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6 Court-Appointed Counsel For
BRITNEY JEAN SPEARS, Conservatee
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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF LOS ANGELES**

11 In the Matter of the Conserva-
torship of the Person and Es-
12 tate of:

No. BP 108 870

PETITIONER'S REPLY TO:

JAMES P. SPEARS' RESPONSE
TO PETITION FOR ORDER
ASSOCIATING LITIGATION
COUNSEL FOR CONSERVATEE

16 BRITNEY JEAN SPEARS,

Assigned To:
Judge BRENDA J. PENNY
Department: 4
Hearing Date: 10/14/20
Time: 9:30 a.m.
Calendar #2001

20 Conservatee.

22 Petitioner, SAMUEL D. INGHAM III, replies to "JAMES P.
23 SPEARS' RESPONSE TO PETITION FOR ORDER ASSOCIATING LITIGATION
24 COUNSEL FOR CONSERVATEE" ("The Response") filed on October 2, 2020
25 by JAMES P. SPEARS ("JAMES"¹) as conservator of the Estate as
26 follows:

27 _____
28 ¹ For convenience, this pleading will refer to members of the
SPEARS family by their first names. No disrespect is intended.

1 1. **Procedural Background**

2 Petitioner filed a "PETITION FOR ORDER ASSOCIATING
3 LITIGATION COUNSEL FOR CONSERVATEE" which is set for hearing on
4 October 14, 2020 ("the Associated Counsel Petition"). The Minute
5 Order of this Court dated August 19, 2020 provided that "any
6 objections are to be filed by October 2, 2020 with a response to be
7 filed no later than October 6, 2020."

8 JAMES has apparently filed The Response in lieu of
9 objections. Therefore, Petitioner offers the within reply in lieu
10 of a response.

11
12 2. **Introduction**

13 Although its tone is conciliatory, the Response is
14 actually more notable for what it doesn't say than for what it
15 does:

- 16 • it doesn't constitute objections to the Associated
17 Counsel Petition and in fact, doesn't raise a
18 single legal argument against it;
- 19 • it doesn't consent to the appointment of BESSEMER
20 TRUST COMPANY OF CALIFORNIA, N.A., ("BESSEMER
21 TRUST") the fiduciary nominated by BRITNEY, as
22 conservator of her estate;
- 23 • it doesn't consent to the appointment of any corpo-
24 rate fiduciary as conservator of her estate; and
- 25 • it carefully avoids calling the "NOMINATION OF
26 CONSERVATOR" signed by BRITNEY a "nomination",
27 referring to it clumsily and inaccurately as "the
28 Consent to the Appointment of Bessemer Trust bear-

1 ing Ms. Spears' signature."² This circumlocution
2 signals that JAMES wishes to preserve his ability
3 to litigate the validity of the nomination later on
4 whenever he chooses to do so.

5
6 3. **Further Meet And Confer Not Productive**

7 The Response proposes a "meaningful meet and confer
8 with the Conservatee and Mr. Ingham to explore the issues facing
9 this conservatorship and the specifics of this modified structure
10 of the Estate"³. However, before the petition to appoint BESSEMER
11 TRUST was filed, counsel for BRITNEY instigated and participated in
12 two separate "meet and confer" sessions. The first one with counsel
13 for JAMES was a phone call intended to resolve a simple dispute
14 over one of his sealing motions. The second "meet and confer" was
15 an all day session before Judge AVIVA K. BOBB (Ret.), a distin-
16 guished settlement officer respected by both sides, to resolve the
17 dispute over the appointment of BESSEMER TRUST. In addition to all
18 counsel, JAMES participated personally in the second "meet and
19 confer" as did LYNNE SPEARS, BRITNEY's mother, with her counsel.

20 Both sessions were completely fruitless with no
21 agreement reached on a single issue and no request by any party (or
22 Judge BOBB) for further sessions. There is no reason whatsoever to
23 believe that further "meet and confer" sessions will produce a
24 different result. They will simply generate additional cost which
25 JAMES is ostensibly trying to avoid, all of which will be borne by

26
27 ² Response, page 1, line 27-28

28 ³ Response, Page 4, lines 3-5

1 BRITNEY.

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3 4. **Petition Not Moot**

4 The Response makes much of the fact that JAMES has
5 withdrawn his petition to bring back ANDREW M. WALLET as co-
6 conservator of the estate. As a result "there is no longer
7 urgency"⁴ and JAMES therefore requests that the Associated Counsel
8 Petition "be denied as moot"⁵. This request assumes that the only
9 reason for litigation counsel was to contest the petition for Mr.
10 Wallet's appointment.

