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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,

Conservatee.

Case No. BP108870

Hon. Brenda J. Penny, Dept. 4

**CONSERVATEE’S VERIFIED PETITION FOR
SUSPENSION AND REMOVAL OF JAMES P.
SPEARS AS CONSERVATOR OF THE ESTATE
PURSUANT TO PROBATE CODE SECTION
2650(j); NOMINATION OF SUCCESSOR
CONSERVATOR OF THE ESTATE;
SUPPORTING DECLARATIONS OF JODI
MONTGOMERY AND LYNNE SPEARS**

Date: 12/13/2021

Time: 8:30am

Dept: 4

1 **PETITION FOR SUSPENSION AND REMOVAL OF JAMES P. SPEARS**

2 **AS CONSERVATOR OF THE ESTATE**

3 **I. INTRODUCTION AND SUMMARY OF PETITION**

4 For more than thirteen years, Petitioner Britney Jean Spears (“Ms. Spears”) has endured a
5 conservatorship that, certainly as it concerns James P. Spears (“Mr. Spears”), has grown increasingly
6 toxic and is simply no longer tenable.

7 There might well come a time when the Court will be called upon to consider whether the
8 conservatorship should be terminated in its entirety and whether—in addition to stripping his daughter of
9 her dignity, autonomy, and certain fundamental liberties—Mr. Spears is also guilty of misfeasance or
10 malfeasance warranting the imposition of surcharges, damages, or other legal action against him.¹
11 Nevertheless, although our investigation into these issues and others is active and ongoing, this Petition
12 does *not* ask the Court to address such issues today. Instead, this Petition asks the Court to take the initial
13 narrow step, within its broad discretion, of removing Mr. Spears as conservator on grounds that do not
14 even require Mr. Spears to be at, or admit to, fault.

15 Specifically, under Probate Code Section 2650, subd. (j), the Court has broad “discretion” to
16 remove a conservator where the Court determines that removal “is in the best interests” of the
17 conservatee. This controlling provision stems from the bedrock principle of conservatorship law: acting
18 in the best interests of the conservatee. Although new legislation might, in fact, be warranted as a result
19 of the Kafkaesque nightmare with which Ms. Spears has been faced, the legislative intent behind the

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21 ¹ Indeed, serious questions abound concerning Mr. Spears’s potential misconduct, including conflicts of
22 interest, conservatorship abuse, and the evident dissipation of Ms. Spears’s fortune, which Mr. Spears has
23 effectively controlled since 2008. As *Forbes* has reported, “b[y] 2008, Spears had released 5 hit records
24 and embarked on six major tours. In the decade that followed [post conservatorship] she delivered
25 another four albums and four world tours, as well as a Las Vegas residency that ran from 2013 to 2017
26 and grossed \$137.7 million, according to Caesars Entertainment.”

27 It is, therefore, not surprising that *Forbes* concluded that, under the circumstances, Ms. Spears’s net
28 worth is “shockingly low” and that, although no one knows what she “would have done had she been in
control of her fate and fortune . . . it’s hard to imagine how she would have done worse than her
estranged dad.” “Britney Spears’ Net Worth Revealed – And It’s Shockingly Low Compared to Her Pop
Peers,” *Forbes*, Feb. 17, 2021. (last accessed Jul. 23, 2021), and available at
(<https://www.forbes.com/sites/maddieberg/2021/02/17/britney-spears-net-worth-revealed--and-its-shockingly-low-compared-to-her-pop-peers/?sh=1077e5f618ac>)

1 Probate Code is clear: to “protect the rights of persons who are placed under conservatorship.” (Cal.
2 Probate Code § 1800.) Legal scholarship has also emphasized how this goal remains consistent
3 throughout the Code. (See *Quasi-Judicial Immunity in Conservatorships: A Guide for Conservators and*
4 *their Counsel*, California Trusts and Estates Quarterly, Vol. 22, Iss. 2, 2016 at p. 45. (“Embedded within
5 the statutory framework are consistent admonitions that the conservator must always act in the best
6 interests of the conservatee.”); see also *#FreeBritney and a Look at How California Conservatees May*
7 *Challenge Their Conservators*, The Fashion Law, Aug. 30, 2020 (“The overarching theme of section
8 2650 is to ensure that the conservator prioritizes the interests of the conservatee”); see also *THE LAW OF*
9 *BEER: A MULTIDISCIPLINARY SYMPOSIUM: COMMENT: It's Mom's Money and I Want It Now: A*
10 *Review of Whether the Conservatee Should Continue To Pay The Attorney Fees of Feuding Parties*, 52
11 U. Pac. L. Rev. 963, 967 (“The purpose of the conservatorship is to fight to protect the conservatee’s
12 interests rather than gain control over the conservatee.”)

