, whenever they occurred]; see also *Moeller v. Superior Court* (1997) 16 Cal.4th 1124, 1129-1135 [because fiduciary is holder of the attorney-client privilege in his or her capacity as such, successor fiduciary becomes the holder as to confidential communications between the predecessor fiduciary and attorney concerning trust administration]; Cal. Probate Code, § 8524, subd. (c). Because he was suspended, Mr. Spears quite simply has no privilege to claim.

Third, as noted above, Mr. Spears also waived any privilege claims. In addition to failing to timely object, his counsel promised "***unconditional[] cooperat[ion]***," "***complete transparency without conditions***," and that Britney Spears was "***welcome to everything***." (See McCurdy Decl., ¶ 10, Ex. D.) Even further, Mr. Spears's counsel stated that he had "provided ***explicit instructions to prior counsel to produce everything without exception***." (See McCurdy Decl., ¶ 11; see also *infra*, n.4.) Under *Moeller* and *Stine,* Mr. Spears does not hold the privilege. And in any event, even if the documents at issue were privileged (and they are not) he has waived any such privilege and should be estopped from asserted any such objections.

Mr. Spears also objects that the requests somehow violate his right to privacy. (McCurdy Decl., Ex. G, ¶ 10.) This makes no sense. It is Mr. Spears's burden to justify the objection, and he has failed to do so. (See *Coy*, *supra*, 58 Cal.2d at pp. 220-221; *Fairmont Ins. Co. v. Super. Ct.* (2000) 22 Cal.4th 245, 255.) Mr. Spears's position also reeks of hypocrisy given his gross violations of *his daughter's* privacy. Finally, any claimed right to privacy must be considered against the "historically important state interest of facilitating the ascertainment of truth in connection with legal proceedings." (See *Gregori v. Bank of America* (1989) 207 Cal.App.3d 291, 312.) Even as Mr. Spears hides it, the mission remains to ascertain the truth, which necessarily trumps Mr. Spears's evasive and fabricated "privacy rights."

Mr. Spears additionally claims each document request violates confidentiality or the "common interest doctrine." Not only does Mr. Spears once again fail to support this objection with any facts, the "common interest doctrine" is a "nonwaiver doctrine," and does not separately act as a privilege shielding documents from discovery. (See *OXY Resources California LLC v. Superior Court* (2004) 115

Cal.App.4th 874, 889-90 ["party seeking to invoke the [common interest] doctrine must first establish that the communicated information would otherwise be protected from a disclosure by a claim of privilege"].) No privilege exists here to protect the disclosure of the requested documents.

Finally, Mr. Spears purports to assert hodgepodge objections that the document requests are "speculative, lack foundation, or improperly assume the existence of hypothetical facts that are incorrect or unknown to Jamie" and "call for a legal conclusion." (McCurdy Decl., Ex. G, ¶¶ 13, 14.) In asserting this boilerplate objection, Mr., Spears does nothing more than cite boilerplate buzz words into his general objections; he fails to incorporate them anywhere else, and he fails to justify how the document requests are so formed. This is because he is, once again, wrong and he is once again seeking to evade the truth and its consequences. As demonstrated above and as the requests themselves demonstrate, the requests are narrowly tailored to pending issues, which were put front and center by Mr. Spears himself. The use of such general objections, as applied here, is improper under the California Civil Discovery Act, and their bald assertion in this context demonstrates Mr. Spears's desperation and lack of any factual basis for them. (See generally *Korea Data Sys. Co. v. Superior Court* (1997) 51 Cal.App.4th 1513, 1516 [use of boilerplate objections is improper and sanctionable].)

REQUEST FOR PRODUCTION NO. 25:

All DOCUMENTS evidencing any training, schooling, or education you received RELATING TO how to be a fiduciary or manage the financial affairs of a third party.

RESPONSE TO REQUEST FOR PRODUCTION NO. 25:

Jamie incorporates by reference his General Objections. Jamie further objects to the Document Request to the extent it is vague, ambiguous, overly broad, unduly burdensome, and oppressive especially as it does not contain any temporal limitations. Jamie further objects to the Document Request to the extent it impermissibly seeks material protected by the attorney-client privilege, the attorney work-product doctrine, and/or the common interest doctrine. Jamie further objects to the Document Request to the extent that it seeks information that is already in Britney's possession or equally available to her.

Jamie further objects to the Document Request as follows:

- Jamie objects on the grounds that the Document Request is unduly burdensome and unreasonably duplicative and cumulative because it seeks the same information that was requested by

Britney from Jamie in her August 25, 2021 First Set of Requests for Production (*see, e.g.*, Request for Production No. 27) and in her December 17, 2021 Second Set of Requests for Production (*see, e.g.*, Request for Production No. 36). This is now the third time Britney served the exact same request.

- The Document Request extends beyond the proper scope of discovery and improperly attempts to re-litigate the thirteen-year Conservatorship and innumerable final court orders. California Civil Procedure Code Section 2017.010 limits the scope of discovery to matters relevant to the subject matter involved in the pending action. California Probate Code Section 2103 releases a conservator and the sureties from all the conservatee's claims when the court authorizes, approves, or confirms the action in an order. This Document Request is therefore overbroad, unduly burdensome, and beyond the scope of discovery to the extent it is not relevant to the limited matters remaining before the Court and to the extent the Court already approved any action in an order or judgment

- There is no legitimate reason for requiring Jamie to undertake the burden of sifting through documents he already produced and reproducing those documents that are responsive to this Document Request. Jamie objects to these Document Requests as duplicative, unduly burdensome, oppressive, and harassing to the extent the Document Requests seek some or all of the same documents and information that Jamie already voluntarily produced. Since October 2021, Jamie's counsel has arranged for nearly 600,000 pages of documents (consisting of more than 58 boxes of hard copy documents and more than 22 drives of electronic documents and spanning over 13 years of documents). Britney's own counsel admitted at the January 19, 2022 hearing that Jamie "produced voluminous information." *See* Jan. 19 Tr. 17:3-4. The nearly 600,000 pages of documents represent more than 124,500 electronic documents. Any responsive documents that are in Jamie's possession, custody, or control already are in Britney's possession, custody, or control or are otherwise equally available to her given Jamie's prior voluminous production of documents and information.

REASON TO COMPEL PRODUCTION TO REQUEST FOR PRODUCTION NO. 25:

As an initial matter, Mr. Spears fails to justify any of his objections with any facts, and none of his boilerplate objections are proper. (See *Costco Wholesale Corp. v. Superior Court* (2009) 47 Cal.4th 725, 733; *Coy v. Superior Court of Contra Costa County* (1962) 58 Cal.2d 210, 218-221.) It is important to bear in mind, too, that Mr. Spears has an obligation as a suspended conservator and fiduciary to turn

over all relevant and responsive documents without any condition, regardless of the method of discovery sought. (See *Poag v. Winston* (1987) 195 Cal.App.3d 1161, 1176 ["As a fiduciary, a conservator owes a duty of loyalty which requires that he act in the highest good faith."].) This fact is buttressed by his new lawyer's own repeated claims of cooperation. Further, demonstrating regrettable gamesmanship and completely contradicting himself, Ms. Spears's counsel claims he "instructed" prior counsel to "withhold nothing" on the basis of privilege. Yet, his response to ***every single request*** for production includes objections on the basis of privilege. (See generally, McCurdy Decl., Ex. G.) This type of Alice-in-Wonderland dissembling is unacceptable.

Mr. Spears's counsel repeatedly and profusely promised his client's unconditional, transparent cooperation in producing "***all***" documents to Ms. Spears's counsel. Although these representations have, regrettably, proven to be false, made in an effort to create a false narrative and record—and what has become a "Big Lie" of Mr. Spears's defense—they are nevertheless relevant; thus, in addition to Mr. Spears's statutory waiver, his boilerplate objections should also be considered waived as a matter of equity and fairness and he should be estopped from asserting them. By way of illustration only, by email dated October 22, 2021, Mr. Spears's counsel professed the following:

- That Mr. Spears would "***unconditionally[] cooperate*** with a complete and total transfer of ***all files*** regarding the conservatorship . . . ."
- That Ms. Spears was "***welcome to everything – complete transparency without conditions***."
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- "Again, ***complete transparency without conditions***."

(McCurdy Decl., ¶ 10.)

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In a November 5, 2021 email, Mr. Spears's counsel stated that he and his client were supposedly "committed to ***complete transparency***," that they had "***withheld nothing***," and that he "provided ***explicit instructions to prior counsel to produce <u>everything without exception</u>***." (McCurdy Decl., ¶ 11.) Even more, Mr. Spears's counsel claimed that "whatever documents exist regarding electronic surveillance, to the extent that any, would part [*sic*] of the production being made by prior counsel." (*Id.*)

These promises are tantamount to a "Big Lie." By objecting to every single one of Ms. Spears's document requests, Mr. Spears has done the exact opposite of what he promised. Mr. Spears's tactics to create a false record and narrative should not be countenanced. Even putting aside his statutory and fiduciary obligations, he has waived any objections and he should be ordered to produce all documents contained in the applicable requests.

Mr. Spears objects to the document requests as "unduly burdensome and unreasonable duplicative and cumulative" because he claims Ms. Spears requested similar information in requests for production propounded on him. (McCurdy Decl., Ex. G, ¶ 5.) The objection is contrary to law. California's Code of Civil Procedure does not preclude a party from seeking similar documents through different methods of discovery. "[T]he inspection of documents procedure is quite different from a deposition at which a party is required to bring documents. Nothing in either section 2025 or section 2031 suggests that seeking documents under one statutory procedure bars a litigant from seeking the same documents under the other." (*Carter v. Superior Court* (1990) 218 Cal.App.3d 994, 997.)[49] Thus, consistent with the Court's reasoning in *Carter*, Mr. Spears must bring the requested documents to his deposition pursuant to this different method of discovery. (See also *Irvington-Moore, Inc. v. Superior Court* (1993) 14 Cal.App.4th 733, 739 ["[T]he selection of the method of discovery is to be utilized is to be made by the party seeking discovery. It cannot be dictated by the opposing party.].)

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Relatedly, Mr. Spears claims the document requests are "duplicative, unduly burdensome, oppressive, and harassing" because Mr. Spears already "voluntarily" produced some of the same documents and information. (McCurdy Decl., Ex. G, ¶ 7.) He is wrong, on multiple levels. Initially, "[a] party is permitted to use multiple methods of obtaining discovery and the fact that information was disclosed under one method is not, standing alone, a proper basis for refusing to provide discovery under another method." (*Irvington-Moore, Inc.*, *supra*, 14 Cal.App.4th at p. 739; see also *TBG Ins. Services Corp. v. Superior Court* (2002) 96 Cal.App.4th 443, 449 [citing *Irvington-Moore* for the proposition that "a party may use multiple methods to obtain discovery and the fact that information was disclosed under one method is not, by itself, a proper basis to refuse to provide discovery under another method"]; see, e.g. *Coy*, *supra*, 58 Cal.2d at p. 218 ["the bare claim of previous deposition is insufficient as an objection to an interrogatory . . . To suffice as a valid objection such claim must be supported by some showing (or, as a minimum, some claim) that the requirement of a reply would be unjust and inequitable"].)

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claims it "***DIDN'T HAPPEN, YOUR HONOR***," *supra* at 9. In short, as part of their efforts to stonewall and hide the truth, Mr. Spears has engaged in improper disjointed and incomplete "document dumps" rather than a professional, organized, and labelled production of documents. More pointedly, he has failed to produce *any* documents pursuant to and correlated to the deposition notices, ***not one***. (See *Kayne v. Grande Holdings Ltd.* (2011) 198 Cal.App.4th 1470, 1475-76 [sanctions appropriate where party refused to produce documents in an organized and labelled manner].)[50]

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Under the circumstances, Mr. Spears's objection that the requests are somehow "not reasonably calculated to lead to the discovery of admissible evidence" (McCurdy Decl., Ex. G, ¶¶ 8, 9) are, in fact, legally frivolous. (See *Pacific Tel. & Tel. Co. v. Superior Court* (1970) 2 Cal.3d 161, 173; *Garamendi v. Golden Eagle Ins. Co*. (2004) 116 Cal.App.4th 694, 712 fn. 8.)

Mr. Spears's objections on grounds of purportedly vague and ambiguous requests, or the terms "YOU" and "YOUR," are all baseless. (McCurdy Decl. G, ¶¶ 9, 11.) He has not and cannot explain in any manner what he claims not to understand about the document requests. (See *Deyo v. Kilbourne* (1978) 84 Cal.App.3d 771, 783 ["[W]here the question is somewhat ambiguous, but the nature of the information sought is apparent, the proper solution is to provide an appropriate response."].) Mr. Spears also fails to support his baseless burdensome and oppressive objections and asserts all of them without any actual factual support whatsoever. (See McCurdy Decl., Ex. G, ¶¶ 9, 12, 15, 16, 17.) "The objection

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based upon burden must be sustained by ***evidence showing*** the quantum of work required, while to support an objection of oppression there must be ***some showing*** either of an intent to create an unreasonable burden or that the ultimate effect of the burden is incommensurate with the result sought." (*W. Pico Furniture Co. v. Superior Court* (1961) 56 Cal.2d 407, 417, 418.) Mr. Spears fails to make any showing as to burden or oppression. (See *id.* at p. 418 ["The objection of burden is valid only when that burden is ***demonstrated*** to result in injustice."]; *cf. Mead Reinsurance Co. v. Superior Ct.* (1986) 188 Cal.App.3d 313, 321. For these reasons, Mr. Spears's objection that the documents "may be obtained from other sources or through other means of discovery" (McCurdy Decl., Ex. G, ¶ 15), and that the burden and expense would "outweigh the likely benefit of this discovery" (McCurdy Decl., Ex. G, ¶ 17) is also completely meritless.

Additionally, to the extent Mr. Spears objects that the document requests are "oppressive" because they "do not contain any temporal limitations" (an objection repeated in every response) this argument is also meritless. Again, no showing has been made of any intent to create an unreasonable burden, and any objection based on a lack of temporal definition is hypocritical. We are only here today because Britney Spears was under her father's infantilizing control for more than a decade. Further, the evidence shows that the conservatorship was conflicted from the very outset, when, among other things, Mr. Spears violated Rule of Court 7.1059 by obtaining a substantial loan from Tri Star and then hiring Tri Star (a then fledgling company) as her business manager. And any claim that *Mr. Spears* faces "oppression" such that he cannot respond to discovery relating to *his own* oppression of Britney Spears is, to say the least, rich. Mr. Spears put his conduct at issue and he must face the consequences.

Mr. Spears's objections on privileged meritless, inapplicable, and have been waived. *First*, to the extent any privilege was claimed, Mr. Spears should have supported the claim with "sufficient factual information for other parties to evaluate the merits of that claim," such as a privilege log. (See, e.g. Code Civ. Proc. § 2031.240(c); *Riddell, Inc. v. Superior Court* (2017) 14 Cal.App.5th 755, 772 ["if an objection to a document request is based on a claim of privilege or work product, then the response to the request 'shall provide sufficient factual information for other parties to evaluate the merits of that claim'"]); (See *Costco*, *supra*, 47 Cal.4th at p. 733 ["[t]he party claiming the privilege has the burden of establishing the preliminary facts necessary to support its exercise"].) He failed to do so.

Second, now that Mr. Spears has been suspended as conservator of the estate, he no longer holds any attorney-client privilege. (See *Stine v. Dell'Osso* (2014) 239 Cal.App.4th 834, 843 [successor fiduciary became holder of the privilege of all communications between fiduciary and his counsel regarding the estate, whenever they occurred]; see also *Moeller v. Superior Court* (1997) 16 Cal.4th 1124, 1129-1135 [because fiduciary is holder of the attorney-client privilege in his or her capacity as such, successor fiduciary becomes the holder as to confidential communications between the predecessor fiduciary and attorney concerning trust administration]; Cal. Probate Code, § 8524, subd. (c). Because he was suspended, Mr. Spears quite simply has no privilege to claim.

Third, as noted above, Mr. Spears also waived any privilege claims. In addition to failing to timely object, his counsel promised "***unconditional[] cooperat[ion]***," "***complete transparency without conditions***," and that Britney Spears was "***welcome to everything***." (See McCurdy Decl., ¶ 10, Ex. D.) Even further, Mr. Spears's counsel stated that he had "provided ***explicit instructions to prior counsel to produce everything without exception***." (See McCurdy Decl., ¶ 11; see also *infra*, n.4.) Under *Moeller* and *Stine,* Mr. Spears does not hold the privilege. And in any event, even if the documents at issue were privileged (and they are not) he has waived any such privilege and should be estopped from asserted any such objections.

Mr. Spears also objects that the requests somehow violate his right to privacy. (McCurdy Decl., Ex. G, ¶ 10.) This makes no sense. It is Mr. Spears's burden to justify the objection, and he has failed to do so. (See *Coy*, *supra*, 58 Cal.2d at pp. 220-221; *Fairmont Ins. Co. v. Super. Ct.* (2000) 22 Cal.4th 245, 255.) Mr. Spears's position also reeks of hypocrisy given his gross violations of *his daughter's* privacy. Finally, any claimed right to privacy must be considered against the "historically important state interest of facilitating the ascertainment of truth in connection with legal proceedings." (See *Gregori v. Bank of America* (1989) 207 Cal.App.3d 291, 312.) Even as Mr. Spears hides it, the mission remains to ascertain the truth, which necessarily trumps Mr. Spears's evasive and fabricated "privacy rights."

Mr. Spears additionally claims each document request violates confidentiality or the "common interest doctrine." Not only does Mr. Spears once again fail to support this objection with any facts, the "common interest doctrine" is a "nonwaiver doctrine," and does not separately act as a privilege shielding documents from discovery. (See *OXY Resources California LLC v. Superior Court* (2004) 115

Cal.App.4th 874, 889-90 ["party seeking to invoke the [common interest] doctrine must first establish that the communicated information would otherwise be protected from a disclosure by a claim of privilege"].) No privilege exists here to protect the disclosure of the requested documents.

Finally, Mr. Spears purports to assert hodgepodge objections that the document requests are "speculative, lack foundation, or improperly assume the existence of hypothetical facts that are incorrect or unknown to Jamie" and "call for a legal conclusion." (McCurdy Decl., Ex. G, ¶¶ 13, 14.) In asserting this boilerplate objection, Mr., Spears does nothing more than cite boilerplate buzz words into his general objections; he fails to incorporate them anywhere else, and he fails to justify how the document requests are so formed. This is because he is, once again, wrong and he is once again seeking to evade the truth and its consequences. As demonstrated above and as the requests themselves demonstrate, the requests are narrowly tailored to pending issues, which were put front and center by Mr. Spears himself. The use of such general objections, as applied here, is improper under the California Civil Discovery Act, and their bald assertion in this context demonstrates Mr. Spears's desperation and lack of any factual basis for them. (See generally *Korea Data Sys. Co. v. Superior Court* (1997) 51 Cal.App.4th 1513, 1516 [use of boilerplate objections is improper and sanctionable].)

REQUEST FOR PRODUCTION NO. 26:

All organizational and corporate formation documents for all entities that have received or held Conservatorship Estate assets and in which you held or hold an officer, director, managing member, general partner, or managing agent position.

RESPONSE TO REQUEST FOR PRODUCTION NO. 26:

Jamie incorporates by reference his General Objections. Jamie further objects to the Document Request to the extent it is vague, ambiguous, overly broad, unduly burdensome, and oppressive especially as it does not contain any temporal limitations. Jamie further objects to the Document Request to the extent that it seeks information that is already in Britney's possession or equally available to her. Jamie objects on the grounds that this Document Request seeks confidential or private financial information, confidential business or commercial information, trade secrets, proprietary information, or otherwise calls for information protected by the right of privacy. Jamie further objects to the Document

Request to the extent it impermissibly seeks material protected by the attorney-client privilege, the attorney work-product doctrine, and/or the common interest doctrine.

Jamie further objects to the Document Request as follows:

- Jamie objects on the grounds that the Document Request is unduly burdensome and unreasonably duplicative and cumulative because it seeks the same information that was requested by Britney from Jamie in her August 25, 2021 First Set of Requests for Production (*see, e.g.*, Request for Production No. 30) and in her December 17, 2021 Second Set of Requests for Production (*see, e.g.*, Request for Production No. 39). This is now the third time Britney served the exact same request.
- The Document Request extends beyond the proper scope of discovery and improperly attempts to re-litigate the thirteen-year Conservatorship and innumerable final court orders. California Civil Procedure Code Section 2017.010 limits the scope of discovery to matters relevant to the subject matter involved in the pending action. California Probate Code Section 2103 releases a conservator and the sureties from all the conservatee's claims when the court authorizes, approves, or confirms the action in an order. This Document Request is relevant to the limited matters remaining before the Court and to the extent the Court already approved any action in an order or judgment.
- There is no legitimate reason for requiring Jamie to undertake the burden of sifting through documents he already produced and reproducing those documents that are responsive to this Document Request. Jamie objects to these Document Requests as duplicative, unduly burdensome, oppressive, and harassing to the extent the Document Requests seek some or all of the same documents and information that Jamie already voluntarily produced. Since October 2021, Jamie's counsel has arranged for nearly 600,000 pages of documents (consisting of more than 58 boxes of hard copy documents and more than 22 drives of electronic documents and spanning over 13 years of documents). Britney's own counsel admitted at the January 19, 2022 hearing that Jamie "produced voluminous information." *See* Jan. 19 Tr. 17:3-4. The nearly 600,000 pages of documents represent more than 124,500 electronic documents. Any responsive documents that are in Jamie's possession, custody, or control already are in Britney's possession, custody, or control or are otherwise equally available to her given Jamie's prior voluminous production of documents and information.

REASON TO COMPEL PRODUCTION TO REQUEST FOR PRODUCTION NO. 26:

As an initial matter, Mr. Spears fails to justify any of his objections with any facts, and none of his boilerplate objections are proper. (See *Costco Wholesale Corp. v. Superior Court* (2009) 47 Cal.4th 725, 733; *Coy v. Superior Court of Contra Costa County* (1962) 58 Cal.2d 210, 218-221.) It is important to bear in mind, too, that Mr. Spears has an obligation as a suspended conservator and fiduciary to turn over all relevant and responsive documents without any condition, regardless of the method of discovery sought. (See *Poag v. Winston* (1987) 195 Cal.App.3d 1161, 1176 ["As a fiduciary, a conservator owes a duty of loyalty which requires that he act in the highest good faith."].) This fact is buttressed by his new lawyer's own repeated claims of cooperation. Further, demonstrating regrettable gamesmanship and completely contradicting himself, Ms. Spears's counsel claims he "instructed" prior counsel to "withhold nothing" on the basis of privilege. Yet, his response to ***every single request*** for production includes objections on the basis of privilege. (See generally, McCurdy Decl., Ex. G.) This type of Alice-in-Wonderland dissembling is unacceptable.

Mr. Spears's counsel repeatedly and profusely promised his client's unconditional, transparent cooperation in producing "***all***" documents to Ms. Spears's counsel. Although these representations have, regrettably, proven to be false, made in an effort to create a false narrative and record—and what has become a "Big Lie" of Mr. Spears's defense—they are nevertheless relevant; thus, in addition to Mr. Spears's statutory waiver, his boilerplate objections should also be considered waived as a matter of equity and fairness and he should be estopped from asserting them. By way of illustration only, by email dated October 22, 2021, Mr. Spears's counsel professed the following:

- That Mr. Spears would "***unconditionally[] cooperate*** with a complete and total transfer of ***all files*** regarding the conservatorship . . . ."
- That Ms. Spears was "***welcome to everything – complete transparency without conditions***."
- That he would "***do everything [he] [could]*** to help facilitate the direct transfer [of all files] from prior counsel . . . ."
- "Again, ***complete transparency without conditions***."

(McCurdy Decl., ¶ 10.)

In the November 1, 2021 Status Report, Mr. Spears's counsel represented the following:

- "Jamie has ***nothing to hide*** [and] ***will therefore hide nothing***."
- "Jamie affirms that he will ***unconditionally cooperate*** in transferring *all* [emphasis in original] files regarding the estate to Britney's counsel without delay."
- "Jamie recognizes his ***ongoing and transparent participation is paramount*** . . . ."
- "Jamie will ***unconditionally cooperate*** with a complete and total transfer of all files."
- "Jamie is committed to ***complete transparency without conditions***."

(McCurdy Decl., Ex. D.)

In a November 5, 2021 email, Mr. Spears's counsel stated that he and his client were supposedly "committed to ***complete transparency***," that they had "***withheld nothing***," and that he "provided ***explicit instructions to prior counsel to produce <u>everything without exception</u>***." (McCurdy Decl., ¶ 11.) Even more, Mr. Spears's counsel claimed that "whatever documents exist regarding electronic surveillance, to the extent that any, would part [*sic*] of the production being made by prior counsel." (*Id.*)

These promises are tantamount to a "Big Lie." By objecting to every single one of Ms. Spears's document requests, Mr. Spears has done the exact opposite of what he promised. Mr. Spears's tactics to create a false record and narrative should not be countenanced. Even putting aside his statutory and fiduciary obligations, he has waived any objections and he should be ordered to produce all documents contained in the applicable requests.

Mr. Spears objects to the document requests as "unduly burdensome and unreasonable duplicative and cumulative" because he claims Ms. Spears requested similar information in requests for production propounded on him. (McCurdy Decl., Ex. G, ¶ 5.) The objection is contrary to law. California's Code of Civil Procedure does not preclude a party from seeking similar documents through different methods of discovery. "[T]he inspection of documents procedure is quite different from a deposition at which a party is required to bring documents. Nothing in either section 2025 or section 2031 suggests that seeking documents under one statutory procedure bars a litigant from seeking the same documents under the other." (*Carter v. Superior Court* (1990) 218 Cal.App.3d 994, 997.)[51] Thus, consistent with the

[51] See also 10 Witkin, Cal. Evid. Discovery § 143 [discussing *Carter*]. Notably, the Legislature has amended the Civil Discovery Act several times since *Carter*, and it has done so without overruling or modifying *Carter*'s interpretation of the Act. "When a statute has been construed by the courts, and the Legislature thereafter reenacts that statute without changing the interpretation put on that statute by the court, the Legislature is presumed to have been aware of, and acquiesced in, the courts' construction of that statute." (*People v. Ledesma* (1997) 16 Cal.4th 90, 100-01.)

Court's reasoning in *Carter*, Mr. Spears must bring the requested documents to his deposition pursuant to this different method of discovery. (See also *Irvington-Moore, Inc. v. Superior Court* (1993) 14 Cal.App.4th 733, 739 ["[T]he selection of the method of discovery is to be utilized is to be made by the party seeking discovery. It cannot be dictated by the opposing party.].)

Relatedly, Mr. Spears claims the document requests are "duplicative, unduly burdensome, oppressive, and harassing" because Mr. Spears already "voluntarily" produced some of the same documents and information. (McCurdy Decl., Ex. G, ¶ 7.) He is wrong, on multiple levels. Initially, "[a] party is permitted to use multiple methods of obtaining discovery and the fact that information was disclosed under one method is not, standing alone, a proper basis for refusing to provide discovery under another method." (*Irvington-Moore, Inc.*, *supra*, 14 Cal.App.4th at p. 739; see also *TBG Ins. Services Corp. v. Superior Court* (2002) 96 Cal.App.4th 443, 449 [citing *Irvington-Moore* for the proposition that "a party may use multiple methods to obtain discovery and the fact that information was disclosed under one method is not, by itself, a proper basis to refuse to provide discovery under another method"]; see, e.g. *Coy*, *supra*, 58 Cal.2d at p. 218 ["the bare claim of previous deposition is insufficient as an objection to an interrogatory . . . To suffice as a valid objection such claim must be supported by some showing (or, as a minimum, some claim) that the requirement of a reply would be unjust and inequitable"].)

Mr. Spears's objection that he has already produced some of the requested documents, even if true, is not a defense. To the extent he intended to actually rely on this objection, Mr. Spears needed to demonstrate that production of the requested documents now would be "unjust and inequitable." But he grossly fails to so demonstrate; instead, he relies on his "Big Lie" defense: that he has cooperated and transferred all of the documents requested. Mr. Spears also astonishingly objects on the basis that "there are no further documents [he] could provide to respond to the Deposition Notice, Document Requests, and definitions" because he supposedly has produced them all. (McCurdy Decl., Ex. G, at p. 3:22-23.) If this were true (and it is false), then why does he not so state in a single response, instead of making countless boilerplate objections? Why does he not appear at his deposition, and so state on the record, under penalty of perjury? Why does he not identify the requested documents—by Bates number? Why does he not correlate them to the document requests at issue? And why does he not simply provide answers to the following questions and requests that have been posed to him repeatedly?

As referenced above, despite our repeated and ongoing requests, while relying on the facile and false claim that he has produced "everything" requested, Mr. Spears has also failed to produce all text or email communications between and amongst Tri Star, Black Box, himself, and his counsel (see *Moeller* and *Stine*, *infra* at pp. 19-20) concerning the illicit surveillance operation at issue. Indeed, he falsely claims it "***DIDN'T HAPPEN, YOUR HONOR***," *supra* at 9. In short, as part of their efforts to stonewall and hide the truth, Mr. Spears has engaged in improper disjointed and incomplete "document dumps" rather than a professional, organized, and labelled production of documents. More pointedly, he has failed to produce *any* documents pursuant to and correlated to the deposition notices, ***not one***. (See *Kayne v. Grande Holdings Ltd.* (2011) 198 Cal.App.4th 1470, 1475-76 [sanctions appropriate where party refused to produce documents in an organized and labelled manner].)[52]

Mr. Spears also objects that the document requests "attempt to relitigate the entire thirteen-year Conservatorship and innumerable final court orders," and "are not relevant and not reasonably calculated to lead to the discovery of admissible evidence." (McCurdy Decl., Ex. G, ¶¶ 6, 8.) Nonsense. "Discovery may relate to the claim or defense of the party seeking discovery or of any other party to the action." (Code Civ. Proc., § 2017.010.) In this case, the document requests directly relate to Mr. Spears's role and conduct as former conservator of the estate, which are also directly at issue under *Shine*, *Kasperbauer*, and *Hudson.* The requested documents are thus not only "reasonably calculated" to lead to the discovery of admissible evidence, they go directly to the heart of numerous pending matters including Mr. Spears's fee petition and accountings, see, e.g., *Shine*, *supra*, 16 Cal.App.4th at p. 540; *Hudson*, *supra*, 68 Cal.App.4th at pp. 669-670.

Under the circumstances, Mr. Spears's objection that the requests are somehow "not reasonably calculated to lead to the discovery of admissible evidence" (McCurdy Decl., Ex. G, ¶¶ 8, 9) are, in fact, legally frivolous. (See *Pacific Tel. & Tel. Co. v. Superior Court* (1970) 2 Cal.3d 161, 173; *Garamendi v. Golden Eagle Ins. Co*. (2004) 116 Cal.App.4th 694, 712 fn. 8.)

Mr. Spears's objections on grounds of purportedly vague and ambiguous requests, or the terms "YOU" and "YOUR," are all baseless. (McCurdy Decl. G, ¶¶ 9, 11.) He has not and cannot explain in any manner what he claims not to understand about the document requests. (See *Deyo v. Kilbourne*

[52] As a matter of restraint, we refrain herein from moving for sanctions but reserve all rights in that regard.

(1978) 84 Cal.App.3d 771, 783 ["[W]here the question is somewhat ambiguous, but the nature of the information sought is apparent, the proper solution is to provide an appropriate response."].) Mr. Spears also fails to support his baseless burdensome and oppressive objections and asserts all of them without any actual factual support whatsoever. (See McCurdy Decl., Ex. G, ¶¶ 9, 12, 15, 16, 17.) "The objection based upon burden must be sustained by ***evidence showing*** the quantum of work required, while to support an objection of oppression there must be ***some showing*** either of an intent to create an unreasonable burden or that the ultimate effect of the burden is incommensurate with the result sought." (*W. Pico Furniture Co. v. Superior Court* (1961) 56 Cal.2d 407, 417, 418.) Mr. Spears fails to make any showing as to burden or oppression. (See *id.* at p. 418 ["The objection of burden is valid only when that burden is ***demonstrated*** to result in injustice."]; *cf. Mead Reinsurance Co. v. Superior Ct.* (1986) 188 Cal.App.3d 313, 321. For these reasons, Mr. Spears's objection that the documents "may be obtained from other sources or through other means of discovery" (McCurdy Decl., Ex. G, ¶ 15), and that the burden and expense would "outweigh the likely benefit of this discovery" (McCurdy Decl., Ex. G, ¶ 17) is also completely meritless.

Additionally, to the extent Mr. Spears objects that the document requests are "oppressive" because they "do not contain any temporal limitations" (an objection repeated in every response) this argument is also meritless. Again, no showing has been made of any intent to create an unreasonable burden, and any objection based on a lack of temporal definition is hypocritical. We are only here today because Britney Spears was under her father's infantilizing control for more than a decade. Further, the evidence shows that the conservatorship was conflicted from the very outset, when, among other things, Mr. Spears violated Rule of Court 7.1059 by obtaining a substantial loan from Tri Star and then hiring Tri Star (a then fledgling company) as her business manager. And any claim that *Mr. Spears* faces "oppression" such that he cannot respond to discovery relating to *his own* oppression of Britney Spears is, to say the least, rich. Mr. Spears put his conduct at issue and he must face the consequences.

Mr. Spears's objections on privileged meritless, inapplicable, and have been waived. *First*, to the extent any privilege was claimed, Mr. Spears should have supported the claim with "sufficient factual information for other parties to evaluate the merits of that claim," such as a privilege log. (See, e.g. Code Civ. Proc. § 2031.240(c); *Riddell, Inc. v. Superior Court* (2017) 14 Cal.App.5th 755, 772 ["if an

objection to a document request is based on a claim of privilege or work product, then the response to the request 'shall provide sufficient factual information for other parties to evaluate the merits of that claim'"]); (See *Costco*, *supra*, 47 Cal.4th at p. 733 ["[t]he party claiming the privilege has the burden of establishing the preliminary facts necessary to support its exercise"].) He failed to do so.

Second, now that Mr. Spears has been suspended as conservator of the estate, he no longer holds any attorney-client privilege. (See *Stine v. Dell'Osso* (2014) 239 Cal.App.4th 834, 843 [successor fiduciary became holder of the privilege of all communications between fiduciary and his counsel regarding the estate, whenever they occurred]; see also *Moeller v. Superior Court* (1997) 16 Cal.4th 1124, 1129-1135 [because fiduciary is holder of the attorney-client privilege in his or her capacity as such, successor fiduciary becomes the holder as to confidential communications between the predecessor fiduciary and attorney concerning trust administration]; Cal. Probate Code, § 8524, subd. (c). Because he was suspended, Mr. Spears quite simply has no privilege to claim.

Third, as noted above, Mr. Spears also waived any privilege claims. In addition to failing to timely object, his counsel promised "***unconditional[] cooperat[ion]***," "***complete transparency without conditions***," and that Britney Spears was "***welcome to everything***." (See McCurdy Decl., ¶ 10, Ex. D.) Even further, Mr. Spears's counsel stated that he had "provided ***explicit instructions to prior counsel to produce everything without exception***." (See McCurdy Decl., ¶ 11; see also *infra*, n.4.) Under *Moeller* and *Stine,* Mr. Spears does not hold the privilege. And in any event, even if the documents at issue were privileged (and they are not) he has waived any such privilege and should be estopped from asserted any such objections.

Mr. Spears also objects that the requests somehow violate his right to privacy. (McCurdy Decl., Ex. G, ¶ 10.) This makes no sense. It is Mr. Spears's burden to justify the objection, and he has failed to do so. (See *Coy*, *supra*, 58 Cal.2d at pp. 220-221; *Fairmont Ins. Co. v. Super. Ct.* (2000) 22 Cal.4th 245, 255.) Mr. Spears's position also reeks of hypocrisy given his gross violations of *his daughter's* privacy. Finally, any claimed right to privacy must be considered against the "historically important state interest of facilitating the ascertainment of truth in connection with legal proceedings." (See *Gregori v. Bank of America* (1989) 207 Cal.App.3d 291, 312.) Even as Mr. Spears hides it, the mission remains to ascertain the truth, which necessarily trumps Mr. Spears's evasive and fabricated "privacy rights."

Mr. Spears additionally claims each document request violates confidentiality or the "common interest doctrine." Not only does Mr. Spears once again fail to support this objection with any facts, the "common interest doctrine" is a "nonwaiver doctrine," and does not separately act as a privilege shielding documents from discovery. (See *OXY Resources California LLC v. Superior Court* (2004) 115 Cal.App.4th 874, 889-90 ["party seeking to invoke the [common interest] doctrine must first establish that the communicated information would otherwise be protected from a disclosure by a claim of privilege"].) No privilege exists here to protect the disclosure of the requested documents.

Finally, Mr. Spears purports to assert hodgepodge objections that the document requests are "speculative, lack foundation, or improperly assume the existence of hypothetical facts that are incorrect or unknown to Jamie" and "call for a legal conclusion." (McCurdy Decl., Ex. G, ¶¶ 13, 14.) In asserting this boilerplate objection, Mr., Spears does nothing more than cite boilerplate buzz words into his general objections; he fails to incorporate them anywhere else, and he fails to justify how the document requests are so formed. This is because he is, once again, wrong and he is once again seeking to evade the truth and its consequences. As demonstrated above and as the requests themselves demonstrate, the requests are narrowly tailored to pending issues, which were put front and center by Mr. Spears himself. The use of such general objections, as applied here, is improper under the California Civil Discovery Act, and their bald assertion in this context demonstrates Mr. Spears's desperation and lack of any factual basis for them. (See generally *Korea Data Sys. Co. v. Superior Court* (1997) 51 Cal.App.4th 1513, 1516 [use of boilerplate objections is improper and sanctionable].)

REQUEST FOR PRODUCTION NO. 27:

All correspondence (whether on paper, electronically, or by text or instant message) RELATING TO whether Britney Jean Spears wanted or did not wish to work a second residency in Las Vegas.

RESPONSE TO REQUEST FOR PRODUCTION NO. 27:

Jamie incorporates by reference his General Objections. Jamie further objects to the Document Request to the extent it is vague, ambiguous, overly broad, unduly burdensome, and oppressive especially as it does not contain any temporal limitations. Jamie further objects to the Document Request to the extent it impermissibly seeks material protected by the attorney-client privilege, the attorney work-

product doctrine, and/or the common interest doctrine. Jamie further objects to the Document Request to the extent that it seeks information that is already in Britney's possession or equally available to her.

Jamie further objects to the Document Request as follows:

- Jamie objects on the grounds that the Document Request is unduly burdensome and unreasonably duplicative and cumulative because it seeks the same information that was requested by Britney from Jamie in her August 25, 2021 First Set of Requests for Production (*see, e.g.*, Request for Production No. 31) and in her December 17, 2021 Second Set of Requests for Production (*see, e.g.*, Request for Production No. 40). This is now the third time Britney served the exact same request.
- The Document Request extends beyond the proper scope of discovery and improperly attempts to re-litigate the thirteen-year Conservatorship and innumerable final court orders. California Civil Procedure Code Section 2017.010 limits the scope of discovery to matters relevant to the subject matter involved in the pending action. California Probate Code Section 2103 releases a conservator and the sureties from all the conservatee's claims when the court authorizes, approves, or confirms the action in an order. This Document Request is therefore overbroad, unduly burdensome, and beyond the scope of discovery to the extent it is not relevant to the limited matters remaining before the Court and to the extent the Court already approved any action in an order or judgment.
- There is no legitimate reason for requiring Jamie to undertake the burden of sifting through documents he already produced and reproducing those documents that are responsive to this Document Request. Jamie objects to these Document Requests as duplicative, unduly burdensome, oppressive, and harassing to the extent the Document Requests seek some or all of the same documents and information that Jamie already voluntarily produced. Since October 2021, Jamie's counsel has arranged for nearly 600,000 pages of documents (consisting of more than 58 boxes of hard copy documents and more than 22 drives of electronic documents and spanning over 13 years of documents). Britney's own counsel admitted at the January 19, 2022 hearing that Jamie "produced voluminous information." *See* Jan. 19 Tr. 17:3-4. The nearly 600,000 pages of documents represent more than 124,500 electronic documents. Any responsive documents that are in Jamie's possession, custody, or control already are in Britney's possession, custody, or control or are otherwise equally available to her given Jamie's prior voluminous production of documents and information.

REASON TO COMPEL PRODUCTION TO REQUEST FOR PRODUCTION NO. 27:

As an initial matter, Mr. Spears fails to justify any of his objections with any facts, and none of his boilerplate objections are proper. (See *Costco Wholesale Corp. v. Superior Court* (2009) 47 Cal.4th 725, 733; *Coy v. Superior Court of Contra Costa County* (1962) 58 Cal.2d 210, 218-221.) It is important to bear in mind, too, that Mr. Spears has an obligation as a suspended conservator and fiduciary to turn over all relevant and responsive documents without any condition, regardless of the method of discovery sought. (See *Poag v. Winston* (1987) 195 Cal.App.3d 1161, 1176 ["As a fiduciary, a conservator owes a duty of loyalty which requires that he act in the highest good faith."].) This fact is buttressed by his new lawyer's own repeated claims of cooperation. Further, demonstrating regrettable gamesmanship and completely contradicting himself, Ms. Spears's counsel claims he "instructed" prior counsel to "withhold nothing" on the basis of privilege. Yet, his response to ***every single request*** for production includes objections on the basis of privilege. (See generally, McCurdy Decl., Ex. G.) This type of Alice-in-Wonderland dissembling is unacceptable.

Mr. Spears's counsel repeatedly and profusely promised his client's unconditional, transparent cooperation in producing "***all***" documents to Ms. Spears's counsel. Although these representations have, regrettably, proven to be false, made in an effort to create a false narrative and record—and what has become a "Big Lie" of Mr. Spears's defense—they are nevertheless relevant; thus, in addition to Mr. Spears's statutory waiver, his boilerplate objections should also be considered waived as a matter of equity and fairness and he should be estopped from asserting them. By way of illustration only, by email dated October 22, 2021, Mr. Spears's counsel professed the following:

- That Mr. Spears would "***unconditionally[] cooperate*** with a complete and total transfer of ***all files*** regarding the conservatorship . . . ."
- That Ms. Spears was "***welcome to everything – complete transparency without conditions***."
- That he would "***do everything [he] [could]*** to help facilitate the direct transfer [of all files] from prior counsel . . . ."
- "Again, ***complete transparency without conditions***."

(McCurdy Decl., ¶ 10.)

In the November 1, 2021 Status Report, Mr. Spears's counsel represented the following:

- "Jamie has ***nothing to hide*** [and] ***will therefore hide nothing***."
- "Jamie affirms that he will ***unconditionally cooperate*** in transferring *all* [emphasis in original] files regarding the estate to Britney's counsel without delay."
- "Jamie recognizes his ***ongoing and transparent participation is paramount*** . . . ."
- "Jamie will ***unconditionally cooperate*** with a complete and total transfer of all files."
- "Jamie is committed to ***complete transparency without conditions***."

(McCurdy Decl., Ex. D.)

In a November 5, 2021 email, Mr. Spears's counsel stated that he and his client were supposedly "committed to ***complete transparency***," that they had "***withheld nothing***," and that he "provided ***explicit instructions to prior counsel to produce <u>everything without exception</u>***." (McCurdy Decl., ¶ 11.) Even more, Mr. Spears's counsel claimed that "whatever documents exist regarding electronic surveillance, to the extent that any, would part [*sic*] of the production being made by prior counsel." (*Id.*)

These promises are tantamount to a "Big Lie." By objecting to every single one of Ms. Spears's document requests, Mr. Spears has done the exact opposite of what he promised. Mr. Spears's tactics to create a false record and narrative should not be countenanced. Even putting aside his statutory and fiduciary obligations, he has waived any objections and he should be ordered to produce all documents contained in the applicable requests.

Mr. Spears objects to the document requests as "unduly burdensome and unreasonable duplicative and cumulative" because he claims Ms. Spears requested similar information in requests for production propounded on him. (McCurdy Decl., Ex. G, ¶ 5.) The objection is contrary to law. California's Code of Civil Procedure does not preclude a party from seeking similar documents through different methods of discovery. "[T]he inspection of documents procedure is quite different from a deposition at which a party is required to bring documents. Nothing in either section 2025 or section 2031 suggests that seeking documents under one statutory procedure bars a litigant from seeking the same documents under the other." (*Carter v. Superior Court* (1990) 218 Cal.App.3d 994, 997.)[53] Thus, consistent with the

[53] See also 10 Witkin, Cal. Evid. Discovery § 143 [discussing *Carter*]. Notably, the Legislature has amended the Civil Discovery Act several times since *Carter*, and it has done so without overruling or modifying *Carter*'s interpretation of the Act. "When a statute has been construed by the courts, and the Legislature thereafter reenacts that statute without changing

Court's reasoning in *Carter*, Mr. Spears must bring the requested documents to his deposition pursuant to this different method of discovery. (See also *Irvington-Moore, Inc. v. Superior Court* (1993) 14 Cal.App.4th 733, 739 ["[T]he selection of the method of discovery is to be utilized is to be made by the party seeking discovery. It cannot be dictated by the opposing party.].)

Relatedly, Mr. Spears claims the document requests are "duplicative, unduly burdensome, oppressive, and harassing" because Mr. Spears already "voluntarily" produced some of the same documents and information. (McCurdy Decl., Ex. G, ¶ 7.) He is wrong, on multiple levels. Initially, "[a] party is permitted to use multiple methods of obtaining discovery and the fact that information was disclosed under one method is not, standing alone, a proper basis for refusing to provide discovery under another method." (*Irvington-Moore, Inc.*, *supra*, 14 Cal.App.4th at p. 739; see also *TBG Ins. Services Corp. v. Superior Court* (2002) 96 Cal.App.4th 443, 449 [citing *Irvington-Moore* for the proposition that "a party may use multiple methods to obtain discovery and the fact that information was disclosed under one method is not, by itself, a proper basis to refuse to provide discovery under another method"]; see, e.g. *Coy*, *supra*, 58 Cal.2d at p. 218 ["the bare claim of previous deposition is insufficient as an objection to an interrogatory . . . To suffice as a valid objection such claim must be supported by some showing (or, as a minimum, some claim) that the requirement of a reply would be unjust and inequitable"].)

Mr. Spears's objection that he has already produced some of the requested documents, even if true, is not a defense. To the extent he intended to actually rely on this objection, Mr. Spears needed to demonstrate that production of the requested documents now would be "unjust and inequitable." But he grossly fails to so demonstrate; instead, he relies on his "Big Lie" defense: that he has cooperated and transferred all of the documents requested. Mr. Spears also astonishingly objects on the basis that "there are no further documents [he] could provide to respond to the Deposition Notice, Document Requests, and definitions" because he supposedly has produced them all. (McCurdy Decl., Ex. G, at p. 3:22-23.) If this were true (and it is false), then why does he not so state in a single response, instead of making countless boilerplate objections? Why does he not appear at his deposition, and so state on the record, under penalty of perjury? Why does he not identify the requested documents—by Bates number? Why

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the interpretation put on that statute by the court, the Legislature is presumed to have been aware of, and acquiesced in, the courts' construction of that statute." (*People v. Ledesma* (1997) 16 Cal.4th 90, 100-01.)

does he not correlate them to the document requests at issue? And why does he not simply provide answers to the following questions and requests that have been posed to him repeatedly?