11 However, BRITNEY will still need litigation counsel
12 to pursue the appointment of her own nominee, BESSEMER TRUST. This
13 may not be "urgent" to JAMES but it certainly is to BRITNEY.
14 Despite his effort to appear conciliatory, nothing in The Response
15 assures that JAMES will ever agree to do anything other than talk.
16 As noted above, JAMES can't even bring himself to concede BRITNEY's
17 ability to nominate a top quality corporate fiduciary.

18

19 5. **Lower Cost of Representation**

20 JAMES cites the hourly rates of LOEB & LOEB LLP to
21 argue that the firm's retention is not "either indicated or in the
22 best interests of Ms. Spears". However, a quick comparison shows
23 that JAMES himself recently used more attorneys at significantly
24 higher billing rates to pursue litigation against a single
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27 ⁴ Response, page 4, line 20

28 ⁵ Response, page 4, line 25-26

1 individual represented by a sole practitioner. In *Spears v. Lutfi*⁶,
2 JAMES engaged SIDLEY which staffed the case with following
3 attorneys, to whom BRITNEY paid over \$300,000.00 in fees during
4 2019 alone:

5	<u>Name</u>	<u>Hourly Rate</u>
6	CHAD HUMMEL	\$1,170.00
7	JACK YEH	1,012.50
8	ERIC SCHWARTZ	814.50
9	GERRY HIRSCHFIELD	486.00

10 These rates are substantially greater than the rates of LOEB & LOEB
11 LLP which are capped at \$945.00 per hour under the discounted fee
12 structure negotiated by counsel for BRITNEY. The only reason there
13 would be "very substantial expense" would be if JAMES chooses to
14 fight aggressively with BRITNEY over her wish to appoint BESSEMER
15 TRUST.

16

17 6. **Conclusion**

18 The Response, while saying very little of substance,
19 does reveal that JAMES is still looking to the past for answers.
20 His backward looking attempt to reinstate ANDREW WALLET was a
21 failure. Nevertheless, JAMES remains focused on the prospect of
22 BRITNEY resuming her career despite her stated wish not to do so,
23 raising this issue in The Response on two separate occasions⁷.

24 However, BRITNEY simply does not share JAMES' vision
25 of a future in which she resumes performing and leaves the
26

26

27 ⁶ LASC Case No. 19 STRO 03041

28 ⁷ Response, page 2, line 7 and page 4, lines 6-9.

1 management of her estate completely to him as she did in the past.
2 Instead, she has nominated BESSEMER TRUST as an independent,
3 extremely well qualified full service financial adviser with whom
4 she can work collaboratively to plan for her future needs, whether
5 or not she ever chooses to perform again.

6 The Response gives away the game at the very end
7 with JAMES' request that "the hearing on the Litigation Counsel
8 Petition be continued four (4) to six (6) weeks to determine if an
9 agreement can be reached as to the structure of the Conservatorship
10 of the Estate with the onboarding of a corporate co-conservator."⁸
11 If the Court were to go along with this request, the Associated
12 Counsel Petition would be pushed out two weeks past the Bessemer
13 Appointment Petition to the day before Thanksgiving. One can then
14 easily anticipate the requests for further postponements due to the
15 holiday season that will delay matters into 2021.

16 Clearly, JAMES' objectives are either to filibuster
17 the appointment of a corporate fiduciary indefinitely or to
18 dominate the entire process himself, including the selection of the
19 fiduciary. The only way to assure that BRITNEY's voice is heard
20 will be for her to have qualified litigation counsel available to
21 in order to place her on a level playing field with JAMES.

22 There is nothing about the association of counsel in
23 itself that will result in "inevitable, very substantial expense."⁹
24 JAMES himself holds the key to reducing or eliminating litigation
25 in this case. He has known for months that BRITNEY wants to bring
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27 ⁸ Response, page 5, lines 1-2

28 ⁹ Response, page 4, line 15

1 in a corporate fiduciary but took no action to address her desire.
2 Instead, he chose first to force an unacceptable candidate on
3 BRITNEY and then to delay the involvement of her legitimate
4 candidate as much as possible. His counsel are always welcome to
5 pick up the phone to discuss a resolution, but BRITNEY should not
6 be obligated to forego qualified legal representation as the price
7 of the call.

8 For the foregoing reasons, BRITNEY respectfully
9 requests that the Associated Counsel Petition be granted as prayed.

10 Dated: October 4, 2020

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14 SAMUEL D. INGHAM III
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VERIFICATION

STATE OF CALIFORNIA)
COUNTY OF VENTURA)

I have read the foregoing PETITIONER'S REPLY TO: JAMES P. SPEARS' RESPONSE TO PETITION FOR ORDER ASSOCIATING LITIGATION COUNSEL FOR CONSERVATEE and know its contents. The matters stated in the foregoing document are true of my own knowledge, except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed this 6 day of October, 2020 at Ojai, California.


SAMUEL D. INGHAM III