13 Relatedly, the need to consider and respect the conservatee’s own wishes when determining
14 actions in her best interests is apparent from the statutory directive provided to court investigators to
15 assess a conservatee’s wishes and determine if the conservator is acting in the best interest of the
16 conservatee in each periodic review. (See Cal. Prob. Code §1851(a, d).) The Judicial Council’s
17 *Handbook for Conservators* also provides a clear mandate to respect conservatee’s wishes: “The position
18 of conservator is one of great trust and responsibility. The court and the conservatee are trusting you to
19 follow the law and to act in the conservatee’s best interests. You should make choices that align with the
20 conservatee’s capabilities and wishes; that support, encourage, and assist the conservatee; and that are in
21 the conservatee’s best interests.” (*Handbook for Conservators 2016 Revised Edition*, Judicial Council of
22 California at p. 1-2.) Indeed, during the July 14 Hearing, the Court itself instructed that “Everybody
23 should be working collaboratively to help Ms. Spears get to the point where she’s try to get to, that she’s
24 articulated in the last couple of hearings. So it’s not about anybody else, it’s about her.” (July 14, 2021
25 Hearing Transcript at p. 53.)

26 Against this backdrop and Ms. Spears’s own courageous June 23 and July 14 testimony, it cannot
27 genuinely be disputed that whether (i) selfless and exemplary (as Mr. Spears would presumably contend,
28 falsely) or (ii) self-interested or violative of Title 18, Mr. Spears’s service as conservator has become and

1 now is extremely detrimental to the central issue: the well-being and best interests of Britney Spears,
2 which this Court, quite correctly, has recognized must be the controlling factor. And given the
3 uncontroversial basis for this petition, any father who genuinely loves his daughter and has her best
4 interests at heart should willingly step aside in favor of the highly-respected professional fiduciary
5 nominated here.² Regardless, freeing Ms. Spears from the control of a conservator whose presence is
6 inimical to his daughter's well-being cannot wait. Nor should it have to. In fact, if Mr. Spears were to
7 oppose this outcome on the grounds previously suggested, his opposition would reveal his true priorities
8 and whether removal would be also appropriate under other grounds recognized by the Probate Code.

9 **II. MR. SPEARS SHOULD BE REMOVED AND REPLACED AS CONSERVATOR OF THE**
10 **ESTATE**

11 Pursuant to the above, Ms. Spears alleges as follows:

12 **A. Background and the Parties**

13 1. In 2008, Ms. Spears was placed into this conservatorship, with her father, Mr. Spears,
14 taking control of her affairs. As the Conservatee, Ms. Spears has standing to bring this Petition to
15 remove Mr. Spears from the post of Conservator of the Estate. (Prob. Code, § 2651.) Ms. Spears is 39
16 years old and resides at the address on record with the Court.

17 2. On February 1, 2008, Mr. Spears was initially appointed Temporary Conservator of the
18 Estate. On January 5, 2009, Mr. Spears obtained a Court Order removing the "temporary" label from his
19 post. Mr. Spears has profited handsomely from his daughter's conservatorship. By way of illustration
20 only, since at least 2009, Mr. Spears has been paying himself \$16,000 per month from Ms. Spears's

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22 ² Jason Rubin is a CPA, CFF, ABV, CGMA and California Licensed Professional Fiduciary well known
23 to this Court. Mr. Rubin has been practicing as a licensed professional fiduciary since 2001 and has been
24 appointed by the Los Angeles County and other County Superior Courts as special administrator,
25 executor, trustee and conservator of the estate and person. Mr. Rubin has significant experience
26 managing trusts, estates and conservatorships, including complex portfolios for high net worth
27 individuals, real estate and closely held (non-real estate) companies and other financial assets valued in
28 the hundreds of millions of dollars. Previously, Mr. Rubin was employed as a Forensic Accountant and
Financial Specialist for the law firms of Munger, Tolles & Olsen LLP and Howrey, Simon, Arnold &
White LLP, and was a Manager of the Dispute, Analysis & Investigation Practice at
PricewaterhouseCoopers along with more than a decade of experience as a CPA with major accounting
firms. (See Petition for Appointment of Successor Probate Conservator of the Estate (the "Successor
Petition") filed concurrently herewith.)