As referenced above, despite our repeated and ongoing requests, while relying on the facile and false claim that he has produced "everything" requested, Mr. Spears has also failed to produce all text or email communications between and amongst Tri Star, Black Box, himself, and his counsel (see *Moeller* and *Stine*, *infra* at pp. 19-20) concerning the illicit surveillance operation at issue. Indeed, he falsely claims it "***DIDN'T HAPPEN, YOUR HONOR***," *supra* at 9. In short, as part of their efforts to stonewall and hide the truth, Mr. Spears has engaged in improper disjointed and incomplete "document dumps" rather than a professional, organized, and labelled production of documents. More pointedly, he has failed to produce *any* documents pursuant to and correlated to the deposition notices, ***not one***. (See *Kayne v. Grande Holdings Ltd.* (2011) 198 Cal.App.4th 1470, 1475-76 [sanctions appropriate where party refused to produce documents in an organized and labelled manner].)[54]

Mr. Spears also objects that the document requests "attempt to relitigate the entire thirteen-year Conservatorship and innumerable final court orders," and "are not relevant and not reasonably calculated to lead to the discovery of admissible evidence." (McCurdy Decl., Ex. G, ¶¶ 6, 8.) Nonsense. "Discovery may relate to the claim or defense of the party seeking discovery or of any other party to the action." (Code Civ. Proc., § 2017.010.) In this case, the document requests directly relate to Mr. Spears's role and conduct as former conservator of the estate, which are also directly at issue under *Shine*, *Kasperbauer*, and *Hudson.* The requested documents are thus not only "reasonably calculated" to lead to the discovery of admissible evidence, they go directly to the heart of numerous pending matters including Mr. Spears's fee petition and accountings, see, e.g., *Shine*, *supra*, 16 Cal.App.4th at p. 540; *Hudson*, *supra*, 68 Cal.App.4th at pp. 669-670.

Under the circumstances, Mr. Spears's objection that the requests are somehow "not reasonably calculated to lead to the discovery of admissible evidence" (McCurdy Decl., Ex. G, ¶¶ 8, 9) are, in fact, legally frivolous. (See *Pacific Tel. & Tel. Co. v. Superior Court* (1970) 2 Cal.3d 161, 173; *Garamendi v. Golden Eagle Ins. Co*. (2004) 116 Cal.App.4th 694, 712 fn. 8.)

[54] As a matter of restraint, we refrain herein from moving for sanctions but reserve all rights in that regard.

Mr. Spears's objections on grounds of purportedly vague and ambiguous requests, or the terms "YOU" and "YOUR," are all baseless. (McCurdy Decl. G, ¶¶ 9, 11.) He has not and cannot explain in any manner what he claims not to understand about the document requests. (See *Deyo v. Kilbourne* (1978) 84 Cal.App.3d 771, 783 ["[W]here the question is somewhat ambiguous, but the nature of the information sought is apparent, the proper solution is to provide an appropriate response."].) Mr. Spears also fails to support his baseless burdensome and oppressive objections and asserts all of them without any actual factual support whatsoever. (See McCurdy Decl., Ex. G, ¶¶ 9, 12, 15, 16, 17.) "The objection based upon burden must be sustained by ***evidence showing*** the quantum of work required, while to support an objection of oppression there must be ***some showing*** either of an intent to create an unreasonable burden or that the ultimate effect of the burden is incommensurate with the result sought." (*W. Pico Furniture Co. v. Superior Court* (1961) 56 Cal.2d 407, 417, 418.) Mr. Spears fails to make any showing as to burden or oppression. (See *id.* at p. 418 ["The objection of burden is valid only when that burden is ***demonstrated*** to result in injustice."]; *cf. Mead Reinsurance Co. v. Superior Ct.* (1986) 188 Cal.App.3d 313, 321. For these reasons, Mr. Spears's objection that the documents "may be obtained from other sources or through other means of discovery" (McCurdy Decl., Ex. G, ¶ 15), and that the burden and expense would "outweigh the likely benefit of this discovery" (McCurdy Decl., Ex. G, ¶ 17) is also completely meritless.

Additionally, to the extent Mr. Spears objects that the document requests are "oppressive" because they "do not contain any temporal limitations" (an objection repeated in every response) this argument is also meritless. Again, no showing has been made of any intent to create an unreasonable burden, and any objection based on a lack of temporal definition is hypocritical. We are only here today because Britney Spears was under her father's infantilizing control for more than a decade. Further, the evidence shows that the conservatorship was conflicted from the very outset, when, among other things, Mr. Spears violated Rule of Court 7.1059 by obtaining a substantial loan from Tri Star and then hiring Tri Star (a then fledgling company) as her business manager. And any claim that *Mr. Spears* faces "oppression" such that he cannot respond to discovery relating to *his own* oppression of Britney Spears is, to say the least, rich. Mr. Spears put his conduct at issue and he must face the consequences.

Mr. Spears's objections on privileged meritless, inapplicable, and have been waived. *First*, to the extent any privilege was claimed, Mr. Spears should have supported the claim with "sufficient factual information for other parties to evaluate the merits of that claim," such as a privilege log. (See, e.g. Code Civ. Proc. § 2031.240(c); *Riddell, Inc. v. Superior Court* (2017) 14 Cal.App.5th 755, 772 ["if an objection to a document request is based on a claim of privilege or work product, then the response to the request 'shall provide sufficient factual information for other parties to evaluate the merits of that claim'"]); (See *Costco*, *supra*, 47 Cal.4th at p. 733 ["[t]he party claiming the privilege has the burden of establishing the preliminary facts necessary to support its exercise"].) He failed to do so.

Second, now that Mr. Spears has been suspended as conservator of the estate, he no longer holds any attorney-client privilege. (See *Stine v. Dell'Osso* (2014) 239 Cal.App.4th 834, 843 [successor fiduciary became holder of the privilege of all communications between fiduciary and his counsel regarding the estate, whenever they occurred]; see also *Moeller v. Superior Court* (1997) 16 Cal.4th 1124, 1129-1135 [because fiduciary is holder of the attorney-client privilege in his or her capacity as such, successor fiduciary becomes the holder as to confidential communications between the predecessor fiduciary and attorney concerning trust administration]; Cal. Probate Code, § 8524, subd. (c). Because he was suspended, Mr. Spears quite simply has no privilege to claim.

Third, as noted above, Mr. Spears also waived any privilege claims. In addition to failing to timely object, his counsel promised "***unconditional[] cooperat[ion]***," "***complete transparency without conditions***," and that Britney Spears was "***welcome to everything***." (See McCurdy Decl., ¶ 10, Ex. D.) Even further, Mr. Spears's counsel stated that he had "provided ***explicit instructions to prior counsel to produce everything without exception***." (See McCurdy Decl., ¶ 11; see also *infra*, n.4.) Under *Moeller* and *Stine,* Mr. Spears does not hold the privilege. And in any event, even if the documents at issue were privileged (and they are not) he has waived any such privilege and should be estopped from asserted any such objections.

Mr. Spears also objects that the requests somehow violate his right to privacy. (McCurdy Decl., Ex. G, ¶ 10.) This makes no sense. It is Mr. Spears's burden to justify the objection, and he has failed to do so. (See *Coy*, *supra*, 58 Cal.2d at pp. 220-221; *Fairmont Ins. Co. v. Super. Ct.* (2000) 22 Cal.4th 245, 255.) Mr. Spears's position also reeks of hypocrisy given his gross violations of *his daughter's* privacy.

Finally, any claimed right to privacy must be considered against the "historically important state interest of facilitating the ascertainment of truth in connection with legal proceedings." (See *Gregori v. Bank of America* (1989) 207 Cal.App.3d 291, 312.) Even as Mr. Spears hides it, the mission remains to ascertain the truth, which necessarily trumps Mr. Spears's evasive and fabricated "privacy rights."

Mr. Spears additionally claims each document request violates confidentiality or the "common interest doctrine." Not only does Mr. Spears once again fail to support this objection with any facts, the "common interest doctrine" is a "nonwaiver doctrine," and does not separately act as a privilege shielding documents from discovery. (See *OXY Resources California LLC v. Superior Court* (2004) 115 Cal.App.4th 874, 889-90 ["party seeking to invoke the [common interest] doctrine must first establish that the communicated information would otherwise be protected from a disclosure by a claim of privilege"].) No privilege exists here to protect the disclosure of the requested documents.

Finally, Mr. Spears purports to assert hodgepodge objections that the document requests are "speculative, lack foundation, or improperly assume the existence of hypothetical facts that are incorrect or unknown to Jamie" and "call for a legal conclusion." (McCurdy Decl., Ex. G, ¶¶ 13, 14.) In asserting this boilerplate objection, Mr., Spears does nothing more than cite boilerplate buzz words into his general objections; he fails to incorporate them anywhere else, and he fails to justify how the document requests are so formed. This is because he is, once again, wrong and he is once again seeking to evade the truth and its consequences. As demonstrated above and as the requests themselves demonstrate, the requests are narrowly tailored to pending issues, which were put front and center by Mr. Spears himself. The use of such general objections, as applied here, is improper under the California Civil Discovery Act, and their bald assertion in this context demonstrates Mr. Spears's desperation and lack of any factual basis for them. (See generally *Korea Data Sys. Co. v. Superior Court* (1997) 51 Cal.App.4th 1513, 1516 [use of boilerplate objections is improper and sanctionable].)

REQUEST FOR PRODUCTION NO. 28:

All correspondence (whether on paper, electronically, or by text or instant message) RELATING TO whether Britney Jean Spears wanted to work again for so long as you were her Conservator.

RESPONSE TO REQUEST FOR PRODUCTION NO. 28:

Jamie incorporates by reference his General Objections. Jamie further objects to the Document Request to the extent it is vague, ambiguous, overly broad, unduly burdensome, and oppressive especially as it does not contain any temporal limitations. Jamie further objects to the Document Request to the extent it impermissibly seeks material protected by the attorney-client privilege, the attorney work-product doctrine, and/or the common interest doctrine. Jamie further objects to the Document Request to the extent that it seeks information that is already in Britney's possession or equally available to her.

Jamie further objects to the Document Request as follows:

- Jamie objects on the grounds that the Document Request is unduly burdensome and unreasonably duplicative and cumulative because it seeks the same information that was requested by Britney from Jamie in her August 25, 2021 First Set of Requests for Production (*see, e.g.*, Request for Production No. 32) and in her December 17, 2021 Second Set of Requests for Production (*see, e.g.*, Request for Production No. 41). This is now the third time Britney served the exact same request.
- The Document Request extends beyond the proper scope of discovery and improperly attempts to re-litigate the thirteen-year Conservatorship and innumerable final court orders. California Civil Procedure Code Section 2017.010 limits the scope of discovery to matters relevant to the subject matter involved in the pending action. California Probate Code Section 2103 releases a conservator and the sureties from all the conservatee's claims when the court authorizes, approves, or confirms the action in an order. This Document Request is therefore overbroad, unduly burdensome, and beyond the scope of discovery to the extent it is not relevant to the limited matters remaining before the Court and to the extent the Court already approved any action in an order or judgment.
- There is no legitimate reason for requiring Jamie to undertake the burden of sifting through documents he already produced and reproducing those documents that are responsive to this Document Request. Jamie objects to these Document Requests as duplicative, unduly burdensome, oppressive, and harassing to the extent the Document Requests seek some or all of the same documents and information that Jamie already voluntarily produced. Since October 2021, Jamie's counsel has arranged for nearly 600,000 pages of documents (consisting of more than 58 boxes of hard copy documents and more than 22 drives of electronic documents and spanning over 13 years of documents).

Britney's own counsel admitted at the January 19, 2022 hearing that Jamie "produced voluminous information." *See* Jan. 19 Tr. 17:3-4. The nearly 600,000 pages of documents represent more than 124,500 electronic documents. Any responsive documents that are in Jamie's possession, custody, or control already are in Britney's possession, custody, or control or are otherwise equally available to her given Jamie's prior voluminous production of documents and information.

REASON TO COMPEL PRODUCTION TO REQUEST FOR PRODUCTION NO. 28:

As an initial matter, Mr. Spears fails to justify any of his objections with any facts, and none of his boilerplate objections are proper. (See *Costco Wholesale Corp. v. Superior Court* (2009) 47 Cal.4th 725, 733; *Coy v. Superior Court of Contra Costa County* (1962) 58 Cal.2d 210, 218-221.) It is important to bear in mind, too, that Mr. Spears has an obligation as a suspended conservator and fiduciary to turn over all relevant and responsive documents without any condition, regardless of the method of discovery sought. (See *Poag v. Winston* (1987) 195 Cal.App.3d 1161, 1176 ["As a fiduciary, a conservator owes a duty of loyalty which requires that he act in the highest good faith."].) This fact is buttressed by his new lawyer's own repeated claims of cooperation. Further, demonstrating regrettable gamesmanship and completely contradicting himself, Ms. Spears's counsel claims he "instructed" prior counsel to "withhold nothing" on the basis of privilege. Yet, his response to ***every single request*** for production includes objections on the basis of privilege. (See generally, McCurdy Decl., Ex. G.) This type of Alice-in-Wonderland dissembling is unacceptable.

Mr. Spears's counsel repeatedly and profusely promised his client's unconditional, transparent cooperation in producing "***all***" documents to Ms. Spears's counsel. Although these representations have, regrettably, proven to be false, made in an effort to create a false narrative and record—and what has become a "Big Lie" of Mr. Spears's defense—they are nevertheless relevant; thus, in addition to Mr. Spears's statutory waiver, his boilerplate objections should also be considered waived as a matter of equity and fairness and he should be estopped from asserting them. By way of illustration only, by email dated October 22, 2021, Mr. Spears's counsel professed the following:

- That Mr. Spears would "***unconditionally[] cooperate*** with a complete and total transfer of ***all files*** regarding the conservatorship . . . ."

- That Ms. Spears was "***welcome to everything – complete transparency without conditions***."
- That he would "***do everything [he] [could]*** to help facilitate the direct transfer [of all files] from prior counsel . . . ."
- "Again, ***complete transparency without conditions***."

(McCurdy Decl., ¶ 10.)

In the November 1, 2021 Status Report, Mr. Spears's counsel represented the following:

- "Jamie has ***nothing to hide*** [and] ***will therefore hide nothing***."
- "Jamie affirms that he will ***unconditionally cooperate*** in transferring *all* [emphasis in original] files regarding the estate to Britney's counsel without delay."
- "Jamie recognizes his ***ongoing and transparent participation is paramount*** . . . ."
- "Jamie will ***unconditionally cooperate*** with a complete and total transfer of all files."
- "Jamie is committed to ***complete transparency without conditions***."

(McCurdy Decl., Ex. D.)

In a November 5, 2021 email, Mr. Spears's counsel stated that he and his client were supposedly "committed to ***complete transparency***," that they had "***withheld nothing***," and that he "provided ***explicit instructions to prior counsel to produce <u>everything without exception</u>***." (McCurdy Decl., ¶ 11.) Even more, Mr. Spears's counsel claimed that "whatever documents exist regarding electronic surveillance, to the extent that any, would part [*sic*] of the production being made by prior counsel." (*Id.*)

These promises are tantamount to a "Big Lie." By objecting to every single one of Ms. Spears's document requests, Mr. Spears has done the exact opposite of what he promised. Mr. Spears's tactics to create a false record and narrative should not be countenanced. Even putting aside his statutory and fiduciary obligations, he has waived any objections and he should be ordered to produce all documents contained in the applicable requests.

Mr. Spears objects to the document requests as "unduly burdensome and unreasonable duplicative and cumulative" because he claims Ms. Spears requested similar information in requests for production propounded on him. (McCurdy Decl., Ex. G, ¶ 5.) The objection is contrary to law. California's Code of Civil Procedure does not preclude a party from seeking similar documents through different methods

of discovery. "[T]he inspection of documents procedure is quite different from a deposition at which a party is required to bring documents. Nothing in either section 2025 or section 2031 suggests that seeking documents under one statutory procedure bars a litigant from seeking the same documents under the other." (*Carter v. Superior Court* (1990) 218 Cal.App.3d 994, 997.)[55] Thus, consistent with the Court's reasoning in *Carter*, Mr. Spears must bring the requested documents to his deposition pursuant to this different method of discovery. (See also *Irvington-Moore, Inc. v. Superior Court* (1993) 14 Cal.App.4th 733, 739 ["[T]he selection of the method of discovery is to be utilized is to be made by the party seeking discovery. It cannot be dictated by the opposing party.].)

Relatedly, Mr. Spears claims the document requests are "duplicative, unduly burdensome, oppressive, and harassing" because Mr. Spears already "voluntarily" produced some of the same documents and information. (McCurdy Decl., Ex. G, ¶ 7.) He is wrong, on multiple levels. Initially, "[a] party is permitted to use multiple methods of obtaining discovery and the fact that information was disclosed under one method is not, standing alone, a proper basis for refusing to provide discovery under another method." (*Irvington-Moore, Inc.*, *supra*, 14 Cal.App.4th at p. 739; see also *TBG Ins. Services Corp. v. Superior Court* (2002) 96 Cal.App.4th 443, 449 [citing *Irvington-Moore* for the proposition that "a party may use multiple methods to obtain discovery and the fact that information was disclosed under one method is not, by itself, a proper basis to refuse to provide discovery under another method"]; see, e.g. *Coy*, *supra*, 58 Cal.2d at p. 218 ["the bare claim of previous deposition is insufficient as an objection to an interrogatory . . . To suffice as a valid objection such claim must be supported by some showing (or, as a minimum, some claim) that the requirement of a reply would be unjust and inequitable"].)

Mr. Spears's objection that he has already produced some of the requested documents, even if true, is not a defense. To the extent he intended to actually rely on this objection, Mr. Spears needed to demonstrate that production of the requested documents now would be "unjust and inequitable." But he grossly fails to so demonstrate; instead, he relies on his "Big Lie" defense: that he has cooperated and transferred all of the documents requested. Mr. Spears also astonishingly objects on the basis that "there

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are no further documents [he] could provide to respond to the Deposition Notice, Document Requests, and definitions" because he supposedly has produced them all. (McCurdy Decl., Ex. G, at p. 3:22-23.) If this were true (and it is false), then why does he not so state in a single response, instead of making countless boilerplate objections? Why does he not appear at his deposition, and so state on the record, under penalty of perjury? Why does he not identify the requested documents—by Bates number? Why does he not correlate them to the document requests at issue? And why does he not simply provide answers to the following questions and requests that have been posed to him repeatedly?

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Second, now that Mr. Spears has been suspended as conservator of the estate, he no longer holds any attorney-client privilege. (See *Stine v. Dell'Osso* (2014) 239 Cal.App.4th 834, 843 [successor fiduciary became holder of the privilege of all communications between fiduciary and his counsel regarding the estate, whenever they occurred]; see also *Moeller v. Superior Court* (1997) 16 Cal.4th 1124, 1129-1135 [because fiduciary is holder of the attorney-client privilege in his or her capacity as such, successor fiduciary becomes the holder as to confidential communications between the predecessor fiduciary and attorney concerning trust administration]; Cal. Probate Code, § 8524, subd. (c). Because he was suspended, Mr. Spears quite simply has no privilege to claim.

Third, as noted above, Mr. Spears also waived any privilege claims. In addition to failing to timely object, his counsel promised "***unconditional[] cooperat[ion]***," "***complete transparency without conditions***," and that Britney Spears was "***welcome to everything***." (See McCurdy Decl., ¶ 10, Ex. D.) Even further, Mr. Spears's counsel stated that he had "provided ***explicit instructions to prior counsel to produce everything without exception***." (See McCurdy Decl., ¶ 11; see also *infra*, n.4.) Under *Moeller* and *Stine,* Mr. Spears does not hold the privilege. And in any event, even if the documents at issue were privileged (and they are not) he has waived any such privilege and should be estopped from asserted any such objections.

Mr. Spears also objects that the requests somehow violate his right to privacy. (McCurdy Decl., Ex. G, ¶ 10.) This makes no sense. It is Mr. Spears's burden to justify the objection, and he has failed to do so. (See *Coy*, *supra*, 58 Cal.2d at pp. 220-221; *Fairmont Ins. Co. v. Super. Ct.* (2000) 22 Cal.4th 245, 255.) Mr. Spears's position also reeks of hypocrisy given his gross violations of *his daughter's* privacy. Finally, any claimed right to privacy must be considered against the "historically important state interest of facilitating the ascertainment of truth in connection with legal proceedings." (See *Gregori v. Bank of America* (1989) 207 Cal.App.3d 291, 312.) Even as Mr. Spears hides it, the mission remains to ascertain the truth, which necessarily trumps Mr. Spears's evasive and fabricated "privacy rights."

Mr. Spears additionally claims each document request violates confidentiality or the "common interest doctrine." Not only does Mr. Spears once again fail to support this objection with any facts, the "common interest doctrine" is a "nonwaiver doctrine," and does not separately act as a privilege shielding documents from discovery. (See *OXY Resources California LLC v. Superior Court* (2004) 115 Cal.App.4th 874, 889-90 ["party seeking to invoke the [common interest] doctrine must first establish that the communicated information would otherwise be protected from a disclosure by a claim of privilege"].) No privilege exists here to protect the disclosure of the requested documents.

Finally, Mr. Spears purports to assert hodgepodge objections that the document requests are "speculative, lack foundation, or improperly assume the existence of hypothetical facts that are incorrect or unknown to Jamie" and "call for a legal conclusion." (McCurdy Decl., Ex. G, ¶¶ 13, 14.) In asserting this boilerplate objection, Mr., Spears does nothing more than cite boilerplate buzz words into his general objections; he fails to incorporate them anywhere else, and he fails to justify how the document requests are so formed. This is because he is, once again, wrong and he is once again seeking to evade the truth and its consequences. As demonstrated above and as the requests themselves demonstrate, the requests are narrowly tailored to pending issues, which were put front and center by Mr. Spears himself. The use of such general objections, as applied here, is improper under the California Civil Discovery Act, and their bald assertion in this context demonstrates Mr. Spears's desperation and lack of any factual basis for them. (See generally *Korea Data Sys. Co. v. Superior Court* (1997) 51 Cal.App.4th 1513, 1516 [use of boilerplate objections is improper and sanctionable].)

REQUEST FOR PRODUCTION NO. 29:

If you contend that your Twelfth Accounting should be approved, all DOCUMENTS supporting that contention.

RESPONSE TO REQUEST FOR PRODUCTION NO. 29:

Jamie incorporates by reference his General Objections. Jamie further objects to the Document Request to the extent it is vague, ambiguous, overly broad, unduly burdensome, and oppressive especially as it does not contain any temporal limitations. Jamie further objects to the Document Request to the extent it impermissibly seeks material protected by the attorney-client privilege, the attorney work-product doctrine, and/or the common interest doctrine. Jamie further objects to the Document Request to the extent that it seeks information that is already in Britney's possession or equally available to her.

Jamie further objects to the Document Request as follows:

- Jamie objects on the grounds that the Document Request is unduly burdensome and unreasonably duplicative and cumulative because it seeks the same information that was requested by Britney from Jamie in her December 17, 2021 Second Set of Requests for Production (*see, e.g.*, Request for Production No. 42). This is now the second time Britney served the exact same request.
- The Document Request extends beyond the proper scope of discovery and improperly attempts to re-litigate the thirteen-year Conservatorship and innumerable final court orders. California Civil Procedure Code Section 2017.010 limits the scope of discovery to matters relevant to the subject matter involved in the pending action. California Probate Code Section 2103 releases a conservator and the sureties from all the conservatee's claims when the court authorizes, approves, or confirms the action in an order. This Document Request is therefore overbroad, unduly burdensome, and beyond the scope of discovery to the extent it is not relevant to the limited matters remaining before the Court and to the extent the Court already approved any action in an order or judgment.
- There is no legitimate reason for requiring Jamie to undertake the burden of sifting through documents he already produced and reproducing those documents that are responsive to this Document Request. Jamie objects to these Document Requests as duplicative, unduly burdensome, oppressive, and harassing to the extent the Document Requests seek some or all of the same documents and information that Jamie already voluntarily produced. Since October 2021, Jamie's counsel has

arranged for nearly 600,000 pages of documents (consisting of more than 58 boxes of hard copy documents and more than 22 drives of electronic documents and spanning over 13 years of documents). Britney's own counsel admitted at the January 19, 2022 hearing that Jamie "produced voluminous information." *See* Jan. 19 Tr. 17:3-4. The nearly 600,000 pages of documents represent more than 124,500 electronic documents. Any responsive documents that are in Jamie's possession, custody, or control already are in Britney's possession, custody, or control or are otherwise equally available to her given Jamie's prior voluminous production of documents and information.

REASON TO COMPEL PRODUCTION TO REQUEST FOR PRODUCTION NO. 29:

As an initial matter, Mr. Spears fails to justify any of his objections with any facts, and none of his boilerplate objections are proper. (See *Costco Wholesale Corp. v. Superior Court* (2009) 47 Cal.4th 725, 733; *Coy v. Superior Court of Contra Costa County* (1962) 58 Cal.2d 210, 218-221.) It is important to bear in mind, too, that Mr. Spears has an obligation as a suspended conservator and fiduciary to turn over all relevant and responsive documents without any condition, regardless of the method of discovery sought. (See *Poag v. Winston* (1987) 195 Cal.App.3d 1161, 1176 ["As a fiduciary, a conservator owes a duty of loyalty which requires that he act in the highest good faith."].) This fact is buttressed by his new lawyer's own repeated claims of cooperation. Further, demonstrating regrettable gamesmanship and completely contradicting himself, Ms. Spears's counsel claims he "instructed" prior counsel to "withhold nothing" on the basis of privilege. Yet, his response to ***every single request*** for production includes objections on the basis of privilege. (See generally, McCurdy Decl., Ex. G.) This type of Alice-in-Wonderland dissembling is unacceptable.

Mr. Spears's counsel repeatedly and profusely promised his client's unconditional, transparent cooperation in producing "***all***" documents to Ms. Spears's counsel. Although these representations regrettably have proven to be false, made in an effort to create a false narrative and record—and what has become a "Big Lie" of their defense—they are nevertheless relevant; thus, in addition to Mr. Spears's statutory waiver, his boilerplate objections should also be considered waived as a matter of equity and fairness and he should be estopped from asserting them. By way of illustration only, by email dated October 22, 2021, Mr. Spears's counsel professed the following:

- That Mr. Spears would "***unconditionally[] cooperate*** with a complete and total transfer of ***all files*** regarding the conservatorship . . . ."
- That Ms. Spears was "***welcome to everything – complete transparency without conditions***."
- That he would "***do everything [he] [could]*** to help facilitate the direct transfer [of all files] from prior counsel . . . ."
- "Again, ***complete transparency without conditions***."

(McCurdy Decl., ¶ 10.)

In the November 1, 2021 Status Report, Mr. Spears's counsel represented the following:

- "Jamie has ***nothing to hide*** [and] ***will therefore hide nothing***."
- "Jamie affirms that he will ***unconditionally cooperate*** in transferring *all* [emphasis in original] files regarding the estate to Britney's counsel without delay."
- "Jamie recognizes his ***ongoing and transparent participation is paramount*** . . . ."
- "Jamie will ***unconditionally cooperate*** with a complete and total transfer of all files . . . ."
- "Jamie is committed to ***complete transparency without conditions***."

(McCurdy Decl., Ex. D.)

In a November 5, 2021 email to the undersigned, Mr. Spears's counsel stated that he and his client were supposedly "committed to ***complete transparency***," that they had "***withheld nothing***," and that he "provided ***explicit instructions to prior counsel to produce <u>everything without exception</u>***." (McCurdy Decl., ¶ 11.) Even more, Mr. Spears's counsel claimed that "whatever documents exist regarding electronic surveillance, to the extent that any, would part [*sic*] of the production being made by prior counsel." (*Id.*)

These promises are tantamount to a "Big Lie." By objecting to every single one of Ms. Spears's document requests, Mr. Spears has done the exact opposite of what was promised. Mr. Spears's Big Lie-tactics to create a false record and narrative should not be countenanced. Even putting aside his statutory and fiduciary obligations, he has waived any objections and he should be ordered to produce all documents contained in the applicable requests.

Mr. Spears objects to the document requests as "unduly burdensome and unreasonable duplicative and cumulative" because he claims Ms. Spears requested similar information in requests for production propounded on him. (McCurdy Decl., Ex. G, ¶ 5.) The objection is contrary to law. California's Code of Civil Procedure does not preclude a party from seeking similar documents through different methods of discovery. "[T]he inspection of documents procedure is quite different from a deposition at which a party is required to bring documents. Nothing in either section 2025 or section 2031 suggests that seeking documents under one statutory procedure bars a litigant from seeking the same documents under the other." (*Carter v. Superior Court* (1990) 218 Cal.App.3d 994, 997.)[57] Thus, consistent with the Court's reasoning in *Carter*, Mr. Spears must bring the requested documents to his deposition pursuant to this different method of discovery. (See also *Irvington-Moore, Inc. v. Superior Court* (1993) 14 Cal.App.4th 733, 739 ["[T]he selection of the method of discovery is to be utilized is to be made by the party seeking discovery. It cannot be dictated by the opposing party.].) This is particularly true here because, as Mr. Spears admits, he is a fiduciary and he has a fiduciary obligation to comply.

Relatedly, Mr. Spears claims the document requests are "duplicative, unduly burdensome, oppressive, and harassing" because Mr. Spears already "voluntarily" produced some of the same documents and information. (McCurdy Decl., Ex. G, ¶ 7.) He is wrong, on multiple levels. Initially, "A party is permitted to use multiple methods of obtaining discovery and the fact that information was disclosed under one method is not, standing alone, a proper basis for refusing to provide discovery under another method." (*Irvington-Moore, Inc.*, *supra*, 14 Cal.App.4th at p. 739; see also *TBG Ins. Services Corp. v. Superior Court* (2002) 96 Cal.App.4th 443, 449 [citing *Irvington-Moore* for the proposition that "a party may use multiple methods to obtain discovery and the fact that information was disclosed under one method is not, by itself, a proper basis to refuse to provide discovery under another method"]; see, e.g. *Coy*, *supra*, 58 Cal.2d at p. 218 ["the bare claim of previous deposition is insufficient as an objection to an interrogatory . . . To suffice as a valid objection such claim must be supported by some showing (or, as a minimum, some claim) that the requirement of a reply would be unjust and inequitable"].)

[57] See also 10 Witkin, Cal. Evid. Discovery § 143 [discussing *Carter*]. Notably, the Legislature has amended the Civil Discovery Act several times since *Carter*, and it has done so without overruling or modifying *Carter*'s interpretation of the Act. "When a statute has been construed by the courts, and the Legislature thereafter reenacts that statute without changing the interpretation put on that statute by the court, the Legislature is presumed to have been aware of, and acquiesced in, the courts' construction of that statute." (*People v. Ledesma* (1997) 16 Cal.4th 90, 100-01.)

Mr. Spears's objection that he has already produced some of the requested documents, even if true, is not a defense. To the extent he intended to actually rely on this objection, Mr. Spears needed to demonstrate that production of the requested documents now would be "unjust and inequitable." But he grossly fails to so demonstrate; instead, he relies on what has become a "Big Lie" of his defense: that he has cooperated and transferred all of the documents requested. Mr. Spears also astonishingly objects on the basis that "there are no further documents [he] could provide to respond to the Deposition Notice, Document Requests, and definitions" because he supposedly has produced them all. (McCurdy Decl., Ex. G, at p. 3:22-23.) If this were true (and it is false), then why does he not so state in a single response, instead of making countless boilerplate objections? Why does he not appear at his deposition, and so state on the record, under penalty of perjury? Why does he not identify the requested documents—by Bates number? Why does he not correlate them to the document requests at issue?

As referenced above, despite our repeated and ongoing requests, while relying on the facile and false claim that he has produced "everything" requested, Mr. Spears has also failed to produce his text or email communications between and amongst Tri Star, Black Box, himself, and his counsel (see *Moeller* and *Stine*) concerning the illicit surveillance operation at issue. Indeed, he falsely claims it "***DIDN'T HAPPEN, YOUR HONOR***," supra at 9. In short, as part of their efforts to stonewall and hide the truth, Mr. Spears has engaged in improper disjointed and incomplete "document dumps" rather than a professional, organized, and labelled production of documents. (See *Kayne v. Grande Holdings Ltd.* (2011) 198 Cal.App.4th 1470, 1475-76 [sanctions appropriate where party refused to produce documents in an organized and labelled manner].) For these reasons, Mr. Spears must be compelled to produce the documents at issue.

Mr. Spears also objects that the document requests "attempt to relitigate the entire thirteen-year Conservatorship and innumerable final court orders," and "are not relevant and not reasonably calculated to lead to the discovery of admissible evidence." (McCurdy Decl., Ex. G, ¶¶ 6, 8.) Nonsense. "Discovery may relate to the claim or defense of the party seeking discovery or of any other party to the action." (Code Civ. Proc., § 2017.010.) In this case, the document requests directly relate to Mr. Spears's role and conduct as former conservator of the estate, which are also directly at issue under *Shine*, *Kasperbauer*, and *Hudson.* The requested documents are thus not only "reasonably calculated" to

lead to the discovery of admissible evidence, they go to the heart of numerous pending matters including Mr. Spears's fee petition and accountings, see, e.g., *Shine*, *supra*, 16 Cal.App.4th at p. 540; *Hudson*, *supra*, 68 Cal.App.4th at pp. 669-670.

Under the circumstances, Mr. Spears's objection that the requests are "not relevant and not reasonably calculated to lead to the discovery of admissible evidence" and are "overly broad" (McCurdy Decl., Ex. G, ¶¶ 8, 9) are, in fact, legally frivolous. (See *Pacific Tel. & Tel. Co. v. Superior Court* (1970) 2 Cal.3d 161, 173 [observing California's "liberal policies underlying the discovery procedures"].) Thus, any "doubts as to relevance should generally be resolved in favor of permitting discovery." (*Id.*; see also *Garamendi v. Golden Eagle Ins. Co*. (2004) 116 Cal.App.4th 694, 712 fn. 8.

Mr. Spears's objections on grounds of purportedly vague and ambiguous requests, or the terms "YOU" and "YOUR," are all baseless. (McCurdy Decl. G, ¶¶ 9, 11.) He has not and cannot explain in any manner what he claims not to understand about the document requests. (See *Deyo v. Kilbourne* (1978) 84 Cal.App.3d 771, 783 ["[W]here the question is somewhat ambiguous, but the nature of the information sought is apparent, the proper solution is to provide an appropriate response."].) Mr. Spears also fails to support his baseless burdensome and oppressive objections and asserts all of them without any ***actual*** factual support whatsoever. (See McCurdy Decl., Ex. G, ¶¶ 9, 12, 15, 16, 17.) "The objection based upon burden must be sustained by ***evidence showing*** the quantum of work required, while to support an objection of oppression there must be ***some showing*** either of an intent to create an unreasonable burden or that the ultimate effect of the burden is incommensurate with the result sought." (*W. Pico Furniture Co. v. Superior Court* (1961) 56 Cal.2d 407, 417, 418.) Mr. Spears fails to make any showing as to burden or oppression. (See *id.* at p. 418 ["The objection of burden is valid only when that burden is ***demonstrated*** to result in injustice."]; *cf. Mead Reinsurance Co. v. Superior Ct.* (1986) 188 Cal.App.3d 313, 321 [requisite burden showing was made when the objecting party showed it would require the review of over 13,000 claim files, requiring five claim adjusters working full time for six weeks].) For this reason, Mr. Spears's objection that the documents "may be obtained from other sources or through other means of discovery" (McCurdy Decl., Ex. G, ¶ 15), and that the burden and expense would "outweigh the likely benefit of this discovery" (McCurdy Decl., Ex. G, ¶ 17) is also meritless.

Additionally, to the extent Mr. Spears objects that the document requests are "oppressive" because they "do not contain any temporal limitations" (an objection repeated in every response) this argument is also without merit. Again, no showing has been made of any intent to create an unreasonable burden and any objection based on a lack of temporal definition is hypocritical. We are only here today because Britney Spears was under her father's infantilizing control for more than a decade. Further, the evidence shows that the conservatorship was conflicted from the very outset, when, among other things, Mr. Spears violated Rule of Court 7.1059 by obtaining a loan from Tri Star and then hiring Tri Star (a fledgling company) as her business manager. And any claim that *Mr. Spears* faces "oppression" such that he cannot respond to discovery relating to *his own* oppression of Britney Spears is, to say the least, rich. Mr. Spears put his conduct at issue and he must face the consequences.

Mr. Spears's objections on these grounds are meritless, inapplicable, and have been waived. *First*, to the extent any privilege was claimed, Mr. Spears should have supported the claim with "sufficient factual information for other parties to evaluate the merits of that claim," such as a privilege log. (See, e.g. Code Civ. Proc. § 2031.240(c); *Riddell, Inc. v. Superior Court* (2017) 14 Cal.App.5th 755, 772 ["if an objection to a document request is based on a claim of privilege or work product, then the response to the request 'shall provide sufficient factual information for other parties to evaluate the merits of that claim'"]); (See *Costco*, *supra*, 47 Cal.4th at p. 733 ["[t]he party claiming the privilege has the burden of establishing the preliminary facts necessary to support its exercise"].) He failed to do so.

Second, now that Mr. Spears has been suspended as conservator of the estate, he no longer holds any attorney-client privilege. (See *Stine v. Dell'Osso* (2014) 239 Cal.App.4th 834, 843 [successor fiduciary became holder of the privilege of all communications between fiduciary and his counsel regarding the estate, whenever they occurred]; see also *Moeller v. Superior Court* (1997) 16 Cal.4th 1124, 1129-1135 [because fiduciary is holder of the attorney-client privilege in his or her capacity as such, successor fiduciary becomes the holder as to confidential communications between the predecessor fiduciary and attorney concerning trust administration]; Cal. Probate Code, § 8524, subd. (c). Because he was suspended, Mr. Spears quite simply has no privilege to claim.

Third, as noted above, Mr. Spears also waived any privilege claims. In addition to failing to timely object, his counsel promised "***unconditional[] cooperat[ion]***," "***complete transparency without***

conditions," and that Britney Spears was "***welcome to everything***." (See McCurdy Decl., ¶ 10, Ex. D.) Even further, Mr. Spears's counsel stated that he had "provided ***explicit instructions to prior counsel to produce everything without exception***." (See McCurdy Decl., ¶ 11.) Under *Moeller* and *Stine,* Mr. Spears does not hold the privilege. And in any event, even if the documents at issue were privileged (and they are not) he has waived any such privilege and should be estopped from asserted any such objections.

Mr. Spears also objects that the requests somehow violate his right to privacy. (McCurdy Decl., Ex. G, ¶ 10.) This makes no sense. It is Mr. Spears's burden to justify the objection, and he has failed to do so. (See *Coy*, *supra*, 58 Cal.2d at pp. 220-221; *Fairmont Ins. Co. v. Super. Ct.* (2000) 22 Cal.4th 245, 255.) Mr. Spears's position also reeks of hypocrisy given his gross violations of *his daughter's* privacy. Finally, any claimed right to privacy must be considered against the "historically important state interest of facilitating the ascertainment of truth in connection with legal proceedings." (See *Gregori v. Bank of America* (1989) 207 Cal.App.3d 291, 312.) The mission is to ascertain the truth, which necessarily trumps Mr. Spears's evasive and fabricated "privacy rights."

Mr. Spears additionally claims each document request violates confidentiality or the "common interest doctrine." Not only does Mr. Spears once again fail to support this objection with any facts, the "common interest doctrine" is a "nonwaiver doctrine," and does not separately act as a privilege shielding documents from discovery. (See *OXY Resources California LLC v. Superior Court* (2004) 115 Cal.App.4th 874, 889-90 ["party seeking to invoke the [common interest] doctrine must first establish that the communicated information would otherwise be protected from a disclosure by a claim of privilege"].) No privilege exists here to protect the disclosure of the requested documents.

Finally, Mr. Spears purports to assert hodgepodge objections that the document requests are "speculative, lack foundation, or improperly assume the existence of hypothetical facts that are incorrect or unknown to Jamie" and "call for a legal conclusion." (McCurdy Decl., Ex. G, ¶¶ 13, 14.) In asserting this boilerplate objection, Mr., Spears does nothing more than cite boilerplate buzz words into his general objections; he fails to incorporate them anywhere else, and he fails to justify how the document requests are so formed. This is because he is, once again, wrong and he is once again seeking to evade the truth and its consequences. As demonstrated above and as the requests themselves demonstrate, the requests are narrowly tailored to pending issues, which were put front and center by Mr. Spears himself. The use

of such general objections, as applied here, is improper under the California Civil Discovery Act, and their bald assertion in this context demonstrates Mr. Spears's desperation and lack of any factual basis for them. (See generally *Korea Data Sys. Co. v. Superior Court* (1997) 51 Cal.App.4th 1513, 1516 [use of boilerplate objections is improper and sanctionable].)

REQUEST FOR PRODUCTION NO. 30:

If you contend that your Petition for Order Allowing and Approving Payment of Compensation to Conservator and Attorneys for Conservator and for Reimbursement of Costs should be granted, all DOCUMENTS supporting that contention.

RESPONSE TO REQUEST FOR PRODUCTION NO. 30:

Jamie incorporates by reference his General Objections. Jamie further objects to the Document Request to the extent it is vague, ambiguous, overly broad, unduly burdensome, and oppressive especially as it does not contain any temporal limitations. Jamie further objects to the Document Request to the extent it impermissibly seeks material protected by the attorney-client privilege, the attorney work-product doctrine, and/or the common interest doctrine. Jamie further objects to the Document Request to the extent that it seeks information that is already in Britney's possession or equally available to her.

Jamie further objects to the Document Request as follows:

- Jamie objects on the grounds that the Document Request is unduly burdensome and unreasonably duplicative and cumulative because it seeks the same information that was requested by Britney from Jamie in her December 17, 2021 Second Set of Requests for Production (*see, e.g.*, Request for Production No. 43). This is now the second time Britney served the exact same request.
- The Document Request extends beyond the proper scope of discovery and improperly attempts to re-litigate the thirteen-year Conservatorship and innumerable final court orders. California Civil Procedure Code Section 2017.010 limits the scope of discovery to matters relevant to the subject matter involved in the pending action. California Probate Code Section 2103 releases a conservator and the sureties from all the conservatee's claims when the court authorizes, approves, or confirms the action in an order. This Document Request is therefore overbroad, unduly burdensome, and beyond the scope of discovery to the extent it is not relevant to the limited matters remaining before the Court and to the extent the Court already approved any action in an order or judgment.

- There is no legitimate reason for requiring Jamie to undertake the burden of sifting through documents he already produced and reproducing those documents that are responsive to this Document Request. Jamie objects to these Document Requests as duplicative, unduly burdensome, oppressive, and harassing to the extent the Document Requests seek some or all of the same documents and information that Jamie already voluntarily produced. Since October 2021, Jamie's counsel has arranged for nearly 600,000 pages of documents (consisting of more than 58 boxes of hard copy documents and more than 22 drives of electronic documents and spanning over 13 years of documents). Britney's own counsel admitted at the January 19, 2022 hearing that Jamie "produced voluminous information." *See* Jan. 19 Tr. 17:3-4. The nearly 600,000 pages of documents represent more than 124,500 electronic documents. Any responsive documents that are in Jamie's possession, custody, or control already are in Britney's possession, custody, or control or are otherwise equally available to her given Jamie's prior voluminous production of documents and information.

REASON TO COMPEL PRODUCTION TO REQUEST FOR PRODUCTION NO. 30:

As an initial matter, Mr. Spears fails to justify any of his objections with any facts, and none of his boilerplate objections are proper. (See *Costco Wholesale Corp. v. Superior Court* (2009) 47 Cal.4th 725, 733; *Coy v. Superior Court of Contra Costa County* (1962) 58 Cal.2d 210, 218-221.) It is important to bear in mind, too, that Mr. Spears has an obligation as a suspended conservator and fiduciary to turn over all relevant and responsive documents without any condition, regardless of the method of discovery sought. (See *Poag v. Winston* (1987) 195 Cal.App.3d 1161, 1176 ["As a fiduciary, a conservator owes a duty of loyalty which requires that he act in the highest good faith."].) This fact is buttressed by his new lawyer's own repeated claims of cooperation. Further, demonstrating regrettable gamesmanship and completely contradicting himself, Ms. Spears's counsel claims he "instructed" prior counsel to "withhold nothing" on the basis of privilege. Yet, his response to ***every single request*** for production includes objections on the basis of privilege. (See generally, McCurdy Decl., Ex. G.) This type of Alice-in-Wonderland dissembling is unacceptable.

Mr. Spears's counsel repeatedly and profusely promised his client's unconditional, transparent cooperation in producing "***all***" documents to Ms. Spears's counsel. Although these representations have, regrettably, proven to be false, made in an effort to create a false narrative and record—and what has

become a "Big Lie" of Mr. Spears's defense—they are nevertheless relevant; thus, in addition to Mr. Spears's statutory waiver, his boilerplate objections should also be considered waived as a matter of equity and fairness and he should be estopped from asserting them. By way of illustration only, by email dated October 22, 2021, Mr. Spears's counsel professed the following:

- That Mr. Spears would "***unconditionally[] cooperate*** with a complete and total transfer of ***all files*** regarding the conservatorship . . . ."
- That Ms. Spears was "***welcome to everything – complete transparency without conditions***."
- That he would "***do everything [he] [could]*** to help facilitate the direct transfer [of all files] from prior counsel . . . ."
- "Again, ***complete transparency without conditions***."

(McCurdy Decl., ¶ 10.)

In the November 1, 2021 Status Report, Mr. Spears's counsel represented the following:

- "Jamie has ***nothing to hide*** [and] ***will therefore hide nothing***."
- "Jamie affirms that he will ***unconditionally cooperate*** in transferring *all* [emphasis in original] files regarding the estate to Britney's counsel without delay."
- "Jamie recognizes his ***ongoing and transparent participation is paramount*** . . . ."
- "Jamie will ***unconditionally cooperate*** with a complete and total transfer of all files."
- "Jamie is committed to ***complete transparency without conditions***."

(McCurdy Decl., Ex. D.)

In a November 5, 2021 email, Mr. Spears's counsel stated that he and his client were supposedly "committed to ***complete transparency***," that they had "***withheld nothing***," and that he "provided ***explicit instructions to prior counsel to produce <u>everything without exception</u>***." (McCurdy Decl., ¶ 11.) Even more, Mr. Spears's counsel claimed that "whatever documents exist regarding electronic surveillance, to the extent that any, would part [*sic*] of the production being made by prior counsel." (*Id.*)

These promises are tantamount to a "Big Lie." By objecting to every single one of Ms. Spears's document requests, Mr. Spears has done the exact opposite of what he promised. Mr. Spears's tactics to create a false record and narrative should not be countenanced. Even putting aside his statutory and

fiduciary obligations, he has waived any objections and he should be ordered to produce all documents contained in the applicable requests.

Mr. Spears objects to the document requests as "unduly burdensome and unreasonable duplicative and cumulative" because he claims Ms. Spears requested similar information in requests for production propounded on him. (McCurdy Decl., Ex. G, ¶ 5.) The objection is contrary to law. California's Code of Civil Procedure does not preclude a party from seeking similar documents through different methods of discovery. "[T]he inspection of documents procedure is quite different from a deposition at which a party is required to bring documents. Nothing in either section 2025 or section 2031 suggests that seeking documents under one statutory procedure bars a litigant from seeking the same documents under the other." (*Carter v. Superior Court* (1990) 218 Cal.App.3d 994, 997.)[58] Thus, consistent with the Court's reasoning in *Carter*, Mr. Spears must bring the requested documents to his deposition pursuant to this different method of discovery. (See also *Irvington-Moore, Inc. v. Superior Court* (1993) 14 Cal.App.4th 733, 739 ["[T]he selection of the method of discovery is to be utilized is to be made by the party seeking discovery. It cannot be dictated by the opposing party.].)