1 Estate, \$2,000 more than he has allotted to Ms. Spears. Mr. Spears also pays himself an additional
2 \$2,000 per month for office expenses—again, from Ms. Spears’s Estate.

3 3. According to his June 12, 2021 Declaration in support of his Petition for Compensation,
4 Mr. Spears presently seeks compensation for working with his lawyer to address “public, media, and
5 social media attention,” which includes reading “major television and news articles, social media posts,
6 global media inquiries, and documentary films.” (See Declaration of James P. Spears, dated July 12,
7 2021, at ¶ 13.) Mr. Spears also seeks compensation for “continu[ing] to do my best to keep current
8 regarding the music, advertising and entertainment business . . .” (*Id.* at ¶ 3.)

9 4. Mr. Spears has also paid multiple teams of expensive attorneys to represent him and the
10 conservatorship, including in actions routinely against Ms. Spears’s express wishes, while, until only
11 very recently, Ms. Spears was assisted by a single court-appointed attorney. His litigation counsel,
12 Holland & Knight, alone seeks compensation—from *Ms. Spears*—of \$1,356,293 in attorneys’ fees from
13 October 17, 2020 to June 30, 2021. (Supplemental Declaration of Vivian L. Thoreen, Jul. 12, 2021 at pp.
14 1-2.) This includes \$541,065.50 for “Media Matters,” which is more than any other category of expense
15 despite an alleged reduction of \$100,000. (*Id.* at pp. 6-8.)

16 5. In addition to that monthly compensation, Mr. Spears has paid himself a share of the
17 revenues generated by Ms. Spears’s performances. He reportedly received 1.5% of the gross revenues
18 generated by Ms. Spears’s performances³ and merchandise sales associated with her highly-successful
19 multi-year Las Vegas residency. (See Apr. 29, 2014, Order.) These gross revenues for box office alone
20 were approximately \$137.7 million, plus merchandise sales.⁴ Mr. Spears cut from that residency is
21 estimated to be at least \$2.1 million. He also received a 2.95% commission on Ms. Spears’s gross
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25 ³ Mr. Spears’s share of gross revenue is less amortization of preproduction expenses and running show
26 costs for sound and lights. (See Apr. 29, 2014, Order.)

27 ⁴ “Britney Spears’ Piece of Me Vegas Residency Final Figures: 248 Shows, 916,184 Tickets Sold,
28 \$137.7 M Earned,” *Billboard*. (last accessed Jul. 21, 2021), and available at
<https://www.billboard.com/articles/columns/chart-beat/8094869/britney-spears-piece-of-me-residency-final-figures>).

1 revenues on her 2011 *Femme Fatale* tour, which yielded him an estimated \$500,000.⁵ Although it is
2 common for managers, agents, and other industry professionals to receive a percentage of an artists’
3 earnings, Mr. Spears is none of those. He is a conservator and, as a conservator, his role is to be
4 burdened by, rather than benefit from, the conservatorship.

5 6. Mr. Spears is not a professional business or financial manager. In fact, the Spears family
6 struggled financially under his leadership and filed for bankruptcy in 1998.⁶

7 7. Although at various times there have been Co-Conservators of the Estate along with
8 Mr. Spears, since the Court’s July 14, 2021, approval of the resignation of Bessemer Trust Company of
9 California, N.A., Mr. Spears has been and currently is the sole Conservator of the Estate. (July, 14, 2021
10 Hearing Transcript at p. 9.)

11 8. Ms. Spears’s doctors have previously opined that the relationship between Ms. Spears and
12 her father has soured to the point that removal and replacement of Mr. Spears as Conservator of the
13 Estate is in the best interest the Conservatee. As recently as during the July 14, 2021 Hearing, counsel to
14 Conservator of the Person Jodi Montgomery stated, unequivocally, that it has been a “**strong**
15 **recommendation by the medical team, that Mr. Spears, her father, needs to be off of the**
16 **conservatorship.**” (July 14, 2021 Hearing Transcript at p. 47.)⁷

17 9. The relief requested by this Petition is supported by other interested parties, including Jodi
18 Montgomery, Conservator of the Person, and Lynne Spears, Petitioner’s mother—all of whom agree that
19 removal and replacement of Mr. Spears as Conservator of the Estate is in the best interest the
20 Conservatee. (See Prob. Code, § 2653, subd. (a) [any relative or interested person may support a petition
21 to remove a conservator]); Jodi Montgomery July 22, 2021 Declaration In Support of Petition for
22 Removal Of Conservator (“Montgomery Decl.”), annexed as Exhibit A; Lynne Spears July 22, 2021

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24
25 ⁵ “Britney Spears Quietly Pushed for Years to End Her Conservatorship,” *New York Times*, Jun. 22, 2021
26 (last accessed Jul. 23, 2021), and available at (<https://www.nytimes.com/2021/06/22/arts/music/britney-spears-conservatorship.html>).