Relatedly, Mr. Spears claims the document requests are "duplicative, unduly burdensome, oppressive, and harassing" because Mr. Spears already "voluntarily" produced some of the same documents and information. (McCurdy Decl., Ex. G, ¶ 7.) He is wrong, on multiple levels. Initially, "[a] party is permitted to use multiple methods of obtaining discovery and the fact that information was disclosed under one method is not, standing alone, a proper basis for refusing to provide discovery under another method." (*Irvington-Moore, Inc.*, *supra*, 14 Cal.App.4th at p. 739; see also *TBG Ins. Services Corp. v. Superior Court* (2002) 96 Cal.App.4th 443, 449 [citing *Irvington-Moore* for the proposition that "a party may use multiple methods to obtain discovery and the fact that information was disclosed under one method is not, by itself, a proper basis to refuse to provide discovery under another method"]; see, e.g. *Coy*, *supra*, 58 Cal.2d at p. 218 ["the bare claim of previous deposition is insufficient as an objection

[58] See also 10 Witkin, Cal. Evid. Discovery § 143 [discussing *Carter*]. Notably, the Legislature has amended the Civil Discovery Act several times since *Carter*, and it has done so without overruling or modifying *Carter*'s interpretation of the Act. "When a statute has been construed by the courts, and the Legislature thereafter reenacts that statute without changing the interpretation put on that statute by the court, the Legislature is presumed to have been aware of, and acquiesced in, the courts' construction of that statute." (*People v. Ledesma* (1997) 16 Cal.4th 90, 100-01.)

to an interrogatory . . . To suffice as a valid objection such claim must be supported by some showing (or, as a minimum, some claim) that the requirement of a reply would be unjust and inequitable"].)

Mr. Spears's objection that he has already produced some of the requested documents, even if true, is not a defense. To the extent he intended to actually rely on this objection, Mr. Spears needed to demonstrate that production of the requested documents now would be "unjust and inequitable." But he grossly fails to so demonstrate; instead, he relies on his "Big Lie" defense: that he has cooperated and transferred all of the documents requested. Mr. Spears also astonishingly objects on the basis that "there are no further documents [he] could provide to respond to the Deposition Notice, Document Requests, and definitions" because he supposedly has produced them all. (McCurdy Decl., Ex. G, at p. 3:22-23.) If this were true (and it is false), then why does he not so state in a single response, instead of making countless boilerplate objections? Why does he not appear at his deposition, and so state on the record, under penalty of perjury? Why does he not identify the requested documents—by Bates number? Why does he not correlate them to the document requests at issue? And why does he not simply provide answers to the following questions and requests that have been posed to him repeatedly?

As referenced above, despite our repeated and ongoing requests, while relying on the facile and false claim that he has produced "everything" requested, Mr. Spears has also failed to produce all text or email communications between and amongst Tri Star, Black Box, himself, and his counsel (see *Moeller* and *Stine*, *infra* at pp. 19-20) concerning the illicit surveillance operation at issue. Indeed, he falsely claims it "***DIDN'T HAPPEN, YOUR HONOR***," *supra* at 9. In short, as part of their efforts to stonewall and hide the truth, Mr. Spears has engaged in improper disjointed and incomplete "document dumps" rather than a professional, organized, and labelled production of documents. More pointedly, he has failed to produce *any* documents pursuant to and correlated to the deposition notices, ***not one***. (See *Kayne v. Grande Holdings Ltd.* (2011) 198 Cal.App.4th 1470, 1475-76 [sanctions appropriate where party refused to produce documents in an organized and labelled manner].)[59]

Mr. Spears also objects that the document requests "attempt to relitigate the entire thirteen-year Conservatorship and innumerable final court orders," and "are not relevant and not reasonably calculated to lead to the discovery of admissible evidence." (McCurdy Decl., Ex. G, ¶¶ 6, 8.) Nonsense.

[59] As a matter of restraint, we refrain herein from moving for sanctions but reserve all rights in that regard.

"Discovery may relate to the claim or defense of the party seeking discovery or of any other party to the action." (Code Civ. Proc., § 2017.010.) In this case, the document requests directly relate to Mr. Spears's role and conduct as former conservator of the estate, which are also directly at issue under *Shine*, *Kasperbauer*, and *Hudson.* The requested documents are thus not only "reasonably calculated" to lead to the discovery of admissible evidence, they go directly to the heart of numerous pending matters including Mr. Spears's fee petition and accountings, see, e.g., *Shine*, *supra*, 16 Cal.App.4th at p. 540; *Hudson*, *supra*, 68 Cal.App.4th at pp. 669-670.

Under the circumstances, Mr. Spears's objection that the requests are somehow "not reasonably calculated to lead to the discovery of admissible evidence" (McCurdy Decl., Ex. G, ¶¶ 8, 9) are, in fact, legally frivolous. (See *Pacific Tel. & Tel. Co. v. Superior Court* (1970) 2 Cal.3d 161, 173; *Garamendi v. Golden Eagle Ins. Co*. (2004) 116 Cal.App.4th 694, 712 fn. 8.)

Mr. Spears's objections on grounds of purportedly vague and ambiguous requests, or the terms "YOU" and "YOUR," are all baseless. (McCurdy Decl. G, ¶¶ 9, 11.) He has not and cannot explain in any manner what he claims not to understand about the document requests. (See *Deyo v. Kilbourne* (1978) 84 Cal.App.3d 771, 783 ["[W]here the question is somewhat ambiguous, but the nature of the information sought is apparent, the proper solution is to provide an appropriate response."].) Mr. Spears also fails to support his baseless burdensome and oppressive objections and asserts all of them without any actual factual support whatsoever. (See McCurdy Decl., Ex. G, ¶¶ 9, 12, 15, 16, 17.) "The objection based upon burden must be sustained by ***evidence showing*** the quantum of work required, while to support an objection of oppression there must be ***some showing*** either of an intent to create an unreasonable burden or that the ultimate effect of the burden is incommensurate with the result sought." (*W. Pico Furniture Co. v. Superior Court* (1961) 56 Cal.2d 407, 417, 418.) Mr. Spears fails to make any showing as to burden or oppression. (See *id.* at p. 418 ["The objection of burden is valid only when that burden is ***demonstrated*** to result in injustice."]; *cf. Mead Reinsurance Co. v. Superior Ct.* (1986) 188 Cal.App.3d 313, 321. For these reasons, Mr. Spears's objection that the documents "may be obtained from other sources or through other means of discovery" (McCurdy Decl., Ex. G, ¶ 15), and that the burden and expense would "outweigh the likely benefit of this discovery" (McCurdy Decl., Ex. G, ¶ 17) is also completely meritless.

Additionally, to the extent Mr. Spears objects that the document requests are "oppressive" because they "do not contain any temporal limitations" (an objection repeated in every response) this argument is also meritless. Again, no showing has been made of any intent to create an unreasonable burden, and any objection based on a lack of temporal definition is hypocritical. We are only here today because Britney Spears was under her father's infantilizing control for more than a decade. Further, the evidence shows that the conservatorship was conflicted from the very outset, when, among other things, Mr. Spears violated Rule of Court 7.1059 by obtaining a substantial loan from Tri Star and then hiring Tri Star (a then fledgling company) as her business manager. And any claim that *Mr. Spears* faces "oppression" such that he cannot respond to discovery relating to *his own* oppression of Britney Spears is, to say the least, rich. Mr. Spears put his conduct at issue and he must face the consequences.

Mr. Spears's objections on privileged meritless, inapplicable, and have been waived. *First*, to the extent any privilege was claimed, Mr. Spears should have supported the claim with "sufficient factual information for other parties to evaluate the merits of that claim," such as a privilege log. (See, e.g. Code Civ. Proc. § 2031.240(c); *Riddell, Inc. v. Superior Court* (2017) 14 Cal.App.5th 755, 772 ["if an objection to a document request is based on a claim of privilege or work product, then the response to the request 'shall provide sufficient factual information for other parties to evaluate the merits of that claim'"]); (See *Costco*, *supra*, 47 Cal.4th at p. 733 ["[t]he party claiming the privilege has the burden of establishing the preliminary facts necessary to support its exercise"].) He failed to do so.

Second, now that Mr. Spears has been suspended as conservator of the estate, he no longer holds any attorney-client privilege. (See *Stine v. Dell'Osso* (2014) 239 Cal.App.4th 834, 843 [successor fiduciary became holder of the privilege of all communications between fiduciary and his counsel regarding the estate, whenever they occurred]; see also *Moeller v. Superior Court* (1997) 16 Cal.4th 1124, 1129-1135 [because fiduciary is holder of the attorney-client privilege in his or her capacity as such, successor fiduciary becomes the holder as to confidential communications between the predecessor fiduciary and attorney concerning trust administration]; Cal. Probate Code, § 8524, subd. (c). Because he was suspended, Mr. Spears quite simply has no privilege to claim.

Third, as noted above, Mr. Spears also waived any privilege claims. In addition to failing to timely object, his counsel promised "***unconditional[] cooperat[ion]***," "***complete transparency without***

conditions," and that Britney Spears was "***welcome to everything***." (See McCurdy Decl., ¶ 10, Ex. D.) Even further, Mr. Spears's counsel stated that he had "provided ***explicit instructions to prior counsel to produce everything without exception***." (See McCurdy Decl., ¶ 11; see also *infra*, n.4.) Under *Moeller* and *Stine,* Mr. Spears does not hold the privilege. And in any event, even if the documents at issue were privileged (and they are not) he has waived any such privilege and should be estopped from asserted any such objections.

Mr. Spears also objects that the requests somehow violate his right to privacy. (McCurdy Decl., Ex. G, ¶ 10.) This makes no sense. It is Mr. Spears's burden to justify the objection, and he has failed to do so. (See *Coy*, *supra*, 58 Cal.2d at pp. 220-221; *Fairmont Ins. Co. v. Super. Ct.* (2000) 22 Cal.4th 245, 255.) Mr. Spears's position also reeks of hypocrisy given his gross violations of *his daughter's* privacy. Finally, any claimed right to privacy must be considered against the "historically important state interest of facilitating the ascertainment of truth in connection with legal proceedings." (See *Gregori v. Bank of America* (1989) 207 Cal.App.3d 291, 312.) Even as Mr. Spears hides it, the mission remains to ascertain the truth, which necessarily trumps Mr. Spears's evasive and fabricated "privacy rights."

Mr. Spears additionally claims each document request violates confidentiality or the "common interest doctrine." Not only does Mr. Spears once again fail to support this objection with any facts, the "common interest doctrine" is a "nonwaiver doctrine," and does not separately act as a privilege shielding documents from discovery. (See *OXY Resources California LLC v. Superior Court* (2004) 115 Cal.App.4th 874, 889-90 ["party seeking to invoke the [common interest] doctrine must first establish that the communicated information would otherwise be protected from a disclosure by a claim of privilege"].) No privilege exists here to protect the disclosure of the requested documents.

Finally, Mr. Spears purports to assert hodgepodge objections that the document requests are "speculative, lack foundation, or improperly assume the existence of hypothetical facts that are incorrect or unknown to Jamie" and "call for a legal conclusion." (McCurdy Decl., Ex. G, ¶¶ 13, 14.) In asserting this boilerplate objection, Mr., Spears does nothing more than cite boilerplate buzz words into his general objections; he fails to incorporate them anywhere else, and he fails to justify how the document requests are so formed. This is because he is, once again, wrong and he is once again seeking to evade the truth and its consequences. As demonstrated above and as the requests themselves demonstrate, the requests

are narrowly tailored to pending issues, which were put front and center by Mr. Spears himself. The use of such general objections, as applied here, is improper under the California Civil Discovery Act, and their bald assertion in this context demonstrates Mr. Spears's desperation and lack of any factual basis for them. (See generally *Korea Data Sys. Co. v. Superior Court* (1997) 51 Cal.App.4th 1513, 1516 [use of boilerplate objections is improper and sanctionable].)

REQUEST FOR PRODUCTION NO. 31:

All DOCUMENTS RELATING TO monies you, or any entity with whom you are affiliated as an officer, director, employee, or in any capacity are affiliated, received between 2008 and the termination of the Conservatorship.

RESPONSE TO REQUEST FOR PRODUCTION NO. 31:

Jamie incorporates by reference his General Objections. Jamie further objects to the Document Request to the extent it is vague, ambiguous, overly broad, unduly burdensome, and oppressive especially as it does not contain any temporal limitations. Jamie further objects to the Document Request to the extent it impermissibly seeks material protected by the attorney-client privilege, the attorney work-product doctrine, and/or the common interest doctrine. Jamie further objects to the Document Request to the extent that it seeks information that is already in Britney's possession or equally available to her.

Jamie further objects to the Document Request as follows:

- Jamie objects on the grounds that the Document Request is unduly burdensome and unreasonably duplicative and cumulative because it seeks the same information that was requested by Britney from Jamie in her August 25, 2021 First Set of Requests for Production (*see, e.g.*, Request for Production No. 36) and in her December 17, 2021 Second Set of Requests for Production (*see, e.g.*, Request for Production No. 45). This is now the third time Britney served the exact same request.
- The Document Request extends beyond the proper scope of discovery and improperly attempts to re-litigate the thirteen-year Conservatorship and innumerable final court orders. California Civil Procedure Code Section 2017.010 limits the scope of discovery to matters relevant to the subject matter involved in the pending action. California Probate Code Section 2103 releases a conservator and the sureties from all the conservatee's claims when the court authorizes, approves, or confirms the action in an order. This Document Request is therefore overbroad, unduly burdensome, and beyond the scope of

discovery to the extent it is not relevant to the limited matters remaining before the Court and to the extent the Court already approved any action in an order or judgment.

- There is no legitimate reason for requiring Jamie to undertake the burden of sifting through documents he already produced and reproducing those documents that are responsive to this Document Request. Jamie objects to these Document Requests as duplicative, unduly burdensome, oppressive, and harassing to the extent the Document Requests seek some or all of the same documents and information that Jamie already voluntarily produced. Since October 2021, Jamie's counsel has arranged for nearly 600,000 pages of documents (consisting of more than 58 boxes of hard copy documents and more than 22 drives of electronic documents and spanning over 13 years of documents). Britney's own counsel admitted at the January 19, 2022 hearing that Jamie "produced voluminous information." See Jan. 19 Tr. 17:3-4. The nearly 600,000 pages of documents represent more than 124,500 electronic documents. Any responsive documents that are in Jamie's possession, custody, or control already are in Britney's possession, custody, or control or are otherwise equally available to her given Jamie's prior voluminous production of documents and information.

REASON TO COMPEL PRODUCTION TO REQUEST FOR PRODUCTION NO. 31:

As an initial matter, Mr. Spears fails to justify any of his objections with any facts, and none of his boilerplate objections are proper. (See *Costco Wholesale Corp. v. Superior Court* (2009) 47 Cal.4th 725, 733; *Coy v. Superior Court of Contra Costa County* (1962) 58 Cal.2d 210, 218-221.) It is important to bear in mind, too, that Mr. Spears has an obligation as a suspended conservator and fiduciary to turn over all relevant and responsive documents without any condition, regardless of the method of discovery sought. (See *Poag v. Winston* (1987) 195 Cal.App.3d 1161, 1176 ["As a fiduciary, a conservator owes a duty of loyalty which requires that he act in the highest good faith."].) This fact is buttressed by his new lawyer's own repeated claims of cooperation. Further, demonstrating regrettable gamesmanship and completely contradicting himself, Ms. Spears's counsel claims he "instructed" prior counsel to "withhold nothing" on the basis of privilege. Yet, his response to ***every single request*** for production includes objections on the basis of privilege. (See generally, McCurdy Decl., Ex. G.) This type of Alice-in-Wonderland dissembling is unacceptable.

Mr. Spears's counsel repeatedly and profusely promised his client's unconditional, transparent cooperation in producing "***all***" documents to Ms. Spears's counsel. Although these representations have, regrettably, proven to be false, made in an effort to create a false narrative and record—and what has become a "Big Lie" of Mr. Spears's defense—they are nevertheless relevant; thus, in addition to Mr. Spears's statutory waiver, his boilerplate objections should also be considered waived as a matter of equity and fairness and he should be estopped from asserting them. By way of illustration only, by email dated October 22, 2021, Mr. Spears's counsel professed the following:

- That Mr. Spears would "***unconditionally[] cooperate*** with a complete and total transfer of ***all files*** regarding the conservatorship . . . ."
- That Ms. Spears was "***welcome to everything – complete transparency without conditions***."
- That he would "***do everything [he] [could]*** to help facilitate the direct transfer [of all files] from prior counsel . . . ."
- "Again, ***complete transparency without conditions***."

(McCurdy Decl., ¶ 10.)

In the November 1, 2021 Status Report, Mr. Spears's counsel represented the following:

- "Jamie has ***nothing to hide*** [and] ***will therefore hide nothing***."
- "Jamie affirms that he will ***unconditionally cooperate*** in transferring *all* [emphasis in original] files regarding the estate to Britney's counsel without delay."
- "Jamie recognizes his ***ongoing and transparent participation is paramount*** . . . ."
- "Jamie will ***unconditionally cooperate*** with a complete and total transfer of all files."
- "Jamie is committed to ***complete transparency without conditions***."

(McCurdy Decl., Ex. D.)

In a November 5, 2021 email, Mr. Spears's counsel stated that he and his client were supposedly "committed to ***complete transparency***," that they had "***withheld nothing***," and that he "provided ***explicit instructions to prior counsel to produce everything without exception***." (McCurdy Decl., ¶ 11.) Even more, Mr. Spears's counsel claimed that "whatever documents exist regarding electronic surveillance, to the extent that any, would part [*sic*] of the production being made by prior counsel." (*Id.*)

These promises are tantamount to a "Big Lie." By objecting to every single one of Ms. Spears's document requests, Mr. Spears has done the exact opposite of what he promised. Mr. Spears's tactics to create a false record and narrative should not be countenanced. Even putting aside his statutory and fiduciary obligations, he has waived any objections and he should be ordered to produce all documents contained in the applicable requests.

Mr. Spears objects to the document requests as "unduly burdensome and unreasonable duplicative and cumulative" because he claims Ms. Spears requested similar information in requests for production propounded on him. (McCurdy Decl., Ex. G, ¶ 5.) The objection is contrary to law. California's Code of Civil Procedure does not preclude a party from seeking similar documents through different methods of discovery. "[T]he inspection of documents procedure is quite different from a deposition at which a party is required to bring documents. Nothing in either section 2025 or section 2031 suggests that seeking documents under one statutory procedure bars a litigant from seeking the same documents under the other." (*Carter v. Superior Court* (1990) 218 Cal.App.3d 994, 997.)[60] Thus, consistent with the Court's reasoning in *Carter*, Mr. Spears must bring the requested documents to his deposition pursuant to this different method of discovery. (See also *Irvington-Moore, Inc. v. Superior Court* (1993) 14 Cal.App.4th 733, 739 ["[T]he selection of the method of discovery is to be utilized is to be made by the party seeking discovery. It cannot be dictated by the opposing party.].)

Relatedly, Mr. Spears claims the document requests are "duplicative, unduly burdensome, oppressive, and harassing" because Mr. Spears already "voluntarily" produced some of the same documents and information. (McCurdy Decl., Ex. G, ¶ 7.) He is wrong, on multiple levels. Initially, "[a] party is permitted to use multiple methods of obtaining discovery and the fact that information was disclosed under one method is not, standing alone, a proper basis for refusing to provide discovery under another method." (*Irvington-Moore, Inc.*, *supra*, 14 Cal.App.4th at p. 739; see also *TBG Ins. Services Corp. v. Superior Court* (2002) 96 Cal.App.4th 443, 449 [citing *Irvington-Moore* for the proposition that "a party may use multiple methods to obtain discovery and the fact that information was disclosed under

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Mr. Spears's objection that he has already produced some of the requested documents, even if true, is not a defense. To the extent he intended to actually rely on this objection, Mr. Spears needed to demonstrate that production of the requested documents now would be "unjust and inequitable." But he grossly fails to so demonstrate; instead, he relies on his "Big Lie" defense: that he has cooperated and transferred all of the documents requested. Mr. Spears also astonishingly objects on the basis that "there are no further documents [he] could provide to respond to the Deposition Notice, Document Requests, and definitions" because he supposedly has produced them all. (McCurdy Decl., Ex. G, at p. 3:22-23.) If this were true (and it is false), then why does he not so state in a single response, instead of making countless boilerplate objections? Why does he not appear at his deposition, and so state on the record, under penalty of perjury? Why does he not identify the requested documents—by Bates number? Why does he not correlate them to the document requests at issue? And why does he not simply provide answers to the following questions and requests that have been posed to him repeatedly?

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Under the circumstances, Mr. Spears's objection that the requests are somehow "not reasonably calculated to lead to the discovery of admissible evidence" (McCurdy Decl., Ex. G, ¶¶ 8, 9) are, in fact, legally frivolous. (See *Pacific Tel. & Tel. Co. v. Superior Court* (1970) 2 Cal.3d 161, 173; *Garamendi v. Golden Eagle Ins. Co*. (2004) 116 Cal.App.4th 694, 712 fn. 8.)

Mr. Spears's objections on grounds of purportedly vague and ambiguous requests, or the terms "YOU" and "YOUR," are all baseless. (McCurdy Decl. G, ¶¶ 9, 11.) He has not and cannot explain in any manner what he claims not to understand about the document requests. (See *Deyo v. Kilbourne* (1978) 84 Cal.App.3d 771, 783 ["[W]here the question is somewhat ambiguous, but the nature of the information sought is apparent, the proper solution is to provide an appropriate response."].) Mr. Spears also fails to support his baseless burdensome and oppressive objections and asserts all of them without any actual factual support whatsoever. (See McCurdy Decl., Ex. G, ¶¶ 9, 12, 15, 16, 17.) "The objection based upon burden must be sustained by ***evidence showing*** the quantum of work required, while to support an objection of oppression there must be ***some showing*** either of an intent to create an unreasonable burden or that the ultimate effect of the burden is incommensurate with the result sought." (*W. Pico Furniture Co. v. Superior Court* (1961) 56 Cal.2d 407, 417, 418.) Mr. Spears fails to make any showing as to burden or oppression. (See *id.* at p. 418 ["The objection of burden is valid only when that burden is ***demonstrated*** to result in injustice."]; *cf. Mead Reinsurance Co. v. Superior Ct.* (1986) 188 Cal.App.3d 313, 321. For these reasons, Mr. Spears's objection that the documents "may be obtained

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Additionally, to the extent Mr. Spears objects that the document requests are "oppressive" because they "do not contain any temporal limitations" (an objection repeated in every response) this argument is also meritless. Again, no showing has been made of any intent to create an unreasonable burden, and any objection based on a lack of temporal definition is hypocritical. We are only here today because Britney Spears was under her father's infantilizing control for more than a decade. Further, the evidence shows that the conservatorship was conflicted from the very outset, when, among other things, Mr. Spears violated Rule of Court 7.1059 by obtaining a substantial loan from Tri Star and then hiring Tri Star (a then fledgling company) as her business manager. And any claim that *Mr. Spears* faces "oppression" such that he cannot respond to discovery relating to *his own* oppression of Britney Spears is, to say the least, rich. Mr. Spears put his conduct at issue and he must face the consequences.

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Second, now that Mr. Spears has been suspended as conservator of the estate, he no longer holds any attorney-client privilege. (See *Stine v. Dell'Osso* (2014) 239 Cal.App.4th 834, 843 [successor fiduciary became holder of the privilege of all communications between fiduciary and his counsel regarding the estate, whenever they occurred]; see also *Moeller v. Superior Court* (1997) 16 Cal.4th 1124, 1129-1135 [because fiduciary is holder of the attorney-client privilege in his or her capacity as such, successor fiduciary becomes the holder as to confidential communications between the predecessor

fiduciary and attorney concerning trust administration]; Cal. Probate Code, § 8524, subd. (c). Because he was suspended, Mr. Spears quite simply has no privilege to claim.

Third, as noted above, Mr. Spears also waived any privilege claims. In addition to failing to timely object, his counsel promised "***unconditional[] cooperat[ion]***," "***complete transparency without conditions***," and that Britney Spears was "***welcome to everything***." (See McCurdy Decl., ¶ 10, Ex. D.) Even further, Mr. Spears's counsel stated that he had "provided ***explicit instructions to prior counsel to produce everything without exception***." (See McCurdy Decl., ¶ 11; see also *infra*, n.4.) Under *Moeller* and *Stine,* Mr. Spears does not hold the privilege. And in any event, even if the documents at issue were privileged (and they are not) he has waived any such privilege and should be estopped from asserted any such objections.

Mr. Spears also objects that the requests somehow violate his right to privacy. (McCurdy Decl., Ex. G, ¶ 10.) This makes no sense. It is Mr. Spears's burden to justify the objection, and he has failed to do so. (See *Coy*, *supra*, 58 Cal.2d at pp. 220-221; *Fairmont Ins. Co. v. Super. Ct.* (2000) 22 Cal.4th 245, 255.) Mr. Spears's position also reeks of hypocrisy given his gross violations of *his daughter's* privacy. Finally, any claimed right to privacy must be considered against the "historically important state interest of facilitating the ascertainment of truth in connection with legal proceedings." (See *Gregori v. Bank of America* (1989) 207 Cal.App.3d 291, 312.) Even as Mr. Spears hides it, the mission remains to ascertain the truth, which necessarily trumps Mr. Spears's evasive and fabricated "privacy rights."

Mr. Spears additionally claims each document request violates confidentiality or the "common interest doctrine." Not only does Mr. Spears once again fail to support this objection with any facts, the "common interest doctrine" is a "nonwaiver doctrine," and does not separately act as a privilege shielding documents from discovery. (See *OXY Resources California LLC v. Superior Court* (2004) 115 Cal.App.4th 874, 889-90 ["party seeking to invoke the [common interest] doctrine must first establish that the communicated information would otherwise be protected from a disclosure by a claim of privilege"].) No privilege exists here to protect the disclosure of the requested documents.

Finally, Mr. Spears purports to assert hodgepodge objections that the document requests are "speculative, lack foundation, or improperly assume the existence of hypothetical facts that are incorrect or unknown to Jamie" and "call for a legal conclusion." (McCurdy Decl., Ex. G, ¶¶ 13, 14.) In asserting

this boilerplate objection, Mr., Spears does nothing more than cite boilerplate buzz words into his general objections; he fails to incorporate them anywhere else, and he fails to justify how the document requests are so formed. This is because he is, once again, wrong and he is once again seeking to evade the truth and its consequences. As demonstrated above and as the requests themselves demonstrate, the requests are narrowly tailored to pending issues, which were put front and center by Mr. Spears himself. The use of such general objections, as applied here, is improper under the California Civil Discovery Act, and their bald assertion in this context demonstrates Mr. Spears's desperation and lack of any factual basis for them. (See generally *Korea Data Sys. Co. v. Superior Court* (1997) 51 Cal.App.4th 1513, 1516 [use of boilerplate objections is improper and sanctionable].)

REQUEST FOR PRODUCTION NO. 32:

All DOCUMENTS RELATING TO the media work invoiced by law firms for which you seek approval to pay their invoiced fees out of the Conservatorship Estate.

RESPONSE TO REQUEST FOR PRODUCTION NO. 32:

Jamie incorporates by reference his General Objections. Jamie further objects to the Document Request to the extent it is vague, ambiguous, overly broad, unduly burdensome, and oppressive especially as it does not contain any temporal limitations. Jamie further objects to the Document Request to the extent it impermissibly seeks material protected by the attorney-client privilege, the attorney work-product doctrine, and/or the common interest doctrine. Jamie further objects to the Document Request to the extent that it seeks information that is already in Britney's possession or equally available to her.

Jamie further objects to the Document Request as follows:

- Jamie objects on the grounds that the Document Request is unduly burdensome and unreasonably duplicative and cumulative because it seeks the same information that was requested by Britney from Jamie in her December 17, 202I Second Set of Requests for Production (*see, e.g.*, Request for Production No. 46). This is now the second time Britney served the exact same request.
- The Document Request extends beyond the proper scope of discovery and improperly attempts to re-litigate the thirteen-year Conservatorship and innumerable final court orders. California Civil Procedure Code Section 2017.010 limits the scope of discovery to matters relevant to the subject matter involved in the pending action. California Probate Code Section 2103 releases a conservator and

the sureties from all the conservatee's claims when the court authorizes, approves, or confirms the action in an order. This Document Request is therefore overbroad, unduly burdensome, and beyond the scope of discovery to the extent it is not relevant to the limited matters remaining before the Court and to the extent the Court already approved any action in an order or judgment.

- There is no legitimate reason for requiring Jamie to undertake the burden of sifting through documents he already produced and reproducing those documents that are responsive to this Document Request. Jamie objects to these Document Requests as duplicative, unduly burdensome, oppressive, and harassing to the extent the Document Requests seek some or all of the same documents and information that Jamie already voluntarily produced. Since October 2021, Jamie's counsel has arranged for nearly 600,000 pages of documents (consisting of more than 58 boxes of hard copy documents and more than 22 drives of electronic documents and spanning over 13 years of documents). Britney's own counsel admitted at the January 19, 2022 hearing that Jamie "produced voluminous information." *See* Jan. 19 Tr. 17:3-4. The nearly 600,000 pages of documents represent more than 124,500 electronic documents. Any responsive documents that are in Jamie's possession, custody, or control already are in Britney's possession, custody, or control or are otherwise equally available to her given Jamie's prior voluminous production of documents and information.

REASON TO COMPEL PRODUCTION TO REQUEST FOR PRODUCTION NO. 32:

As an initial matter, Mr. Spears fails to justify any of his objections with any facts, and none of his boilerplate objections are proper. (See *Costco Wholesale Corp. v. Superior Court* (2009) 47 Cal.4th 725, 733; *Coy v. Superior Court of Contra Costa County* (1962) 58 Cal.2d 210, 218-221.) It is important to bear in mind, too, that Mr. Spears has an obligation as a suspended conservator and fiduciary to turn over all relevant and responsive documents without any condition, regardless of the method of discovery sought. (See *Poag v. Winston* (1987) 195 Cal.App.3d 1161, 1176 [“As a fiduciary, a conservator owes a duty of loyalty which requires that he act in the highest good faith.”].) This fact is buttressed by his new lawyer’s own repeated claims of cooperation. Further, demonstrating regrettable gamesmanship and completely contradicting himself, Ms. Spears’s counsel claims he “instructed” prior counsel to “withhold nothing” on the basis of privilege. Yet, his response to ***every single request*** for production includes

objections on the basis of privilege. (See generally, McCurdy Decl., Ex. G.) This type of Alice-in-Wonderland dissembling is unacceptable.

Mr. Spears's counsel repeatedly and profusely promised his client's unconditional, transparent cooperation in producing "***all***" documents to Ms. Spears's counsel. Although these representations have, regrettably, proven to be false, made in an effort to create a false narrative and record—and what has become a "Big Lie" of Mr. Spears's defense—they are nevertheless relevant; thus, in addition to Mr. Spears's statutory waiver, his boilerplate objections should also be considered waived as a matter of equity and fairness and he should be estopped from asserting them. By way of illustration only, by email dated October 22, 2021, Mr. Spears's counsel professed the following:

- That Mr. Spears would "***unconditionally[] cooperate*** with a complete and total transfer of ***all files*** regarding the conservatorship . . . ."
- That Ms. Spears was "***welcome to everything – complete transparency without conditions***."
- That he would "***do everything [he] [could]*** to help facilitate the direct transfer [of all files] from prior counsel . . . ."
- "Again, ***complete transparency without conditions***."

(McCurdy Decl., ¶ 10.)

In the November 1, 2021 Status Report, Mr. Spears's counsel represented the following:

- "Jamie has ***nothing to hide*** [and] ***will therefore hide nothing***."
- "Jamie affirms that he will ***unconditionally cooperate*** in transferring *all* [emphasis in original] files regarding the estate to Britney's counsel without delay."
- "Jamie recognizes his ***ongoing and transparent participation is paramount*** . . . ."
- "Jamie will ***unconditionally cooperate*** with a complete and total transfer of all files."
- "Jamie is committed to ***complete transparency without conditions***."

(McCurdy Decl., Ex. D.)

In a November 5, 2021 email, Mr. Spears's counsel stated that he and his client were supposedly "committed to ***complete transparency***," that they had "***withheld nothing***," and that he "provided ***explicit instructions to prior counsel to produce everything without exception***." (McCurdy Decl., ¶ 11.) Even

more, Mr. Spears's counsel claimed that "whatever documents exist regarding electronic surveillance, to the extent that any, would part [*sic*] of the production being made by prior counsel." (*Id.*)

These promises are tantamount to a "Big Lie." By objecting to every single one of Ms. Spears's document requests, Mr. Spears has done the exact opposite of what he promised. Mr. Spears's tactics to create a false record and narrative should not be countenanced. Even putting aside his statutory and fiduciary obligations, he has waived any objections and he should be ordered to produce all documents contained in the applicable requests.

Mr. Spears objects to the document requests as "unduly burdensome and unreasonable duplicative and cumulative" because he claims Ms. Spears requested similar information in requests for production propounded on him. (McCurdy Decl., Ex. G, ¶ 5.) The objection is contrary to law. California's Code of Civil Procedure does not preclude a party from seeking similar documents through different methods of discovery. "[T]he inspection of documents procedure is quite different from a deposition at which a party is required to bring documents. Nothing in either section 2025 or section 2031 suggests that seeking documents under one statutory procedure bars a litigant from seeking the same documents under the other." (*Carter v. Superior Court* (1990) 218 Cal.App.3d 994, 997.)[62] Thus, consistent with the Court's reasoning in *Carter*, Mr. Spears must bring the requested documents to his deposition pursuant to this different method of discovery. (See also *Irvington-Moore, Inc. v. Superior Court* (1993) 14 Cal.App.4th 733, 739 ["[T]he selection of the method of discovery is to be utilized is to be made by the party seeking discovery. It cannot be dictated by the opposing party.].)

Relatedly, Mr. Spears claims the document requests are "duplicative, unduly burdensome, oppressive, and harassing" because Mr. Spears already "voluntarily" produced some of the same documents and information. (McCurdy Decl., Ex. G, ¶ 7.) He is wrong, on multiple levels. Initially, "[a] party is permitted to use multiple methods of obtaining discovery and the fact that information was disclosed under one method is not, standing alone, a proper basis for refusing to provide discovery under another method." (*Irvington-Moore, Inc.*, *supra*, 14 Cal.App.4th at p. 739; see also *TBG Ins. Services*

[62] See also 10 Witkin, Cal. Evid. Discovery § 143 [discussing *Carter*]. Notably, the Legislature has amended the Civil Discovery Act several times since *Carter*, and it has done so without overruling or modifying *Carter*'s interpretation of the Act. "When a statute has been construed by the courts, and the Legislature thereafter reenacts that statute without changing the interpretation put on that statute by the court, the Legislature is presumed to have been aware of, and acquiesced in, the courts' construction of that statute." (*People v. Ledesma* (1997) 16 Cal.4th 90, 100-01.)

Corp. v. Superior Court (2002) 96 Cal.App.4th 443, 449 [citing *Irvington-Moore* for the proposition that "a party may use multiple methods to obtain discovery and the fact that information was disclosed under one method is not, by itself, a proper basis to refuse to provide discovery under another method"]; see, e.g. *Coy*, *supra*, 58 Cal.2d at p. 218 ["the bare claim of previous deposition is insufficient as an objection to an interrogatory . . . To suffice as a valid objection such claim must be supported by some showing (or, as a minimum, some claim) that the requirement of a reply would be unjust and inequitable"].)

Mr. Spears's objection that he has already produced some of the requested documents, even if true, is not a defense. To the extent he intended to actually rely on this objection, Mr. Spears needed to demonstrate that production of the requested documents now would be "unjust and inequitable." But he grossly fails to so demonstrate; instead, he relies on his "Big Lie" defense: that he has cooperated and transferred all of the documents requested. Mr. Spears also astonishingly objects on the basis that "there are no further documents [he] could provide to respond to the Deposition Notice, Document Requests, and definitions" because he supposedly has produced them all. (McCurdy Decl., Ex. G, at p. 3:22-23.) If this were true (and it is false), then why does he not so state in a single response, instead of making countless boilerplate objections? Why does he not appear at his deposition, and so state on the record, under penalty of perjury? Why does he not identify the requested documents—by Bates number? Why does he not correlate them to the document requests at issue? And why does he not simply provide answers to the following questions and requests that have been posed to him repeatedly?

As referenced above, despite our repeated and ongoing requests, while relying on the facile and false claim that he has produced "everything" requested, Mr. Spears has also failed to produce all text or email communications between and amongst Tri Star, Black Box, himself, and his counsel (see *Moeller* and *Stine*, *infra* at pp. 19-20) concerning the illicit surveillance operation at issue. Indeed, he falsely claims it "***DIDN'T HAPPEN, YOUR HONOR***," *supra* at 9. In short, as part of their efforts to stonewall and hide the truth, Mr. Spears has engaged in improper disjointed and incomplete "document dumps" rather than a professional, organized, and labelled production of documents. More pointedly, he has failed to produce *any* documents pursuant to and correlated to the deposition notices, ***not one***. (See

Kayne v. Grande Holdings Ltd. (2011) 198 Cal.App.4th 1470, 1475-76 [sanctions appropriate where party refused to produce documents in an organized and labelled manner].)[63]

Mr. Spears also objects that the document requests "attempt to relitigate the entire thirteen-year Conservatorship and innumerable final court orders," and "are not relevant and not reasonably calculated to lead to the discovery of admissible evidence." (McCurdy Decl., Ex. G, ¶¶ 6, 8.) Nonsense. "Discovery may relate to the claim or defense of the party seeking discovery or of any other party to the action." (Code Civ. Proc., § 2017.010.) In this case, the document requests directly relate to Mr. Spears's role and conduct as former conservator of the estate, which are also directly at issue under *Shine*, *Kasperbauer*, and *Hudson.* The requested documents are thus not only "reasonably calculated" to lead to the discovery of admissible evidence, they go directly to the heart of numerous pending matters including Mr. Spears's fee petition and accountings, see, e.g., *Shine*, *supra*, 16 Cal.App.4th at p. 540; *Hudson*, *supra*, 68 Cal.App.4th at pp. 669-670.

Under the circumstances, Mr. Spears's objection that the requests are somehow "not reasonably calculated to lead to the discovery of admissible evidence" (McCurdy Decl., Ex. G, ¶¶ 8, 9) are, in fact, legally frivolous. (See *Pacific Tel. & Tel. Co. v. Superior Court* (1970) 2 Cal.3d 161, 173; *Garamendi v. Golden Eagle Ins. Co*. (2004) 116 Cal.App.4th 694, 712 fn. 8.)

Mr. Spears's objections on grounds of purportedly vague and ambiguous requests, or the terms "YOU" and "YOUR," are all baseless. (McCurdy Decl. G, ¶¶ 9, 11.) He has not and cannot explain in any manner what he claims not to understand about the document requests. (See *Deyo v. Kilbourne* (1978) 84 Cal.App.3d 771, 783 ["[W]here the question is somewhat ambiguous, but the nature of the information sought is apparent, the proper solution is to provide an appropriate response."].) Mr. Spears also fails to support his baseless burdensome and oppressive objections and asserts all of them without any actual factual support whatsoever. (See McCurdy Decl., Ex. G, ¶¶ 9, 12, 15, 16, 17.) "The objection based upon burden must be sustained by ***evidence showing*** the quantum of work required, while to support an objection of oppression there must be ***some showing*** either of an intent to create an unreasonable burden or that the ultimate effect of the burden is incommensurate with the result sought." (*W. Pico Furniture Co. v. Superior Court* (1961) 56 Cal.2d 407, 417, 418.) Mr. Spears fails to make any

[63] As a matter of restraint, we refrain herein from moving for sanctions but reserve all rights in that regard.

showing as to burden or oppression. (See *id.* at p. 418 ["The objection of burden is valid only when that burden is ***demonstrated*** to result in injustice."]; *cf. Mead Reinsurance Co. v. Superior Ct.* (1986) 188 Cal.App.3d 313, 321. For these reasons, Mr. Spears's objection that the documents "may be obtained from other sources or through other means of discovery" (McCurdy Decl., Ex. G, ¶ 15), and that the burden and expense would "outweigh the likely benefit of this discovery" (McCurdy Decl., Ex. G, ¶ 17) is also completely meritless.

Additionally, to the extent Mr. Spears objects that the document requests are "oppressive" because they "do not contain any temporal limitations" (an objection repeated in every response) this argument is also meritless. Again, no showing has been made of any intent to create an unreasonable burden, and any objection based on a lack of temporal definition is hypocritical. We are only here today because Britney Spears was under her father's infantilizing control for more than a decade. Further, the evidence shows that the conservatorship was conflicted from the very outset, when, among other things, Mr. Spears violated Rule of Court 7.1059 by obtaining a substantial loan from Tri Star and then hiring Tri Star (a then fledgling company) as her business manager. And any claim that *Mr. Spears* faces "oppression" such that he cannot respond to discovery relating to *his own* oppression of Britney Spears is, to say the least, rich. Mr. Spears put his conduct at issue and he must face the consequences.

Mr. Spears's objections on privileged meritless, inapplicable, and have been waived. *First*, to the extent any privilege was claimed, Mr. Spears should have supported the claim with "sufficient factual information for other parties to evaluate the merits of that claim," such as a privilege log. (See, e.g. Code Civ. Proc. § 2031.240(c); *Riddell, Inc. v. Superior Court* (2017) 14 Cal.App.5th 755, 772 ["if an objection to a document request is based on a claim of privilege or work product, then the response to the request 'shall provide sufficient factual information for other parties to evaluate the merits of that claim'"]); (See *Costco*, *supra*, 47 Cal.4th at p. 733 ["[t]he party claiming the privilege has the burden of establishing the preliminary facts necessary to support its exercise"].) He failed to do so.

Second, now that Mr. Spears has been suspended as conservator of the estate, he no longer holds any attorney-client privilege. (See *Stine v. Dell'Osso* (2014) 239 Cal.App.4th 834, 843 [successor fiduciary became holder of the privilege of all communications between fiduciary and his counsel regarding the estate, whenever they occurred]; see also *Moeller v. Superior Court* (1997) 16 Cal.4th

1124, 1129-1135 [because fiduciary is holder of the attorney-client privilege in his or her capacity as such, successor fiduciary becomes the holder as to confidential communications between the predecessor fiduciary and attorney concerning trust administration]; Cal. Probate Code, § 8524, subd. (c). Because he was suspended, Mr. Spears quite simply has no privilege to claim.

Third, as noted above, Mr. Spears also waived any privilege claims. In addition to failing to timely object, his counsel promised "***unconditional[] cooperat[ion]***," "***complete transparency without conditions***," and that Britney Spears was "***welcome to everything***." (See McCurdy Decl., ¶ 10, Ex. D.) Even further, Mr. Spears's counsel stated that he had "provided ***explicit instructions to prior counsel to produce everything without exception***." (See McCurdy Decl., ¶ 11; see also *infra*, n.4.) Under *Moeller* and *Stine,* Mr. Spears does not hold the privilege. And in any event, even if the documents at issue were privileged (and they are not) he has waived any such privilege and should be estopped from asserted any such objections.

Mr. Spears also objects that the requests somehow violate his right to privacy. (McCurdy Decl., Ex. G, ¶ 10.) This makes no sense. It is Mr. Spears's burden to justify the objection, and he has failed to do so. (See *Coy*, *supra*, 58 Cal.2d at pp. 220-221; *Fairmont Ins. Co. v. Super. Ct.* (2000) 22 Cal.4th 245, 255.) Mr. Spears's position also reeks of hypocrisy given his gross violations of *his daughter's* privacy. Finally, any claimed right to privacy must be considered against the "historically important state interest of facilitating the ascertainment of truth in connection with legal proceedings." (See *Gregori v. Bank of America* (1989) 207 Cal.App.3d 291, 312.) Even as Mr. Spears hides it, the mission remains to ascertain the truth, which necessarily trumps Mr. Spears's evasive and fabricated "privacy rights."

Mr. Spears additionally claims each document request violates confidentiality or the "common interest doctrine." Not only does Mr. Spears once again fail to support this objection with any facts, the "common interest doctrine" is a "nonwaiver doctrine," and does not separately act as a privilege shielding documents from discovery. (See *OXY Resources California LLC v. Superior Court* (2004) 115 Cal.App.4th 874, 889-90 ["party seeking to invoke the [common interest] doctrine must first establish that the communicated information would otherwise be protected from a disclosure by a claim of privilege"].) No privilege exists here to protect the disclosure of the requested documents.

Finally, Mr. Spears purports to assert hodgepodge objections that the document requests are "speculative, lack foundation, or improperly assume the existence of hypothetical facts that are incorrect or unknown to Jamie" and "call for a legal conclusion." (McCurdy Decl., Ex. G, ¶¶ 13, 14.) In asserting this boilerplate objection, Mr., Spears does nothing more than cite boilerplate buzz words into his general objections; he fails to incorporate them anywhere else, and he fails to justify how the document requests are so formed. This is because he is, once again, wrong and he is once again seeking to evade the truth and its consequences. As demonstrated above and as the requests themselves demonstrate, the requests are narrowly tailored to pending issues, which were put front and center by Mr. Spears himself. The use of such general objections, as applied here, is improper under the California Civil Discovery Act, and their bald assertion in this context demonstrates Mr. Spears's desperation and lack of any factual basis for them. (See generally *Korea Data Sys. Co. v. Superior Court* (1997) 51 Cal.App.4th 1513, 1516 [use of boilerplate objections is improper and sanctionable].)

REQUEST FOR PRODUCTION NO. 33:

All correspondence (whether on paper, electronically, or by text or instant message) RELATING TO the media work invoiced by law firms for which you seek approval to pay their invoiced fees out of the Conservatorship Estate.

RESPONSE TO REQUEST FOR PRODUCTION NO. 33:

Jamie incorporates by reference his General Objections. Jamie further objects to the Document Request to the extent it is vague, ambiguous, overly broad, unduly burdensome, and oppressive especially as it does not contain any temporal limitations. Jamie further objects to the Document Request to the extent it impermissibly seeks material protected by the attorney-client privilege, the attorney work-product doctrine, and/or the common interest doctrine. Jamie further objects to the Document Request to the extent that it seeks information that is already in Britney's possession or equally available to her.

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- The Document Request extends beyond the proper scope of discovery and improperly attempts to re-litigate the thirteen-year Conservatorship and innumerable final court orders. California Civil Procedure Code Section 2017.010 limits the scope of discovery to matters relevant to the subject matter involved in the pending action. California Probate Code Section 2103 releases a conservator and the sureties from all the conservatee's claims when the court authorizes, approves, or confirms the action in an order. This Document Request is therefore overbroad, unduly burdensome, and beyond the scope of discovery to the extent it is not relevant to the limited matters remaining before the Court and to the extent the Court already approved any action in an order or judgment.
- There is no legitimate reason for requiring Jamie to undertake the burden of sifting through documents he already produced and reproducing those documents that are responsive to this Document Request. Jamie objects to these Document Requests as duplicative, unduly burdensome, oppressive, and harassing to the extent the Document Requests seek some or all of the same documents and information that Jamie already voluntarily produced. Since October 2021, Jamie's counsel has arranged for nearly 600,000 pages of documents (consisting of more than 58 boxes of hard copy documents and more than 22 drives of electronic documents and spanning over 13 years of documents). Britney's own counsel admitted at the January 19, 2022 hearing that Jamie "produced voluminous information." See Jan. 19 Tr. 17:3-4. The nearly 600,000 pages of documents represent more than 124,500 electronic documents. Any responsive documents that are in Jamie's possession, custody, or control already are in Britney's possession, custody, or control or are otherwise equally available to her given Jamie's prior voluminous production of documents and information.

REASON TO COMPEL PRODUCTION TO REQUEST FOR PRODUCTION NO. 33:

As an initial matter, Mr. Spears fails to justify any of his objections with any facts, and none of his boilerplate objections are proper. (See *Costco Wholesale Corp. v. Superior Court* (2009) 47 Cal.4th 725, 733; *Coy v. Superior Court of Contra Costa County* (1962) 58 Cal.2d 210, 218-221.) It is important to bear in mind, too, that Mr. Spears has an obligation as a suspended conservator and fiduciary to turn over all relevant and responsive documents without any condition, regardless of the method of discovery sought. (See *Poag v. Winston* (1987) 195 Cal.App.3d 1161, 1176 [“As a fiduciary, a conservator owes a duty of loyalty which requires that he act in the highest good faith.”].) This fact is buttressed by his new

lawyer's own repeated claims of cooperation. Further, demonstrating regrettable gamesmanship and completely contradicting himself, Ms. Spears's counsel claims he "instructed" prior counsel to "withhold nothing" on the basis of privilege. Yet, his response to ***every single request*** for production includes objections on the basis of privilege. (See generally, McCurdy Decl., Ex. G.) This type of Alice-in-Wonderland dissembling is unacceptable.

Mr. Spears's counsel repeatedly and profusely promised his client's unconditional, transparent cooperation in producing "***all***" documents to Ms. Spears's counsel. Although these representations have, regrettably, proven to be false, made in an effort to create a false narrative and record—and what has become a "Big Lie" of Mr. Spears's defense—they are nevertheless relevant; thus, in addition to Mr. Spears's statutory waiver, his boilerplate objections should also be considered waived as a matter of equity and fairness and he should be estopped from asserting them. By way of illustration only, by email dated October 22, 2021, Mr. Spears's counsel professed the following:

- That Mr. Spears would "***unconditionally[] cooperate*** with a complete and total transfer of ***all files*** regarding the conservatorship . . . ."
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- "Again, ***complete transparency without conditions***."

(McCurdy Decl., ¶ 10.)

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- "Jamie has ***nothing to hide*** [and] ***will therefore hide nothing***."
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In a November 5, 2021 email, Mr. Spears's counsel stated that he and his client were supposedly "committed to ***complete transparency***," that they had "***withheld nothing***," and that he "provided ***explicit instructions to prior counsel to produce <u>everything without exception</u>***." (McCurdy Decl., ¶ 11.) Even more, Mr. Spears's counsel claimed that "whatever documents exist regarding electronic surveillance, to the extent that any, would part [*sic*] of the production being made by prior counsel." (*Id.*)

These promises are tantamount to a "Big Lie." By objecting to every single one of Ms. Spears's document requests, Mr. Spears has done the exact opposite of what he promised. Mr. Spears's tactics to create a false record and narrative should not be countenanced. Even putting aside his statutory and fiduciary obligations, he has waived any objections and he should be ordered to produce all documents contained in the applicable requests.

Mr. Spears objects to the document requests as "unduly burdensome and unreasonable duplicative and cumulative" because he claims Ms. Spears requested similar information in requests for production propounded on him. (McCurdy Decl., Ex. G, ¶ 5.) The objection is contrary to law. California's Code of Civil Procedure does not preclude a party from seeking similar documents through different methods of discovery. "[T]he inspection of documents procedure is quite different from a deposition at which a party is required to bring documents. Nothing in either section 2025 or section 2031 suggests that seeking documents under one statutory procedure bars a litigant from seeking the same documents under the other." (*Carter v. Superior Court* (1990) 218 Cal.App.3d 994, 997.)[64] Thus, consistent with the Court's reasoning in *Carter*, Mr. Spears must bring the requested documents to his deposition pursuant to this different method of discovery. (See also *Irvington-Moore, Inc. v. Superior Court* (1993) 14 Cal.App.4th 733, 739 ["[T]he selection of the method of discovery is to be utilized is to be made by the party seeking discovery. It cannot be dictated by the opposing party.].)

Relatedly, Mr. Spears claims the document requests are "duplicative, unduly burdensome, oppressive, and harassing" because Mr. Spears already "voluntarily" produced some of the same documents and information. (McCurdy Decl., Ex. G, ¶ 7.) He is wrong, on multiple levels. Initially,

[64] See also 10 Witkin, Cal. Evid. Discovery § 143 [discussing *Carter*]. Notably, the Legislature has amended the Civil Discovery Act several times since *Carter*, and it has done so without overruling or modifying *Carter*'s interpretation of the Act. "When a statute has been construed by the courts, and the Legislature thereafter reenacts that statute without changing the interpretation put on that statute by the court, the Legislature is presumed to have been aware of, and acquiesced in, the courts' construction of that statute." (*People v. Ledesma* (1997) 16 Cal.4th 90, 100-01.)

"[a] party is permitted to use multiple methods of obtaining discovery and the fact that information was disclosed under one method is not, standing alone, a proper basis for refusing to provide discovery under another method." (*Irvington-Moore, Inc.*, *supra*, 14 Cal.App.4th at p. 739; see also *TBG Ins. Services Corp. v. Superior Court* (2002) 96 Cal.App.4th 443, 449 [citing *Irvington-Moore* for the proposition that "a party may use multiple methods to obtain discovery and the fact that information was disclosed under one method is not, by itself, a proper basis to refuse to provide discovery under another method"]; see, e.g. *Coy*, *supra*, 58 Cal.2d at p. 218 ["the bare claim of previous deposition is insufficient as an objection to an interrogatory . . . To suffice as a valid objection such claim must be supported by some showing (or, as a minimum, some claim) that the requirement of a reply would be unjust and inequitable"].)

Mr. Spears's objection that he has already produced some of the requested documents, even if true, is not a defense. To the extent he intended to actually rely on this objection, Mr. Spears needed to demonstrate that production of the requested documents now would be "unjust and inequitable." But he grossly fails to so demonstrate; instead, he relies on his "Big Lie" defense: that he has cooperated and transferred all of the documents requested. Mr. Spears also astonishingly objects on the basis that "there are no further documents [he] could provide to respond to the Deposition Notice, Document Requests, and definitions" because he supposedly has produced them all. (McCurdy Decl., Ex. G, at p. 3:22-23.) If this were true (and it is false), then why does he not so state in a single response, instead of making countless boilerplate objections? Why does he not appear at his deposition, and so state on the record, under penalty of perjury? Why does he not identify the requested documents—by Bates number? Why does he not correlate them to the document requests at issue? And why does he not simply provide answers to the following questions and requests that have been posed to him repeatedly?

As referenced above, despite our repeated and ongoing requests, while relying on the facile and false claim that he has produced "everything" requested, Mr. Spears has also failed to produce all text or email communications between and amongst Tri Star, Black Box, himself, and his counsel (see *Moeller* and *Stine*, *infra* at pp. 19-20) concerning the illicit surveillance operation at issue. Indeed, he falsely claims it "***DIDN'T HAPPEN, YOUR HONOR***," *supra* at 9. In short, as part of their efforts to stonewall and hide the truth, Mr. Spears has engaged in improper disjointed and incomplete "document dumps" rather than a professional, organized, and labelled production of documents. More pointedly, he has

failed to produce *any* documents pursuant to and correlated to the deposition notices, ***not one***. (See *Kayne v. Grande Holdings Ltd.* (2011) 198 Cal.App.4th 1470, 1475-76 [sanctions appropriate where party refused to produce documents in an organized and labelled manner].)[65]

Mr. Spears also objects that the document requests "attempt to relitigate the entire thirteen-year Conservatorship and innumerable final court orders," and "are not relevant and not reasonably calculated to lead to the discovery of admissible evidence." (McCurdy Decl., Ex. G, ¶¶ 6, 8.) Nonsense. "Discovery may relate to the claim or defense of the party seeking discovery or of any other party to the action." (Code Civ. Proc., § 2017.010.) In this case, the document requests directly relate to Mr. Spears's role and conduct as former conservator of the estate, which are also directly at issue under *Shine*, *Kasperbauer*, and *Hudson.* The requested documents are thus not only "reasonably calculated" to lead to the discovery of admissible evidence, they go directly to the heart of numerous pending matters including Mr. Spears's fee petition and accountings, see, e.g., *Shine*, *supra*, 16 Cal.App.4th at p. 540; *Hudson*, *supra*, 68 Cal.App.4th at pp. 669-670.

Under the circumstances, Mr. Spears's objection that the requests are somehow "not reasonably calculated to lead to the discovery of admissible evidence" (McCurdy Decl., Ex. G, ¶¶ 8, 9) are, in fact, legally frivolous. (See *Pacific Tel. & Tel. Co. v. Superior Court* (1970) 2 Cal.3d 161, 173; *Garamendi v. Golden Eagle Ins. Co*. (2004) 116 Cal.App.4th 694, 712 fn. 8.)

Mr. Spears's objections on grounds of purportedly vague and ambiguous requests, or the terms "YOU" and "YOUR," are all baseless. (McCurdy Decl. G, ¶¶ 9, 11.) He has not and cannot explain in any manner what he claims not to understand about the document requests. (See *Deyo v. Kilbourne* (1978) 84 Cal.App.3d 771, 783 ["[W]here the question is somewhat ambiguous, but the nature of the information sought is apparent, the proper solution is to provide an appropriate response."].) Mr. Spears also fails to support his baseless burdensome and oppressive objections and asserts all of them without any actual factual support whatsoever. (See McCurdy Decl., Ex. G, ¶¶ 9, 12, 15, 16, 17.) "The objection based upon burden must be sustained by ***evidence showing*** the quantum of work required, while to support an objection of oppression there must be ***some showing*** either of an intent to create an unreasonable burden or that the ultimate effect of the burden is incommensurate with the result sought."

[65] As a matter of restraint, we refrain herein from moving for sanctions but reserve all rights in that regard.

(*W. Pico Furniture Co. v. Superior Court* (1961) 56 Cal.2d 407, 417, 418.) Mr. Spears fails to make any showing as to burden or oppression. (See *id.* at p. 418 ["The objection of burden is valid only when that burden is ***demonstrated*** to result in injustice."]; *cf. Mead Reinsurance Co. v. Superior Ct.* (1986) 188 Cal.App.3d 313, 321. For these reasons, Mr. Spears's objection that the documents "may be obtained from other sources or through other means of discovery" (McCurdy Decl., Ex. G, ¶ 15), and that the burden and expense would "outweigh the likely benefit of this discovery" (McCurdy Decl., Ex. G, ¶ 17) is also completely meritless.

Additionally, to the extent Mr. Spears objects that the document requests are "oppressive" because they "do not contain any temporal limitations" (an objection repeated in every response) this argument is also meritless. Again, no showing has been made of any intent to create an unreasonable burden, and any objection based on a lack of temporal definition is hypocritical. We are only here today because Britney Spears was under her father's infantilizing control for more than a decade. Further, the evidence shows that the conservatorship was conflicted from the very outset, when, among other things, Mr. Spears violated Rule of Court 7.1059 by obtaining a substantial loan from Tri Star and then hiring Tri Star (a then fledgling company) as her business manager. And any claim that *Mr. Spears* faces "oppression" such that he cannot respond to discovery relating to *his own* oppression of Britney Spears is, to say the least, rich. Mr. Spears put his conduct at issue and he must face the consequences.

Mr. Spears's objections on privileged meritless, inapplicable, and have been waived. *First*, to the extent any privilege was claimed, Mr. Spears should have supported the claim with "sufficient factual information for other parties to evaluate the merits of that claim," such as a privilege log. (See, e.g. Code Civ. Proc. § 2031.240(c); *Riddell, Inc. v. Superior Court* (2017) 14 Cal.App.5th 755, 772 ["if an objection to a document request is based on a claim of privilege or work product, then the response to the request 'shall provide sufficient factual information for other parties to evaluate the merits of that claim'"]); (See *Costco*, *supra*, 47 Cal.4th at p. 733 ["[t]he party claiming the privilege has the burden of establishing the preliminary facts necessary to support its exercise"].) He failed to do so.

Second, now that Mr. Spears has been suspended as conservator of the estate, he no longer holds any attorney-client privilege. (See *Stine v. Dell'Osso* (2014) 239 Cal.App.4th 834, 843 [successor fiduciary became holder of the privilege of all communications between fiduciary and his counsel

regarding the estate, whenever they occurred]; see also *Moeller v. Superior Court* (1997) 16 Cal.4th 1124, 1129-1135 [because fiduciary is holder of the attorney-client privilege in his or her capacity as such, successor fiduciary becomes the holder as to confidential communications between the predecessor fiduciary and attorney concerning trust administration]; Cal. Probate Code, § 8524, subd. (c). Because he was suspended, Mr. Spears quite simply has no privilege to claim.

Third, as noted above, Mr. Spears also waived any privilege claims. In addition to failing to timely object, his counsel promised "***unconditional[] cooperat[ion]***," "***complete transparency without conditions***," and that Britney Spears was "***welcome to everything***." (See McCurdy Decl., ¶ 10, Ex. D.) Even further, Mr. Spears's counsel stated that he had "provided ***explicit instructions to prior counsel to produce everything without exception***." (See McCurdy Decl., ¶ 11; see also *infra*, n.4.) Under *Moeller* and *Stine,* Mr. Spears does not hold the privilege. And in any event, even if the documents at issue were privileged (and they are not) he has waived any such privilege and should be estopped from asserted any such objections.

Mr. Spears also objects that the requests somehow violate his right to privacy. (McCurdy Decl., Ex. G, ¶ 10.) This makes no sense. It is Mr. Spears's burden to justify the objection, and he has failed to do so. (See *Coy*, *supra*, 58 Cal.2d at pp. 220-221; *Fairmont Ins. Co. v. Super. Ct.* (2000) 22 Cal.4th 245, 255.) Mr. Spears's position also reeks of hypocrisy given his gross violations of *his daughter's* privacy. Finally, any claimed right to privacy must be considered against the "historically important state interest of facilitating the ascertainment of truth in connection with legal proceedings." (See *Gregori v. Bank of America* (1989) 207 Cal.App.3d 291, 312.) Even as Mr. Spears hides it, the mission remains to ascertain the truth, which necessarily trumps Mr. Spears's evasive and fabricated "privacy rights."

Mr. Spears additionally claims each document request violates confidentiality or the "common interest doctrine." Not only does Mr. Spears once again fail to support this objection with any facts, the "common interest doctrine" is a "nonwaiver doctrine," and does not separately act as a privilege shielding documents from discovery. (See *OXY Resources California LLC v. Superior Court* (2004) 115 Cal.App.4th 874, 889-90 ["party seeking to invoke the [common interest] doctrine must first establish that the communicated information would otherwise be protected from a disclosure by a claim of privilege"].) No privilege exists here to protect the disclosure of the requested documents.

Finally, Mr. Spears purports to assert hodgepodge objections that the document requests are "speculative, lack foundation, or improperly assume the existence of hypothetical facts that are incorrect or unknown to Jamie" and "call for a legal conclusion." (McCurdy Decl., Ex. G, ¶¶ 13, 14.) In asserting this boilerplate objection, Mr., Spears does nothing more than cite boilerplate buzz words into his general objections; he fails to incorporate them anywhere else, and he fails to justify how the document requests are so formed. This is because he is, once again, wrong and he is once again seeking to evade the truth and its consequences. As demonstrated above and as the requests themselves demonstrate, the requests are narrowly tailored to pending issues, which were put front and center by Mr. Spears himself. The use of such general objections, as applied here, is improper under the California Civil Discovery Act, and their bald assertion in this context demonstrates Mr. Spears's desperation and lack of any factual basis for them. (See generally *Korea Data Sys. Co. v. Superior Court* (1997) 51 Cal.App.4th 1513, 1516 [use of boilerplate objections is improper and sanctionable].)

REQUEST FOR PRODUCTION NO. 34:

All DOCUMENTS RELATING TO the business manager matters invoiced by law firms for which you seek approval to pay their invoiced fees out of the Conservatorship Estate.

RESPONSE TO REQUEST FOR PRODUCTION NO. 34:

Jamie incorporates by reference his General Objections. Jamie further objects to the Document Request to the extent it is vague, ambiguous, overly broad, unduly burdensome, and oppressive especially as it does not contain any temporal limitations. Jamie further objects to the Document Request to the extent it impermissibly seeks material protected by the attorney-client privilege, the attorney work-product doctrine, and/or the common interest doctrine. Jamie further objects to the Document Request to the extent that it seeks information that is already in Britney's possession or equally available to her. Jamie further objects to the Document Request as follows:

- Jamie objects on the grounds that the Document Request is unduly burdensome and unreasonably duplicative and cumulative because it seeks the same information that was requested by Britney from Jamie in her December 17, 2021 Second Set of Requests for Production (*see, e.g.*, Request for Production No. 48). This is now the second time Britney served the exact same request.

- The Document Request extends beyond the proper scope of discovery and improperly attempts to re-litigate the thirteen-year Conservatorship and innumerable final court orders. California Civil Procedure Code Section 2017.010 limits the scope of discovery to matters relevant to the subject matter involved in the pending action. California Probate Code Section 2103 releases a conservator and the sureties from all the conservatee's claims when the court authorizes, approves, or confirms the action in an order. This Document Request is therefore overbroad, unduly burdensome, and beyond the scope of discovery to the extent it is not relevant to the limited matters remaining before the Court and to the extent the Court already approved any action in an order or judgment.
- There is no legitimate reason for requiring Jamie to undertake the burden of sifting through documents he already produced and reproducing those documents that are responsive to this Document Request. Jamie objects to these Document Requests as duplicative, unduly burdensome, oppressive, and harassing to the extent the Document Requests seek some or all of the same documents and information that Jamie already voluntarily produced. Since October 2021, Jamie's counsel has arranged for nearly 600,000 pages of documents (consisting of more than 58 boxes of hard copy documents and more than 22 drives of electronic documents and spanning over 13 years of documents). Britney's own counsel admitted at the January 19, 2022 hearing that Jamie "produced voluminous information." *See* Jan. 19 Tr. 17:3-4. The nearly 600,000 pages of documents represent more than 124,500 electronic documents. Any responsive documents that are in Jamie's possession, custody, or control already are in Britney's possession, custody, or control or are otherwise equally available to her given Jamie's prior voluminous production of documents and information.

REASON TO COMPEL PRODUCTION TO REQUEST FOR PRODUCTION NO. 34:

As an initial matter, Mr. Spears fails to justify any of his objections with any facts, and none of his boilerplate objections are proper. (See *Costco Wholesale Corp. v. Superior Court* (2009) 47 Cal.4th 725, 733; *Coy v. Superior Court of Contra Costa County* (1962) 58 Cal.2d 210, 218-221.) It is important to bear in mind, too, that Mr. Spears has an obligation as a suspended conservator and fiduciary to turn over all relevant and responsive documents without any condition, regardless of the method of discovery sought. (See *Poag v. Winston* (1987) 195 Cal.App.3d 1161, 1176 [“As a fiduciary, a conservator owes a duty of loyalty which requires that he act in the highest good faith.”].) This fact is buttressed by his new

lawyer's own repeated claims of cooperation. Further, demonstrating regrettable gamesmanship and completely contradicting himself, Ms. Spears's counsel claims he "instructed" prior counsel to "withhold nothing" on the basis of privilege. Yet, his response to ***every single request*** for production includes objections on the basis of privilege. (See generally, McCurdy Decl., Ex. G.) This type of Alice-in-Wonderland dissembling is unacceptable.

Mr. Spears's counsel repeatedly and profusely promised his client's unconditional, transparent cooperation in producing "***all***" documents to Ms. Spears's counsel. Although these representations have, regrettably, proven to be false, made in an effort to create a false narrative and record—and what has become a "Big Lie" of Mr. Spears's defense—they are nevertheless relevant; thus, in addition to Mr. Spears's statutory waiver, his boilerplate objections should also be considered waived as a matter of equity and fairness and he should be estopped from asserting them. By way of illustration only, by email dated October 22, 2021, Mr. Spears's counsel professed the following:

- That Mr. Spears would "***unconditionally[] cooperate*** with a complete and total transfer of ***all files*** regarding the conservatorship . . . ."
- That Ms. Spears was "***welcome to everything – complete transparency without conditions***."
- That he would "***do everything [he] [could]*** to help facilitate the direct transfer [of all files] from prior counsel . . . ."
- "Again, ***complete transparency without conditions***."

(McCurdy Decl., ¶ 10.)

In the November 1, 2021 Status Report, Mr. Spears's counsel represented the following:

- "Jamie has ***nothing to hide*** [and] ***will therefore hide nothing***."
- "Jamie affirms that he will ***unconditionally cooperate*** in transferring *all* [emphasis in original] files regarding the estate to Britney's counsel without delay."
- "Jamie recognizes his ***ongoing and transparent participation is paramount*** . . . ."
- "Jamie will ***unconditionally cooperate*** with a complete and total transfer of all files."
- "Jamie is committed to ***complete transparency without conditions***."

(McCurdy Decl., Ex. D.)

In a November 5, 2021 email, Mr. Spears's counsel stated that he and his client were supposedly "committed to ***complete transparency***," that they had "***withheld nothing***," and that he "provided ***explicit instructions to prior counsel to produce <u>everything without exception</u>***." (McCurdy Decl., ¶ 11.) Even more, Mr. Spears's counsel claimed that "whatever documents exist regarding electronic surveillance, to the extent that any, would part [*sic*] of the production being made by prior counsel." (*Id.*)

These promises are tantamount to a "Big Lie." By objecting to every single one of Ms. Spears's document requests, Mr. Spears has done the exact opposite of what he promised. Mr. Spears's tactics to create a false record and narrative should not be countenanced. Even putting aside his statutory and fiduciary obligations, he has waived any objections and he should be ordered to produce all documents contained in the applicable requests.

Mr. Spears objects to the document requests as "unduly burdensome and unreasonable duplicative and cumulative" because he claims Ms. Spears requested similar information in requests for production propounded on him. (McCurdy Decl., Ex. G, ¶ 5.) The objection is contrary to law. California's Code of Civil Procedure does not preclude a party from seeking similar documents through different methods of discovery. "[T]he inspection of documents procedure is quite different from a deposition at which a party is required to bring documents. Nothing in either section 2025 or section 2031 suggests that seeking documents under one statutory procedure bars a litigant from seeking the same documents under the other." (*Carter v. Superior Court* (1990) 218 Cal.App.3d 994, 997.)[66] Thus, consistent with the Court's reasoning in *Carter*, Mr. Spears must bring the requested documents to his deposition pursuant to this different method of discovery. (See also *Irvington-Moore, Inc. v. Superior Court* (1993) 14 Cal.App.4th 733, 739 ["[T]he selection of the method of discovery is to be utilized is to be made by the party seeking discovery. It cannot be dictated by the opposing party.].)

Relatedly, Mr. Spears claims the document requests are "duplicative, unduly burdensome, oppressive, and harassing" because Mr. Spears already "voluntarily" produced some of the same documents and information. (McCurdy Decl., Ex. G, ¶ 7.) He is wrong, on multiple levels. Initially,

[66] See also 10 Witkin, Cal. Evid. Discovery § 143 [discussing *Carter*]. Notably, the Legislature has amended the Civil Discovery Act several times since *Carter*, and it has done so without overruling or modifying *Carter*'s interpretation of the Act. "When a statute has been construed by the courts, and the Legislature thereafter reenacts that statute without changing the interpretation put on that statute by the court, the Legislature is presumed to have been aware of, and acquiesced in, the courts' construction of that statute." (*People v. Ledesma* (1997) 16 Cal.4th 90, 100-01.)

"[a] party is permitted to use multiple methods of obtaining discovery and the fact that information was disclosed under one method is not, standing alone, a proper basis for refusing to provide discovery under another method." (*Irvington-Moore, Inc.*, *supra*, 14 Cal.App.4th at p. 739; see also *TBG Ins. Services Corp. v. Superior Court* (2002) 96 Cal.App.4th 443, 449 [citing *Irvington-Moore* for the proposition that "a party may use multiple methods to obtain discovery and the fact that information was disclosed under one method is not, by itself, a proper basis to refuse to provide discovery under another method"]; see, e.g. *Coy*, *supra*, 58 Cal.2d at p. 218 ["the bare claim of previous deposition is insufficient as an objection to an interrogatory . . . To suffice as a valid objection such claim must be supported by some showing (or, as a minimum, some claim) that the requirement of a reply would be unjust and inequitable"].)

Mr. Spears's objection that he has already produced some of the requested documents, even if true, is not a defense. To the extent he intended to actually rely on this objection, Mr. Spears needed to demonstrate that production of the requested documents now would be "unjust and inequitable." But he grossly fails to so demonstrate; instead, he relies on his "Big Lie" defense: that he has cooperated and transferred all of the documents requested. Mr. Spears also astonishingly objects on the basis that "there are no further documents [he] could provide to respond to the Deposition Notice, Document Requests, and definitions" because he supposedly has produced them all. (McCurdy Decl., Ex. G, at p. 3:22-23.) If this were true (and it is false), then why does he not so state in a single response, instead of making countless boilerplate objections? Why does he not appear at his deposition, and so state on the record, under penalty of perjury? Why does he not identify the requested documents—by Bates number? Why does he not correlate them to the document requests at issue? And why does he not simply provide answers to the following questions and requests that have been posed to him repeatedly?

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failed to produce *any* documents pursuant to and correlated to the deposition notices, ***not one***. (See *Kayne v. Grande Holdings Ltd.* (2011) 198 Cal.App.4th 1470, 1475-76 [sanctions appropriate where party refused to produce documents in an organized and labelled manner].)[67]

Mr. Spears also objects that the document requests "attempt to relitigate the entire thirteen-year Conservatorship and innumerable final court orders," and "are not relevant and not reasonably calculated to lead to the discovery of admissible evidence." (McCurdy Decl., Ex. G, ¶¶ 6, 8.) Nonsense. "Discovery may relate to the claim or defense of the party seeking discovery or of any other party to the action." (Code Civ. Proc., § 2017.010.) In this case, the document requests directly relate to Mr. Spears's role and conduct as former conservator of the estate, which are also directly at issue under *Shine*, *Kasperbauer*, and *Hudson.* The requested documents are thus not only "reasonably calculated" to lead to the discovery of admissible evidence, they go directly to the heart of numerous pending matters including Mr. Spears's fee petition and accountings, see, e.g., *Shine*, *supra*, 16 Cal.App.4th at p. 540; *Hudson*, *supra*, 68 Cal.App.4th at pp. 669-670.

Under the circumstances, Mr. Spears's objection that the requests are somehow "not reasonably calculated to lead to the discovery of admissible evidence" (McCurdy Decl., Ex. G, ¶¶ 8, 9) are, in fact, legally frivolous. (See *Pacific Tel. & Tel. Co. v. Superior Court* (1970) 2 Cal.3d 161, 173; *Garamendi v. Golden Eagle Ins. Co*. (2004) 116 Cal.App.4th 694, 712 fn. 8.)

Mr. Spears's objections on grounds of purportedly vague and ambiguous requests, or the terms "YOU" and "YOUR," are all baseless. (McCurdy Decl. G, ¶¶ 9, 11.) He has not and cannot explain in any manner what he claims not to understand about the document requests. (See *Deyo v. Kilbourne* (1978) 84 Cal.App.3d 771, 783 ["[W]here the question is somewhat ambiguous, but the nature of the information sought is apparent, the proper solution is to provide an appropriate response."].) Mr. Spears also fails to support his baseless burdensome and oppressive objections and asserts all of them without any actual factual support whatsoever. (See McCurdy Decl., Ex. G, ¶¶ 9, 12, 15, 16, 17.) "The objection based upon burden must be sustained by ***evidence showing*** the quantum of work required, while to support an objection of oppression there must be ***some showing*** either of an intent to create an unreasonable burden or that the ultimate effect of the burden is incommensurate with the result sought."

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(*W. Pico Furniture Co. v. Superior Court* (1961) 56 Cal.2d 407, 417, 418.) Mr. Spears fails to make any showing as to burden or oppression. (See *id.* at p. 418 ["The objection of burden is valid only when that burden is ***demonstrated*** to result in injustice."]; *cf. Mead Reinsurance Co. v. Superior Ct.* (1986) 188 Cal.App.3d 313, 321. For these reasons, Mr. Spears's objection that the documents "may be obtained from other sources or through other means of discovery" (McCurdy Decl., Ex. G, ¶ 15), and that the burden and expense would "outweigh the likely benefit of this discovery" (McCurdy Decl., Ex. G, ¶ 17) is also completely meritless.

Additionally, to the extent Mr. Spears objects that the document requests are "oppressive" because they "do not contain any temporal limitations" (an objection repeated in every response) this argument is also meritless. Again, no showing has been made of any intent to create an unreasonable burden, and any objection based on a lack of temporal definition is hypocritical. We are only here today because Britney Spears was under her father's infantilizing control for more than a decade. Further, the evidence shows that the conservatorship was conflicted from the very outset, when, among other things, Mr. Spears violated Rule of Court 7.1059 by obtaining a substantial loan from Tri Star and then hiring Tri Star (a then fledgling company) as her business manager. And any claim that *Mr. Spears* faces "oppression" such that he cannot respond to discovery relating to *his own* oppression of Britney Spears is, to say the least, rich. Mr. Spears put his conduct at issue and he must face the consequences.

Mr. Spears's objections on privileged meritless, inapplicable, and have been waived. *First*, to the extent any privilege was claimed, Mr. Spears should have supported the claim with "sufficient factual information for other parties to evaluate the merits of that claim," such as a privilege log. (See, e.g. Code Civ. Proc. § 2031.240(c); *Riddell, Inc. v. Superior Court* (2017) 14 Cal.App.5th 755, 772 ["if an objection to a document request is based on a claim of privilege or work product, then the response to the request 'shall provide sufficient factual information for other parties to evaluate the merits of that claim'"]); (See *Costco*, *supra*, 47 Cal.4th at p. 733 ["[t]he party claiming the privilege has the burden of establishing the preliminary facts necessary to support its exercise"].) He failed to do so.

Second, now that Mr. Spears has been suspended as conservator of the estate, he no longer holds any attorney-client privilege. (See *Stine v. Dell'Osso* (2014) 239 Cal.App.4th 834, 843 [successor fiduciary became holder of the privilege of all communications between fiduciary and his counsel

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Third, as noted above, Mr. Spears also waived any privilege claims. In addition to failing to timely object, his counsel promised "***unconditional[] cooperat[ion]***," "***complete transparency without conditions***," and that Britney Spears was "***welcome to everything***." (See McCurdy Decl., ¶ 10, Ex. D.) Even further, Mr. Spears's counsel stated that he had "provided ***explicit instructions to prior counsel to produce everything without exception***." (See McCurdy Decl., ¶ 11; see also *infra*, n.4.) Under *Moeller* and *Stine,* Mr. Spears does not hold the privilege. And in any event, even if the documents at issue were privileged (and they are not) he has waived any such privilege and should be estopped from asserted any such objections.

Mr. Spears also objects that the requests somehow violate his right to privacy. (McCurdy Decl., Ex. G, ¶ 10.) This makes no sense. It is Mr. Spears's burden to justify the objection, and he has failed to do so. (See *Coy*, *supra*, 58 Cal.2d at pp. 220-221; *Fairmont Ins. Co. v. Super. Ct.* (2000) 22 Cal.4th 245, 255.) Mr. Spears's position also reeks of hypocrisy given his gross violations of *his daughter's* privacy. Finally, any claimed right to privacy must be considered against the "historically important state interest of facilitating the ascertainment of truth in connection with legal proceedings." (See *Gregori v. Bank of America* (1989) 207 Cal.App.3d 291, 312.) Even as Mr. Spears hides it, the mission remains to ascertain the truth, which necessarily trumps Mr. Spears's evasive and fabricated "privacy rights."

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All correspondence (whether on paper, electronically, or by text or instant message) RELATING TO the business manager matters invoiced by law firms for which you seek approval to pay their invoiced fees out of the Conservatorship Estate.

RESPONSE TO REQUEST FOR PRODUCTION NO. 35:

Jamie incorporates by reference his General Objections. Jamie further objects to the Document Request to the extent it is vague, ambiguous, overly broad, unduly burdensome, and oppressive especially as it does not contain any temporal limitations. Jamie further objects to the Document Request to the extent it impermissibly seeks material protected by the attorney-client privilege, the attorney work-product doctrine, and/or the common interest doctrine. Jamie further objects to the Document Request to the extent that it seeks information that is already in Britney's possession or equally available to her.

Jamie further objects to the Document Request as follows:

- Jamie objects on the grounds that the Document Request is unduly burdensome and unreasonably duplicative and cumulative because it seeks the same information that was requested by Britney from Jamie in her December 17, 2021 Second Set of Requests for Production (*see, e.g.*, Request for Production No. 49). This is now the second time Britney served the exact same request.

- The Document Request extends beyond the proper scope of discovery and improperly attempts to re-litigate the thirteen-year Conservatorship and innumerable final court orders. California Civil Procedure Code Section 2017.010 limits the scope of discovery to matters relevant to the subject matter involved in the pending action. California Probate Code Section 2103 releases a conservator and the sureties from all the conservatee's claims when the court authorizes, approves, or confirms the action in an order. This Document Request is therefore overbroad, unduly burdensome, and beyond the scope of discovery to the extent it is not relevant to the limited matters remaining before the Court and to the extent the Court already approved any action in an order or judgment.
- There is no legitimate reason for requiring Jamie to undertake the burden of sifting through documents he already produced and reproducing those documents that are responsive to this Document Request. Jamie objects to these Document Requests as duplicative, unduly burdensome, oppressive, and harassing to the extent the Document Requests seek some or all of the same documents and information that Jamie already voluntarily produced. Since October 2021, Jamie's counsel has arranged for nearly 600,000 pages of documents (consisting of more than 58 boxes of hard copy documents and more than 22 drives of electronic documents and spanning over 13 years of documents). Britney's own counsel admitted at the January 19, 2022 hearing that Jamie "produced voluminous information." *See* Jan. 19 Tr. 17:3-4. The nearly 600,000 pages of documents represent more than 124,500 electronic documents. Any responsive documents that are in Jamie's possession, custody, or control already are in Britney's possession, custody, or control or are otherwise equally available to her given Jamie's prior voluminous production of documents and information.

REASON TO COMPEL PRODUCTION TO REQUEST FOR PRODUCTION NO. 35:

As an initial matter, Mr. Spears fails to justify any of his objections with any facts, and none of his boilerplate objections are proper. (See *Costco Wholesale Corp. v. Superior Court* (2009) 47 Cal.4th 725, 733; *Coy v. Superior Court of Contra Costa County* (1962) 58 Cal.2d 210, 218-221.) It is important to bear in mind, too, that Mr. Spears has an obligation as a suspended conservator and fiduciary to turn over all relevant and responsive documents without any condition, regardless of the method of discovery sought. (See *Poag v. Winston* (1987) 195 Cal.App.3d 1161, 1176 ["As a fiduciary, a conservator owes a duty of loyalty which requires that he act in the highest good faith."].) This fact is buttressed by his new

lawyer's own repeated claims of cooperation. Further, demonstrating regrettable gamesmanship and completely contradicting himself, Ms. Spears's counsel claims he "instructed" prior counsel to "withhold nothing" on the basis of privilege. Yet, his response to ***every single request*** for production includes objections on the basis of privilege. (See generally, McCurdy Decl., Ex. G.) This type of Alice-in-Wonderland dissembling is unacceptable.

Mr. Spears's counsel repeatedly and profusely promised his client's unconditional, transparent cooperation in producing "***all***" documents to Ms. Spears's counsel. Although these representations have, regrettably, proven to be false, made in an effort to create a false narrative and record—and what has become a "Big Lie" of Mr. Spears's defense—they are nevertheless relevant; thus, in addition to Mr. Spears's statutory waiver, his boilerplate objections should also be considered waived as a matter of equity and fairness and he should be estopped from asserting them. By way of illustration only, by email dated October 22, 2021, Mr. Spears's counsel professed the following:

- That Mr. Spears would "***unconditionally[] cooperate*** with a complete and total transfer of ***all files*** regarding the conservatorship . . . ."
- That Ms. Spears was "***welcome to everything – complete transparency without conditions***."
- That he would "***do everything [he] [could]*** to help facilitate the direct transfer [of all files] from prior counsel . . . ."
- "Again, ***complete transparency without conditions***."

(McCurdy Decl., ¶ 10.)

In the November 1, 2021 Status Report, Mr. Spears's counsel represented the following:

- "Jamie has ***nothing to hide*** [and] ***will therefore hide nothing***."
- "Jamie affirms that he will ***unconditionally cooperate*** in transferring *all* [emphasis in original] files regarding the estate to Britney's counsel without delay."
- "Jamie recognizes his ***ongoing and transparent participation is paramount*** . . . ."
- "Jamie will ***unconditionally cooperate*** with a complete and total transfer of all files."
- "Jamie is committed to ***complete transparency without conditions***."

(McCurdy Decl., Ex. D.)

In a November 5, 2021 email, Mr. Spears's counsel stated that he and his client were supposedly "committed to ***complete transparency***," that they had "***withheld nothing***," and that he "provided ***explicit instructions to prior counsel to produce <u>everything without exception</u>***." (McCurdy Decl., ¶ 11.) Even more, Mr. Spears's counsel claimed that "whatever documents exist regarding electronic surveillance, to the extent that any, would part [*sic*] of the production being made by prior counsel." (*Id.*)

These promises are tantamount to a "Big Lie." By objecting to every single one of Ms. Spears's document requests, Mr. Spears has done the exact opposite of what he promised. Mr. Spears's tactics to create a false record and narrative should not be countenanced. Even putting aside his statutory and fiduciary obligations, he has waived any objections and he should be ordered to produce all documents contained in the applicable requests.

Mr. Spears objects to the document requests as "unduly burdensome and unreasonable duplicative and cumulative" because he claims Ms. Spears requested similar information in requests for production propounded on him. (McCurdy Decl., Ex. G, ¶ 5.) The objection is contrary to law. California's Code of Civil Procedure does not preclude a party from seeking similar documents through different methods of discovery. "[T]he inspection of documents procedure is quite different from a deposition at which a party is required to bring documents. Nothing in either section 2025 or section 2031 suggests that seeking documents under one statutory procedure bars a litigant from seeking the same documents under the other." (*Carter v. Superior Court* (1990) 218 Cal.App.3d 994, 997.)[68] Thus, consistent with the Court's reasoning in *Carter*, Mr. Spears must bring the requested documents to his deposition pursuant to this different method of discovery. (See also *Irvington-Moore, Inc. v. Superior Court* (1993) 14 Cal.App.4th 733, 739 ["[T]he selection of the method of discovery is to be utilized is to be made by the party seeking discovery. It cannot be dictated by the opposing party.].)

Relatedly, Mr. Spears claims the document requests are "duplicative, unduly burdensome, oppressive, and harassing" because Mr. Spears already "voluntarily" produced some of the same documents and information. (McCurdy Decl., Ex. G, ¶ 7.) He is wrong, on multiple levels. Initially,

[68] See also 10 Witkin, Cal. Evid. Discovery § 143 [discussing *Carter*]. Notably, the Legislature has amended the Civil Discovery Act several times since *Carter*, and it has done so without overruling or modifying *Carter*'s interpretation of the Act. "When a statute has been construed by the courts, and the Legislature thereafter reenacts that statute without changing the interpretation put on that statute by the court, the Legislature is presumed to have been aware of, and acquiesced in, the courts' construction of that statute." (*People v. Ledesma* (1997) 16 Cal.4th 90, 100-01.)

"[a] party is permitted to use multiple methods of obtaining discovery and the fact that information was disclosed under one method is not, standing alone, a proper basis for refusing to provide discovery under another method." (*Irvington-Moore, Inc.*, *supra*, 14 Cal.App.4th at p. 739; see also *TBG Ins. Services Corp. v. Superior Court* (2002) 96 Cal.App.4th 443, 449 [citing *Irvington-Moore* for the proposition that "a party may use multiple methods to obtain discovery and the fact that information was disclosed under one method is not, by itself, a proper basis to refuse to provide discovery under another method"]; see, e.g. *Coy*, *supra*, 58 Cal.2d at p. 218 ["the bare claim of previous deposition is insufficient as an objection to an interrogatory . . . To suffice as a valid objection such claim must be supported by some showing (or, as a minimum, some claim) that the requirement of a reply would be unjust and inequitable"].)

Mr. Spears's objection that he has already produced some of the requested documents, even if true, is not a defense. To the extent he intended to actually rely on this objection, Mr. Spears needed to demonstrate that production of the requested documents now would be "unjust and inequitable." But he grossly fails to so demonstrate; instead, he relies on his "Big Lie" defense: that he has cooperated and transferred all of the documents requested. Mr. Spears also astonishingly objects on the basis that "there are no further documents [he] could provide to respond to the Deposition Notice, Document Requests, and definitions" because he supposedly has produced them all. (McCurdy Decl., Ex. G, at p. 3:22-23.) If this were true (and it is false), then why does he not so state in a single response, instead of making countless boilerplate objections? Why does he not appear at his deposition, and so state on the record, under penalty of perjury? Why does he not identify the requested documents—by Bates number? Why does he not correlate them to the document requests at issue? And why does he not simply provide answers to the following questions and requests that have been posed to him repeatedly?

As referenced above, despite our repeated and ongoing requests, while relying on the facile and false claim that he has produced "everything" requested, Mr. Spears has also failed to produce all text or email communications between and amongst Tri Star, Black Box, himself, and his counsel (see *Moeller* and *Stine*, *infra* at pp. 19-20) concerning the illicit surveillance operation at issue. Indeed, he falsely claims it "***DIDN'T HAPPEN, YOUR HONOR***," *supra* at 9. In short, as part of their efforts to stonewall and hide the truth, Mr. Spears has engaged in improper disjointed and incomplete "document dumps" rather than a professional, organized, and labelled production of documents. More pointedly, he has

failed to produce *any* documents pursuant to and correlated to the deposition notices, ***not one***. (See *Kayne v. Grande Holdings Ltd.* (2011) 198 Cal.App.4th 1470, 1475-76 [sanctions appropriate where party refused to produce documents in an organized and labelled manner].)[69]

Mr. Spears also objects that the document requests "attempt to relitigate the entire thirteen-year Conservatorship and innumerable final court orders," and "are not relevant and not reasonably calculated to lead to the discovery of admissible evidence." (McCurdy Decl., Ex. G, ¶¶ 6, 8.) Nonsense. "Discovery may relate to the claim or defense of the party seeking discovery or of any other party to the action." (Code Civ. Proc., § 2017.010.) In this case, the document requests directly relate to Mr. Spears's role and conduct as former conservator of the estate, which are also directly at issue under *Shine*, *Kasperbauer*, and *Hudson.* The requested documents are thus not only "reasonably calculated" to lead to the discovery of admissible evidence, they go directly to the heart of numerous pending matters including Mr. Spears's fee petition and accountings, see, e.g., *Shine*, *supra*, 16 Cal.App.4th at p. 540; *Hudson*, *supra*, 68 Cal.App.4th at pp. 669-670.

Under the circumstances, Mr. Spears's objection that the requests are somehow "not reasonably calculated to lead to the discovery of admissible evidence" (McCurdy Decl., Ex. G, ¶¶ 8, 9) are, in fact, legally frivolous. (See *Pacific Tel. & Tel. Co. v. Superior Court* (1970) 2 Cal.3d 161, 173; *Garamendi v. Golden Eagle Ins. Co*. (2004) 116 Cal.App.4th 694, 712 fn. 8.)

Mr. Spears's objections on grounds of purportedly vague and ambiguous requests, or the terms "YOU" and "YOUR," are all baseless. (McCurdy Decl. G, ¶¶ 9, 11.) He has not and cannot explain in any manner what he claims not to understand about the document requests. (See *Deyo v. Kilbourne* (1978) 84 Cal.App.3d 771, 783 ["[W]here the question is somewhat ambiguous, but the nature of the information sought is apparent, the proper solution is to provide an appropriate response."].) Mr. Spears also fails to support his baseless burdensome and oppressive objections and asserts all of them without any actual factual support whatsoever. (See McCurdy Decl., Ex. G, ¶¶ 9, 12, 15, 16, 17.) "The objection based upon burden must be sustained by ***evidence showing*** the quantum of work required, while to support an objection of oppression there must be ***some showing*** either of an intent to create an unreasonable burden or that the ultimate effect of the burden is incommensurate with the result sought."

[69] As a matter of restraint, we refrain herein from moving for sanctions but reserve all rights in that regard.

(*W. Pico Furniture Co. v. Superior Court* (1961) 56 Cal.2d 407, 417, 418.) Mr. Spears fails to make any showing as to burden or oppression. (See *id.* at p. 418 ["The objection of burden is valid only when that burden is ***demonstrated*** to result in injustice."]; *cf. Mead Reinsurance Co. v. Superior Ct.* (1986) 188 Cal.App.3d 313, 321. For these reasons, Mr. Spears's objection that the documents "may be obtained from other sources or through other means of discovery" (McCurdy Decl., Ex. G, ¶ 15), and that the burden and expense would "outweigh the likely benefit of this discovery" (McCurdy Decl., Ex. G, ¶ 17) is also completely meritless.

Additionally, to the extent Mr. Spears objects that the document requests are "oppressive" because they "do not contain any temporal limitations" (an objection repeated in every response) this argument is also meritless. Again, no showing has been made of any intent to create an unreasonable burden, and any objection based on a lack of temporal definition is hypocritical. We are only here today because Britney Spears was under her father's infantilizing control for more than a decade. Further, the evidence shows that the conservatorship was conflicted from the very outset, when, among other things, Mr. Spears violated Rule of Court 7.1059 by obtaining a substantial loan from Tri Star and then hiring Tri Star (a then fledgling company) as her business manager. And any claim that *Mr. Spears* faces "oppression" such that he cannot respond to discovery relating to *his own* oppression of Britney Spears is, to say the least, rich. Mr. Spears put his conduct at issue and he must face the consequences.

Mr. Spears's objections on privileged meritless, inapplicable, and have been waived. *First*, to the extent any privilege was claimed, Mr. Spears should have supported the claim with "sufficient factual information for other parties to evaluate the merits of that claim," such as a privilege log. (See, e.g. Code Civ. Proc. § 2031.240(c); *Riddell, Inc. v. Superior Court* (2017) 14 Cal.App.5th 755, 772 ["if an objection to a document request is based on a claim of privilege or work product, then the response to the request 'shall provide sufficient factual information for other parties to evaluate the merits of that claim'"]); (See *Costco*, *supra*, 47 Cal.4th at p. 733 ["[t]he party claiming the privilege has the burden of establishing the preliminary facts necessary to support its exercise"].) He failed to do so.

Second, now that Mr. Spears has been suspended as conservator of the estate, he no longer holds any attorney-client privilege. (See *Stine v. Dell'Osso* (2014) 239 Cal.App.4th 834, 843 [successor fiduciary became holder of the privilege of all communications between fiduciary and his counsel

regarding the estate, whenever they occurred]; see also *Moeller v. Superior Court* (1997) 16 Cal.4th 1124, 1129-1135 [because fiduciary is holder of the attorney-client privilege in his or her capacity as such, successor fiduciary becomes the holder as to confidential communications between the predecessor fiduciary and attorney concerning trust administration]; Cal. Probate Code, § 8524, subd. (c). Because he was suspended, Mr. Spears quite simply has no privilege to claim.