27 ⁶ *Id.*

28 ⁷ Unless otherwise indicated, all emphases have been added.

1 Declaration in Support of Removal of Jamie Spears as Conservator of the Estate (“Lynne Spears Decl.”),
2 annexed as Exhibit B.)

3 10. Specifically, interested party Jodi Montgomery has now declared under penalty of perjury
4 that it is her “***strong opinion and recommendation that the persons serving as Ms. Spears’ conservators***
5 ***not be family members. Instead, it is in Ms. Spears’ best interests that only qualified neutral***
6 ***professional and/or corporate fiduciaries serve as her conservators.***” (Montgomery Decl. ¶ 6)
7 (underlined emphases in original).

8 11. Ms. Montgomery has also declared as follows: “***I have had numerous, ongoing***
9 ***conversations with the medical team and we all agree that it would be best for Ms. Spears’ well being***
10 ***and mental health that her father stop acting as her Conservator.***” (Montgomery Decl. ¶ 7.)

11 12. Ms. Montgomery’s Declaration concludes that, “***In my opinion, Mr. Spears’ removal as***
12 ***Conservator is critical to [Britney Spears’s] emotional health and well-being and in the best interests***
13 ***of the conservatee.***” (Montgomery Decl. ¶ 8) (underlined emphasis in original).

14 13. Interested party Lynne Spears has similarly declared under penalty of perjury that during a
15 critical period from 2018 into 2019, Mr. Spears “had absolute control over the conservatee’s money and
16 her healthcare decisions.” (Lynne Spears Decl. at ¶ 5.) She further declared that Mr. Spears approved
17 treatment from a “sports enhancement doctor” who prescribed Ms. Britney Spears medication that
18 seemed “entirely inappropriate” and “compelled” Ms. Britney Spears to enter a health facility against her
19 wishes. (*Id.* at ¶¶ 6-7.) Lynne Spears described Mr. Spears’s “microscopic control” over Ms. Britney
20 Spears’s actions resulting in an environment with all eyes on Ms. Britney Spears: “Such scrutiny is
21 exhausting and terrifying, like living in custody.” (*Id.* at ¶¶ 9-10.) According to Lynne Spears, “the
22 relationship between the conservatee and Mr. Spears has dwindled to nothing but fear and hatred of Mr.
23 Spears by the conservatee due to Mr. Spears’ behavior, including his complete control over her, his
24 mistrust of her, his coercion of her, his ‘bartering’ with her over what she can and cannot do for whatever
25 reward or punishment he is willing to mete out, his constant threats, and his decision-making over all
26 aspects of her life.” (*Id.* at ¶ 11.)
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1 14. Lynne Spears also describes in her Declaration a “physical altercation between Mr. Spears
2 and the conservatee’s minor children” as “appalling and inexcusable [which] understandably destroyed
3 whatever was left of a relationship between them.” (Lynne Spears Decl. at ¶ 12.)

4 15. Finally, aptly summarizing the controlling issue before the Court, Lynne Spears’s
5 Declaration concludes as follows: “*It is clear to me that James P. Spears is incapable of putting my
6 daughter’s interests ahead of his own on both a professional and a personal level and that his being
7 and remaining a conservator of my daughter’s estate is not in the best interests of my daughter, the
8 conservatee.*” (Lynne Spears Decl. at ¶ 13.)

9 **B. Removing Mr. Spears From His Post as Conservator of the Estate Is in the Best**
10 **Interests of the Conservatee, Ms. Spears**

11 16. Since receiving professional medical care at the outset of this conservatorship over
12 thirteen years ago, Ms. Spears is clearly in a different place now, and she has been for many years. The
13 entire world has witnessed Ms. Spears working tirelessly—with astonishing dedication, precision, and
14 excellence—as a musical artist and performer, an exceptional earner for Mr. Spears (and others) who had
15 a financial interest in making sure she would continue to work and perform.

16 17. For example, since the conservatorship began, Ms. Spears has released four albums:
17 *Circus* in 2008; *Femme Fatale* in 2011; *Britney Jean* in 2013; and *Glory* in 2016. Ms. Spears also
18 headlined hundreds of shows that grossed hundreds of millions of dollars, including 97 shows for the
19 *Circus Starring Britney Spears* tour resulting in a gross revenue of \$131.8 million, 79 shows for the
20 *Femme Fatale Tour* resulting in a gross revenue of \$68.7 million, 248 shows for the *Britney: Piece of Me*
21 residency in Las Vegas resulting in a gross revenue of \$137.7 million, 11 shows for the *Britney: Live in*
22 *Concert* international tour (revenue unknown), and 31 shows for the *Piece of Me Tour* resulting in a gross
23 revenue of \$54.3 million.⁸

24 18. To prepare for her performances, Ms. Spears not only rehearsed four days a week, but also
25 taught choreography to 16 dancers in rehearsals. (Exhibit C [June 23, 2021 Hearing Transcript at p. 10].)
26 In Ms. Spears’s own words: “I wasn’t good; I was great.” (*Id.*)

27 _____
28 ⁸ All tour gross revenue numbers from *Pollstar*, a trade publication for the concert industry (last accessed
7/21/21), and available at (<https://www.pollstar.com>).

1 19. Perversely, all this time, while working, performing extremely well, hard, and
2 meticulously—and earning substantial revenues for *others*—Ms. Spears has had no control over what
3 contracts were signed on her behalf and what those contracts would commit her to do or perform. Worse,
4 all the above was without regard for whether *she* (the talent, the breadwinner, and the star) wanted to
5 perform at all.

6 20. The Court heard Ms. Spears’s powerful and poignant testimony on June 23, 2021, when
7 she described an instance in 2018—at a time when she was unable to select her own attorney—where she
8 felt intimidated and threatened into performing on tour. (Ex. C. at pp. 9-10.)

9 21. Ms. Spears also described how, after the 2018 tour concluded, she was contracted to
10 perform in a new Las Vegas residency, notwithstanding her desire for a break from the tireless work she
11 had previously performed. (Ex. C at p. 10.) As Ms. Spears testified, “I’d been doing Vegas for four
12 years, and I needed a break in between. But, no, I was told this is the timeline and this is how it’s gonna
13 go.” (*Id.*)

14 22. And when Ms. Spears—a highly-experienced and brilliant entertainer, dancer, and
15 choreographer—decided during rehearsals that she would not perform a particular dance move requested
16 of her, she was rebuffed by those “in charge,” who responded by calling Ms. Spears’s now-deceased
17 therapist and accusing Ms. Spears of not “cooperating:” “My manager called at that moment and told
18 [my therapist] I wasn’t cooperating or following the guidelines in rehearsals, and he also said I wasn’t
19 taking my medication, which is so dumb because I’ve had the same lady every morning for the past eight
20 years giving me my same medication, and I’m nowhere near these stupid people. It made no sense at
21 all.” (Ex. C at p. 11.)

22 23. Thereafter, when Ms. Spears advised she did not want to do the Las Vegas residency, she
23 was again accused of “not cooperating.” As Ms. Spears testified, “My therapist sat me down in a room
24 and said he had a million phone calls about how I was not cooperating in rehearsals, and I haven’t been
25 taking my medication. All of this was false.” (Ex. C at p. 11.) Her doctor immediately put Ms. Spears
26 on Lithium—a dangerous and extremely powerful drug that the National Alliance of Mental Illness⁹

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28 ⁹ The National Alliance of Mental Illness is “the nation's leading voice on mental health,” and is “an
alliance of more than 600 local affiliates who work ... to raise awareness and provide support and

1 describes as a “a mood stabilizer medication” (*i.e.*, a powerful “cooperation inducer”) that, among other
2 more serious side effects, is known to cause “severe nausea and vomiting, severe hand tremors,
3 confusion, vision changes, and unsteadiness” ([https://www.nami.org/About-Mental-
4 Illness/Treatments/Mental-Health-Medications/Types-of-Medication/Lithium](https://www.nami.org/About-Mental-Illness/Treatments/Mental-Health-Medications/Types-of-Medication/Lithium)). Ms. Spears had not taken
5 this drug before. (Ex. C. at pp. 11-12.)