Third, as noted above, Mr. Spears also waived any privilege claims. In addition to failing to timely object, his counsel promised "***unconditional[] cooperat[ion]***," "***complete transparency without conditions***," and that Britney Spears was "***welcome to everything***." (See McCurdy Decl., ¶ 10, Ex. D.) Even further, Mr. Spears's counsel stated that he had "provided ***explicit instructions to prior counsel to produce everything without exception***." (See McCurdy Decl., ¶ 11; see also *infra*, n.4.) Under *Moeller* and *Stine,* Mr. Spears does not hold the privilege. And in any event, even if the documents at issue were privileged (and they are not) he has waived any such privilege and should be estopped from asserted any such objections.

Mr. Spears also objects that the requests somehow violate his right to privacy. (McCurdy Decl., Ex. G, ¶ 10.) This makes no sense. It is Mr. Spears's burden to justify the objection, and he has failed to do so. (See *Coy*, *supra*, 58 Cal.2d at pp. 220-221; *Fairmont Ins. Co. v. Super. Ct.* (2000) 22 Cal.4th 245, 255.) Mr. Spears's position also reeks of hypocrisy given his gross violations of *his daughter's* privacy. Finally, any claimed right to privacy must be considered against the "historically important state interest of facilitating the ascertainment of truth in connection with legal proceedings." (See *Gregori v. Bank of America* (1989) 207 Cal.App.3d 291, 312.) Even as Mr. Spears hides it, the mission remains to ascertain the truth, which necessarily trumps Mr. Spears's evasive and fabricated "privacy rights."

Mr. Spears additionally claims each document request violates confidentiality or the "common interest doctrine." Not only does Mr. Spears once again fail to support this objection with any facts, the "common interest doctrine" is a "nonwaiver doctrine," and does not separately act as a privilege shielding documents from discovery. (See *OXY Resources California LLC v. Superior Court* (2004) 115 Cal.App.4th 874, 889-90 ["party seeking to invoke the [common interest] doctrine must first establish that the communicated information would otherwise be protected from a disclosure by a claim of privilege"].) No privilege exists here to protect the disclosure of the requested documents.

Finally, Mr. Spears purports to assert hodgepodge objections that the document requests are "speculative, lack foundation, or improperly assume the existence of hypothetical facts that are incorrect or unknown to Jamie" and "call for a legal conclusion." (McCurdy Decl., Ex. G, ¶¶ 13, 14.) In asserting this boilerplate objection, Mr., Spears does nothing more than cite boilerplate buzz words into his general objections; he fails to incorporate them anywhere else, and he fails to justify how the document requests are so formed. This is because he is, once again, wrong and he is once again seeking to evade the truth and its consequences. As demonstrated above and as the requests themselves demonstrate, the requests are narrowly tailored to pending issues, which were put front and center by Mr. Spears himself. The use of such general objections, as applied here, is improper under the California Civil Discovery Act, and their bald assertion in this context demonstrates Mr. Spears's desperation and lack of any factual basis for them. (See generally *Korea Data Sys. Co. v. Superior Court* (1997) 51 Cal.App.4th 1513, 1516 [use of boilerplate objections is improper and sanctionable].)

REQUEST FOR PRODUCTION NO. 36:

All DOCUMENTS RELATING TO the travel planning invoiced by law firms for which you seek approval to pay their invoiced fees out of the Conservatorship Estate.

RESPONSE TO REQUEST FOR PRODUCTION NO. 36:

Jamie incorporates by reference his General Objections. Jamie further objects to the Document Request to the extent it is vague, ambiguous, overly broad, unduly burdensome, and oppressive especially as it does not contain any temporal limitations. Jamie further objects to the Document Request to the extent it impermissibly seeks material protected by the attorney-client privilege, the attorney work-product doctrine, and/or the common interest doctrine. Jamie further objects to the Document Request to the extent that it seeks information that is already in Britney's possession or equally available to her.

Jamie further objects to the Document Request as follows:

- Jamie objects on the grounds that the Document Request is unduly burdensome and unreasonably duplicative and cumulative because it seeks the same information that was requested by Britney from Jamie in her December 17, 2021 Second Set of Requests for Production (*see, e.g.*, Request for Production No. 50). This is now the second time Britney served the exact same request.

- The Document Request extends beyond the proper scope of discovery and improperly attempts to re-litigate the thirteen-year Conservatorship and innumerable final court orders. California Civil Procedure Code Section 2017.010 limits the scope of discovery to matters relevant to the subject matter involved in the pending action. California Probate Code Section 2103 releases a conservator and the sureties from all the conservatee's claims when the court authorizes, approves, or confirms the action in an order. This Document Request is therefore overbroad, unduly burdensome, and beyond the scope of discovery to the extent it is not relevant to the limited matters remaining before the Court and to the extent the Court already approved any action in an order or judgment.
- There is no legitimate reason for requiring Jamie to undertake the burden of sifting through documents he already produced and reproducing those documents that are responsive to this Document Request. Jamie objects to these Document Requests as duplicative, unduly burdensome, oppressive, and harassing to the extent the Document Requests seek some or all of the same documents and information that Jamie already voluntarily produced. Since October 2021, Jamie's counsel has arranged for nearly 600,000 pages of documents (consisting of more than 58 boxes of hard copy documents and more than 22 drives of electronic documents and spanning over 13 years of documents). Britney's own counsel admitted at the January 19, 2022 hearing that Jamie "produced voluminous information." *See* Jan. 19 Tr. 17:3-4. The nearly 600,000 pages of documents represent more than 124,500 electronic documents. Any responsive documents that are in Jamie's possession, custody, or control already are in Britney's possession, custody, or control or are otherwise equally available to her given Jamie's prior voluminous production of documents and information.

REASON TO COMPEL PRODUCTION TO REQUEST FOR PRODUCTION NO. 36:

As an initial matter, Mr. Spears fails to justify any of his objections with any facts, and none of his boilerplate objections are proper. (See *Costco Wholesale Corp. v. Superior Court* (2009) 47 Cal.4th 725, 733; *Coy v. Superior Court of Contra Costa County* (1962) 58 Cal.2d 210, 218-221.) It is important to bear in mind, too, that Mr. Spears has an obligation as a suspended conservator and fiduciary to turn over all relevant and responsive documents without any condition, regardless of the method of discovery sought. (See *Poag v. Winston* (1987) 195 Cal.App.3d 1161, 1176 [“As a fiduciary, a conservator owes a

duty of loyalty which requires that he act in the highest good faith."].) This fact is buttressed by his new lawyer's own repeated claims of cooperation.

Mr. Spears's counsel repeatedly and profusely promised his client's unconditional, transparent cooperation in producing "***all***" documents to Ms. Spears's counsel. Although these representations have, regrettably, proven to be false, made in an effort to create a false narrative and record—and what has become a "Big Lie" of Mr. Spears's defense—they are nevertheless relevant; thus, in addition to Mr. Spears's statutory waiver, his boilerplate objections should also be considered waived as a matter of equity and fairness and he should be estopped from asserting them. By way of illustration only, by email dated October 22, 2021, Mr. Spears's counsel professed the following:

- That Mr. Spears would "***unconditionally[] cooperate*** with a complete and total transfer of ***all files*** regarding the conservatorship . . . ."
- That Ms. Spears was "***welcome to everything – complete transparency without conditions***."
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- "Again, ***complete transparency without conditions***."

(McCurdy Decl., ¶ 10.)

In the November 1, 2021 Status Report, Mr. Spears's counsel represented the following:

- "Jamie has ***nothing to hide*** [and] ***will therefore hide nothing***."
- "Jamie affirms that he will ***unconditionally cooperate*** in transferring *all* [emphasis in original] files regarding the estate to Britney's counsel without delay."
- "Jamie recognizes his ***ongoing and transparent participation is paramount*** . . . ."
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(McCurdy Decl., Ex. D.)

In a November 5, 2021 email, Mr. Spears's counsel stated that he and his client were supposedly "committed to ***complete transparency***," that they had "***withheld nothing***," and that he "provided ***explicit instructions to prior counsel to produce everything without exception***." (McCurdy Decl., ¶ 11.) Even

more, Mr. Spears's counsel claimed that "whatever documents exist regarding electronic surveillance, to the extent that any, would part [*sic*] of the production being made by prior counsel." (*Id.*)

These promises are tantamount to a "Big Lie." By objecting to every single one of Ms. Spears's document requests, Mr. Spears has done the exact opposite of what he promised. Mr. Spears's tactics to create a false record and narrative should not be countenanced. Even putting aside his statutory and fiduciary obligations, he has waived any objections and he should be ordered to produce all documents contained in the applicable requests.

Mr. Spears objects to the document requests as "unduly burdensome and unreasonable duplicative and cumulative" because he claims Ms. Spears requested similar information in requests for production propounded on him. (McCurdy Decl., Ex. G, ¶ 5.) The objection is contrary to law. California's Code of Civil Procedure does not preclude a party from seeking similar documents through different methods of discovery. "[T]he inspection of documents procedure is quite different from a deposition at which a party is required to bring documents. Nothing in either section 2025 or section 2031 suggests that seeking documents under one statutory procedure bars a litigant from seeking the same documents under the other." (*Carter v. Superior Court* (1990) 218 Cal.App.3d 994, 997.)[70] Thus, consistent with the Court's reasoning in *Carter*, Mr. Spears must bring the requested documents to his deposition pursuant to this different method of discovery. (See also *Irvington-Moore, Inc. v. Superior Court* (1993) 14 Cal.App.4th 733, 739 ["[T]he selection of the method of discovery is to be utilized is to be made by the party seeking discovery. It cannot be dictated by the opposing party.].)

Relatedly, Mr. Spears claims the document requests are "duplicative, unduly burdensome, oppressive, and harassing" because Mr. Spears already "voluntarily" produced some of the same documents and information. (McCurdy Decl., Ex. G, ¶ 7.) He is wrong, on multiple levels. Initially, "[a] party is permitted to use multiple methods of obtaining discovery and the fact that information was disclosed under one method is not, standing alone, a proper basis for refusing to provide discovery under another method." (*Irvington-Moore, Inc.*, *supra*, 14 Cal.App.4th at p. 739; see also *TBG Ins. Services*

[70] See also 10 Witkin, Cal. Evid. Discovery § 143 [discussing *Carter*]. Notably, the Legislature has amended the Civil Discovery Act several times since *Carter*, and it has done so without overruling or modifying *Carter*'s interpretation of the Act. "When a statute has been construed by the courts, and the Legislature thereafter reenacts that statute without changing the interpretation put on that statute by the court, the Legislature is presumed to have been aware of, and acquiesced in, the courts' construction of that statute." (*People v. Ledesma* (1997) 16 Cal.4th 90, 100-01.)

Corp. v. Superior Court (2002) 96 Cal.App.4th 443, 449 [citing *Irvington-Moore* for the proposition that "a party may use multiple methods to obtain discovery and the fact that information was disclosed under one method is not, by itself, a proper basis to refuse to provide discovery under another method"]; see, e.g. *Coy*, *supra*, 58 Cal.2d at p. 218 ["the bare claim of previous deposition is insufficient as an objection to an interrogatory . . . To suffice as a valid objection such claim must be supported by some showing (or, as a minimum, some claim) that the requirement of a reply would be unjust and inequitable"].)

Mr. Spears's objection that he has already produced some of the requested documents, even if true, is not a defense. To the extent he intended to actually rely on this objection, Mr. Spears needed to demonstrate that production of the requested documents now would be "unjust and inequitable." But he grossly fails to so demonstrate; instead, he relies on his "Big Lie" defense: that he has cooperated and transferred all of the documents requested. Mr. Spears also astonishingly objects on the basis that "there are no further documents [he] could provide to respond to the Deposition Notice, Document Requests, and definitions" because he supposedly has produced them all. (McCurdy Decl., Ex. G, at p. 3:22-23.) If this were true (and it is false), then why does he not so state in a single response, instead of making countless boilerplate objections? Why does he not appear at his deposition, and so state on the record, under penalty of perjury? Why does he not identify the requested documents—by Bates number? Why does he not correlate them to the document requests at issue? And why does he not simply provide answers to the following questions and requests that have been posed to him repeatedly?

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Kayne v. Grande Holdings Ltd. (2011) 198 Cal.App.4th 1470, 1475-76 [sanctions appropriate where party refused to produce documents in an organized and labelled manner].)[71]

Mr. Spears also objects that the document requests "attempt to relitigate the entire thirteen-year Conservatorship and innumerable final court orders," and "are not relevant and not reasonably calculated to lead to the discovery of admissible evidence." (McCurdy Decl., Ex. G, ¶¶ 6, 8.) Nonsense. "Discovery may relate to the claim or defense of the party seeking discovery or of any other party to the action." (Code Civ. Proc., § 2017.010.) In this case, the document requests directly relate to Mr. Spears's role and conduct as former conservator of the estate, which are also directly at issue under *Shine*, *Kasperbauer*, and *Hudson.* The requested documents are thus not only "reasonably calculated" to lead to the discovery of admissible evidence, they go directly to the heart of numerous pending matters including Mr. Spears's fee petition and accountings, see, e.g., *Shine*, *supra*, 16 Cal.App.4th at p. 540; *Hudson*, *supra*, 68 Cal.App.4th at pp. 669-670.

Under the circumstances, Mr. Spears's objection that the requests are somehow "not reasonably calculated to lead to the discovery of admissible evidence" (McCurdy Decl., Ex. G, ¶¶ 8, 9) are, in fact, legally frivolous. (See *Pacific Tel. & Tel. Co. v. Superior Court* (1970) 2 Cal.3d 161, 173; *Garamendi v. Golden Eagle Ins. Co*. (2004) 116 Cal.App.4th 694, 712 fn. 8.)

Mr. Spears's objections on grounds of purportedly vague and ambiguous requests, or the terms "YOU" and "YOUR," are all baseless. (McCurdy Decl. G, ¶¶ 9, 11.) He has not and cannot explain in any manner what he claims not to understand about the document requests. (See *Deyo v. Kilbourne* (1978) 84 Cal.App.3d 771, 783 ["[W]here the question is somewhat ambiguous, but the nature of the information sought is apparent, the proper solution is to provide an appropriate response."].) Mr. Spears also fails to support his baseless burdensome and oppressive objections and asserts all of them without any actual factual support whatsoever. (See McCurdy Decl., Ex. G, ¶¶ 9, 12, 15, 16, 17.) "The objection based upon burden must be sustained by ***evidence showing*** the quantum of work required, while to support an objection of oppression there must be ***some showing*** either of an intent to create an unreasonable burden or that the ultimate effect of the burden is incommensurate with the result sought." (*W. Pico Furniture Co. v. Superior Court* (1961) 56 Cal.2d 407, 417, 418.) Mr. Spears fails to make any

[71] As a matter of restraint, we refrain herein from moving for sanctions but reserve all rights in that regard.

showing as to burden or oppression. (See *id.* at p. 418 ["The objection of burden is valid only when that burden is ***demonstrated*** to result in injustice."]; *cf. Mead Reinsurance Co. v. Superior Ct.* (1986) 188 Cal.App.3d 313, 321. For these reasons, Mr. Spears's objection that the documents "may be obtained from other sources or through other means of discovery" (McCurdy Decl., Ex. G, ¶ 15), and that the burden and expense would "outweigh the likely benefit of this discovery" (McCurdy Decl., Ex. G, ¶ 17) is also completely meritless.

Additionally, to the extent Mr. Spears objects that the document requests are "oppressive" because they "do not contain any temporal limitations" (an objection repeated in every response) this argument is also meritless. Again, no showing has been made of any intent to create an unreasonable burden, and any objection based on a lack of temporal definition is hypocritical. We are only here today because Britney Spears was under her father's infantilizing control for more than a decade. Further, the evidence shows that the conservatorship was conflicted from the very outset, when, among other things, Mr. Spears violated Rule of Court 7.1059 by obtaining a substantial loan from Tri Star and then hiring Tri Star (a then fledgling company) as her business manager. And any claim that *Mr. Spears* faces "oppression" such that he cannot respond to discovery relating to *his own* oppression of Britney Spears is, to say the least, rich. Mr. Spears put his conduct at issue and he must face the consequences.

Mr. Spears's objections on privileged meritless, inapplicable, and have been waived. *First*, to the extent any privilege was claimed, Mr. Spears should have supported the claim with "sufficient factual information for other parties to evaluate the merits of that claim," such as a privilege log. (See, e.g. Code Civ. Proc. § 2031.240(c); *Riddell, Inc. v. Superior Court* (2017) 14 Cal.App.5th 755, 772 ["if an objection to a document request is based on a claim of privilege or work product, then the response to the request 'shall provide sufficient factual information for other parties to evaluate the merits of that claim'"]); (See *Costco*, *supra*, 47 Cal.4th at p. 733 ["[t]he party claiming the privilege has the burden of establishing the preliminary facts necessary to support its exercise"].) He failed to do so.

Second, now that Mr. Spears has been suspended as conservator of the estate, he no longer holds any attorney-client privilege. (See *Stine v. Dell'Osso* (2014) 239 Cal.App.4th 834, 843 [successor fiduciary became holder of the privilege of all communications between fiduciary and his counsel regarding the estate, whenever they occurred]; see also *Moeller v. Superior Court* (1997) 16 Cal.4th

1124, 1129-1135 [because fiduciary is holder of the attorney-client privilege in his or her capacity as such, successor fiduciary becomes the holder as to confidential communications between the predecessor fiduciary and attorney concerning trust administration]; Cal. Probate Code, § 8524, subd. (c). Because he was suspended, Mr. Spears quite simply has no privilege to claim.

Third, as noted above, Mr. Spears also waived any privilege claims. In addition to failing to timely object, his counsel promised "***unconditional[] cooperat[ion]***," "***complete transparency without conditions***," and that Britney Spears was "***welcome to everything***." (See McCurdy Decl., ¶ 10, Ex. D.) Even further, Mr. Spears's counsel stated that he had "provided ***explicit instructions to prior counsel to produce everything without exception***." (See McCurdy Decl., ¶ 11; see also *infra*, n.4.) Under *Moeller* and *Stine,* Mr. Spears does not hold the privilege. And in any event, even if the documents at issue were privileged (and they are not) he has waived any such privilege and should be estopped from asserted any such objections.

Mr. Spears also objects that the requests somehow violate his right to privacy. (McCurdy Decl., Ex. G, ¶ 10.) This makes no sense. It is Mr. Spears's burden to justify the objection, and he has failed to do so. (See *Coy*, *supra*, 58 Cal.2d at pp. 220-221; *Fairmont Ins. Co. v. Super. Ct.* (2000) 22 Cal.4th 245, 255.) Mr. Spears's position also reeks of hypocrisy given his gross violations of *his daughter's* privacy. Finally, any claimed right to privacy must be considered against the "historically important state interest of facilitating the ascertainment of truth in connection with legal proceedings." (See *Gregori v. Bank of America* (1989) 207 Cal.App.3d 291, 312.) Even as Mr. Spears hides it, the mission remains to ascertain the truth, which necessarily trumps Mr. Spears's evasive and fabricated "privacy rights."

Mr. Spears additionally claims each document request violates confidentiality or the "common interest doctrine." Not only does Mr. Spears once again fail to support this objection with any facts, the "common interest doctrine" is a "nonwaiver doctrine," and does not separately act as a privilege shielding documents from discovery. (See *OXY Resources California LLC v. Superior Court* (2004) 115 Cal.App.4th 874, 889-90 ["party seeking to invoke the [common interest] doctrine must first establish that the communicated information would otherwise be protected from a disclosure by a claim of privilege"].) No privilege exists here to protect the disclosure of the requested documents.

Finally, Mr. Spears purports to assert hodgepodge objections that the document requests are "speculative, lack foundation, or improperly assume the existence of hypothetical facts that are incorrect or unknown to Jamie" and "call for a legal conclusion." (McCurdy Decl., Ex. G, ¶¶ 13, 14.) In asserting this boilerplate objection, Mr., Spears does nothing more than cite boilerplate buzz words into his general objections; he fails to incorporate them anywhere else, and he fails to justify how the document requests are so formed. This is because he is, once again, wrong and he is once again seeking to evade the truth and its consequences. As demonstrated above and as the requests themselves demonstrate, the requests are narrowly tailored to pending issues, which were put front and center by Mr. Spears himself. The use of such general objections, as applied here, is improper under the California Civil Discovery Act, and their bald assertion in this context demonstrates Mr. Spears's desperation and lack of any factual basis for them. (See generally *Korea Data Sys. Co. v. Superior Court* (1997) 51 Cal.App.4th 1513, 1516 [use of boilerplate objections is improper and sanctionable].)

REQUEST FOR PRODUCTION NO. 37:

All DOCUMENTS RELATING TO the invoiced legal fees incurred by Atlanta law firms in connection with the *Bryan Kuchar litigation* (Northern District of Georgia Case No. 1:19-cv-03028).

RESPONSE TO REQUEST FOR PRODUCTION NO. 37:

Jamie incorporates by reference his General Objections. Jamie further objects to the Document Request to the extent it is vague, ambiguous, overly broad, unduly burdensome, and oppressive especially as it does not contain any temporal limitations. Jamie further objects to the Document Request to the extent it impermissibly seeks material protected by the attorney-client privilege, the attorney work-product doctrine, and/or the common interest doctrine. Jamie further objects to the Document Request to the extent that it seeks information that is already in Britney's possession or equally available to her.

Jamie further objects to the Document Request as follows:

- The Document Request extends beyond the proper scope of discovery and improperly attempts to re-litigate the thirteen-year Conservatorship and innumerable final court orders. California Civil Procedure Code Section 2017.010 limits the scope of discovery to matters relevant to the subject matter involved in the pending action. California Probate Code Section 2103 releases a conservator and the sureties from all the conservatee's claims when the court authorizes, approves, or confirms the action

in an order. This Document Request is therefore overbroad, unduly burdensome, and beyond the scope of discovery to the extent it is not relevant to the limited matters remaining before the Court and to the extent the Court already approved any action in an order or judgment.

- There is no legitimate reason for requiring Jamie to undertake the burden of sifting through documents he already produced and reproducing those documents that are responsive to this Document Request. Jamie objects to these Document Requests as duplicative, unduly burdensome, oppressive, and harassing to the extent the Document Requests seek some or all of the same documents and information that Jamie already voluntarily produced. Since October 2021, Jamie's counsel has arranged for nearly 600,000 pages of documents (consisting of more than 58 boxes of hard copy documents and more than 22 drives of electronic documents and spanning over 13 years of documents). Britney's own counsel admitted at the January 19, 2022 hearing that Jamie "produced voluminous information." *See* Jan. 19 Tr. 17:3-4. The nearly 600,000 pages of documents represent more than 124,500 electronic documents. Any responsive documents that are in Jamie's possession, custody, or control already are in Britney's possession, custody, or control or are otherwise equally available to her given Jamie's prior voluminous production of documents and information.

REASON TO COMPEL PRODUCTION TO REQUEST FOR PRODUCTION NO. 37:

As an initial matter, Mr. Spears fails to justify any of his objections with any facts, and none of his boilerplate objections are proper. (See *Costco Wholesale Corp. v. Superior Court* (2009) 47 Cal.4th 725, 733; *Coy v. Superior Court of Contra Costa County* (1962) 58 Cal.2d 210, 218-221.) It is important to bear in mind, too, that Mr. Spears has an obligation as a suspended conservator and fiduciary to turn over all relevant and responsive documents without any condition, regardless of the method of discovery sought. (See *Poag v. Winston* (1987) 195 Cal.App.3d 1161, 1176 ["As a fiduciary, a conservator owes a duty of loyalty which requires that he act in the highest good faith."].) This fact is buttressed by his new lawyer's own repeated claims of cooperation. Further, demonstrating regrettable gamesmanship and completely contradicting himself, Ms. Spears's counsel claims he "instructed" prior counsel to "withhold nothing" on the basis of privilege. Yet, his response to ***every single request*** for production includes objections on the basis of privilege. (See generally, McCurdy Decl., Ex. G.) This type of Alice-in-Wonderland dissembling is unacceptable.

Mr. Spears's counsel repeatedly and profusely promised his client's unconditional, transparent cooperation in producing "***all***" documents to Ms. Spears's counsel. Although these representations have, regrettably, proven to be false, made in an effort to create a false narrative and record—and what has become a "Big Lie" of Mr. Spears's defense—they are nevertheless relevant; thus, in addition to Mr. Spears's statutory waiver, his boilerplate objections should also be considered waived as a matter of equity and fairness and he should be estopped from asserting them. By way of illustration only, by email dated October 22, 2021, Mr. Spears's counsel professed the following:

- That Mr. Spears would "***unconditionally[] cooperate*** with a complete and total transfer of ***all files*** regarding the conservatorship . . . ."
- That Ms. Spears was "***welcome to everything – complete transparency without conditions***."
- That he would "***do everything [he] [could]*** to help facilitate the direct transfer [of all files] from prior counsel . . . ."
- "Again, ***complete transparency without conditions***."

(McCurdy Decl., ¶ 10.)

In the November 1, 2021 Status Report, Mr. Spears's counsel represented the following:

- "Jamie has ***nothing to hide*** [and] ***will therefore hide nothing***."
- "Jamie affirms that he will ***unconditionally cooperate*** in transferring *all* [emphasis in original] files regarding the estate to Britney's counsel without delay."
- "Jamie recognizes his ***ongoing and transparent participation is paramount*** . . . ."
- "Jamie will ***unconditionally cooperate*** with a complete and total transfer of all files."
- "Jamie is committed to ***complete transparency without conditions***."

(McCurdy Decl., Ex. D.)

In a November 5, 2021 email, Mr. Spears's counsel stated that he and his client were supposedly "committed to ***complete transparency***," that they had "***withheld nothing***," and that he "provided ***explicit instructions to prior counsel to produce everything without exception***." (McCurdy Decl., ¶ 11.) Even more, Mr. Spears's counsel claimed that "whatever documents exist regarding electronic surveillance, to the extent that any, would part [*sic*] of the production being made by prior counsel." (*Id.*)

These promises are tantamount to a "Big Lie." By objecting to every single one of Ms. Spears's document requests, Mr. Spears has done the exact opposite of what he promised. Mr. Spears's tactics to create a false record and narrative should not be countenanced. Even putting aside his statutory and fiduciary obligations, he has waived any objections and he should be ordered to produce all documents contained in the applicable requests.

Mr. Spears objects to the document requests as "unduly burdensome and unreasonable duplicative and cumulative" because he claims Ms. Spears requested similar information in requests for production propounded on him. (McCurdy Decl., Ex. G, ¶ 5.) The objection is contrary to law. California's Code of Civil Procedure does not preclude a party from seeking similar documents through different methods of discovery. "[T]he inspection of documents procedure is quite different from a deposition at which a party is required to bring documents. Nothing in either section 2025 or section 2031 suggests that seeking documents under one statutory procedure bars a litigant from seeking the same documents under the other." (*Carter v. Superior Court* (1990) 218 Cal.App.3d 994, 997.)[72] Thus, consistent with the Court's reasoning in *Carter*, Mr. Spears must bring the requested documents to his deposition pursuant to this different method of discovery. (See also *Irvington-Moore, Inc. v. Superior Court* (1993) 14 Cal.App.4th 733, 739 ["[T]he selection of the method of discovery is to be utilized is to be made by the party seeking discovery. It cannot be dictated by the opposing party.].)

Relatedly, Mr. Spears claims the document requests are "duplicative, unduly burdensome, oppressive, and harassing" because Mr. Spears already "voluntarily" produced some of the same documents and information. (McCurdy Decl., Ex. G, ¶ 7.) He is wrong, on multiple levels. Initially, "[a] party is permitted to use multiple methods of obtaining discovery and the fact that information was disclosed under one method is not, standing alone, a proper basis for refusing to provide discovery under another method." (*Irvington-Moore, Inc.*, *supra*, 14 Cal.App.4th at p. 739; see also *TBG Ins. Services Corp. v. Superior Court* (2002) 96 Cal.App.4th 443, 449 [citing *Irvington-Moore* for the proposition that "a party may use multiple methods to obtain discovery and the fact that information was disclosed under

[72] See also 10 Witkin, Cal. Evid. Discovery § 143 [discussing *Carter*]. Notably, the Legislature has amended the Civil Discovery Act several times since *Carter*, and it has done so without overruling or modifying *Carter*'s interpretation of the Act. "When a statute has been construed by the courts, and the Legislature thereafter reenacts that statute without changing the interpretation put on that statute by the court, the Legislature is presumed to have been aware of, and acquiesced in, the courts' construction of that statute." (*People v. Ledesma* (1997) 16 Cal.4th 90, 100-01.)

one method is not, by itself, a proper basis to refuse to provide discovery under another method"]; see, e.g. *Coy*, *supra*, 58 Cal.2d at p. 218 ["the bare claim of previous deposition is insufficient as an objection to an interrogatory . . . To suffice as a valid objection such claim must be supported by some showing (or, as a minimum, some claim) that the requirement of a reply would be unjust and inequitable"].)

Mr. Spears's objection that he has already produced some of the requested documents, even if true, is not a defense. To the extent he intended to actually rely on this objection, Mr. Spears needed to demonstrate that production of the requested documents now would be "unjust and inequitable." But he grossly fails to so demonstrate; instead, he relies on his "Big Lie" defense: that he has cooperated and transferred all of the documents requested. Mr. Spears also astonishingly objects on the basis that "there are no further documents [he] could provide to respond to the Deposition Notice, Document Requests, and definitions" because he supposedly has produced them all. (McCurdy Decl., Ex. G, at p. 3:22-23.) If this were true (and it is false), then why does he not so state in a single response, instead of making countless boilerplate objections? Why does he not appear at his deposition, and so state on the record, under penalty of perjury? Why does he not identify the requested documents—by Bates number? Why does he not correlate them to the document requests at issue? And why does he not simply provide answers to the following questions and requests that have been posed to him repeatedly?

As referenced above, despite our repeated and ongoing requests, while relying on the facile and false claim that he has produced "everything" requested, Mr. Spears has also failed to produce all text or email communications between and amongst Tri Star, Black Box, himself, and his counsel (see *Moeller* and *Stine*, *infra* at pp. 19-20) concerning the illicit surveillance operation at issue. Indeed, he falsely claims it "***DIDN'T HAPPEN, YOUR HONOR***," *supra* at 9. In short, as part of their efforts to stonewall and hide the truth, Mr. Spears has engaged in improper disjointed and incomplete "document dumps" rather than a professional, organized, and labelled production of documents. More pointedly, he has failed to produce *any* documents pursuant to and correlated to the deposition notices, ***not one***. (See *Kayne v. Grande Holdings Ltd.* (2011) 198 Cal.App.4th 1470, 1475-76 [sanctions appropriate where party refused to produce documents in an organized and labelled manner].)[73]

[73] As a matter of restraint, we refrain herein from moving for sanctions but reserve all rights in that regard.

Mr. Spears also objects that the document requests "attempt to relitigate the entire thirteen-year Conservatorship and innumerable final court orders," and "are not relevant and not reasonably calculated to lead to the discovery of admissible evidence." (McCurdy Decl., Ex. G, ¶¶ 6, 8.) Nonsense. "Discovery may relate to the claim or defense of the party seeking discovery or of any other party to the action." (Code Civ. Proc., § 2017.010.) In this case, the document requests directly relate to Mr. Spears's role and conduct as former conservator of the estate, which are also directly at issue under *Shine*, *Kasperbauer*, and *Hudson.* The requested documents are thus not only "reasonably calculated" to lead to the discovery of admissible evidence, they go directly to the heart of numerous pending matters including Mr. Spears's fee petition and accountings, see, e.g., *Shine*, *supra*, 16 Cal.App.4th at p. 540; *Hudson*, *supra*, 68 Cal.App.4th at pp. 669-670.

Under the circumstances, Mr. Spears's objection that the requests are somehow "not reasonably calculated to lead to the discovery of admissible evidence" (McCurdy Decl., Ex. G, ¶¶ 8, 9) are, in fact, legally frivolous. (See *Pacific Tel. & Tel. Co. v. Superior Court* (1970) 2 Cal.3d 161, 173; *Garamendi v. Golden Eagle Ins. Co*. (2004) 116 Cal.App.4th 694, 712 fn. 8.)

Mr. Spears's objections on grounds of purportedly vague and ambiguous requests, or the terms "YOU" and "YOUR," are all baseless. (McCurdy Decl. G, ¶¶ 9, 11.) He has not and cannot explain in any manner what he claims not to understand about the document requests. (See *Deyo v. Kilbourne* (1978) 84 Cal.App.3d 771, 783 ["[W]here the question is somewhat ambiguous, but the nature of the information sought is apparent, the proper solution is to provide an appropriate response."].) Mr. Spears also fails to support his baseless burdensome and oppressive objections and asserts all of them without any actual factual support whatsoever. (See McCurdy Decl., Ex. G, ¶¶ 9, 12, 15, 16, 17.) "The objection based upon burden must be sustained by ***evidence showing*** the quantum of work required, while to support an objection of oppression there must be ***some showing*** either of an intent to create an unreasonable burden or that the ultimate effect of the burden is incommensurate with the result sought." (*W. Pico Furniture Co. v. Superior Court* (1961) 56 Cal.2d 407, 417, 418.) Mr. Spears fails to make any showing as to burden or oppression. (See *id.* at p. 418 ["The objection of burden is valid only when that burden is ***demonstrated*** to result in injustice."]; *cf. Mead Reinsurance Co. v. Superior Ct.* (1986) 188 Cal.App.3d 313, 321. For these reasons, Mr. Spears's objection that the documents "may be obtained

from other sources or through other means of discovery" (McCurdy Decl., Ex. G, ¶ 15), and that the burden and expense would "outweigh the likely benefit of this discovery" (McCurdy Decl., Ex. G, ¶ 17) is also completely meritless.

Additionally, to the extent Mr. Spears objects that the document requests are "oppressive" because they "do not contain any temporal limitations" (an objection repeated in every response) this argument is also meritless. Again, no showing has been made of any intent to create an unreasonable burden, and any objection based on a lack of temporal definition is hypocritical. We are only here today because Britney Spears was under her father's infantilizing control for more than a decade. Further, the evidence shows that the conservatorship was conflicted from the very outset, when, among other things, Mr. Spears violated Rule of Court 7.1059 by obtaining a substantial loan from Tri Star and then hiring Tri Star (a then fledgling company) as her business manager. And any claim that *Mr. Spears* faces "oppression" such that he cannot respond to discovery relating to *his own* oppression of Britney Spears is, to say the least, rich. Mr. Spears put his conduct at issue and he must face the consequences.

Mr. Spears's objections on privileged meritless, inapplicable, and have been waived. *First*, to the extent any privilege was claimed, Mr. Spears should have supported the claim with "sufficient factual information for other parties to evaluate the merits of that claim," such as a privilege log. (See, e.g. Code Civ. Proc. § 2031.240(c); *Riddell, Inc. v. Superior Court* (2017) 14 Cal.App.5th 755, 772 ["if an objection to a document request is based on a claim of privilege or work product, then the response to the request 'shall provide sufficient factual information for other parties to evaluate the merits of that claim'"]); (See *Costco*, *supra*, 47 Cal.4th at p. 733 ["[t]he party claiming the privilege has the burden of establishing the preliminary facts necessary to support its exercise"].) He failed to do so.

Second, now that Mr. Spears has been suspended as conservator of the estate, he no longer holds any attorney-client privilege. (See *Stine v. Dell'Osso* (2014) 239 Cal.App.4th 834, 843 [successor fiduciary became holder of the privilege of all communications between fiduciary and his counsel regarding the estate, whenever they occurred]; see also *Moeller v. Superior Court* (1997) 16 Cal.4th 1124, 1129-1135 [because fiduciary is holder of the attorney-client privilege in his or her capacity as such, successor fiduciary becomes the holder as to confidential communications between the predecessor

fiduciary and attorney concerning trust administration]; Cal. Probate Code, § 8524, subd. (c). Because he was suspended, Mr. Spears quite simply has no privilege to claim.

Third, as noted above, Mr. Spears also waived any privilege claims. In addition to failing to timely object, his counsel promised "***unconditional[] cooperat[ion]***," "***complete transparency without conditions***," and that Britney Spears was "***welcome to everything***." (See McCurdy Decl., ¶ 10, Ex. D.) Even further, Mr. Spears's counsel stated that he had "provided ***explicit instructions to prior counsel to produce everything without exception***." (See McCurdy Decl., ¶ 11; see also *infra*, n.4.) Under *Moeller* and *Stine,* Mr. Spears does not hold the privilege. And in any event, even if the documents at issue were privileged (and they are not) he has waived any such privilege and should be estopped from asserted any such objections.

Mr. Spears also objects that the requests somehow violate his right to privacy. (McCurdy Decl., Ex. G, ¶ 10.) This makes no sense. It is Mr. Spears's burden to justify the objection, and he has failed to do so. (See *Coy*, *supra*, 58 Cal.2d at pp. 220-221; *Fairmont Ins. Co. v. Super. Ct.* (2000) 22 Cal.4th 245, 255.) Mr. Spears's position also reeks of hypocrisy given his gross violations of *his daughter's* privacy. Finally, any claimed right to privacy must be considered against the "historically important state interest of facilitating the ascertainment of truth in connection with legal proceedings." (See *Gregori v. Bank of America* (1989) 207 Cal.App.3d 291, 312.) Even as Mr. Spears hides it, the mission remains to ascertain the truth, which necessarily trumps Mr. Spears's evasive and fabricated "privacy rights."

Mr. Spears additionally claims each document request violates confidentiality or the "common interest doctrine." Not only does Mr. Spears once again fail to support this objection with any facts, the "common interest doctrine" is a "nonwaiver doctrine," and does not separately act as a privilege shielding documents from discovery. (See *OXY Resources California LLC v. Superior Court* (2004) 115 Cal.App.4th 874, 889-90 ["party seeking to invoke the [common interest] doctrine must first establish that the communicated information would otherwise be protected from a disclosure by a claim of privilege"].) No privilege exists here to protect the disclosure of the requested documents.

Finally, Mr. Spears purports to assert hodgepodge objections that the document requests are "speculative, lack foundation, or improperly assume the existence of hypothetical facts that are incorrect or unknown to Jamie" and "call for a legal conclusion." (McCurdy Decl., Ex. G, ¶¶ 13, 14.) In asserting

this boilerplate objection, Mr., Spears does nothing more than cite boilerplate buzz words into his general objections; he fails to incorporate them anywhere else, and he fails to justify how the document requests are so formed. This is because he is, once again, wrong and he is once again seeking to evade the truth and its consequences. As demonstrated above and as the requests themselves demonstrate, the requests are narrowly tailored to pending issues, which were put front and center by Mr. Spears himself. The use of such general objections, as applied here, is improper under the California Civil Discovery Act, and their bald assertion in this context demonstrates Mr. Spears's desperation and lack of any factual basis for them. (See generally *Korea Data Sys. Co. v. Superior Court* (1997) 51 Cal.App.4th 1513, 1516 [use of boilerplate objections is improper and sanctionable].)

REQUEST FOR PRODUCTION NO. 38:

All DOCUMENTS RELATING TO the invoiced legal fees relating to litigation pursued against one of the leaders of the "#FreeBritney" movement or any participants in that movement.

RESPONSE TO REQUEST FOR PRODUCTION NO. 38:

Jamie incorporates by reference his General Objections. Jamie further objects to the Document Request to the extent it is vague, ambiguous, overly broad, unduly burdensome, and oppressive especially as it does not contain any temporal limitations. Jamie further objects to the Document Request to the extent it impermissibly seeks material protected by the attorney-client privilege, the attorney work-product doctrine, and/or the common interest doctrine. Jamie further objects to the Document Request to the extent that it seeks information that is already in Britney's possession or equally available to her.

Jamie further objects to the Document Request as follows:

- Jamie objects on the grounds that the Document Request is unduly burdensome and unreasonably duplicative and cumulative because it seeks the same information that was requested by Britney from Jamie in her December 17, 2021 Second Set of Requests for Production (*see, e.g.*, Request for Production No. 54). This is now the second time Britney served the exact same request.
- The Document Request extends beyond the proper scope of discovery and improperly attempts to re-litigate the thirteen-year Conservatorship and innumerable final court orders. California Civil Procedure Code Section 2017.010 limits the scope of discovery to matters relevant to the subject matter involved in the pending action. California Probate Code Section 2103 releases a conservator and

the sureties from all the conservatee's claims when the court authorizes, approves, or confirms the action in an order. This Document Request is therefore overbroad, unduly burdensome, and beyond the scope of discovery to the extent it is not relevant to the limited matters remaining before the Court and to the extent the Court already approved any action in an order or judgment.

- There is no legitimate reason for requiring Jamie to undertake the burden of sifting through documents he already produced and reproducing those documents that are responsive to this Document Request. Jamie objects to these Document Requests as duplicative, unduly burdensome, oppressive, and harassing to the extent the Document Requests seek some or all of the same documents and information that Jamie already voluntarily produced. Since October 2021, Jamie's counsel has arranged for nearly 600,000 pages of documents (consisting of more than 58 boxes of hard copy documents and more than 22 drives of electronic documents and spanning over 13 years of documents). Britney's own counsel admitted at the January 19, 2022 hearing that Jamie "produced voluminous information." *See* Jan. 19 Tr. 17:3-4. The nearly 600,000 pages of documents represent more than 124,500 electronic documents. Any responsive documents that are in Jamie's possession, custody, or control already are in Britney's possession, custody, or control or are otherwise equally available to her given Jamie's prior voluminous production of documents and information.

REASON TO COMPEL PRODUCTION TO REQUEST FOR PRODUCTION NO. 38:

As an initial matter, Mr. Spears fails to justify any of his objections with any facts, and none of his boilerplate objections are proper. (See *Costco Wholesale Corp. v. Superior Court* (2009) 47 Cal.4th 725, 733; *Coy v. Superior Court of Contra Costa County* (1962) 58 Cal.2d 210, 218-221.) It is important to bear in mind, too, that Mr. Spears has an obligation as a suspended conservator and fiduciary to turn over all relevant and responsive documents without any condition, regardless of the method of discovery sought. (See *Poag v. Winston* (1987) 195 Cal.App.3d 1161, 1176 [“As a fiduciary, a conservator owes a duty of loyalty which requires that he act in the highest good faith.”].) This fact is buttressed by his new lawyer’s own repeated claims of cooperation. Further, demonstrating regrettable gamesmanship and completely contradicting himself, Ms. Spears’s counsel claims he “instructed” prior counsel to “withhold nothing” on the basis of privilege. Yet, his response to ***every single request*** for production includes

objections on the basis of privilege. (See generally, McCurdy Decl., Ex. G.) This type of Alice-in-Wonderland dissembling is unacceptable.

Mr. Spears's counsel repeatedly and profusely promised his client's unconditional, transparent cooperation in producing "***all***" documents to Ms. Spears's counsel. Although these representations have, regrettably, proven to be false, made in an effort to create a false narrative and record—and what has become a "Big Lie" of Mr. Spears's defense—they are nevertheless relevant; thus, in addition to Mr. Spears's statutory waiver, his boilerplate objections should also be considered waived as a matter of equity and fairness and he should be estopped from asserting them. By way of illustration only, by email dated October 22, 2021, Mr. Spears's counsel professed the following:

- That Mr. Spears would "***unconditionally[] cooperate*** with a complete and total transfer of ***all files*** regarding the conservatorship . . . ."
- That Ms. Spears was "***welcome to everything – complete transparency without conditions***."
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(McCurdy Decl., ¶ 10.)

In the November 1, 2021 Status Report, Mr. Spears's counsel represented the following:

- "Jamie has ***nothing to hide*** [and] ***will therefore hide nothing***."
- "Jamie affirms that he will ***unconditionally cooperate*** in transferring *all* [emphasis in original] files regarding the estate to Britney's counsel without delay."
- "Jamie recognizes his ***ongoing and transparent participation is paramount*** . . . ."
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(McCurdy Decl., Ex. D.)

In a November 5, 2021 email, Mr. Spears's counsel stated that he and his client were supposedly "committed to ***complete transparency***," that they had "***withheld nothing***," and that he "provided ***explicit instructions to prior counsel to produce everything without exception***." (McCurdy Decl., ¶ 11.) Even

more, Mr. Spears's counsel claimed that "whatever documents exist regarding electronic surveillance, to the extent that any, would part [*sic*] of the production being made by prior counsel." (*Id.*)

These promises are tantamount to a "Big Lie." By objecting to every single one of Ms. Spears's document requests, Mr. Spears has done the exact opposite of what he promised. Mr. Spears's tactics to create a false record and narrative should not be countenanced. Even putting aside his statutory and fiduciary obligations, he has waived any objections and he should be ordered to produce all documents contained in the applicable requests.

Mr. Spears objects to the document requests as "unduly burdensome and unreasonable duplicative and cumulative" because he claims Ms. Spears requested similar information in requests for production propounded on him. (McCurdy Decl., Ex. G, ¶ 5.) The objection is contrary to law. California's Code of Civil Procedure does not preclude a party from seeking similar documents through different methods of discovery. "[T]he inspection of documents procedure is quite different from a deposition at which a party is required to bring documents. Nothing in either section 2025 or section 2031 suggests that seeking documents under one statutory procedure bars a litigant from seeking the same documents under the other." (*Carter v. Superior Court* (1990) 218 Cal.App.3d 994, 997.)[74] Thus, consistent with the Court's reasoning in *Carter*, Mr. Spears must bring the requested documents to his deposition pursuant to this different method of discovery. (See also *Irvington-Moore, Inc. v. Superior Court* (1993) 14 Cal.App.4th 733, 739 ["[T]he selection of the method of discovery is to be utilized is to be made by the party seeking discovery. It cannot be dictated by the opposing party.].)

Relatedly, Mr. Spears claims the document requests are "duplicative, unduly burdensome, oppressive, and harassing" because Mr. Spears already "voluntarily" produced some of the same documents and information. (McCurdy Decl., Ex. G, ¶ 7.) He is wrong, on multiple levels. Initially, "[a] party is permitted to use multiple methods of obtaining discovery and the fact that information was disclosed under one method is not, standing alone, a proper basis for refusing to provide discovery under another method." (*Irvington-Moore, Inc.*, *supra*, 14 Cal.App.4th at p. 739; see also *TBG Ins. Services*

[74] See also 10 Witkin, Cal. Evid. Discovery § 143 [discussing *Carter*]. Notably, the Legislature has amended the Civil Discovery Act several times since *Carter*, and it has done so without overruling or modifying *Carter*'s interpretation of the Act. "When a statute has been construed by the courts, and the Legislature thereafter reenacts that statute without changing the interpretation put on that statute by the court, the Legislature is presumed to have been aware of, and acquiesced in, the courts' construction of that statute." (*People v. Ledesma* (1997) 16 Cal.4th 90, 100-01.)

Corp. v. Superior Court (2002) 96 Cal.App.4th 443, 449 [citing *Irvington-Moore* for the proposition that "a party may use multiple methods to obtain discovery and the fact that information was disclosed under one method is not, by itself, a proper basis to refuse to provide discovery under another method"]; see, e.g. *Coy*, *supra*, 58 Cal.2d at p. 218 ["the bare claim of previous deposition is insufficient as an objection to an interrogatory . . . To suffice as a valid objection such claim must be supported by some showing (or, as a minimum, some claim) that the requirement of a reply would be unjust and inequitable"].)

Mr. Spears's objection that he has already produced some of the requested documents, even if true, is not a defense. To the extent he intended to actually rely on this objection, Mr. Spears needed to demonstrate that production of the requested documents now would be "unjust and inequitable." But he grossly fails to so demonstrate; instead, he relies on his "Big Lie" defense: that he has cooperated and transferred all of the documents requested. Mr. Spears also astonishingly objects on the basis that "there are no further documents [he] could provide to respond to the Deposition Notice, Document Requests, and definitions" because he supposedly has produced them all. (McCurdy Decl., Ex. G, at p. 3:22-23.) If this were true (and it is false), then why does he not so state in a single response, instead of making countless boilerplate objections? Why does he not appear at his deposition, and so state on the record, under penalty of perjury? Why does he not identify the requested documents—by Bates number? Why does he not correlate them to the document requests at issue? And why does he not simply provide answers to the following questions and requests that have been posed to him repeatedly?

As referenced above, despite our repeated and ongoing requests, while relying on the facile and false claim that he has produced "everything" requested, Mr. Spears has also failed to produce all text or email communications between and amongst Tri Star, Black Box, himself, and his counsel (see *Moeller* and *Stine*, *infra* at pp. 19-20) concerning the illicit surveillance operation at issue. Indeed, he falsely claims it "***DIDN'T HAPPEN, YOUR HONOR***," *supra* at 9. In short, as part of their efforts to stonewall and hide the truth, Mr. Spears has engaged in improper disjointed and incomplete "document dumps" rather than a professional, organized, and labelled production of documents. More pointedly, he has failed to produce *any* documents pursuant to and correlated to the deposition notices, ***not one***. (See

Kayne v. Grande Holdings Ltd. (2011) 198 Cal.App.4th 1470, 1475-76 [sanctions appropriate where party refused to produce documents in an organized and labelled manner].)[75]

Mr. Spears also objects that the document requests "attempt to relitigate the entire thirteen-year Conservatorship and innumerable final court orders," and "are not relevant and not reasonably calculated to lead to the discovery of admissible evidence." (McCurdy Decl., Ex. G, ¶¶ 6, 8.) Nonsense. "Discovery may relate to the claim or defense of the party seeking discovery or of any other party to the action." (Code Civ. Proc., § 2017.010.) In this case, the document requests directly relate to Mr. Spears's role and conduct as former conservator of the estate, which are also directly at issue under *Shine*, *Kasperbauer*, and *Hudson.* The requested documents are thus not only "reasonably calculated" to lead to the discovery of admissible evidence, they go directly to the heart of numerous pending matters including Mr. Spears's fee petition and accountings, see, e.g., *Shine*, *supra*, 16 Cal.App.4th at p. 540; *Hudson*, *supra*, 68 Cal.App.4th at pp. 669-670.

Under the circumstances, Mr. Spears's objection that the requests are somehow "not reasonably calculated to lead to the discovery of admissible evidence" (McCurdy Decl., Ex. G, ¶¶ 8, 9) are, in fact, legally frivolous. (See *Pacific Tel. & Tel. Co. v. Superior Court* (1970) 2 Cal.3d 161, 173; *Garamendi v. Golden Eagle Ins. Co*. (2004) 116 Cal.App.4th 694, 712 fn. 8.)

Mr. Spears's objections on grounds of purportedly vague and ambiguous requests, or the terms "YOU" and "YOUR," are all baseless. (McCurdy Decl. G, ¶¶ 9, 11.) He has not and cannot explain in any manner what he claims not to understand about the document requests. (See *Deyo v. Kilbourne* (1978) 84 Cal.App.3d 771, 783 ["[W]here the question is somewhat ambiguous, but the nature of the information sought is apparent, the proper solution is to provide an appropriate response."].) Mr. Spears also fails to support his baseless burdensome and oppressive objections and asserts all of them without any actual factual support whatsoever. (See McCurdy Decl., Ex. G, ¶¶ 9, 12, 15, 16, 17.) "The objection based upon burden must be sustained by ***evidence showing*** the quantum of work required, while to support an objection of oppression there must be ***some showing*** either of an intent to create an unreasonable burden or that the ultimate effect of the burden is incommensurate with the result sought." (*W. Pico Furniture Co. v. Superior Court* (1961) 56 Cal.2d 407, 417, 418.) Mr. Spears fails to make any

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showing as to burden or oppression. (See *id.* at p. 418 ["The objection of burden is valid only when that burden is ***demonstrated*** to result in injustice."]; *cf. Mead Reinsurance Co. v. Superior Ct.* (1986) 188 Cal.App.3d 313, 321. For these reasons, Mr. Spears's objection that the documents "may be obtained from other sources or through other means of discovery" (McCurdy Decl., Ex. G, ¶ 15), and that the burden and expense would "outweigh the likely benefit of this discovery" (McCurdy Decl., Ex. G, ¶ 17) is also completely meritless.

Additionally, to the extent Mr. Spears objects that the document requests are "oppressive" because they "do not contain any temporal limitations" (an objection repeated in every response) this argument is also meritless. Again, no showing has been made of any intent to create an unreasonable burden, and any objection based on a lack of temporal definition is hypocritical. We are only here today because Britney Spears was under her father's infantilizing control for more than a decade. Further, the evidence shows that the conservatorship was conflicted from the very outset, when, among other things, Mr. Spears violated Rule of Court 7.1059 by obtaining a substantial loan from Tri Star and then hiring Tri Star (a then fledgling company) as her business manager. And any claim that *Mr. Spears* faces "oppression" such that he cannot respond to discovery relating to *his own* oppression of Britney Spears is, to say the least, rich. Mr. Spears put his conduct at issue and he must face the consequences.

Mr. Spears's objections on privileged meritless, inapplicable, and have been waived. *First*, to the extent any privilege was claimed, Mr. Spears should have supported the claim with "sufficient factual information for other parties to evaluate the merits of that claim," such as a privilege log. (See, e.g. Code Civ. Proc. § 2031.240(c); *Riddell, Inc. v. Superior Court* (2017) 14 Cal.App.5th 755, 772 ["if an objection to a document request is based on a claim of privilege or work product, then the response to the request 'shall provide sufficient factual information for other parties to evaluate the merits of that claim'"]); (See *Costco*, *supra*, 47 Cal.4th at p. 733 ["[t]he party claiming the privilege has the burden of establishing the preliminary facts necessary to support its exercise"].) He failed to do so.

Second, now that Mr. Spears has been suspended as conservator of the estate, he no longer holds any attorney-client privilege. (See *Stine v. Dell'Osso* (2014) 239 Cal.App.4th 834, 843 [successor fiduciary became holder of the privilege of all communications between fiduciary and his counsel regarding the estate, whenever they occurred]; see also *Moeller v. Superior Court* (1997) 16 Cal.4th

1124, 1129-1135 [because fiduciary is holder of the attorney-client privilege in his or her capacity as such, successor fiduciary becomes the holder as to confidential communications between the predecessor fiduciary and attorney concerning trust administration]; Cal. Probate Code, § 8524, subd. (c). Because he was suspended, Mr. Spears quite simply has no privilege to claim.

Third, as noted above, Mr. Spears also waived any privilege claims. In addition to failing to timely object, his counsel promised "***unconditional[] cooperat[ion]***," "***complete transparency without conditions***," and that Britney Spears was "***welcome to everything***." (See McCurdy Decl., ¶ 10, Ex. D.) Even further, Mr. Spears's counsel stated that he had "provided ***explicit instructions to prior counsel to produce everything without exception***." (See McCurdy Decl., ¶ 11; see also *infra*, n.4.) Under *Moeller* and *Stine,* Mr. Spears does not hold the privilege. And in any event, even if the documents at issue were privileged (and they are not) he has waived any such privilege and should be estopped from asserted any such objections.

Mr. Spears also objects that the requests somehow violate his right to privacy. (McCurdy Decl., Ex. G, ¶ 10.) This makes no sense. It is Mr. Spears's burden to justify the objection, and he has failed to do so. (See *Coy*, *supra*, 58 Cal.2d at pp. 220-221; *Fairmont Ins. Co. v. Super. Ct.* (2000) 22 Cal.4th 245, 255.) Mr. Spears's position also reeks of hypocrisy given his gross violations of *his daughter's* privacy. Finally, any claimed right to privacy must be considered against the "historically important state interest of facilitating the ascertainment of truth in connection with legal proceedings." (See *Gregori v. Bank of America* (1989) 207 Cal.App.3d 291, 312.) Even as Mr. Spears hides it, the mission remains to ascertain the truth, which necessarily trumps Mr. Spears's evasive and fabricated "privacy rights."

Mr. Spears additionally claims each document request violates confidentiality or the "common interest doctrine." Not only does Mr. Spears once again fail to support this objection with any facts, the "common interest doctrine" is a "nonwaiver doctrine," and does not separately act as a privilege shielding documents from discovery. (See *OXY Resources California LLC v. Superior Court* (2004) 115 Cal.App.4th 874, 889-90 ["party seeking to invoke the [common interest] doctrine must first establish that the communicated information would otherwise be protected from a disclosure by a claim of privilege"].) No privilege exists here to protect the disclosure of the requested documents.

Finally, Mr. Spears purports to assert hodgepodge objections that the document requests are "speculative, lack foundation, or improperly assume the existence of hypothetical facts that are incorrect or unknown to Jamie" and "call for a legal conclusion." (McCurdy Decl., Ex. G, ¶¶ 13, 14.) In asserting this boilerplate objection, Mr., Spears does nothing more than cite boilerplate buzz words into his general objections; he fails to incorporate them anywhere else, and he fails to justify how the document requests are so formed. This is because he is, once again, wrong and he is once again seeking to evade the truth and its consequences. As demonstrated above and as the requests themselves demonstrate, the requests are narrowly tailored to pending issues, which were put front and center by Mr. Spears himself. The use of such general objections, as applied here, is improper under the California Civil Discovery Act, and their bald assertion in this context demonstrates Mr. Spears's desperation and lack of any factual basis for them. (See generally *Korea Data Sys. Co. v. Superior Court* (1997) 51 Cal.App.4th 1513, 1516 [use of boilerplate objections is improper and sanctionable].)

REQUEST FOR PRODUCTION NO. 39:

All correspondence (whether on paper, electronically, or by text or instant message) RELATING TO the invoiced legal fees relating to litigation pursued against one of the leaders of the "#FreeBritney" movement or any members of that movement.

RESPONSE TO REQUEST FOR PRODUCTION NO. 39:

Jamie incorporates by reference his General Objections. Jamie further objects to the Document Request to the extent it is vague, ambiguous, overly broad, unduly burdensome, and oppressive especially as it does not contain any temporal limitations. Jamie further objects to the Document Request to the extent it impermissibly seeks material protected by the attorney-client privilege, the attorney work-product doctrine, and/or the common interest doctrine. Jamie further objects to the Document Request to the extent that it seeks information that is already in Britney's possession or equally available to her.

Jamie further objects to the Document Request as follows:

- Jamie objects on the grounds that the Document Request is unduly burdensome and unreasonably duplicative and cumulative because it seeks the same information that was requested by Britney from Jamie in her December 17, 2021 Second Set of Requests for Production (*see, e.g.*, Request for Production No. 55). This is now the second time Britney served the exact same request.

- The Document Request extends beyond the proper scope of discovery and improperly attempts to re-litigate the thirteen-year Conservatorship and innumerable final court orders. California Civil Procedure Code Section 2017.010 limits the scope of discovery to matters relevant to the subject matter involved in the pending action. California Probate Code Section 2103 releases a conservator and the sureties from all the conservatee's claims when the court authorizes, approves, or confirms the action in an order. This Document Request is therefore overbroad, unduly burdensome, and beyond the scope of discovery to the extent it is not relevant to the limited matters remaining before the Court and to the extent the Court already approved any action in an order or judgment.
- There is no legitimate reason for requiring Jamie to undertake the burden of sifting through documents he already produced and reproducing those documents that are responsive to this Document Request. Jamie objects to these Document Requests as duplicative, unduly burdensome, oppressive, and harassing to the extent the Document Requests seek some or all of ₹he same documents and information that Jamie already voluntarily produced. Since October 2021, Jamie's counsel has arranged for nearly 600,000 pages of documents (consisting of more than 58 boxes of hard copy documents and more than 22 drives of electronic documents and spanning over 13 years of documents). Britney's own counsel admitted at the January 19, 2022 hearing that Jamie "produced voluminous information." *See* Jan. 19 Tr. 17:3-4. The nearly 600,000 pages of documents represent more than 124,500 electronic documents. Any responsive documents that are in Jamie's possession, custody, or control already are in Britney's possession, custody, or control or are otherwise equally available to her given Jamie's prior voluminous production of documents and information.

REASON TO COMPEL PRODUCTION TO REQUEST FOR PRODUCTION NO. 39:

As an initial matter, Mr. Spears fails to justify any of his objections with any facts, and none of his boilerplate objections are proper. (See *Costco Wholesale Corp. v. Superior Court* (2009) 47 Cal.4th 725, 733; *Coy v. Superior Court of Contra Costa County* (1962) 58 Cal.2d 210, 218-221.) It is important to bear in mind, too, that Mr. Spears has an obligation as a suspended conservator and fiduciary to turn over all relevant and responsive documents without any condition, regardless of the method of discovery sought. (See *Poag v. Winston* (1987) 195 Cal.App.3d 1161, 1176 ["As a fiduciary, a conservator owes a duty of loyalty which requires that he act in the highest good faith."].) This fact is buttressed by his new

lawyer's own repeated claims of cooperation. Further, demonstrating regrettable gamesmanship and completely contradicting himself, Ms. Spears's counsel claims he "instructed" prior counsel to "withhold nothing" on the basis of privilege. Yet, his response to ***every single request*** for production includes objections on the basis of privilege. (See generally, McCurdy Decl., Ex. G.) This type of Alice-in-Wonderland dissembling is unacceptable.

Mr. Spears's counsel repeatedly and profusely promised his client's unconditional, transparent cooperation in producing "***all***" documents to Ms. Spears's counsel. Although these representations have, regrettably, proven to be false, made in an effort to create a false narrative and record—and what has become a "Big Lie" of Mr. Spears's defense—they are nevertheless relevant; thus, in addition to Mr. Spears's statutory waiver, his boilerplate objections should also be considered waived as a matter of equity and fairness and he should be estopped from asserting them. By way of illustration only, by email dated October 22, 2021, Mr. Spears's counsel professed the following:

- That Mr. Spears would "***unconditionally[] cooperate*** with a complete and total transfer of ***all files*** regarding the conservatorship . . . ."
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In a November 5, 2021 email, Mr. Spears's counsel stated that he and his client were supposedly "committed to ***complete transparency***," that they had "***withheld nothing***," and that he "provided ***explicit instructions to prior counsel to produce <u>everything without exception</u>***." (McCurdy Decl., ¶ 11.) Even more, Mr. Spears's counsel claimed that "whatever documents exist regarding electronic surveillance, to the extent that any, would part [*sic*] of the production being made by prior counsel." (*Id.*)

These promises are tantamount to a "Big Lie." By objecting to every single one of Ms. Spears's document requests, Mr. Spears has done the exact opposite of what he promised. Mr. Spears's tactics to create a false record and narrative should not be countenanced. Even putting aside his statutory and fiduciary obligations, he has waived any objections and he should be ordered to produce all documents contained in the applicable requests.

Mr. Spears objects to the document requests as "unduly burdensome and unreasonable duplicative and cumulative" because he claims Ms. Spears requested similar information in requests for production propounded on him. (McCurdy Decl., Ex. G, ¶ 5.) The objection is contrary to law. California's Code of Civil Procedure does not preclude a party from seeking similar documents through different methods of discovery. "[T]he inspection of documents procedure is quite different from a deposition at which a party is required to bring documents. Nothing in either section 2025 or section 2031 suggests that seeking documents under one statutory procedure bars a litigant from seeking the same documents under the other." (*Carter v. Superior Court* (1990) 218 Cal.App.3d 994, 997.)[76] Thus, consistent with the Court's reasoning in *Carter*, Mr. Spears must bring the requested documents to his deposition pursuant to this different method of discovery. (See also *Irvington-Moore, Inc. v. Superior Court* (1993) 14 Cal.App.4th 733, 739 ["[T]he selection of the method of discovery is to be utilized is to be made by the party seeking discovery. It cannot be dictated by the opposing party.].)

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(*W. Pico Furniture Co. v. Superior Court* (1961) 56 Cal.2d 407, 417, 418.) Mr. Spears fails to make any showing as to burden or oppression. (See *id.* at p. 418 ["The objection of burden is valid only when that burden is ***demonstrated*** to result in injustice."]; *cf. Mead Reinsurance Co. v. Superior Ct.* (1986) 188 Cal.App.3d 313, 321. For these reasons, Mr. Spears's objection that the documents "may be obtained from other sources or through other means of discovery" (McCurdy Decl., Ex. G, ¶ 15), and that the burden and expense would "outweigh the likely benefit of this discovery" (McCurdy Decl., Ex. G, ¶ 17) is also completely meritless.

Additionally, to the extent Mr. Spears objects that the document requests are "oppressive" because they "do not contain any temporal limitations" (an objection repeated in every response) this argument is also meritless. Again, no showing has been made of any intent to create an unreasonable burden, and any objection based on a lack of temporal definition is hypocritical. We are only here today because Britney Spears was under her father's infantilizing control for more than a decade. Further, the evidence shows that the conservatorship was conflicted from the very outset, when, among other things, Mr. Spears violated Rule of Court 7.1059 by obtaining a substantial loan from Tri Star and then hiring Tri Star (a then fledgling company) as her business manager. And any claim that *Mr. Spears* faces "oppression" such that he cannot respond to discovery relating to *his own* oppression of Britney Spears is, to say the least, rich. Mr. Spears put his conduct at issue and he must face the consequences.

Mr. Spears's objections on privileged meritless, inapplicable, and have been waived. *First*, to the extent any privilege was claimed, Mr. Spears should have supported the claim with "sufficient factual information for other parties to evaluate the merits of that claim," such as a privilege log. (See, e.g. Code Civ. Proc. § 2031.240(c); *Riddell, Inc. v. Superior Court* (2017) 14 Cal.App.5th 755, 772 ["if an objection to a document request is based on a claim of privilege or work product, then the response to the request 'shall provide sufficient factual information for other parties to evaluate the merits of that claim'"]); (See *Costco*, *supra*, 47 Cal.4th at p. 733 ["[t]he party claiming the privilege has the burden of establishing the preliminary facts necessary to support its exercise"].) He failed to do so.

Second, now that Mr. Spears has been suspended as conservator of the estate, he no longer holds any attorney-client privilege. (See *Stine v. Dell'Osso* (2014) 239 Cal.App.4th 834, 843 [successor fiduciary became holder of the privilege of all communications between fiduciary and his counsel

regarding the estate, whenever they occurred]; see also *Moeller v. Superior Court* (1997) 16 Cal.4th 1124, 1129-1135 [because fiduciary is holder of the attorney-client privilege in his or her capacity as such, successor fiduciary becomes the holder as to confidential communications between the predecessor fiduciary and attorney concerning trust administration]; Cal. Probate Code, § 8524, subd. (c). Because he was suspended, Mr. Spears quite simply has no privilege to claim.

Third, as noted above, Mr. Spears also waived any privilege claims. In addition to failing to timely object, his counsel promised "***unconditional[] cooperat[ion]***," "***complete transparency without conditions***," and that Britney Spears was "***welcome to everything***." (See McCurdy Decl., ¶ 10, Ex. D.) Even further, Mr. Spears's counsel stated that he had "provided ***explicit instructions to prior counsel to produce everything without exception***." (See McCurdy Decl., ¶ 11; see also *infra*, n.4.) Under *Moeller* and *Stine,* Mr. Spears does not hold the privilege. And in any event, even if the documents at issue were privileged (and they are not) he has waived any such privilege and should be estopped from asserted any such objections.

Mr. Spears also objects that the requests somehow violate his right to privacy. (McCurdy Decl., Ex. G, ¶ 10.) This makes no sense. It is Mr. Spears's burden to justify the objection, and he has failed to do so. (See *Coy*, *supra*, 58 Cal.2d at pp. 220-221; *Fairmont Ins. Co. v. Super. Ct.* (2000) 22 Cal.4th 245, 255.) Mr. Spears's position also reeks of hypocrisy given his gross violations of *his daughter's* privacy. Finally, any claimed right to privacy must be considered against the "historically important state interest of facilitating the ascertainment of truth in connection with legal proceedings." (See *Gregori v. Bank of America* (1989) 207 Cal.App.3d 291, 312.) Even as Mr. Spears hides it, the mission remains to ascertain the truth, which necessarily trumps Mr. Spears's evasive and fabricated "privacy rights."

Mr. Spears additionally claims each document request violates confidentiality or the "common interest doctrine." Not only does Mr. Spears once again fail to support this objection with any facts, the "common interest doctrine" is a "nonwaiver doctrine," and does not separately act as a privilege shielding documents from discovery. (See *OXY Resources California LLC v. Superior Court* (2004) 115 Cal.App.4th 874, 889-90 ["party seeking to invoke the [common interest] doctrine must first establish that the communicated information would otherwise be protected from a disclosure by a claim of privilege"].) No privilege exists here to protect the disclosure of the requested documents.

Finally, Mr. Spears purports to assert hodgepodge objections that the document requests are "speculative, lack foundation, or improperly assume the existence of hypothetical facts that are incorrect or unknown to Jamie" and "call for a legal conclusion." (McCurdy Decl., Ex. G, ¶¶ 13, 14.) In asserting this boilerplate objection, Mr., Spears does nothing more than cite boilerplate buzz words into his general objections; he fails to incorporate them anywhere else, and he fails to justify how the document requests are so formed. This is because he is, once again, wrong and he is once again seeking to evade the truth and its consequences. As demonstrated above and as the requests themselves demonstrate, the requests are narrowly tailored to pending issues, which were put front and center by Mr. Spears himself. The use of such general objections, as applied here, is improper under the California Civil Discovery Act, and their bald assertion in this context demonstrates Mr. Spears's desperation and lack of any factual basis for them. (See generally *Korea Data Sys. Co. v. Superior Court* (1997) 51 Cal.App.4th 1513, 1516 [use of boilerplate objections is improper and sanctionable].)

REQUEST FOR PRODUCTION NO. 40:

All DOCUMENTS RELATING TO the stipulated judgment and settlement in the litigation pursued by the Conservatorship Estate – regardless of which entity initiated the action – against one of the leaders of the "#FreeBritney" movement or any members of the movement.

RESPONSE TO REQUEST FOR PRODUCTION NO. 40:

Jamie incorporates by reference his General Objections. Jamie further objects to the Document Request to the extent it is vague, ambiguous, overly broad, unduly burdensome, and oppressive especially as it does not contain any temporal limitations. Jamie further objects to the Document Request to the extent it impermissibly seeks material protected by the attorney-client privilege, the attorney work-product doctrine, and/or the common interest doctrine. Jamie further objects to the Document Request to the extent that it seeks information that is already in Britney's possession or equally available to her.

Jamie further objects to the Document Request as follows:

- Jamie objects on the grounds that the Document Request is unduly burdensome and unreasonably duplicative and cumulative because it seeks the same information that was requested by Britney from Jamie in her December 17, 2021 Second Set of Requests for Production (*see, e.g.*, Request for Production No. 56). This is now the second time Britney served the exact same request.

- The Document Request extends beyond the proper scope of discovery and improperly attempts to re-litigate the thirteen-year Conservatorship and innumerable final court orders. California Civil Procedure Code Section 2017.010 limits the scope of discovery to matters relevant to the subject matter involved in the pending action. California Probate Code Section 2103 releases a conservator and the sureties from all the conservatee's claims when the court authorizes, approves, or confirms the action in an order. This Document Request is therefore overbroad, unduly burdensome, and beyond the scope of discovery to the extent it is not relevant to the limited matters remaining before the Court and to the extent the Court already approved any action in an order or judgment.
- There is no legitimate reason for requiring Jamie to undertake the burden of sifting through documents he already produced and reproducing those documents that are responsive to this Document Request. Jamie objects to these Document Requests as duplicative, unduly burdensome, oppressive, and harassing to the extent the Document Requests seek some or all of the same documents and information that Jamie already voluntarily produced. Since October 2021, Jamie's counsel has arranged for nearly 600,000 pages of documents (consisting of more than 58 boxes of hard copy documents and more than 22 drives of electronic documents and spanning over 13 years of documents). Britney's own counsel admitted at the January 19, 2022 hearing that Jamie "produced voluminous information." *See* Jan. 19 Tr. 17:3-4. The nearly 600,000 pages of documents represent more than 124,500 electronic documents. Any responsive documents that are in Jamie's possession, custody, or control already are in Britney's possession, custody, or control or are otherwise equally available to her given Jamie's prior voluminous production of documents and information.

REASON TO COMPEL PRODUCTION TO REQUEST FOR PRODUCTION NO. 40:

As an initial matter, Mr. Spears fails to justify any of his objections with any facts, and none of his boilerplate objections are proper. (See *Costco Wholesale Corp. v. Superior Court* (2009) 47 Cal.4th 725, 733; *Coy v. Superior Court of Contra Costa County* (1962) 58 Cal.2d 210, 218-221.) It is important to bear in mind, too, that Mr. Spears has an obligation as a suspended conservator and fiduciary to turn over all relevant and responsive documents without any condition, regardless of the method of discovery sought. (See *Poag v. Winston* (1987) 195 Cal.App.3d 1161, 1176 ["As a fiduciary, a conservator owes a duty of loyalty which requires that he act in the highest good faith."].) This fact is buttressed by his new

lawyer's own repeated claims of cooperation. Further, demonstrating regrettable gamesmanship and completely contradicting himself, Ms. Spears's counsel claims he "instructed" prior counsel to "withhold nothing" on the basis of privilege. Yet, his response to ***every single request*** for production includes objections on the basis of privilege. (See generally, McCurdy Decl., Ex. G.) This type of Alice-in-Wonderland dissembling is unacceptable.

Mr. Spears's counsel repeatedly and profusely promised his client's unconditional, transparent cooperation in producing "***all***" documents to Ms. Spears's counsel. Although these representations have, regrettably, proven to be false, made in an effort to create a false narrative and record—and what has become a "Big Lie" of Mr. Spears's defense—they are nevertheless relevant; thus, in addition to Mr. Spears's statutory waiver, his boilerplate objections should also be considered waived as a matter of equity and fairness and he should be estopped from asserting them. By way of illustration only, by email dated October 22, 2021, Mr. Spears's counsel professed the following:

- That Mr. Spears would "***unconditionally[] cooperate*** with a complete and total transfer of ***all files*** regarding the conservatorship . . . ."
- That Ms. Spears was "***welcome to everything – complete transparency without conditions***."
- That he would "***do everything [he] [could]*** to help facilitate the direct transfer [of all files] from prior counsel . . . ."
- "Again, ***complete transparency without conditions***."

(McCurdy Decl., ¶ 10.)

In the November 1, 2021 Status Report, Mr. Spears's counsel represented the following:

- "Jamie has ***nothing to hide*** [and] ***will therefore hide nothing***."
- "Jamie affirms that he will ***unconditionally cooperate*** in transferring *all* [emphasis in original] files regarding the estate to Britney's counsel without delay."
- "Jamie recognizes his ***ongoing and transparent participation is paramount*** . . . ."
- "Jamie will ***unconditionally cooperate*** with a complete and total transfer of all files."
- "Jamie is committed to ***complete transparency without conditions***."

(McCurdy Decl., Ex. D.)

In a November 5, 2021 email, Mr. Spears's counsel stated that he and his client were supposedly "committed to ***complete transparency***," that they had "***withheld nothing***," and that he "provided ***explicit instructions to prior counsel to produce <u>everything without exception</u>***." (McCurdy Decl., ¶ 11.) Even more, Mr. Spears's counsel claimed that "whatever documents exist regarding electronic surveillance, to the extent that any, would part [*sic*] of the production being made by prior counsel." (*Id.*)

These promises are tantamount to a "Big Lie." By objecting to every single one of Ms. Spears's document requests, Mr. Spears has done the exact opposite of what he promised. Mr. Spears's tactics to create a false record and narrative should not be countenanced. Even putting aside his statutory and fiduciary obligations, he has waived any objections and he should be ordered to produce all documents contained in the applicable requests.

Mr. Spears objects to the document requests as "unduly burdensome and unreasonable duplicative and cumulative" because he claims Ms. Spears requested similar information in requests for production propounded on him. (McCurdy Decl., Ex. G, ¶ 5.) The objection is contrary to law. California's Code of Civil Procedure does not preclude a party from seeking similar documents through different methods of discovery. "[T]he inspection of documents procedure is quite different from a deposition at which a party is required to bring documents. Nothing in either section 2025 or section 2031 suggests that seeking documents under one statutory procedure bars a litigant from seeking the same documents under the other." (*Carter v. Superior Court* (1990) 218 Cal.App.3d 994, 997.)[78] Thus, consistent with the Court's reasoning in *Carter*, Mr. Spears must bring the requested documents to his deposition pursuant to this different method of discovery. (See also *Irvington-Moore, Inc. v. Superior Court* (1993) 14 Cal.App.4th 733, 739 ["[T]he selection of the method of discovery is to be utilized is to be made by the party seeking discovery. It cannot be dictated by the opposing party.].)

Relatedly, Mr. Spears claims the document requests are "duplicative, unduly burdensome, oppressive, and harassing" because Mr. Spears already "voluntarily" produced some of the same documents and information. (McCurdy Decl., Ex. G, ¶ 7.) He is wrong, on multiple levels. Initially,

[78] See also 10 Witkin, Cal. Evid. Discovery § 143 [discussing *Carter*]. Notably, the Legislature has amended the Civil Discovery Act several times since *Carter*, and it has done so without overruling or modifying *Carter*'s interpretation of the Act. "When a statute has been construed by the courts, and the Legislature thereafter reenacts that statute without changing the interpretation put on that statute by the court, the Legislature is presumed to have been aware of, and acquiesced in, the courts' construction of that statute." (*People v. Ledesma* (1997) 16 Cal.4th 90, 100-01.)

"[a] party is permitted to use multiple methods of obtaining discovery and the fact that information was disclosed under one method is not, standing alone, a proper basis for refusing to provide discovery under another method." (*Irvington-Moore, Inc.*, *supra*, 14 Cal.App.4th at p. 739; see also *TBG Ins. Services Corp. v. Superior Court* (2002) 96 Cal.App.4th 443, 449 [citing *Irvington-Moore* for the proposition that "a party may use multiple methods to obtain discovery and the fact that information was disclosed under one method is not, by itself, a proper basis to refuse to provide discovery under another method"]; see, e.g. *Coy*, *supra*, 58 Cal.2d at p. 218 ["the bare claim of previous deposition is insufficient as an objection to an interrogatory . . . To suffice as a valid objection such claim must be supported by some showing (or, as a minimum, some claim) that the requirement of a reply would be unjust and inequitable"].)

Mr. Spears's objection that he has already produced some of the requested documents, even if true, is not a defense. To the extent he intended to actually rely on this objection, Mr. Spears needed to demonstrate that production of the requested documents now would be "unjust and inequitable." But he grossly fails to so demonstrate; instead, he relies on his "Big Lie" defense: that he has cooperated and transferred all of the documents requested. Mr. Spears also astonishingly objects on the basis that "there are no further documents [he] could provide to respond to the Deposition Notice, Document Requests, and definitions" because he supposedly has produced them all. (McCurdy Decl., Ex. G, at p. 3:22-23.) If this were true (and it is false), then why does he not so state in a single response, instead of making countless boilerplate objections? Why does he not appear at his deposition, and so state on the record, under penalty of perjury? Why does he not identify the requested documents—by Bates number? Why does he not correlate them to the document requests at issue? And why does he not simply provide answers to the following questions and requests that have been posed to him repeatedly?

As referenced above, despite our repeated and ongoing requests, while relying on the facile and false claim that he has produced "everything" requested, Mr. Spears has also failed to produce all text or email communications between and amongst Tri Star, Black Box, himself, and his counsel (see *Moeller* and *Stine*, *infra* at pp. 19-20) concerning the illicit surveillance operation at issue. Indeed, he falsely claims it "***DIDN'T HAPPEN, YOUR HONOR***," *supra* at 9. In short, as part of their efforts to stonewall and hide the truth, Mr. Spears has engaged in improper disjointed and incomplete "document dumps" rather than a professional, organized, and labelled production of documents. More pointedly, he has

failed to produce *any* documents pursuant to and correlated to the deposition notices, ***not one***. (See *Kayne v. Grande Holdings Ltd.* (2011) 198 Cal.App.4th 1470, 1475-76 [sanctions appropriate where party refused to produce documents in an organized and labelled manner].)[79]

Mr. Spears also objects that the document requests "attempt to relitigate the entire thirteen-year Conservatorship and innumerable final court orders," and "are not relevant and not reasonably calculated to lead to the discovery of admissible evidence." (McCurdy Decl., Ex. G, ¶¶ 6, 8.) Nonsense. "Discovery may relate to the claim or defense of the party seeking discovery or of any other party to the action." (Code Civ. Proc., § 2017.010.) In this case, the document requests directly relate to Mr. Spears's role and conduct as former conservator of the estate, which are also directly at issue under *Shine*, *Kasperbauer*, and *Hudson.* The requested documents are thus not only "reasonably calculated" to lead to the discovery of admissible evidence, they go directly to the heart of numerous pending matters including Mr. Spears's fee petition and accountings, see, e.g., *Shine*, *supra*, 16 Cal.App.4th at p. 540; *Hudson*, *supra*, 68 Cal.App.4th at pp. 669-670.

Under the circumstances, Mr. Spears's objection that the requests are somehow "not reasonably calculated to lead to the discovery of admissible evidence" (McCurdy Decl., Ex. G, ¶¶ 8, 9) are, in fact, legally frivolous. (See *Pacific Tel. & Tel. Co. v. Superior Court* (1970) 2 Cal.3d 161, 173; *Garamendi v. Golden Eagle Ins. Co*. (2004) 116 Cal.App.4th 694, 712 fn. 8.)

Mr. Spears's objections on grounds of purportedly vague and ambiguous requests, or the terms "YOU" and "YOUR," are all baseless. (McCurdy Decl. G, ¶¶ 9, 11.) He has not and cannot explain in any manner what he claims not to understand about the document requests. (See *Deyo v. Kilbourne* (1978) 84 Cal.App.3d 771, 783 ["[W]here the question is somewhat ambiguous, but the nature of the information sought is apparent, the proper solution is to provide an appropriate response."].) Mr. Spears also fails to support his baseless burdensome and oppressive objections and asserts all of them without any actual factual support whatsoever. (See McCurdy Decl., Ex. G, ¶¶ 9, 12, 15, 16, 17.) "The objection based upon burden must be sustained by ***evidence showing*** the quantum of work required, while to support an objection of oppression there must be ***some showing*** either of an intent to create an unreasonable burden or that the ultimate effect of the burden is incommensurate with the result sought."

[79] As a matter of restraint, we refrain herein from moving for sanctions but reserve all rights in that regard.

(*W. Pico Furniture Co. v. Superior Court* (1961) 56 Cal.2d 407, 417, 418.) Mr. Spears fails to make any showing as to burden or oppression. (See *id.* at p. 418 ["The objection of burden is valid only when that burden is ***demonstrated*** to result in injustice."]; *cf. Mead Reinsurance Co. v. Superior Ct.* (1986) 188 Cal.App.3d 313, 321. For these reasons, Mr. Spears's objection that the documents "may be obtained from other sources or through other means of discovery" (McCurdy Decl., Ex. G, ¶ 15), and that the burden and expense would "outweigh the likely benefit of this discovery" (McCurdy Decl., Ex. G, ¶ 17) is also completely meritless.

Additionally, to the extent Mr. Spears objects that the document requests are "oppressive" because they "do not contain any temporal limitations" (an objection repeated in every response) this argument is also meritless. Again, no showing has been made of any intent to create an unreasonable burden, and any objection based on a lack of temporal definition is hypocritical. We are only here today because Britney Spears was under her father's infantilizing control for more than a decade. Further, the evidence shows that the conservatorship was conflicted from the very outset, when, among other things, Mr. Spears violated Rule of Court 7.1059 by obtaining a substantial loan from Tri Star and then hiring Tri Star (a then fledgling company) as her business manager. And any claim that *Mr. Spears* faces "oppression" such that he cannot respond to discovery relating to *his own* oppression of Britney Spears is, to say the least, rich. Mr. Spears put his conduct at issue and he must face the consequences.

Mr. Spears's objections on privileged meritless, inapplicable, and have been waived. *First*, to the extent any privilege was claimed, Mr. Spears should have supported the claim with "sufficient factual information for other parties to evaluate the merits of that claim," such as a privilege log. (See, e.g. Code Civ. Proc. § 2031.240(c); *Riddell, Inc. v. Superior Court* (2017) 14 Cal.App.5th 755, 772 ["if an objection to a document request is based on a claim of privilege or work product, then the response to the request 'shall provide sufficient factual information for other parties to evaluate the merits of that claim'"]); (See *Costco*, *supra*, 47 Cal.4th at p. 733 ["[t]he party claiming the privilege has the burden of establishing the preliminary facts necessary to support its exercise"].) He failed to do so.

Second, now that Mr. Spears has been suspended as conservator of the estate, he no longer holds any attorney-client privilege. (See *Stine v. Dell'Osso* (2014) 239 Cal.App.4th 834, 843 [successor fiduciary became holder of the privilege of all communications between fiduciary and his counsel

regarding the estate, whenever they occurred]; see also *Moeller v. Superior Court* (1997) 16 Cal.4th 1124, 1129-1135 [because fiduciary is holder of the attorney-client privilege in his or her capacity as such, successor fiduciary becomes the holder as to confidential communications between the predecessor fiduciary and attorney concerning trust administration]; Cal. Probate Code, § 8524, subd. (c). Because he was suspended, Mr. Spears quite simply has no privilege to claim.

Third, as noted above, Mr. Spears also waived any privilege claims. In addition to failing to timely object, his counsel promised "***unconditional[] cooperat[ion]***," "***complete transparency without conditions***," and that Britney Spears was "***welcome to everything***." (See McCurdy Decl., ¶ 10, Ex. D.) Even further, Mr. Spears's counsel stated that he had "provided ***explicit instructions to prior counsel to produce everything without exception***." (See McCurdy Decl., ¶ 11; see also *infra*, n.4.) Under *Moeller* and *Stine,* Mr. Spears does not hold the privilege. And in any event, even if the documents at issue were privileged (and they are not) he has waived any such privilege and should be estopped from asserted any such objections.

Mr. Spears also objects that the requests somehow violate his right to privacy. (McCurdy Decl., Ex. G, ¶ 10.) This makes no sense. It is Mr. Spears's burden to justify the objection, and he has failed to do so. (See *Coy*, *supra*, 58 Cal.2d at pp. 220-221; *Fairmont Ins. Co. v. Super. Ct.* (2000) 22 Cal.4th 245, 255.) Mr. Spears's position also reeks of hypocrisy given his gross violations of *his daughter's* privacy. Finally, any claimed right to privacy must be considered against the "historically important state interest of facilitating the ascertainment of truth in connection with legal proceedings." (See *Gregori v. Bank of America* (1989) 207 Cal.App.3d 291, 312.) Even as Mr. Spears hides it, the mission remains to ascertain the truth, which necessarily trumps Mr. Spears's evasive and fabricated "privacy rights."

Mr. Spears additionally claims each document request violates confidentiality or the "common interest doctrine." Not only does Mr. Spears once again fail to support this objection with any facts, the "common interest doctrine" is a "nonwaiver doctrine," and does not separately act as a privilege shielding documents from discovery. (See *OXY Resources California LLC v. Superior Court* (2004) 115 Cal.App.4th 874, 889-90 ["party seeking to invoke the [common interest] doctrine must first establish that the communicated information would otherwise be protected from a disclosure by a claim of privilege"].) No privilege exists here to protect the disclosure of the requested documents.

Finally, Mr. Spears purports to assert hodgepodge objections that the document requests are "speculative, lack foundation, or improperly assume the existence of hypothetical facts that are incorrect or unknown to Jamie" and "call for a legal conclusion." (McCurdy Decl., Ex. G, ¶¶ 13, 14.) In asserting this boilerplate objection, Mr., Spears does nothing more than cite boilerplate buzz words into his general objections; he fails to incorporate them anywhere else, and he fails to justify how the document requests are so formed. This is because he is, once again, wrong and he is once again seeking to evade the truth and its consequences. As demonstrated above and as the requests themselves demonstrate, the requests are narrowly tailored to pending issues, which were put front and center by Mr. Spears himself. The use of such general objections, as applied here, is improper under the California Civil Discovery Act, and their bald assertion in this context demonstrates Mr. Spears's desperation and lack of any factual basis for them. (See generally *Korea Data Sys. Co. v. Superior Court* (1997) 51 Cal.App.4th 1513, 1516 [use of boilerplate objections is improper and sanctionable].)

REQUEST FOR PRODUCTION NO. 41:

All correspondence (whether on paper, electronically, or by text or instant message) RELATING TO the stipulated judgment and settlement in the litigation pursued by the Conservatorship Estate – regardless of which entity initiated the action – against one of the leaders of the "#FreeBritney" movement or any members of the movement.

RESPONSE TO REQUEST FOR PRODUCTION NO. 41:

Jamie incorporates by reference his General Objections. Jamie further objects to the Document Request to the extent it is vague, ambiguous, overly broad, unduly burdensome, and oppressive especially as it does not contain any temporal limitations. Jamie further objects to the Document Request to the extent it impermissibly seeks material protected by the attorney-client privilege, the attorney work-product doctrine, and/or the common interest doctrine. Jamie further objects to the Document Request to the extent that it seeks information that is already in Britney's possession or equally available to her.

Jamie further objects to the Document Request as follows:

- Jamie objects on the grounds that the Document Request is unduly burdensome and unreasonably duplicative and cumulative because it seeks the same information that was requested by

Britney from Jamie in her December 17, 2021 Second Set of Requests for Production (*see, e.g.*, Request for Production No. 57). This is now the second time Britney served the exact same request.

- The Document Request extends beyond the proper scope of discovery and improperly attempts to re-litigate the thirteen-year Conservatorship and innumerable final court orders. California Civil Procedure Code Section 2017.010 limits the scope of discovery to matters relevant to the subject matter involved in the pending action. California Probate Code Section 2103 releases a conservator and the sureties from all the conservatee's claims when the court authorizes, approves, or confirms the action in an order. This Document Request is therefore overbroad, unduly burdensome, and beyond the scope of discovery to the extent it is not relevant to the limited matters remaining before the Court and to the extent the Court already approved any action in an order or judgment.

- There is no legitimate reason for requiring Jamie to undertake the burden of sifting through documents he already produced and reproducing those documents that are responsive to this Document Request. Jamie objects to these Document Requests as duplicative, unduly burdensome, oppressive, and harassing to the extent the Document Requests seek some or all of the same documents and information that Jamie already voluntarily produced. Since October 2021, Jamie's counsel has arranged for nearly 600,000 pages of documents (consisting of more than 58 boxes of hard copy documents and more than 22 drives of electronic documents and spanning over 13 years of documents). Britney's own counsel admitted at the January 19, 2022 hearing that Jamie "produced voluminous information." *See* Jan. 19 Tr. 17:3-4. The nearly 600,000 pages of documents represent more than 124,500 electronic documents. Any responsive documents that are in Jamie's possession, custody, or control already are in Britney's possession, custody, or control or are otherwise equally available to her given Jamie's prior voluminous production of documents and information.

REASON TO COMPEL PRODUCTION TO REQUEST FOR PRODUCTION NO. 41:

As an initial matter, Mr. Spears fails to justify any of his objections with any facts, and none of his boilerplate objections are proper. (See *Costco Wholesale Corp. v. Superior Court* (2009) 47 Cal.4th 725, 733; *Coy v. Superior Court of Contra Costa County* (1962) 58 Cal.2d 210, 218-221.) It is important to bear in mind, too, that Mr. Spears has an obligation as a suspended conservator and fiduciary to turn over all relevant and responsive documents without any condition, regardless of the method of discovery

sought. (See *Poag v. Winston* (1987) 195 Cal.App.3d 1161, 1176 ["As a fiduciary, a conservator owes a duty of loyalty which requires that he act in the highest good faith."].) This fact is buttressed by his new lawyer's own repeated claims of cooperation. Further, demonstrating regrettable gamesmanship and completely contradicting himself, Ms. Spears's counsel claims he "instructed" prior counsel to "withhold nothing" on the basis of privilege. Yet, his response to ***every single request*** for production includes objections on the basis of privilege. (See generally, McCurdy Decl., Ex. G.) This type of Alice-in-Wonderland dissembling is unacceptable.

Mr. Spears's counsel repeatedly and profusely promised his client's unconditional, transparent cooperation in producing "***all***" documents to Ms. Spears's counsel. Although these representations have, regrettably, proven to be false, made in an effort to create a false narrative and record—and what has become a "Big Lie" of Mr. Spears's defense—they are nevertheless relevant; thus, in addition to Mr. Spears's statutory waiver, his boilerplate objections should also be considered waived as a matter of equity and fairness and he should be estopped from asserting them. By way of illustration only, by email dated October 22, 2021, Mr. Spears's counsel professed the following:

- That Mr. Spears would "***unconditionally[] cooperate*** with a complete and total transfer of ***all files*** regarding the conservatorship . . . ."
- That Ms. Spears was "***welcome to everything – complete transparency without conditions***."
- That he would "***do everything [he] [could]*** to help facilitate the direct transfer [of all files] from prior counsel . . . ."
- "Again, ***complete transparency without conditions***."

(McCurdy Decl., ¶ 10.)

In the November 1, 2021 Status Report, Mr. Spears's counsel represented the following:

- "Jamie has ***nothing to hide*** [and] ***will therefore hide nothing***."
- "Jamie affirms that he will ***unconditionally cooperate*** in transferring *all* [emphasis in original] files regarding the estate to Britney's counsel without delay."
- "Jamie recognizes his ***ongoing and transparent participation is paramount*** . . . ."
- "Jamie will ***unconditionally cooperate*** with a complete and total transfer of all files."

- "Jamie is committed to ***complete transparency without conditions***."

(McCurdy Decl., Ex. D.)

In a November 5, 2021 email, Mr. Spears's counsel stated that he and his client were supposedly "committed to ***complete transparency***," that they had "***withheld nothing***," and that he "provided ***explicit instructions to prior counsel to produce <u>everything without exception</u>***." (McCurdy Decl., ¶ 11.) Even more, Mr. Spears's counsel claimed that "whatever documents exist regarding electronic surveillance, to the extent that any, would part [*sic*] of the production being made by prior counsel." (*Id.*)

These promises are tantamount to a "Big Lie." By objecting to every single one of Ms. Spears's document requests, Mr. Spears has done the exact opposite of what he promised. Mr. Spears's tactics to create a false record and narrative should not be countenanced. Even putting aside his statutory and fiduciary obligations, he has waived any objections and he should be ordered to produce all documents contained in the applicable requests.

Mr. Spears objects to the document requests as "unduly burdensome and unreasonable duplicative and cumulative" because he claims Ms. Spears requested similar information in requests for production propounded on him. (McCurdy Decl., Ex. G, ¶ 5.) The objection is contrary to law. California's Code of Civil Procedure does not preclude a party from seeking similar documents through different methods of discovery. "[T]he inspection of documents procedure is quite different from a deposition at which a party is required to bring documents. Nothing in either section 2025 or section 2031 suggests that seeking documents under one statutory procedure bars a litigant from seeking the same documents under the other." (*Carter v. Superior Court* (1990) 218 Cal.App.3d 994, 997.)[80] Thus, consistent with the Court's reasoning in *Carter*, Mr. Spears must bring the requested documents to his deposition pursuant to this different method of discovery. (See also *Irvington-Moore, Inc. v. Superior Court* (1993) 14 Cal.App.4th 733, 739 ["[T]he selection of the method of discovery is to be utilized is to be made by the party seeking discovery. It cannot be dictated by the opposing party.].)

[80] See also 10 Witkin, Cal. Evid. Discovery § 143 [discussing *Carter*]. Notably, the Legislature has amended the Civil Discovery Act several times since *Carter*, and it has done so without overruling or modifying *Carter*'s interpretation of the Act. "When a statute has been construed by the courts, and the Legislature thereafter reenacts that statute without changing the interpretation put on that statute by the court, the Legislature is presumed to have been aware of, and acquiesced in, the courts' construction of that statute." (*People v. Ledesma* (1997) 16 Cal.4th 90, 100-01.)

Relatedly, Mr. Spears claims the document requests are "duplicative, unduly burdensome, oppressive, and harassing" because Mr. Spears already "voluntarily" produced some of the same documents and information. (McCurdy Decl., Ex. G, ¶ 7.) He is wrong, on multiple levels. Initially, "[a] party is permitted to use multiple methods of obtaining discovery and the fact that information was disclosed under one method is not, standing alone, a proper basis for refusing to provide discovery under another method." (*Irvington-Moore, Inc.*, *supra*, 14 Cal.App.4th at p. 739; see also *TBG Ins. Services Corp. v. Superior Court* (2002) 96 Cal.App.4th 443, 449 [citing *Irvington-Moore* for the proposition that "a party may use multiple methods to obtain discovery and the fact that information was disclosed under one method is not, by itself, a proper basis to refuse to provide discovery under another method"]; see, e.g. *Coy*, *supra*, 58 Cal.2d at p. 218 ["the bare claim of previous deposition is insufficient as an objection to an interrogatory . . . To suffice as a valid objection such claim must be supported by some showing (or, as a minimum, some claim) that the requirement of a reply would be unjust and inequitable"].)

Mr. Spears's objection that he has already produced some of the requested documents, even if true, is not a defense. To the extent he intended to actually rely on this objection, Mr. Spears needed to demonstrate that production of the requested documents now would be "unjust and inequitable." But he grossly fails to so demonstrate; instead, he relies on his "Big Lie" defense: that he has cooperated and transferred all of the documents requested. Mr. Spears also astonishingly objects on the basis that "there are no further documents [he] could provide to respond to the Deposition Notice, Document Requests, and definitions" because he supposedly has produced them all. (McCurdy Decl., Ex. G, at p. 3:22-23.) If this were true (and it is false), then why does he not so state in a single response, instead of making countless boilerplate objections? Why does he not appear at his deposition, and so state on the record, under penalty of perjury? Why does he not identify the requested documents—by Bates number? Why does he not correlate them to the document requests at issue? And why does he not simply provide answers to the following questions and requests that have been posed to him repeatedly?

As referenced above, despite our repeated and ongoing requests, while relying on the facile and false claim that he has produced "everything" requested, Mr. Spears has also failed to produce all text or email communications between and amongst Tri Star, Black Box, himself, and his counsel (see *Moeller* and *Stine*, *infra* at pp. 19-20) concerning the illicit surveillance operation at issue. Indeed, he falsely

claims it "***DIDN'T HAPPEN, YOUR HONOR***," *supra* at 9. In short, as part of their efforts to stonewall and hide the truth, Mr. Spears has engaged in improper disjointed and incomplete "document dumps" rather than a professional, organized, and labelled production of documents. More pointedly, he has failed to produce *any* documents pursuant to and correlated to the deposition notices, ***not one***. (See *Kayne v. Grande Holdings Ltd.* (2011) 198 Cal.App.4th 1470, 1475-76 [sanctions appropriate where party refused to produce documents in an organized and labelled manner].)[81]

Mr. Spears also objects that the document requests "attempt to relitigate the entire thirteen-year Conservatorship and innumerable final court orders," and "are not relevant and not reasonably calculated to lead to the discovery of admissible evidence." (McCurdy Decl., Ex. G, ¶¶ 6, 8.) Nonsense. "Discovery may relate to the claim or defense of the party seeking discovery or of any other party to the action." (Code Civ. Proc., § 2017.010.) In this case, the document requests directly relate to Mr. Spears's role and conduct as former conservator of the estate, which are also directly at issue under *Shine*, *Kasperbauer*, and *Hudson.* The requested documents are thus not only "reasonably calculated" to lead to the discovery of admissible evidence, they go directly to the heart of numerous pending matters including Mr. Spears's fee petition and accountings, see, e.g., *Shine*, *supra*, 16 Cal.App.4th at p. 540; *Hudson*, *supra*, 68 Cal.App.4th at pp. 669-670.

Under the circumstances, Mr. Spears's objection that the requests are somehow "not reasonably calculated to lead to the discovery of admissible evidence" (McCurdy Decl., Ex. G, ¶¶ 8, 9) are, in fact, legally frivolous. (See *Pacific Tel. & Tel. Co. v. Superior Court* (1970) 2 Cal.3d 161, 173; *Garamendi v. Golden Eagle Ins. Co*. (2004) 116 Cal.App.4th 694, 712 fn. 8.)

Mr. Spears's objections on grounds of purportedly vague and ambiguous requests, or the terms "YOU" and "YOUR," are all baseless. (McCurdy Decl. G, ¶¶ 9, 11.) He has not and cannot explain in any manner what he claims not to understand about the document requests. (See *Deyo v. Kilbourne* (1978) 84 Cal.App.3d 771, 783 ["[W]here the question is somewhat ambiguous, but the nature of the information sought is apparent, the proper solution is to provide an appropriate response."].) Mr. Spears also fails to support his baseless burdensome and oppressive objections and asserts all of them without any actual factual support whatsoever. (See McCurdy Decl., Ex. G, ¶¶ 9, 12, 15, 16, 17.) "The objection

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based upon burden must be sustained by ***evidence showing*** the quantum of work required, while to support an objection of oppression there must be ***some showing*** either of an intent to create an unreasonable burden or that the ultimate effect of the burden is incommensurate with the result sought." (*W. Pico Furniture Co. v. Superior Court* (1961) 56 Cal.2d 407, 417, 418.) Mr. Spears fails to make any showing as to burden or oppression. (See *id.* at p. 418 ["The objection of burden is valid only when that burden is ***demonstrated*** to result in injustice."]; *cf. Mead Reinsurance Co. v. Superior Ct.* (1986) 188 Cal.App.3d 313, 321. For these reasons, Mr. Spears's objection that the documents "may be obtained from other sources or through other means of discovery" (McCurdy Decl., Ex. G, ¶ 15), and that the burden and expense would "outweigh the likely benefit of this discovery" (McCurdy Decl., Ex. G, ¶ 17) is also completely meritless.

Additionally, to the extent Mr. Spears objects that the document requests are "oppressive" because they "do not contain any temporal limitations" (an objection repeated in every response) this argument is also meritless. Again, no showing has been made of any intent to create an unreasonable burden, and any objection based on a lack of temporal definition is hypocritical. We are only here today because Britney Spears was under her father's infantilizing control for more than a decade. Further, the evidence shows that the conservatorship was conflicted from the very outset, when, among other things, Mr. Spears violated Rule of Court 7.1059 by obtaining a substantial loan from Tri Star and then hiring Tri Star (a then fledgling company) as her business manager. And any claim that *Mr. Spears* faces "oppression" such that he cannot respond to discovery relating to *his own* oppression of Britney Spears is, to say the least, rich. Mr. Spears put his conduct at issue and he must face the consequences.

Mr. Spears's objections on privileged meritless, inapplicable, and have been waived. *First*, to the extent any privilege was claimed, Mr. Spears should have supported the claim with "sufficient factual information for other parties to evaluate the merits of that claim," such as a privilege log. (See, e.g. Code Civ. Proc. § 2031.240(c); *Riddell, Inc. v. Superior Court* (2017) 14 Cal.App.5th 755, 772 ["if an objection to a document request is based on a claim of privilege or work product, then the response to the request 'shall provide sufficient factual information for other parties to evaluate the merits of that claim'"]); (See *Costco*, *supra*, 47 Cal.4th at p. 733 ["[t]he party claiming the privilege has the burden of establishing the preliminary facts necessary to support its exercise"].) He failed to do so.

Second, now that Mr. Spears has been suspended as conservator of the estate, he no longer holds any attorney-client privilege. (See *Stine v. Dell'Osso* (2014) 239 Cal.App.4th 834, 843 [successor fiduciary became holder of the privilege of all communications between fiduciary and his counsel regarding the estate, whenever they occurred]; see also *Moeller v. Superior Court* (1997) 16 Cal.4th 1124, 1129-1135 [because fiduciary is holder of the attorney-client privilege in his or her capacity as such, successor fiduciary becomes the holder as to confidential communications between the predecessor fiduciary and attorney concerning trust administration]; Cal. Probate Code, § 8524, subd. (c). Because he was suspended, Mr. Spears quite simply has no privilege to claim.

Third, as noted above, Mr. Spears also waived any privilege claims. In addition to failing to timely object, his counsel promised "***unconditional[] cooperat[ion]***," "***complete transparency without conditions***," and that Britney Spears was "***welcome to everything***." (See McCurdy Decl., ¶ 10, Ex. D.) Even further, Mr. Spears's counsel stated that he had "provided ***explicit instructions to prior counsel to produce everything without exception***." (See McCurdy Decl., ¶ 11; see also *infra*, n.4.) Under *Moeller* and *Stine,* Mr. Spears does not hold the privilege. And in any event, even if the documents at issue were privileged (and they are not) he has waived any such privilege and should be estopped from asserted any such objections.

Mr. Spears also objects that the requests somehow violate his right to privacy. (McCurdy Decl., Ex. G, ¶ 10.) This makes no sense. It is Mr. Spears's burden to justify the objection, and he has failed to do so. (See *Coy*, *supra*, 58 Cal.2d at pp. 220-221; *Fairmont Ins. Co. v. Super. Ct.* (2000) 22 Cal.4th 245, 255.) Mr. Spears's position also reeks of hypocrisy given his gross violations of *his daughter's* privacy. Finally, any claimed right to privacy must be considered against the "historically important state interest of facilitating the ascertainment of truth in connection with legal proceedings." (See *Gregori v. Bank of America* (1989) 207 Cal.App.3d 291, 312.) Even as Mr. Spears hides it, the mission remains to ascertain the truth, which necessarily trumps Mr. Spears's evasive and fabricated "privacy rights."

Mr. Spears additionally claims each document request violates confidentiality or the "common interest doctrine." Not only does Mr. Spears once again fail to support this objection with any facts, the "common interest doctrine" is a "nonwaiver doctrine," and does not separately act as a privilege shielding documents from discovery. (See *OXY Resources California LLC v. Superior Court* (2004) 115

Cal.App.4th 874, 889-90 ["party seeking to invoke the [common interest] doctrine must first establish that the communicated information would otherwise be protected from a disclosure by a claim of privilege"].) No privilege exists here to protect the disclosure of the requested documents.

Finally, Mr. Spears purports to assert hodgepodge objections that the document requests are "speculative, lack foundation, or improperly assume the existence of hypothetical facts that are incorrect or unknown to Jamie" and "call for a legal conclusion." (McCurdy Decl., Ex. G, ¶¶ 13, 14.) In asserting this boilerplate objection, Mr., Spears does nothing more than cite boilerplate buzz words into his general objections; he fails to incorporate them anywhere else, and he fails to justify how the document requests are so formed. This is because he is, once again, wrong and he is once again seeking to evade the truth and its consequences. As demonstrated above and as the requests themselves demonstrate, the requests are narrowly tailored to pending issues, which were put front and center by Mr. Spears himself. The use of such general objections, as applied here, is improper under the California Civil Discovery Act, and their bald assertion in this context demonstrates Mr. Spears's desperation and lack of any factual basis for them. (See generally *Korea Data Sys. Co. v. Superior Court* (1997) 51 Cal.App.4th 1513, 1516 [use of boilerplate objections is improper and sanctionable].)

REQUEST FOR PRODUCTION NO. 42:

A copy of your bond posted for the Conservatorship and all DOCUMENTS RELATING TO the bond.

RESPONSE TO REQUEST FOR PRODUCTION NO. 42:

Jamie incorporates by reference his General Objections. Jamie further objects to the Document Request to the extent it is vague, ambiguous, overly broad, unduly burdensome, and oppressive especially as it does not contain any temporal limitations. Jamie further objects to the Document Request to the extent it impermissibly seeks material protected by the attorney-client privilege, the attorney work-product doctrine, and/or the common interest doctrine. Jamie further objects to the Document Request to the extent that it seeks information that is already in Britney's possession or equally available to her.

Jamie further objects to the Document Request as follows:

- Jamie objects on the grounds that the Document Request is unduly burdensome and unreasonably duplicative and cumulative because it seeks the same information that was requested by

Britney from Jamie in her August 25, 2021 First Set of Requests for Production (*see, e.g.*, Request for Production No. 1) and in her December 17, 2021 Second Set of Requests for Production (*see, e.g.*, Request for Production No. 58). This is now the third time Britney served the exact same request.

- The Document Request extends beyond the proper scope of discovery and improperly attempts to re-litigate the thirteen-year Conservatorship and innumerable final court orders. California Civil Procedure Code Section 2017.010 limits the scope of discovery to matters relevant to the subject matter involved in the pending action. California Probate Code Section 2103 releases a conservator and the sureties from all the conservatee's claims when the court authorizes, approves, or confirms the action in an order. This Document Request is therefore overbroad, unduly burdensome, and beyond the scope of discovery to the extent it is not relevant to the limited matters remaining before the Court and to the extent the Court already approved any action in an order or judgment.

- There is no legitimate reason for requiring Jamie to undertake the burden of sifting through documents he already produced and reproducing those documents that are responsive to this Document Request. Jamie objects to these Document Requests as duplicative, unduly burdensome, oppressive, and harassing to the extent the Document Requests seek some or all of the same documents and information that Jamie already voluntarily produced. Since October 2021, Jamie's counsel has arranged for nearly 600,000 pages of documents (consisting of more than 58 boxes of hard copy documents and more than 22 drives of electronic documents and spanning over 13 years of documents). Britney's own counsel admitted at the January 19, 2022 hearing that Jamie "produced voluminous information." See Jan. 19 Tr. 17:3-4. The nearly 600,000 pages of documents represent more than 124,500 electronic documents. Any responsive documents that are in Jamie's possession, custody, or control already are in Britney's possession, custody, or control or are otherwise equally available to her given Jamie's prior voluminous production of documents and information.

REASON TO COMPEL PRODUCTION TO REQUEST FOR PRODUCTION NO. 42:

As an initial matter, Mr. Spears fails to justify any of his objections with any facts, and none of his boilerplate objections are proper. (See *Costco Wholesale Corp. v. Superior Court* (2009) 47 Cal.4th 725, 733; *Coy v. Superior Court of Contra Costa County* (1962) 58 Cal.2d 210, 218-221.) It is important to bear in mind, too, that Mr. Spears has an obligation as a suspended conservator and fiduciary to turn

over all relevant and responsive documents without any condition, regardless of the method of discovery sought. (See *Poag v. Winston* (1987) 195 Cal.App.3d 1161, 1176 ["As a fiduciary, a conservator owes a duty of loyalty which requires that he act in the highest good faith."].) This fact is buttressed by his new lawyer's own repeated claims of cooperation. Further, demonstrating regrettable gamesmanship and completely contradicting himself, Ms. Spears's counsel claims he "instructed" prior counsel to "withhold nothing" on the basis of privilege. Yet, his response to ***every single request*** for production includes objections on the basis of privilege. (See generally, McCurdy Decl., Ex. G.) This type of Alice-in-Wonderland dissembling is unacceptable.

Mr. Spears's counsel repeatedly and profusely promised his client's unconditional, transparent cooperation in producing "***all***" documents to Ms. Spears's counsel. Although these representations have, regrettably, proven to be false, made in an effort to create a false narrative and record—and what has become a "Big Lie" of Mr. Spears's defense—they are nevertheless relevant; thus, in addition to Mr. Spears's statutory waiver, his boilerplate objections should also be considered waived as a matter of equity and fairness and he should be estopped from asserting them. By way of illustration only, by email dated October 22, 2021, Mr. Spears's counsel professed the following:

- That Mr. Spears would "***unconditionally[] cooperate*** with a complete and total transfer of ***all files*** regarding the conservatorship . . . ."
- That Ms. Spears was "***welcome to everything – complete transparency without conditions***."
- That he would "***do everything [he] [could]*** to help facilitate the direct transfer [of all files] from prior counsel . . . ."
- "Again, ***complete transparency without conditions***."

(McCurdy Decl., ¶ 10.)

In the November 1, 2021 Status Report, Mr. Spears's counsel represented the following:

- "Jamie has ***nothing to hide*** [and] ***will therefore hide nothing***."
- "Jamie affirms that he will ***unconditionally cooperate*** in transferring *all* [emphasis in original] files regarding the estate to Britney's counsel without delay."
- "Jamie recognizes his ***ongoing and transparent participation is paramount*** . . . ."

- "Jamie will ***unconditionally cooperate*** with a complete and total transfer of all files."
- "Jamie is committed to ***complete transparency without conditions***."

(McCurdy Decl., Ex. D.)

In a November 5, 2021 email, Mr. Spears's counsel stated that he and his client were supposedly "committed to ***complete transparency***," that they had "***withheld nothing***," and that he "provided ***explicit instructions to prior counsel to produce <u>everything without exception</u>***." (McCurdy Decl., ¶ 11.) Even more, Mr. Spears's counsel claimed that "whatever documents exist regarding electronic surveillance, to the extent that any, would part [*sic*] of the production being made by prior counsel." (*Id.*)

These promises are tantamount to a "Big Lie." By objecting to every single one of Ms. Spears's document requests, Mr. Spears has done the exact opposite of what he promised. Mr. Spears's tactics to create a false record and narrative should not be countenanced. Even putting aside his statutory and fiduciary obligations, he has waived any objections and he should be ordered to produce all documents contained in the applicable requests.

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Second, now that Mr. Spears has been suspended as conservator of the estate, he no longer holds any attorney-client privilege. (See *Stine v. Dell'Osso* (2014) 239 Cal.App.4th 834, 843 [successor fiduciary became holder of the privilege of all communications between fiduciary and his counsel regarding the estate, whenever they occurred]; see also *Moeller v. Superior Court* (1997) 16 Cal.4th 1124, 1129-1135 [because fiduciary is holder of the attorney-client privilege in his or her capacity as such, successor fiduciary becomes the holder as to confidential communications between the predecessor fiduciary and attorney concerning trust administration]; Cal. Probate Code, § 8524, subd. (c). Because he was suspended, Mr. Spears quite simply has no privilege to claim.

Third, as noted above, Mr. Spears also waived any privilege claims. In addition to failing to timely object, his counsel promised "***unconditional[] cooperat[ion]***," "***complete transparency without conditions***," and that Britney Spears was "***welcome to everything***." (See McCurdy Decl., ¶ 10, Ex. D.) Even further, Mr. Spears's counsel stated that he had "provided ***explicit instructions to prior counsel to produce everything without exception***." (See McCurdy Decl., ¶ 11; see also *infra*, n.4.) Under *Moeller* and *Stine,* Mr. Spears does not hold the privilege. And in any event, even if the documents at issue were privileged (and they are not) he has waived any such privilege and should be estopped from asserted any such objections.

Mr. Spears also objects that the requests somehow violate his right to privacy. (McCurdy Decl., Ex. G, ¶ 10.) This makes no sense. It is Mr. Spears's burden to justify the objection, and he has failed to do so. (See *Coy*, *supra*, 58 Cal.2d at pp. 220-221; *Fairmont Ins. Co. v. Super. Ct.* (2000) 22 Cal.4th 245, 255.) Mr. Spears's position also reeks of hypocrisy given his gross violations of *his daughter's* privacy. Finally, any claimed right to privacy must be considered against the "historically important state interest of facilitating the ascertainment of truth in connection with legal proceedings." (See *Gregori v. Bank of America* (1989) 207 Cal.App.3d 291, 312.) Even as Mr. Spears hides it, the mission remains to ascertain the truth, which necessarily trumps Mr. Spears's evasive and fabricated "privacy rights."

Mr. Spears additionally claims each document request violates confidentiality or the "common interest doctrine." Not only does Mr. Spears once again fail to support this objection with any facts, the "common interest doctrine" is a "nonwaiver doctrine," and does not separately act as a privilege shielding documents from discovery. (See *OXY Resources California LLC v. Superior Court* (2004) 115

Cal.App.4th 874, 889-90 ["party seeking to invoke the [common interest] doctrine must first establish that the communicated information would otherwise be protected from a disclosure by a claim of privilege"].) No privilege exists here to protect the disclosure of the requested documents.

Finally, Mr. Spears purports to assert hodgepodge objections that the document requests are "speculative, lack foundation, or improperly assume the existence of hypothetical facts that are incorrect or unknown to Jamie" and "call for a legal conclusion." (McCurdy Decl., Ex. G, ¶¶ 13, 14.) In asserting this boilerplate objection, Mr., Spears does nothing more than cite boilerplate buzz words into his general objections; he fails to incorporate them anywhere else, and he fails to justify how the document requests are so formed. This is because he is, once again, wrong and he is once again seeking to evade the truth and its consequences. As demonstrated above and as the requests themselves demonstrate, the requests are narrowly tailored to pending issues, which were put front and center by Mr. Spears himself. The use of such general objections, as applied here, is improper under the California Civil Discovery Act, and their bald assertion in this context demonstrates Mr. Spears's desperation and lack of any factual basis for them. (See generally *Korea Data Sys. Co. v. Superior Court* (1997) 51 Cal.App.4th 1513, 1516 [use of boilerplate objections is improper and sanctionable].)

REQUEST FOR PRODUCTION NO. 43:

All DOCUMENTS RELATING TO "Cookin' Cruzin' and Chaos with Jamie Spears" Motor Home or putative pilot television show.

RESPONSE TO REQUEST FOR PRODUCTION NO. 43:

Jamie incorporates by reference his General Objections. Jamie further objects to the Document Request to the extent it is vague, ambiguous, overly broad, unduly burdensome, and oppressive especially as it does not contain any temporal limitations. Jamie further objects to the Document Request to the extent it impermissibly seeks material protected by the attorney-client privilege, the attorney work-product doctrine, and/or the common interest doctrine. Jamie objects to the Document Request to the extent it calls for documents and information irrelevant and unrelated to Britney or the Conservatorship. Jamie further objects to the Document Request to the extent that it seeks information that is already in Britney's possession or equally available to her. Jamie objects on the grounds that this Document Request

seeks confidential or private financial information, confidential business or commercial information, trade secrets, proprietary information, or otherwise calls for information protected by the right of privacy.

Jamie further objects to the Document Request as follows:

- The Document Request extends beyond the proper scope of discovery and improperly attempts to re-litigate the thirteen-year Conservatorship and innumerable final court orders. California Civil Procedure Code Section 2017.010 limits the scope of discovery to matters relevant to the subject matter involved in the pending action. California Probate Code Section 2103 releases a conservator and the sureties from all the conservatee's claims when the court authorizes, approves, or confirms the action in an order. This Document Request is therefore overbroad, unduly burdensome, and beyond the scope of discovery to the extent it is not relevant to the limited matters remaining before the Court and to the extent the Court already approved any action in an order or judgment.

- There is no legitimate reason for requiring Jamie to undertake the burden of sifting through documents he already produced and reproducing those documents that are responsive to this Document Request. Jamie objects to these Document Requests as duplicative, unduly burdensome, oppressive, and harassing to the extent the Document Requests seek some or all of the same documents and information that Jamie already voluntarily produced. Since October 2021, Jamie's counsel has arranged for nearly 600,000 pages of documents (consisting of more than 58 boxes of hard copy documents and more than 22 drives of electronic documents and spanning over 13 years of documents). Britney's own counsel admitted at the January 19, 2022 hearing that Jamie "produced voluminous information." *See* Jan. 19 Tr. 17:3-4. The nearly 600,000 pages of documents represent more than 124,500 electronic documents. Any responsive documents that are in Jamie's possession, custody, or control already are in Britney's possession, custody, or control or are otherwise equally available to her given Jamie's prior voluminous production of documents and information.

REASON TO COMPEL PRODUCTION TO REQUEST FOR PRODUCTION NO. 43:

As an initial matter, Mr. Spears fails to justify any of his objections with any facts, and none of his boilerplate objections are proper. (See *Costco Wholesale Corp. v. Superior Court* (2009) 47 Cal.4th 725, 733; *Coy v. Superior Court of Contra Costa County* (1962) 58 Cal.2d 210, 218-221.) It is important to bear in mind, too, that Mr. Spears has an obligation as a suspended conservator and fiduciary to turn

over all relevant and responsive documents without any condition, regardless of the method of discovery sought. (See *Poag v. Winston* (1987) 195 Cal.App.3d 1161, 1176 ["As a fiduciary, a conservator owes a duty of loyalty which requires that he act in the highest good faith."].) This fact is buttressed by his new lawyer's own repeated claims of cooperation. Further, demonstrating regrettable gamesmanship and completely contradicting himself, Ms. Spears's counsel claims he "instructed" prior counsel to "withhold nothing" on the basis of privilege. Yet, his response to ***every single request*** for production includes objections on the basis of privilege. (See generally, McCurdy Decl., Ex. G.) This type of Alice-in-Wonderland dissembling is unacceptable.

Mr. Spears's counsel repeatedly and profusely promised his client's unconditional, transparent cooperation in producing "***all***" documents to Ms. Spears's counsel. Although these representations have, regrettably, proven to be false, made in an effort to create a false narrative and record—and what has become a "Big Lie" of Mr. Spears's defense—they are nevertheless relevant; thus, in addition to Mr. Spears's statutory waiver, his boilerplate objections should also be considered waived as a matter of equity and fairness and he should be estopped from asserting them. By way of illustration only, by email dated October 22, 2021, Mr. Spears's counsel professed the following:

- That Mr. Spears would "***unconditionally[] cooperate*** with a complete and total transfer of ***all files*** regarding the conservatorship . . . ."
- That Ms. Spears was "***welcome to everything – complete transparency without conditions***."
- That he would "***do everything [he] [could]*** to help facilitate the direct transfer [of all files] from prior counsel . . . ."
- "Again, ***complete transparency without conditions***."

(McCurdy Decl., ¶ 10.)

In the November 1, 2021 Status Report, Mr. Spears's counsel represented the following:

- "Jamie has ***nothing to hide*** [and] ***will therefore hide nothing***."
- "Jamie affirms that he will ***unconditionally cooperate*** in transferring *all* [emphasis in original] files regarding the estate to Britney's counsel without delay."
- "Jamie recognizes his ***ongoing and transparent participation is paramount*** . . . ."

- "Jamie will ***unconditionally cooperate*** with a complete and total transfer of all files."
- "Jamie is committed to ***complete transparency without conditions***."

(McCurdy Decl., Ex. D.)

In a November 5, 2021 email, Mr. Spears's counsel stated that he and his client were supposedly "committed to ***complete transparency***," that they had "***withheld nothing***," and that he "provided ***explicit instructions to prior counsel to produce <u>everything without exception</u>***." (McCurdy Decl., ¶ 11.) Even more, Mr. Spears's counsel claimed that "whatever documents exist regarding electronic surveillance, to the extent that any, would part [*sic*] of the production being made by prior counsel." (*Id.*)

These promises are tantamount to a "Big Lie." By objecting to every single one of Ms. Spears's document requests, Mr. Spears has done the exact opposite of what he promised. Mr. Spears's tactics to create a false record and narrative should not be countenanced. Even putting aside his statutory and fiduciary obligations, he has waived any objections and he should be ordered to produce all documents contained in the applicable requests.

Mr. Spears objects to the document requests as "unduly burdensome and unreasonable duplicative and cumulative" because he claims Ms. Spears requested similar information in requests for production propounded on him. (McCurdy Decl., Ex. G, ¶ 5.) The objection is contrary to law. California's Code of Civil Procedure does not preclude a party from seeking similar documents through different methods of discovery. "[T]he inspection of documents procedure is quite different from a deposition at which a party is required to bring documents. Nothing in either section 2025 or section 2031 suggests that seeking documents under one statutory procedure bars a litigant from seeking the same documents under the other." (*Carter v. Superior Court* (1990) 218 Cal.App.3d 994, 997.)[84] Thus, consistent with the Court's reasoning in *Carter*, Mr. Spears must bring the requested documents to his deposition pursuant to this different method of discovery. (See also *Irvington-Moore, Inc. v. Superior Court* (1993) 14 Cal.App.4th 733, 739 ["[T]he selection of the method of discovery is to be utilized is to be made by the party seeking discovery. It cannot be dictated by the opposing party.].)

[84] See also 10 Witkin, Cal. Evid. Discovery § 143 [discussing *Carter*]. Notably, the Legislature has amended the Civil Discovery Act several times since *Carter*, and it has done so without overruling or modifying *Carter*'s interpretation of the Act. "When a statute has been construed by the courts, and the Legislature thereafter reenacts that statute without changing the interpretation put on that statute by the court, the Legislature is presumed to have been aware of, and acquiesced in, the courts' construction of that statute." (*People v. Ledesma* (1997) 16 Cal.4th 90, 100-01.)

Relatedly, Mr. Spears claims the document requests are "duplicative, unduly burdensome, oppressive, and harassing" because Mr. Spears already "voluntarily" produced some of the same documents and information. (McCurdy Decl., Ex. G, ¶ 7.) He is wrong, on multiple levels. Initially, "[a] party is permitted to use multiple methods of obtaining discovery and the fact that information was disclosed under one method is not, standing alone, a proper basis for refusing to provide discovery under another method." (*Irvington-Moore, Inc.*, *supra*, 14 Cal.App.4th at p. 739; see also *TBG Ins. Services Corp. v. Superior Court* (2002) 96 Cal.App.4th 443, 449 [citing *Irvington-Moore* for the proposition that "a party may use multiple methods to obtain discovery and the fact that information was disclosed under one method is not, by itself, a proper basis to refuse to provide discovery under another method"]; see, e.g. *Coy*, *supra*, 58 Cal.2d at p. 218 ["the bare claim of previous deposition is insufficient as an objection to an interrogatory . . . To suffice as a valid objection such claim must be supported by some showing (or, as a minimum, some claim) that the requirement of a reply would be unjust and inequitable"].)

Mr. Spears's objection that he has already produced some of the requested documents, even if true, is not a defense. To the extent he intended to actually rely on this objection, Mr. Spears needed to demonstrate that production of the requested documents now would be "unjust and inequitable." But he grossly fails to so demonstrate; instead, he relies on his "Big Lie" defense: that he has cooperated and transferred all of the documents requested. Mr. Spears also astonishingly objects on the basis that "there are no further documents [he] could provide to respond to the Deposition Notice, Document Requests, and definitions" because he supposedly has produced them all. (McCurdy Decl., Ex. G, at p. 3:22-23.) If this were true (and it is false), then why does he not so state in a single response, instead of making countless boilerplate objections? Why does he not appear at his deposition, and so state on the record, under penalty of perjury? Why does he not identify the requested documents—by Bates number? Why does he not correlate them to the document requests at issue? And why does he not simply provide answers to the following questions and requests that have been posed to him repeatedly?

As referenced above, despite our repeated and ongoing requests, while relying on the facile and false claim that he has produced "everything" requested, Mr. Spears has also failed to produce all text or email communications between and amongst Tri Star, Black Box, himself, and his counsel (see *Moeller* and *Stine*, *infra* at pp. 19-20) concerning the illicit surveillance operation at issue. Indeed, he falsely

claims it "***DIDN'T HAPPEN, YOUR HONOR***," *supra* at 9. In short, as part of their efforts to stonewall and hide the truth, Mr. Spears has engaged in improper disjointed and incomplete "document dumps" rather than a professional, organized, and labelled production of documents. More pointedly, he has failed to produce *any* documents pursuant to and correlated to the deposition notices, ***not one***. (See *Kayne v. Grande Holdings Ltd.* (2011) 198 Cal.App.4th 1470, 1475-76 [sanctions appropriate where party refused to produce documents in an organized and labelled manner].)[85]

Mr. Spears also objects that the document requests "attempt to relitigate the entire thirteen-year Conservatorship and innumerable final court orders," and "are not relevant and not reasonably calculated to lead to the discovery of admissible evidence." (McCurdy Decl., Ex. G, ¶¶ 6, 8.) Nonsense. "Discovery may relate to the claim or defense of the party seeking discovery or of any other party to the action." (Code Civ. Proc., § 2017.010.) In this case, the document requests directly relate to Mr. Spears's role and conduct as former conservator of the estate, which are also directly at issue under *Shine*, *Kasperbauer*, and *Hudson.* The requested documents are thus not only "reasonably calculated" to lead to the discovery of admissible evidence, they go directly to the heart of numerous pending matters including Mr. Spears's fee petition and accountings, see, e.g., *Shine*, *supra*, 16 Cal.App.4th at p. 540; *Hudson*, *supra*, 68 Cal.App.4th at pp. 669-670.

Under the circumstances, Mr. Spears's objection that the requests are somehow "not reasonably calculated to lead to the discovery of admissible evidence" (McCurdy Decl., Ex. G, ¶¶ 8, 9) are, in fact, legally frivolous. (See *Pacific Tel. & Tel. Co. v. Superior Court* (1970) 2 Cal.3d 161, 173; *Garamendi v. Golden Eagle Ins. Co*. (2004) 116 Cal.App.4th 694, 712 fn. 8.)

Mr. Spears's objections on grounds of purportedly vague and ambiguous requests, or the terms "YOU" and "YOUR," are all baseless. (McCurdy Decl. G, ¶¶ 9, 11.) He has not and cannot explain in any manner what he claims not to understand about the document requests. (See *Deyo v. Kilbourne* (1978) 84 Cal.App.3d 771, 783 ["[W]here the question is somewhat ambiguous, but the nature of the information sought is apparent, the proper solution is to provide an appropriate response."].) Mr. Spears also fails to support his baseless burdensome and oppressive objections and asserts all of them without any actual factual support whatsoever. (See McCurdy Decl., Ex. G, ¶¶ 9, 12, 15, 16, 17.) "The objection

[85] As a matter of restraint, we refrain herein from moving for sanctions but reserve all rights in that regard.

based upon burden must be sustained by ***evidence showing*** the quantum of work required, while to support an objection of oppression there must be ***some showing*** either of an intent to create an unreasonable burden or that the ultimate effect of the burden is incommensurate with the result sought." (*W. Pico Furniture Co. v. Superior Court* (1961) 56 Cal.2d 407, 417, 418.) Mr. Spears fails to make any showing as to burden or oppression. (See *id.* at p. 418 ["The objection of burden is valid only when that burden is ***demonstrated*** to result in injustice."]; *cf. Mead Reinsurance Co. v. Superior Ct.* (1986) 188 Cal.App.3d 313, 321. For these reasons, Mr. Spears's objection that the documents "may be obtained from other sources or through other means of discovery" (McCurdy Decl., Ex. G, ¶ 15), and that the burden and expense would "outweigh the likely benefit of this discovery" (McCurdy Decl., Ex. G, ¶ 17) is also completely meritless.

Additionally, to the extent Mr. Spears objects that the document requests are "oppressive" because they "do not contain any temporal limitations" (an objection repeated in every response) this argument is also meritless. Again, no showing has been made of any intent to create an unreasonable burden, and any objection based on a lack of temporal definition is hypocritical. We are only here today because Britney Spears was under her father's infantilizing control for more than a decade. Further, the evidence shows that the conservatorship was conflicted from the very outset, when, among other things, Mr. Spears violated Rule of Court 7.1059 by obtaining a substantial loan from Tri Star and then hiring Tri Star (a then fledgling company) as her business manager. And any claim that *Mr. Spears* faces "oppression" such that he cannot respond to discovery relating to *his own* oppression of Britney Spears is, to say the least, rich. Mr. Spears put his conduct at issue and he must face the consequences.

Mr. Spears's objections on privileged meritless, inapplicable, and have been waived. *First*, to the extent any privilege was claimed, Mr. Spears should have supported the claim with "sufficient factual information for other parties to evaluate the merits of that claim," such as a privilege log. (See, e.g. Code Civ. Proc. § 2031.240(c); *Riddell, Inc. v. Superior Court* (2017) 14 Cal.App.5th 755, 772 ["if an objection to a document request is based on a claim of privilege or work product, then the response to the request 'shall provide sufficient factual information for other parties to evaluate the merits of that claim'"]); (See *Costco*, *supra*, 47 Cal.4th at p. 733 ["[t]he party claiming the privilege has the burden of establishing the preliminary facts necessary to support its exercise"].) He failed to do so.

Second, now that Mr. Spears has been suspended as conservator of the estate, he no longer holds any attorney-client privilege. (See *Stine v. Dell'Osso* (2014) 239 Cal.App.4th 834, 843 [successor fiduciary became holder of the privilege of all communications between fiduciary and his counsel regarding the estate, whenever they occurred]; see also *Moeller v. Superior Court* (1997) 16 Cal.4th 1124, 1129-1135 [because fiduciary is holder of the attorney-client privilege in his or her capacity as such, successor fiduciary becomes the holder as to confidential communications between the predecessor fiduciary and attorney concerning trust administration]; Cal. Probate Code, § 8524, subd. (c). Because he was suspended, Mr. Spears quite simply has no privilege to claim.

Third, as noted above, Mr. Spears also waived any privilege claims. In addition to failing to timely object, his counsel promised "***unconditional[] cooperat[ion]***," "***complete transparency without conditions***," and that Britney Spears was "***welcome to everything***." (See McCurdy Decl., ¶ 10, Ex. D.) Even further, Mr. Spears's counsel stated that he had "provided ***explicit instructions to prior counsel to produce everything without exception***." (See McCurdy Decl., ¶ 11; see also *infra*, n.4.) Under *Moeller* and *Stine,* Mr. Spears does not hold the privilege. And in any event, even if the documents at issue were privileged (and they are not) he has waived any such privilege and should be estopped from asserted any such objections.

Mr. Spears also objects that the requests somehow violate his right to privacy. (McCurdy Decl., Ex. G, ¶ 10.) This makes no sense. It is Mr. Spears's burden to justify the objection, and he has failed to do so. (See *Coy*, *supra*, 58 Cal.2d at pp. 220-221; *Fairmont Ins. Co. v. Super. Ct.* (2000) 22 Cal.4th 245, 255.) Mr. Spears's position also reeks of hypocrisy given his gross violations of *his daughter's* privacy. Finally, any claimed right to privacy must be considered against the "historically important state interest of facilitating the ascertainment of truth in connection with legal proceedings." (See *Gregori v. Bank of America* (1989) 207 Cal.App.3d 291, 312.) Even as Mr. Spears hides it, the mission remains to ascertain the truth, which necessarily trumps Mr. Spears's evasive and fabricated "privacy rights."

Mr. Spears additionally claims each document request violates confidentiality or the "common interest doctrine." Not only does Mr. Spears once again fail to support this objection with any facts, the "common interest doctrine" is a "nonwaiver doctrine," and does not separately act as a privilege shielding documents from discovery. (See *OXY Resources California LLC v. Superior Court* (2004) 115

Cal.App.4th 874, 889-90 ["party seeking to invoke the [common interest] doctrine must first establish that the communicated information would otherwise be protected from a disclosure by a claim of privilege"].) No privilege exists here to protect the disclosure of the requested documents.

Finally, Mr. Spears purports to assert hodgepodge objections that the document requests are "speculative, lack foundation, or improperly assume the existence of hypothetical facts that are incorrect or unknown to Jamie" and "call for a legal conclusion." (McCurdy Decl., Ex. G, ¶¶ 13, 14.) In asserting this boilerplate objection, Mr., Spears does nothing more than cite boilerplate buzz words into his general objections; he fails to incorporate them anywhere else, and he fails to justify how the document requests are so formed. This is because he is, once again, wrong and he is once again seeking to evade the truth and its consequences. As demonstrated above and as the requests themselves demonstrate, the requests are narrowly tailored to pending issues, which were put front and center by Mr. Spears himself. The use of such general objections, as applied here, is improper under the California Civil Discovery Act, and their bald assertion in this context demonstrates Mr. Spears's desperation and lack of any factual basis for them. (See generally *Korea Data Sys. Co. v. Superior Court* (1997) 51 Cal.App.4th 1513, 1516 [use of boilerplate objections is improper and sanctionable].)

REQUEST FOR PRODUCTION NO. 44:

All DOCUMENTS RELATING TO Marc Delcore.

RESPONSE TO REQUEST FOR PRODUCTION NO. 44:

Jamie incorporates by reference his General Objections. Jamie further objects to the Document Request to the extent it is vague, ambiguous, overly broad, unduly burdensome, and oppressive especially as it does not contain any temporal limitations. Jamie further objects to the Document Request to the extent it impermissibly seeks material protected by the attorney-client privilege, the attorney work-product doctrine, and/or the common interest doctrine. Jamie objects to the Document Request to the extent it calls for documents and information irrelevant and unrelated to Britney or the Conservatorship. Jamie further objects to the Document Request to the extent that it seeks information that is already in Britney's possession or equally available to her.

Jamie further objects to the Document Request as follows:

- The Document Request extends beyond the proper scope of discovery and improperly attempts to re-litigate the thirteen-year Conservatorship and innumerable final court orders. California Civil Procedure Code Section 2017.010 limits the scope of discovery to matters relevant to the subject matter involved in the pending action. California Probate Code Section 2103 releases a conservator and the sureties from all the conservatee's claims when the court authorizes, approves, or confirms the action in an order. This Document Request is therefore overbroad, unduly burdensome, and beyond the scope of discovery to the extent it is not relevant to the limited matters remaining before the Court and to the extent the Court already approved any action in an order or judgment.
- There is no legitimate reason for requiring Jamie to undertake the burden of sifting through documents he already produced and reproducing those documents that are responsive to this Document Request. Jamie objects to these Document Requests as duplicative, unduly burdensome, oppressive, and harassing to the extent the Document Requests seek some or all of the same documents and information that Jamie already voluntarily produced. Since October 2021, Jamie's counsel has arranged for nearly 600,000 pages of documents (consisting of more than 58 boxes of hard copy documents and more than 22 drives of electronic documents and spanning over 13 years of documents). Britney's own counsel admitted at the January 19, 2022 hearing that Jamie "produced voluminous information." *See* Jan. 19 Tr. 17:3-4. The nearly 600,000 pages of documents represent more than 124,500 electronic documents. Any responsive documents that are in Jamie's possession, custody, or control already are in Britney's possession, custody, or control or are otherwise equally available to her given Jamie's prior voluminous production of documents and information.

REASON TO COMPEL PRODUCTION TO REQUEST FOR PRODUCTION NO. 44:

As an initial matter, Mr. Spears fails to justify any of his objections with any facts, and none of his boilerplate objections are proper. (See *Costco Wholesale Corp. v. Superior Court* (2009) 47 Cal.4th 725, 733; *Coy v. Superior Court of Contra Costa County* (1962) 58 Cal.2d 210, 218-221.) It is important to bear in mind, too, that Mr. Spears has an obligation as a suspended conservator and fiduciary to turn over all relevant and responsive documents without any condition, regardless of the method of discovery sought. (See *Poag v. Winston* (1987) 195 Cal.App.3d 1161, 1176 ["As a fiduciary, a conservator owes a duty of loyalty which requires that he act in the highest good faith."].) This fact is buttressed by his new

lawyer's own repeated claims of cooperation. Further, demonstrating regrettable gamesmanship and completely contradicting himself, Ms. Spears's counsel claims he "instructed" prior counsel to "withhold nothing" on the basis of privilege. Yet, his response to ***every single request*** for production includes objections on the basis of privilege. (See generally, McCurdy Decl., Ex. G.) This type of Alice-in-Wonderland dissembling is unacceptable.

Mr. Spears's counsel repeatedly and profusely promised his client's unconditional, transparent cooperation in producing "***all***" documents to Ms. Spears's counsel. Although these representations have, regrettably, proven to be false, made in an effort to create a false narrative and record—and what has become a "Big Lie" of Mr. Spears's defense—they are nevertheless relevant; thus, in addition to Mr. Spears's statutory waiver, his boilerplate objections should also be considered waived as a matter of equity and fairness and he should be estopped from asserting them. By way of illustration only, by email dated October 22, 2021, Mr. Spears's counsel professed the following:

- That Mr. Spears would "***unconditionally[] cooperate*** with a complete and total transfer of ***all files*** regarding the conservatorship . . . ."
- That Ms. Spears was "***welcome to everything – complete transparency without conditions***."
- That he would "***do everything [he] [could]*** to help facilitate the direct transfer [of all files] from prior counsel . . . ."
- "Again, ***complete transparency without conditions***."

(McCurdy Decl., ¶ 10.)

In the November 1, 2021 Status Report, Mr. Spears's counsel represented the following:

- "Jamie has ***nothing to hide*** [and] ***will therefore hide nothing***."
- "Jamie affirms that he will ***unconditionally cooperate*** in transferring *all* [emphasis in original] files regarding the estate to Britney's counsel without delay."
- "Jamie recognizes his ***ongoing and transparent participation is paramount*** . . . ."
- "Jamie will ***unconditionally cooperate*** with a complete and total transfer of all files."
- "Jamie is committed to ***complete transparency without conditions***."

(McCurdy Decl., Ex. D.)

In a November 5, 2021 email, Mr. Spears's counsel stated that he and his client were supposedly "committed to ***complete transparency***," that they had "***withheld nothing***," and that he "provided ***explicit instructions to prior counsel to produce <u>everything without exception</u>***." (McCurdy Decl., ¶ 11.) Even more, Mr. Spears's counsel claimed that "whatever documents exist regarding electronic surveillance, to the extent that any, would part [*sic*] of the production being made by prior counsel." (*Id.*)

These promises are tantamount to a "Big Lie." By objecting to every single one of Ms. Spears's document requests, Mr. Spears has done the exact opposite of what he promised. Mr. Spears's tactics to create a false record and narrative should not be countenanced. Even putting aside his statutory and fiduciary obligations, he has waived any objections and he should be ordered to produce all documents contained in the applicable requests.

Mr. Spears objects to the document requests as "unduly burdensome and unreasonable duplicative and cumulative" because he claims Ms. Spears requested similar information in requests for production propounded on him. (McCurdy Decl., Ex. G, ¶ 5.) The objection is contrary to law. California's Code of Civil Procedure does not preclude a party from seeking similar documents through different methods of discovery. "[T]he inspection of documents procedure is quite different from a deposition at which a party is required to bring documents. Nothing in either section 2025 or section 2031 suggests that seeking documents under one statutory procedure bars a litigant from seeking the same documents under the other." (*Carter v. Superior Court* (1990) 218 Cal.App.3d 994, 997.)[86] Thus, consistent with the Court's reasoning in *Carter*, Mr. Spears must bring the requested documents to his deposition pursuant to this different method of discovery. (See also *Irvington-Moore, Inc. v. Superior Court* (1993) 14 Cal.App.4th 733, 739 ["[T]he selection of the method of discovery is to be utilized is to be made by the party seeking discovery. It cannot be dictated by the opposing party.].)

Relatedly, Mr. Spears claims the document requests are "duplicative, unduly burdensome, oppressive, and harassing" because Mr. Spears already "voluntarily" produced some of the same documents and information. (McCurdy Decl., Ex. G, ¶ 7.) He is wrong, on multiple levels. Initially,

[86] See also 10 Witkin, Cal. Evid. Discovery § 143 [discussing *Carter*]. Notably, the Legislature has amended the Civil Discovery Act several times since *Carter*, and it has done so without overruling or modifying *Carter*'s interpretation of the Act. "When a statute has been construed by the courts, and the Legislature thereafter reenacts that statute without changing the interpretation put on that statute by the court, the Legislature is presumed to have been aware of, and acquiesced in, the courts' construction of that statute." (*People v. Ledesma* (1997) 16 Cal.4th 90, 100-01.)

"[a] party is permitted to use multiple methods of obtaining discovery and the fact that information was disclosed under one method is not, standing alone, a proper basis for refusing to provide discovery under another method." (*Irvington-Moore, Inc.*, *supra*, 14 Cal.App.4th at p. 739; see also *TBG Ins. Services Corp. v. Superior Court* (2002) 96 Cal.App.4th 443, 449 [citing *Irvington-Moore* for the proposition that "a party may use multiple methods to obtain discovery and the fact that information was disclosed under one method is not, by itself, a proper basis to refuse to provide discovery under another method"]; see, e.g. *Coy*, *supra*, 58 Cal.2d at p. 218 ["the bare claim of previous deposition is insufficient as an objection to an interrogatory . . . To suffice as a valid objection such claim must be supported by some showing (or, as a minimum, some claim) that the requirement of a reply would be unjust and inequitable"].)

Mr. Spears's objection that he has already produced some of the requested documents, even if true, is not a defense. To the extent he intended to actually rely on this objection, Mr. Spears needed to demonstrate that production of the requested documents now would be "unjust and inequitable." But he grossly fails to so demonstrate; instead, he relies on his "Big Lie" defense: that he has cooperated and transferred all of the documents requested. Mr. Spears also astonishingly objects on the basis that "there are no further documents [he] could provide to respond to the Deposition Notice, Document Requests, and definitions" because he supposedly has produced them all. (McCurdy Decl., Ex. G, at p. 3:22-23.) If this were true (and it is false), then why does he not so state in a single response, instead of making countless boilerplate objections? Why does he not appear at his deposition, and so state on the record, under penalty of perjury? Why does he not identify the requested documents—by Bates number? Why does he not correlate them to the document requests at issue? And why does he not simply provide answers to the following questions and requests that have been posed to him repeatedly?

As referenced above, despite our repeated and ongoing requests, while relying on the facile and false claim that he has produced "everything" requested, Mr. Spears has also failed to produce all text or email communications between and amongst Tri Star, Black Box, himself, and his counsel (see *Moeller* and *Stine*, *infra* at pp. 19-20) concerning the illicit surveillance operation at issue. Indeed, he falsely claims it "***DIDN'T HAPPEN, YOUR HONOR***," *supra* at 9. In short, as part of their efforts to stonewall and hide the truth, Mr. Spears has engaged in improper disjointed and incomplete "document dumps" rather than a professional, organized, and labelled production of documents. More pointedly, he has

failed to produce *any* documents pursuant to and correlated to the deposition notices, ***not one***. (See *Kayne v. Grande Holdings Ltd.* (2011) 198 Cal.App.4th 1470, 1475-76 [sanctions appropriate where party refused to produce documents in an organized and labelled manner].)[87]

Mr. Spears also objects that the document requests "attempt to relitigate the entire thirteen-year Conservatorship and innumerable final court orders," and "are not relevant and not reasonably calculated to lead to the discovery of admissible evidence." (McCurdy Decl., Ex. G, ¶¶ 6, 8.) Nonsense. "Discovery may relate to the claim or defense of the party seeking discovery or of any other party to the action." (Code Civ. Proc., § 2017.010.) In this case, the document requests directly relate to Mr. Spears's role and conduct as former conservator of the estate, which are also directly at issue under *Shine*, *Kasperbauer*, and *Hudson.* The requested documents are thus not only "reasonably calculated" to lead to the discovery of admissible evidence, they go directly to the heart of numerous pending matters including Mr. Spears's fee petition and accountings, see, e.g., *Shine*, *supra*, 16 Cal.App.4th at p. 540; *Hudson*, *supra*, 68 Cal.App.4th at pp. 669-670.

Under the circumstances, Mr. Spears's objection that the requests are somehow "not reasonably calculated to lead to the discovery of admissible evidence" (McCurdy Decl., Ex. G, ¶¶ 8, 9) are, in fact, legally frivolous. (See *Pacific Tel. & Tel. Co. v. Superior Court* (1970) 2 Cal.3d 161, 173; *Garamendi v. Golden Eagle Ins. Co*. (2004) 116 Cal.App.4th 694, 712 fn. 8.)

Mr. Spears's objections on grounds of purportedly vague and ambiguous requests, or the terms "YOU" and "YOUR," are all baseless. (McCurdy Decl. G, ¶¶ 9, 11.) He has not and cannot explain in any manner what he claims not to understand about the document requests. (See *Deyo v. Kilbourne* (1978) 84 Cal.App.3d 771, 783 ["[W]here the question is somewhat ambiguous, but the nature of the information sought is apparent, the proper solution is to provide an appropriate response."].) Mr. Spears also fails to support his baseless burdensome and oppressive objections and asserts all of them without any actual factual support whatsoever. (See McCurdy Decl., Ex. G, ¶¶ 9, 12, 15, 16, 17.) "The objection based upon burden must be sustained by ***evidence showing*** the quantum of work required, while to support an objection of oppression there must be ***some showing*** either of an intent to create an unreasonable burden or that the ultimate effect of the burden is incommensurate with the result sought."

[87] As a matter of restraint, we refrain herein from moving for sanctions but reserve all rights in that regard.

(*W. Pico Furniture Co. v. Superior Court* (1961) 56 Cal.2d 407, 417, 418.) Mr. Spears fails to make any showing as to burden or oppression. (See *id.* at p. 418 ["The objection of burden is valid only when that burden is ***demonstrated*** to result in injustice."]; *cf. Mead Reinsurance Co. v. Superior Ct.* (1986) 188 Cal.App.3d 313, 321. For these reasons, Mr. Spears's objection that the documents "may be obtained from other sources or through other means of discovery" (McCurdy Decl., Ex. G, ¶ 15), and that the burden and expense would "outweigh the likely benefit of this discovery" (McCurdy Decl., Ex. G, ¶ 17) is also completely meritless.

Additionally, to the extent Mr. Spears objects that the document requests are "oppressive" because they "do not contain any temporal limitations" (an objection repeated in every response) this argument is also meritless. Again, no showing has been made of any intent to create an unreasonable burden, and any objection based on a lack of temporal definition is hypocritical. We are only here today because Britney Spears was under her father's infantilizing control for more than a decade. Further, the evidence shows that the conservatorship was conflicted from the very outset, when, among other things, Mr. Spears violated Rule of Court 7.1059 by obtaining a substantial loan from Tri Star and then hiring Tri Star (a then fledgling company) as her business manager. And any claim that *Mr. Spears* faces "oppression" such that he cannot respond to discovery relating to *his own* oppression of Britney Spears is, to say the least, rich. Mr. Spears put his conduct at issue and he must face the consequences.

Mr. Spears's objections on privileged meritless, inapplicable, and have been waived. *First*, to the extent any privilege was claimed, Mr. Spears should have supported the claim with "sufficient factual information for other parties to evaluate the merits of that claim," such as a privilege log. (See, e.g. Code Civ. Proc. § 2031.240(c); *Riddell, Inc. v. Superior Court* (2017) 14 Cal.App.5th 755, 772 ["if an objection to a document request is based on a claim of privilege or work product, then the response to the request 'shall provide sufficient factual information for other parties to evaluate the merits of that claim'"]); (See *Costco*, *supra*, 47 Cal.4th at p. 733 ["[t]he party claiming the privilege has the burden of establishing the preliminary facts necessary to support its exercise"].) He failed to do so.

Second, now that Mr. Spears has been suspended as conservator of the estate, he no longer holds any attorney-client privilege. (See *Stine v. Dell'Osso* (2014) 239 Cal.App.4th 834, 843 [successor fiduciary became holder of the privilege of all communications between fiduciary and his counsel

regarding the estate, whenever they occurred]; see also *Moeller v. Superior Court* (1997) 16 Cal.4th 1124, 1129-1135 [because fiduciary is holder of the attorney-client privilege in his or her capacity as such, successor fiduciary becomes the holder as to confidential communications between the predecessor fiduciary and attorney concerning trust administration]; Cal. Probate Code, § 8524, subd. (c). Because he was suspended, Mr. Spears quite simply has no privilege to claim.

Third, as noted above, Mr. Spears also waived any privilege claims. In addition to failing to timely object, his counsel promised "***unconditional[] cooperat[ion]***," "***complete transparency without conditions***," and that Britney Spears was "***welcome to everything***." (See McCurdy Decl., ¶ 10, Ex. D.) Even further, Mr. Spears's counsel stated that he had "provided ***explicit instructions to prior counsel to produce everything without exception***." (See McCurdy Decl., ¶ 11; see also *infra*, n.4.) Under *Moeller* and *Stine,* Mr. Spears does not hold the privilege. And in any event, even if the documents at issue were privileged (and they are not) he has waived any such privilege and should be estopped from asserted any such objections.

Mr. Spears also objects that the requests somehow violate his right to privacy. (McCurdy Decl., Ex. G, ¶ 10.) This makes no sense. It is Mr. Spears's burden to justify the objection, and he has failed to do so. (See *Coy*, *supra*, 58 Cal.2d at pp. 220-221; *Fairmont Ins. Co. v. Super. Ct.* (2000) 22 Cal.4th 245, 255.) Mr. Spears's position also reeks of hypocrisy given his gross violations of *his daughter's* privacy. Finally, any claimed right to privacy must be considered against the "historically important state interest of facilitating the ascertainment of truth in connection with legal proceedings." (See *Gregori v. Bank of America* (1989) 207 Cal.App.3d 291, 312.) Even as Mr. Spears hides it, the mission remains to ascertain the truth, which necessarily trumps Mr. Spears's evasive and fabricated "privacy rights."

Mr. Spears additionally claims each document request violates confidentiality or the "common interest doctrine." Not only does Mr. Spears once again fail to support this objection with any facts, the "common interest doctrine" is a "nonwaiver doctrine," and does not separately act as a privilege shielding documents from discovery. (See *OXY Resources California LLC v. Superior Court* (2004) 115 Cal.App.4th 874, 889-90 ["party seeking to invoke the [common interest] doctrine must first establish that the communicated information would otherwise be protected from a disclosure by a claim of privilege"].) No privilege exists here to protect the disclosure of the requested documents.

Finally, Mr. Spears purports to assert hodgepodge objections that the document requests are "speculative, lack foundation, or improperly assume the existence of hypothetical facts that are incorrect or unknown to Jamie" and "call for a legal conclusion." (McCurdy Decl., Ex. G, ¶¶ 13, 14.) In asserting this boilerplate objection, Mr., Spears does nothing more than cite boilerplate buzz words into his general objections; he fails to incorporate them anywhere else, and he fails to justify how the document requests are so formed. This is because he is, once again, wrong and he is once again seeking to evade the truth and its consequences. As demonstrated above and as the requests themselves demonstrate, the requests are narrowly tailored to pending issues, which were put front and center by Mr. Spears himself. The use of such general objections, as applied here, is improper under the California Civil Discovery Act, and their bald assertion in this context demonstrates Mr. Spears's desperation and lack of any factual basis for them. (See generally *Korea Data Sys. Co. v. Superior Court* (1997) 51 Cal.App.4th 1513, 1516 [use of boilerplate objections is improper and sanctionable].)

REQUEST FOR PRODUCTION NO. 45:

All DOCUMENTS RELATING TO the Domestic Violence Restraining order entered against you in 2019.

RESPONSE TO REQUEST FOR PRODUCTION NO. 45:

Jamie incorporates by reference his General Objections. Jamie further objects to the Document Request to the extent it is vague, ambiguous, overly broad, unduly burdensome, and oppressive especially as it does not contain any temporal limitations. Jamie objects to the Document Request to the extent it calls for documents and information irrelevant and unrelated to Britney or the Conservatorship. Jamie further objects to the Document Request to the extent it impermissibly seeks material protected by the attorney-client privilege, the attorney work-product doctrine, and/or the common interest doctrine. Jamie also objects to this Document Request to the extent it seeks documents or information about Britney's minor children. Jamie further objects to the Document Request to the extent that it seeks information that is already in Britney's possession or equally available to her.

Jamie further objects to the Document Request as follows:

- The Document Request extends beyond the proper scope of discovery and improperly attempts to re-litigate the thirteen-year Conservatorship and innumerable final court orders. California

Civil Procedure Code Section 2017.010 limits the scope of discovery to matters relevant to the subject matter involved in the pending action. California Probate Code Section 2103 releases a conservator and the sureties from all the conservatee's claims when the court authorizes, approves, or confirms the action in an order. This Document Request is therefore overbroad, unduly burdensome, and beyond the scope of discovery to the extent it is not relevant to the limited matters remaining before the Court and to the extent the Court already approved any action in an order or judgment.

- There is no legitimate reason for requiring Jamie to undertake the burden of sifting through documents he already produced and reproducing those documents that are responsive to this Document Request. Jamie objects to these Document Requests as duplicative, unduly burdensome, oppressive, and harassing to the extent the Document Requests seek some or all of the same documents and information that Jamie already voluntarily produced. Since October 2021, Jamie's counsel has arranged for nearly 600,000 pages of documents (consisting of more than 58 boxes of hard copy documents and more than 22 drives of electronic documents and spanning over 13 years of documents). Britney's own counsel admitted at the January 19, 2022 hearing that Jamie "produced voluminous information." *See* Jan. 19 Tr. 17:3-4. The nearly 600,000 pages of documents represent more than 124,500 electronic documents. Any responsive documents that are in Jamie's possession, custody, or control already are in Britney's possession, custody, or control or are otherwise equally available to her given Jamie's prior voluminous production of documents and information.

REASON TO COMPEL PRODUCTION TO REQUEST FOR PRODUCTION NO. 45:

As an initial matter, Mr. Spears fails to justify any of his objections with any facts, and none of his boilerplate objections are proper. (See *Costco Wholesale Corp. v. Superior Court* (2009) 47 Cal.4th 725, 733; *Coy v. Superior Court of Contra Costa County* (1962) 58 Cal.2d 210, 218-221.) It is important to bear in mind, too, that Mr. Spears has an obligation as a suspended conservator and fiduciary to turn over all relevant and responsive documents without any condition, regardless of the method of discovery sought. (See *Poag v. Winston* (1987) 195 Cal.App.3d 1161, 1176 ["As a fiduciary, a conservator owes a duty of loyalty which requires that he act in the highest good faith."].) This fact is buttressed by his new lawyer's own repeated claims of cooperation. Further, demonstrating regrettable gamesmanship and completely contradicting himself, Ms. Spears's counsel claims he "instructed" prior counsel to "withhold

nothing" on the basis of privilege. Yet, his response to ***every single request*** for production includes objections on the basis of privilege. (See generally, McCurdy Decl., Ex. G.) This type of Alice-in-Wonderland dissembling is unacceptable.

Mr. Spears's counsel repeatedly and profusely promised his client's unconditional, transparent cooperation in producing "***all***" documents to Ms. Spears's counsel. Although these representations have, regrettably, proven to be false, made in an effort to create a false narrative and record—and what has become a "Big Lie" of Mr. Spears's defense—they are nevertheless relevant; thus, in addition to Mr. Spears's statutory waiver, his boilerplate objections should also be considered waived as a matter of equity and fairness and he should be estopped from asserting them. By way of illustration only, by email dated October 22, 2021, Mr. Spears's counsel professed the following:

- That Mr. Spears would "***unconditionally[] cooperate*** with a complete and total transfer of ***all files*** regarding the conservatorship . . . ."
- That Ms. Spears was "***welcome to everything – complete transparency without conditions***."
- That he would "***do everything [he] [could]*** to help facilitate the direct transfer [of all files] from prior counsel . . . ."
- "Again, ***complete transparency without conditions***."

(McCurdy Decl., ¶ 10.)

In the November 1, 2021 Status Report, Mr. Spears's counsel represented the following:

- "Jamie has ***nothing to hide*** [and] ***will therefore hide nothing***."
- "Jamie affirms that he will ***unconditionally cooperate*** in transferring *all* [emphasis in original] files regarding the estate to Britney's counsel without delay."
- "Jamie recognizes his ***ongoing and transparent participation is paramount*** . . . ."
- "Jamie will ***unconditionally cooperate*** with a complete and total transfer of all files."
- "Jamie is committed to ***complete transparency without conditions***."

(McCurdy Decl., Ex. D.)

In a November 5, 2021 email, Mr. Spears's counsel stated that he and his client were supposedly "committed to ***complete transparency***," that they had "***withheld nothing***," and that he "provided ***explicit***

instructions to prior counsel to produce <u>everything without exception</u>." (McCurdy Decl., ¶ 11.) Even more, Mr. Spears's counsel claimed that "whatever documents exist regarding electronic surveillance, to the extent that any, would part [*sic*] of the production being made by prior counsel." (*Id.*)

These promises are tantamount to a "Big Lie." By objecting to every single one of Ms. Spears's document requests, Mr. Spears has done the exact opposite of what he promised. Mr. Spears's tactics to create a false record and narrative should not be countenanced. Even putting aside his statutory and fiduciary obligations, he has waived any objections and he should be ordered to produce all documents contained in the applicable requests.

Mr. Spears objects to the document requests as "unduly burdensome and unreasonable duplicative and cumulative" because he claims Ms. Spears requested similar information in requests for production propounded on him. (McCurdy Decl., Ex. G, ¶ 5.) The objection is contrary to law. California's Code of Civil Procedure does not preclude a party from seeking similar documents through different methods of discovery. "[T]he inspection of documents procedure is quite different from a deposition at which a party is required to bring documents. Nothing in either section 2025 or section 2031 suggests that seeking documents under one statutory procedure bars a litigant from seeking the same documents under the other." (*Carter v. Superior Court* (1990) 218 Cal.App.3d 994, 997.)[88] Thus, consistent with the Court's reasoning in *Carter*, Mr. Spears must bring the requested documents to his deposition pursuant to this different method of discovery. (See also *Irvington-Moore, Inc. v. Superior Court* (1993) 14 Cal.App.4th 733, 739 ["[T]he selection of the method of discovery is to be utilized is to be made by the party seeking discovery. It cannot be dictated by the opposing party.].)

Relatedly, Mr. Spears claims the document requests are "duplicative, unduly burdensome, oppressive, and harassing" because Mr. Spears already "voluntarily" produced some of the same documents and information. (McCurdy Decl., Ex. G, ¶ 7.) He is wrong, on multiple levels. Initially, "[a] party is permitted to use multiple methods of obtaining discovery and the fact that information was disclosed under one method is not, standing alone, a proper basis for refusing to provide discovery under

[88] See also 10 Witkin, Cal. Evid. Discovery § 143 [discussing *Carter*]. Notably, the Legislature has amended the Civil Discovery Act several times since *Carter*, and it has done so without overruling or modifying *Carter*'s interpretation of the Act. "When a statute has been construed by the courts, and the Legislature thereafter reenacts that statute without changing the interpretation put on that statute by the court, the Legislature is presumed to have been aware of, and acquiesced in, the courts' construction of that statute." (*People v. Ledesma* (1997) 16 Cal.4th 90, 100-01.)

another method." (*Irvington-Moore, Inc.*, *supra*, 14 Cal.App.4th at p. 739; see also *TBG Ins. Services Corp. v. Superior Court* (2002) 96 Cal.App.4th 443, 449 [citing *Irvington-Moore* for the proposition that "a party may use multiple methods to obtain discovery and the fact that information was disclosed under one method is not, by itself, a proper basis to refuse to provide discovery under another method"]; see, e.g. *Coy*, *supra*, 58 Cal.2d at p. 218 ["the bare claim of previous deposition is insufficient as an objection to an interrogatory . . . To suffice as a valid objection such claim must be supported by some showing (or, as a minimum, some claim) that the requirement of a reply would be unjust and inequitable"].)

Mr. Spears's objection that he has already produced some of the requested documents, even if true, is not a defense. To the extent he intended to actually rely on this objection, Mr. Spears needed to demonstrate that production of the requested documents now would be "unjust and inequitable." But he grossly fails to so demonstrate; instead, he relies on his "Big Lie" defense: that he has cooperated and transferred all of the documents requested. Mr. Spears also astonishingly objects on the basis that "there are no further documents [he] could provide to respond to the Deposition Notice, Document Requests, and definitions" because he supposedly has produced them all. (McCurdy Decl., Ex. G, at p. 3:22-23.) If this were true (and it is false), then why does he not so state in a single response, instead of making countless boilerplate objections? Why does he not appear at his deposition, and so state on the record, under penalty of perjury? Why does he not identify the requested documents—by Bates number? Why does he not correlate them to the document requests at issue? And why does he not simply provide answers to the following questions and requests that have been posed to him repeatedly?

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Kayne v. Grande Holdings Ltd. (2011) 198 Cal.App.4th 1470, 1475-76 [sanctions appropriate where party refused to produce documents in an organized and labelled manner].)[89]

Mr. Spears also objects that the document requests "attempt to relitigate the entire thirteen-year Conservatorship and innumerable final court orders," and "are not relevant and not reasonably calculated to lead to the discovery of admissible evidence." (McCurdy Decl., Ex. G, ¶¶ 6, 8.) Nonsense. "Discovery may relate to the claim or defense of the party seeking discovery or of any other party to the action." (Code Civ. Proc., § 2017.010.) In this case, the document requests directly relate to Mr. Spears's role and conduct as former conservator of the estate, which are also directly at issue under *Shine*, *Kasperbauer*, and *Hudson.* The requested documents are thus not only "reasonably calculated" to lead to the discovery of admissible evidence, they go directly to the heart of numerous pending matters including Mr. Spears's fee petition and accountings, see, e.g., *Shine*, *supra*, 16 Cal.App.4th at p. 540; *Hudson*, *supra*, 68 Cal.App.4th at pp. 669-670.

Under the circumstances, Mr. Spears's objection that the requests are somehow "not reasonably calculated to lead to the discovery of admissible evidence" (McCurdy Decl., Ex. G, ¶¶ 8, 9) are, in fact, legally frivolous. (See *Pacific Tel. & Tel. Co. v. Superior Court* (1970) 2 Cal.3d 161, 173; *Garamendi v. Golden Eagle Ins. Co*. (2004) 116 Cal.App.4th 694, 712 fn. 8.)

Mr. Spears's objections on grounds of purportedly vague and ambiguous requests, or the terms "YOU" and "YOUR," are all baseless. (McCurdy Decl. G, ¶¶ 9, 11.) He has not and cannot explain in any manner what he claims not to understand about the document requests. (See *Deyo v. Kilbourne* (1978) 84 Cal.App.3d 771, 783 ["[W]here the question is somewhat ambiguous, but the nature of the information sought is apparent, the proper solution is to provide an appropriate response."].) Mr. Spears also fails to support his baseless burdensome and oppressive objections and asserts all of them without any actual factual support whatsoever. (See McCurdy Decl., Ex. G, ¶¶ 9, 12, 15, 16, 17.) "The objection based upon burden must be sustained by ***evidence showing*** the quantum of work required, while to support an objection of oppression there must be ***some showing*** either of an intent to create an unreasonable burden or that the ultimate effect of the burden is incommensurate with the result sought." (*W. Pico Furniture Co. v. Superior Court* (1961) 56 Cal.2d 407, 417, 418.) Mr. Spears fails to make any

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showing as to burden or oppression. (See *id.* at p. 418 ["The objection of burden is valid only when that burden is ***demonstrated*** to result in injustice."]; *cf. Mead Reinsurance Co. v. Superior Ct.* (1986) 188 Cal.App.3d 313, 321. For these reasons, Mr. Spears's objection that the documents "may be obtained from other sources or through other means of discovery" (McCurdy Decl., Ex. G, ¶ 15), and that the burden and expense would "outweigh the likely benefit of this discovery" (McCurdy Decl., Ex. G, ¶ 17) is also completely meritless.

Additionally, to the extent Mr. Spears objects that the document requests are "oppressive" because they "do not contain any temporal limitations" (an objection repeated in every response) this argument is also meritless. Again, no showing has been made of any intent to create an unreasonable burden, and any objection based on a lack of temporal definition is hypocritical. We are only here today because Britney Spears was under her father's infantilizing control for more than a decade. Further, the evidence shows that the conservatorship was conflicted from the very outset, when, among other things, Mr. Spears violated Rule of Court 7.1059 by obtaining a substantial loan from Tri Star and then hiring Tri Star (a then fledgling company) as her business manager. And any claim that *Mr. Spears* faces "oppression" such that he cannot respond to discovery relating to *his own* oppression of Britney Spears is, to say the least, rich. Mr. Spears put his conduct at issue and he must face the consequences.

Mr. Spears's objections on privileged meritless, inapplicable, and have been waived. *First*, to the extent any privilege was claimed, Mr. Spears should have supported the claim with "sufficient factual information for other parties to evaluate the merits of that claim," such as a privilege log. (See, e.g. Code Civ. Proc. § 2031.240(c); *Riddell, Inc. v. Superior Court* (2017) 14 Cal.App.5th 755, 772 ["if an objection to a document request is based on a claim of privilege or work product, then the response to the request 'shall provide sufficient factual information for other parties to evaluate the merits of that claim'"]); (See *Costco*, *supra*, 47 Cal.4th at p. 733 ["[t]he party claiming the privilege has the burden of establishing the preliminary facts necessary to support its exercise"].) He failed to do so.

Second, now that Mr. Spears has been suspended as conservator of the estate, he no longer holds any attorney-client privilege. (See *Stine v. Dell'Osso* (2014) 239 Cal.App.4th 834, 843 [successor fiduciary became holder of the privilege of all communications between fiduciary and his counsel regarding the estate, whenever they occurred]; see also *Moeller v. Superior Court* (1997) 16 Cal.4th

1124, 1129-1135 [because fiduciary is holder of the attorney-client privilege in his or her capacity as such, successor fiduciary becomes the holder as to confidential communications between the predecessor fiduciary and attorney concerning trust administration]; Cal. Probate Code, § 8524, subd. (c). Because he was suspended, Mr. Spears quite simply has no privilege to claim.

Third, as noted above, Mr. Spears also waived any privilege claims. In addition to failing to timely object, his counsel promised "***unconditional[] cooperat[ion]***," "***complete transparency without conditions***," and that Britney Spears was "***welcome to everything***." (See McCurdy Decl., ¶ 10, Ex. D.) Even further, Mr. Spears's counsel stated that he had "provided ***explicit instructions to prior counsel to produce everything without exception***." (See McCurdy Decl., ¶ 11; see also *infra*, n.4.) Under *Moeller* and *Stine,* Mr. Spears does not hold the privilege. And in any event, even if the documents at issue were privileged (and they are not) he has waived any such privilege and should be estopped from asserted any such objections.

Mr. Spears also objects that the requests somehow violate his right to privacy. (McCurdy Decl., Ex. G, ¶ 10.) This makes no sense. It is Mr. Spears's burden to justify the objection, and he has failed to do so. (See *Coy*, *supra*, 58 Cal.2d at pp. 220-221; *Fairmont Ins. Co. v. Super. Ct.* (2000) 22 Cal.4th 245, 255.) Mr. Spears's position also reeks of hypocrisy given his gross violations of *his daughter's* privacy. Finally, any claimed right to privacy must be considered against the "historically important state interest of facilitating the ascertainment of truth in connection with legal proceedings." (See *Gregori v. Bank of America* (1989) 207 Cal.App.3d 291, 312.) Even as Mr. Spears hides it, the mission remains to ascertain the truth, which necessarily trumps Mr. Spears's evasive and fabricated "privacy rights."

Mr. Spears additionally claims each document request violates confidentiality or the "common interest doctrine." Not only does Mr. Spears once again fail to support this objection with any facts, the "common interest doctrine" is a "nonwaiver doctrine," and does not separately act as a privilege shielding documents from discovery. (See *OXY Resources California LLC v. Superior Court* (2004) 115 Cal.App.4th 874, 889-90 ["party seeking to invoke the [common interest] doctrine must first establish that the communicated information would otherwise be protected from a disclosure by a claim of privilege"].) No privilege exists here to protect the disclosure of the requested documents.

Finally, Mr. Spears purports to assert hodgepodge objections that the document requests are "speculative, lack foundation, or improperly assume the existence of hypothetical facts that are incorrect or unknown to Jamie" and "call for a legal conclusion." (McCurdy Decl., Ex. G, ¶¶ 13, 14.) In asserting this boilerplate objection, Mr., Spears does nothing more than cite boilerplate buzz words into his general objections; he fails to incorporate them anywhere else, and he fails to justify how the document requests are so formed. This is because he is, once again, wrong and he is once again seeking to evade the truth and its consequences. As demonstrated above and as the requests themselves demonstrate, the requests are narrowly tailored to pending issues, which were put front and center by Mr. Spears himself. The use of such general objections, as applied here, is improper under the California Civil Discovery Act, and their bald assertion in this context demonstrates Mr. Spears's desperation and lack of any factual basis for them. (See generally *Korea Data Sys. Co. v. Superior Court* (1997) 51 Cal.App.4th 1513, 1516 [use of boilerplate objections is improper and sanctionable].)

REQUEST FOR PRODUCTION NO. 46:

All DOCUMENTS RELATING TO payments made to Advanced Multimedia Partners from Britney Spears or her Estate including but not limited to all payments made to that entity or James P. Watson, III.

RESPONSE TO REQUEST FOR PRODUCTION NO. 46:

Jamie incorporates by reference his General Objections. Jamie further objects to the Document Request to the extent it is vague, ambiguous, overly broad, unduly burdensome, and oppressive especially as it does not contain any temporal limitations. Jamie further objects to the Document Request to the extent it impermissibly seeks material protected by the attorney-client privilege, the attorney work-product doctrine, and/or the common interest doctrine. Jamie further objects to the Document Request to the extent that it seeks information that is already in Britney's possession or equally available to her.

Jamie further objects to the Document Request as follows:

- The Document Request extends beyond the proper scope of discovery and improperly attempts to re-litigate the thirteen-year Conservatorship and innumerable final court orders. California Civil Procedure Code Section 2017.010 limits the scope of discovery to matters relevant to the subject matter involved in the pending action. California Probate Code Section 2103 releases a conservator and

the sureties from all the conservatee's claims when the court authorizes, approves, or confirms the action in an order. This Document Request is therefore overbroad, unduly burdensome, and beyond the scope of discovery to the extent it is not relevant to the limited matters remaining before the Court and to the extent the Court already approved any action in an order or judgment.

- There is no legitimate reason for requiring Jamie to undertake the burden of sifting through documents he already produced and reproducing those documents that are responsive to this Document Request. Jamie objects to these Document Requests as duplicative, unduly burdensome, oppressive, and harassing to the extent the Document Requests seek some or all of the same documents and information that Jamie already voluntarily produced. Since October 2021, Jamie's counsel has arranged for nearly 600,000 pages of documents (consisting of more than 58 boxes of hard copy documents and more than 22 drives of electronic documents and spanning over 13 years of documents). Britney's own counsel admitted at the January 19, 2022 hearing that Jamie "produced voluminous information." *See* Jan. 19 Tr. 17:3-4. The nearly 600,000 pages of documents represent more than 124,500 electronic documents. Any responsive documents that are in Jamie's possession, custody, or control already are in Britney's possession, custody, or control or are otherwise equally available to her given Jamie's prior voluminous production of documents and information.

REASON TO COMPEL PRODUCTION TO REQUEST FOR PRODUCTION NO. 46:

As an initial matter, Mr. Spears fails to justify any of his objections with any facts, and none of his boilerplate objections are proper. (See *Costco Wholesale Corp. v. Superior Court* (2009) 47 Cal.4th 725, 733; *Coy v. Superior Court of Contra Costa County* (1962) 58 Cal.2d 210, 218-221.) It is important to bear in mind, too, that Mr. Spears has an obligation as a suspended conservator and fiduciary to turn over all relevant and responsive documents without any condition, regardless of the method of discovery sought. (See *Poag v. Winston* (1987) 195 Cal.App.3d 1161, 1176 [“As a fiduciary, a conservator owes a duty of loyalty which requires that he act in the highest good faith.”].) This fact is buttressed by his new lawyer’s own repeated claims of cooperation. Further, demonstrating regrettable gamesmanship and completely contradicting himself, Ms. Spears’s counsel claims he “instructed” prior counsel to “withhold nothing” on the basis of privilege. Yet, his response to ***every single request*** for production includes

objections on the basis of privilege. (See generally, McCurdy Decl., Ex. G.) This type of Alice-in-Wonderland dissembling is unacceptable.

Mr. Spears's counsel repeatedly and profusely promised his client's unconditional, transparent cooperation in producing "***all***" documents to Ms. Spears's counsel. Although these representations have, regrettably, proven to be false, made in an effort to create a false narrative and record—and what has become a "Big Lie" of Mr. Spears's defense—they are nevertheless relevant; thus, in addition to Mr. Spears's statutory waiver, his boilerplate objections should also be considered waived as a matter of equity and fairness and he should be estopped from asserting them. By way of illustration only, by email dated October 22, 2021, Mr. Spears's counsel professed the following:

- That Mr. Spears would "***unconditionally[] cooperate*** with a complete and total transfer of ***all files*** regarding the conservatorship . . . ."
- That Ms. Spears was "***welcome to everything – complete transparency without conditions***."
- That he would "***do everything [he] [could]*** to help facilitate the direct transfer [of all files] from prior counsel . . . ."
- "Again, ***complete transparency without conditions***."

(McCurdy Decl., ¶ 10.)

In the November 1, 2021 Status Report, Mr. Spears's counsel represented the following:

- "Jamie has ***nothing to hide*** [and] ***will therefore hide nothing***."
- "Jamie affirms that he will ***unconditionally cooperate*** in transferring *all* [emphasis in original] files regarding the estate to Britney's counsel without delay."
- "Jamie recognizes his ***ongoing and transparent participation is paramount*** . . . ."
- "Jamie will ***unconditionally cooperate*** with a complete and total transfer of all files."
- "Jamie is committed to ***complete transparency without conditions***."

(McCurdy Decl., Ex. D.)

In a November 5, 2021 email, Mr. Spears's counsel stated that he and his client were supposedly "committed to ***complete transparency***," that they had "***withheld nothing***," and that he "provided ***explicit instructions to prior counsel to produce everything without exception***." (McCurdy Decl., ¶ 11.) Even

more, Mr. Spears's counsel claimed that "whatever documents exist regarding electronic surveillance, to the extent that any, would part [*sic*] of the production being made by prior counsel." (*Id.*)

These promises are tantamount to a "Big Lie." By objecting to every single one of Ms. Spears's document requests, Mr. Spears has done the exact opposite of what he promised. Mr. Spears's tactics to create a false record and narrative should not be countenanced. Even putting aside his statutory and fiduciary obligations, he has waived any objections and he should be ordered to produce all documents contained in the applicable requests.

Mr. Spears objects to the document requests as "unduly burdensome and unreasonable duplicative and cumulative" because he claims Ms. Spears requested similar information in requests for production propounded on him. (McCurdy Decl., Ex. G, ¶ 5.) The objection is contrary to law. California's Code of Civil Procedure does not preclude a party from seeking similar documents through different methods of discovery. "[T]he inspection of documents procedure is quite different from a deposition at which a party is required to bring documents. Nothing in either section 2025 or section 2031 suggests that seeking documents under one statutory procedure bars a litigant from seeking the same documents under the other." (*Carter v. Superior Court* (1990) 218 Cal.App.3d 994, 997.)[90] Thus, consistent with the Court's reasoning in *Carter*, Mr. Spears must bring the requested documents to his deposition pursuant to this different method of discovery. (See also *Irvington-Moore, Inc. v. Superior Court* (1993) 14 Cal.App.4th 733, 739 ["[T]he selection of the method of discovery is to be utilized is to be made by the party seeking discovery. It cannot be dictated by the opposing party.].)

Relatedly, Mr. Spears claims the document requests are "duplicative, unduly burdensome, oppressive, and harassing" because Mr. Spears already "voluntarily" produced some of the same documents and information. (McCurdy Decl., Ex. G, ¶ 7.) He is wrong, on multiple levels. Initially, "[a] party is permitted to use multiple methods of obtaining discovery and the fact that information was disclosed under one method is not, standing alone, a proper basis for refusing to provide discovery under another method." (*Irvington-Moore, Inc.*, *supra*, 14 Cal.App.4th at p. 739; see also *TBG Ins. Services*

[90] See also 10 Witkin, Cal. Evid. Discovery § 143 [discussing *Carter*]. Notably, the Legislature has amended the Civil Discovery Act several times since *Carter*, and it has done so without overruling or modifying *Carter*'s interpretation of the Act. "When a statute has been construed by the courts, and the Legislature thereafter reenacts that statute without changing the interpretation put on that statute by the court, the Legislature is presumed to have been aware of, and acquiesced in, the courts' construction of that statute." (*People v. Ledesma* (1997) 16 Cal.4th 90, 100-01.)

Corp. v. Superior Court (2002) 96 Cal.App.4th 443, 449 [citing *Irvington-Moore* for the proposition that "a party may use multiple methods to obtain discovery and the fact that information was disclosed under one method is not, by itself, a proper basis to refuse to provide discovery under another method"]; see, e.g. *Coy*, *supra*, 58 Cal.2d at p. 218 ["the bare claim of previous deposition is insufficient as an objection to an interrogatory . . . To suffice as a valid objection such claim must be supported by some showing (or, as a minimum, some claim) that the requirement of a reply would be unjust and inequitable"].)

Mr. Spears's objection that he has already produced some of the requested documents, even if true, is not a defense. To the extent he intended to actually rely on this objection, Mr. Spears needed to demonstrate that production of the requested documents now would be "unjust and inequitable." But he grossly fails to so demonstrate; instead, he relies on his "Big Lie" defense: that he has cooperated and transferred all of the documents requested. Mr. Spears also astonishingly objects on the basis that "there are no further documents [he] could provide to respond to the Deposition Notice, Document Requests, and definitions" because he supposedly has produced them all. (McCurdy Decl., Ex. G, at p. 3:22-23.) If this were true (and it is false), then why does he not so state in a single response, instead of making countless boilerplate objections? Why does he not appear at his deposition, and so state on the record, under penalty of perjury? Why does he not identify the requested documents—by Bates number? Why does he not correlate them to the document requests at issue? And why does he not simply provide answers to the following questions and requests that have been posed to him repeatedly?

As referenced above, despite our repeated and ongoing requests, while relying on the facile and false claim that he has produced "everything" requested, Mr. Spears has also failed to produce all text or email communications between and amongst Tri Star, Black Box, himself, and his counsel (see *Moeller* and *Stine*, *infra* at pp. 19-20) concerning the illicit surveillance operation at issue. Indeed, he falsely claims it "***DIDN'T HAPPEN, YOUR HONOR***," *supra* at 9. In short, as part of their efforts to stonewall and hide the truth, Mr. Spears has engaged in improper disjointed and incomplete "document dumps" rather than a professional, organized, and labelled production of documents. More pointedly, he has failed to produce *any* documents pursuant to and correlated to the deposition notices, ***not one***. (See

Kayne v. Grande Holdings Ltd. (2011) 198 Cal.App.4th 1470, 1475-76 [sanctions appropriate where party refused to produce documents in an organized and labelled manner].)[91]

Mr. Spears also objects that the document requests "attempt to relitigate the entire thirteen-year Conservatorship and innumerable final court orders," and "are not relevant and not reasonably calculated to lead to the discovery of admissible evidence." (McCurdy Decl., Ex. G, ¶¶ 6, 8.) Nonsense. "Discovery may relate to the claim or defense of the party seeking discovery or of any other party to the action." (Code Civ. Proc., § 2017.010.) In this case, the document requests directly relate to Mr. Spears's role and conduct as former conservator of the estate, which are also directly at issue under *Shine*, *Kasperbauer*, and *Hudson.* The requested documents are thus not only "reasonably calculated" to lead to the discovery of admissible evidence, they go directly to the heart of numerous pending matters including Mr. Spears's fee petition and accountings, see, e.g., *Shine*, *supra*, 16 Cal.App.4th at p. 540; *Hudson*, *supra*, 68 Cal.App.4th at pp. 669-670.

Under the circumstances, Mr. Spears's objection that the requests are somehow "not reasonably calculated to lead to the discovery of admissible evidence" (McCurdy Decl., Ex. G, ¶¶ 8, 9) are, in fact, legally frivolous. (See *Pacific Tel. & Tel. Co. v. Superior Court* (1970) 2 Cal.3d 161, 173; *Garamendi v. Golden Eagle Ins. Co*. (2004) 116 Cal.App.4th 694, 712 fn. 8.)

Mr. Spears's objections on grounds of purportedly vague and ambiguous requests, or the terms "YOU" and "YOUR," are all baseless. (McCurdy Decl. G, ¶¶ 9, 11.) He has not and cannot explain in any manner what he claims not to understand about the document requests. (See *Deyo v. Kilbourne* (1978) 84 Cal.App.3d 771, 783 ["[W]here the question is somewhat ambiguous, but the nature of the information sought is apparent, the proper solution is to provide an appropriate response."].) Mr. Spears also fails to support his baseless burdensome and oppressive objections and asserts all of them without any actual factual support whatsoever. (See McCurdy Decl., Ex. G, ¶¶ 9, 12, 15, 16, 17.) "The objection based upon burden must be sustained by ***evidence showing*** the quantum of work required, while to support an objection of oppression there must be ***some showing*** either of an intent to create an unreasonable burden or that the ultimate effect of the burden is incommensurate with the result sought." (*W. Pico Furniture Co. v. Superior Court* (1961) 56 Cal.2d 407, 417, 418.) Mr. Spears fails to make any

[91] As a matter of restraint, we refrain herein from moving for sanctions but reserve all rights in that regard.

showing as to burden or oppression. (See *id.* at p. 418 ["The objection of burden is valid only when that burden is ***demonstrated*** to result in injustice."]; *cf. Mead Reinsurance Co. v. Superior Ct.* (1986) 188 Cal.App.3d 313, 321. For these reasons, Mr. Spears's objection that the documents "may be obtained from other sources or through other means of discovery" (McCurdy Decl., Ex. G, ¶ 15), and that the burden and expense would "outweigh the likely benefit of this discovery" (McCurdy Decl., Ex. G, ¶ 17) is also completely meritless.

Additionally, to the extent Mr. Spears objects that the document requests are "oppressive" because they "do not contain any temporal limitations" (an objection repeated in every response) this argument is also meritless. Again, no showing has been made of any intent to create an unreasonable burden, and any objection based on a lack of temporal definition is hypocritical. We are only here today because Britney Spears was under her father's infantilizing control for more than a decade. Further, the evidence shows that the conservatorship was conflicted from the very outset, when, among other things, Mr. Spears violated Rule of Court 7.1059 by obtaining a substantial loan from Tri Star and then hiring Tri Star (a then fledgling company) as her business manager. And any claim that *Mr. Spears* faces "oppression" such that he cannot respond to discovery relating to *his own* oppression of Britney Spears is, to say the least, rich. Mr. Spears put his conduct at issue and he must face the consequences.

Mr. Spears's objections on privileged meritless, inapplicable, and have been waived. *First*, to the extent any privilege was claimed, Mr. Spears should have supported the claim with "sufficient factual information for other parties to evaluate the merits of that claim," such as a privilege log. (See, e.g. Code Civ. Proc. § 2031.240(c); *Riddell, Inc. v. Superior Court* (2017) 14 Cal.App.5th 755, 772 ["if an objection to a document request is based on a claim of privilege or work product, then the response to the request 'shall provide sufficient factual information for other parties to evaluate the merits of that claim'"]); (See *Costco*, *supra*, 47 Cal.4th at p. 733 ["[t]he party claiming the privilege has the burden of establishing the preliminary facts necessary to support its exercise"].) He failed to do so.

Second, now that Mr. Spears has been suspended as conservator of the estate, he no longer holds any attorney-client privilege. (See *Stine v. Dell'Osso* (2014) 239 Cal.App.4th 834, 843 [successor fiduciary became holder of the privilege of all communications between fiduciary and his counsel regarding the estate, whenever they occurred]; see also *Moeller v. Superior Court* (1997) 16 Cal.4th

1124, 1129-1135 [because fiduciary is holder of the attorney-client privilege in his or her capacity as such, successor fiduciary becomes the holder as to confidential communications between the predecessor fiduciary and attorney concerning trust administration]; Cal. Probate Code, § 8524, subd. (c). Because he was suspended, Mr. Spears quite simply has no privilege to claim.

Third, as noted above, Mr. Spears also waived any privilege claims. In addition to failing to timely object, his counsel promised "***unconditional[] cooperat[ion]***," "***complete transparency without conditions***," and that Britney Spears was "***welcome to everything***." (See McCurdy Decl., ¶ 10, Ex. D.) Even further, Mr. Spears's counsel stated that he had "provided ***explicit instructions to prior counsel to produce everything without exception***." (See McCurdy Decl., ¶ 11; see also *infra*, n.4.) Under *Moeller* and *Stine,* Mr. Spears does not hold the privilege. And in any event, even if the documents at issue were privileged (and they are not) he has waived any such privilege and should be estopped from asserted any such objections.

Mr. Spears also objects that the requests somehow violate his right to privacy. (McCurdy Decl., Ex. G, ¶ 10.) This makes no sense. It is Mr. Spears's burden to justify the objection, and he has failed to do so. (See *Coy*, *supra*, 58 Cal.2d at pp. 220-221; *Fairmont Ins. Co. v. Super. Ct.* (2000) 22 Cal.4th 245, 255.) Mr. Spears's position also reeks of hypocrisy given his gross violations of *his daughter's* privacy. Finally, any claimed right to privacy must be considered against the "historically important state interest of facilitating the ascertainment of truth in connection with legal proceedings." (See *Gregori v. Bank of America* (1989) 207 Cal.App.3d 291, 312.) Even as Mr. Spears hides it, the mission remains to ascertain the truth, which necessarily trumps Mr. Spears's evasive and fabricated "privacy rights."

Mr. Spears additionally claims each document request violates confidentiality or the "common interest doctrine." Not only does Mr. Spears once again fail to support this objection with any facts, the "common interest doctrine" is a "nonwaiver doctrine," and does not separately act as a privilege shielding documents from discovery. (See *OXY Resources California LLC v. Superior Court* (2004) 115 Cal.App.4th 874, 889-90 ["party seeking to invoke the [common interest] doctrine must first establish that the communicated information would otherwise be protected from a disclosure by a claim of privilege"].) No privilege exists here to protect the disclosure of the requested documents.

Finally, Mr. Spears purports to assert hodgepodge objections that the document requests are "speculative, lack foundation, or improperly assume the existence of hypothetical facts that are incorrect or unknown to Jamie" and "call for a legal conclusion." (McCurdy Decl., Ex. G, ¶¶ 13, 14.) In asserting this boilerplate objection, Mr., Spears does nothing more than cite boilerplate buzz words into his general objections; he fails to incorporate them anywhere else, and he fails to justify how the document requests are so formed. This is because he is, once again, wrong and he is once again seeking to evade the truth and its consequences. As demonstrated above and as the requests themselves demonstrate, the requests are narrowly tailored to pending issues, which were put front and center by Mr. Spears himself. The use of such general objections, as applied here, is improper under the California Civil Discovery Act, and their bald assertion in this context demonstrates Mr. Spears's desperation and lack of any factual basis for them. (See generally *Korea Data Sys. Co. v. Superior Court* (1997) 51 Cal.App.4th 1513, 1516 [use of boilerplate objections is improper and sanctionable].)

DATED: May 31, 2022 GREENBERG TRAURIG, LLP

By */s/ Mathew S. Rosengart*
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