6 24. The message Ms. Spears received from her father was clear: She had no say; she had no
7 control or autonomy; and she had to do as she was told or else she would, once again, be deemed
8 “uncooperative” and be further medicated against her wishes. Indeed, throughout this course of conduct,
9 Mr. Spears stripped his daughter of her dignity (including the dignity to make her own decisions), and of
10 her humanity. In her June 23, 2021 testimony alone, Ms. Spears has described the impact of her father’s
11 control as feeling: “forced,” “threatening,” and “scary.” (Ex. C. at pp. 11-12.) As she also testified, due
12 to her father’s role in her life as conservator, she felt “traumatized,” could not sleep, and cried every day.
13 (*Id.*) Underscoring her father’s role, his detrimental involvement in her life, and the need for his prompt
14 removal, Ms. Spears also testified that her father enjoyed hearing her cry to him on the phone—“he loved
15 the control to hurt his own daughter 100,000 percent. He loved it.” (*Id.* at p. 13.)

16 25. In short, Ms. Spears has perceived and described the *status quo* as traumatizing, insane,
17 and depressing. (Ex. C at p. 14.) Regardless of whether Mr. Spears contests his daughter’s testimony
18 and perception of the *status quo*, Ms. Spears’s testimony is genuine and makes clear that Mr. Spears’s
19 continued presence as conservator it is not in her best interests. (Cf. *Conservatorship of Navarrete*
20 (2020) 58 Cal.App.5th 1018, 1031-1032 [adult conservatee could not be forced against her wishes to
21 have a relationship with her father, regardless of whether conservatee’s allegations of abuse committed
22 by the father against her were true or false].)

23 26. This Conservatorship has been described by some as “voluntary,” but the Court heard Ms.
24 Spears’s testimony that she was unaware she could petition to terminate the Conservatorship this entire
25 time. (Ex. C at p. 16.) This Conservatorship also has been described as “unique,” in that Ms. Spears is
26 an obviously highly functioning individual. The fact that Ms. Spears functions—and functions so well,

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28 education” about mental health. (See NAMI “Who We Are” (last accessed Jul. 19, 2021), and available
at <https://www.nami.org/About-NAMI>.)

1 as demonstrated to the entire world while she made music and performed, generating joy for her fans and
2 jobs and income for countless others—is antithetical to the notion that she needs to continue indefinitely
3 to be subjected to a conservatorship as she has been under now for the past thirteen years, which is
4 supposed to be a last resort. As noted above, however, this is issue *not* presently before the Court. Like
5 the issue of whether affirmative claims are pursued against Mr. Spears for misconduct, the ultimate
6 resolution of that issue would potentially be for a later Petition at a later date.

7 27. To be clear, this Petition focuses solely on relief to remedy the most pressing issue facing
8 Ms. Spears: removing Mr. Spears as Conservator of the Estate and replacing him with a licensed
9 professional fiduciary whose presence is not detrimental to Ms. Spears’s well-being and, in fact, who
10 recognizes his obligation to act solely in the best interests of the Conservatee.

11 28. There can be no question that the relief requested here is in Ms. Spears’s best interests,
12 which, as a matter of law, is the only relevant consideration. Indeed, this is a situation where “life and
13 law” intertwine, as Probate Code Section 2650, subdivision (j), provides a “conservator may be removed
14 ... [i]n any ... case in which the court in its discretion determines that removal is in the best interests of
15 the ... conservatee.”

16 29. The relationship between Ms. Spears and her father is so fractured that Ms. Spears and her
17 father do not even speak, and any interaction with her father is unwelcomed and needlessly stressful for
18 Ms. Spears, who, as referenced above, has testified that she is fearful of her father, along with many
19 reasons for that fear.

20 30. Furthermore, as Ms. Spears previously informed the Court through prior counsel, she will
21 not resume her career and perform again so long as her father is in charge. (Exhibit D [Nov. 10, 2020
22 Hearing Transcript at p. 32].) The venomous nature of this relationship makes Mr. Spears’s prompt
23 removal under Probate Code Section 2650, subdivision (j) inexorable, as it is detrimental to the well-
24 being of the very person the conservatorship is supposed to protect; indeed, far from benefitting Ms.
25 Spears, as she herself has testified, it impairs Ms. Spears’s mental health, her well-being, and her ability
26 to pursue and continue with her extraordinary career.

1 31. Even in the context of a *trust*—where, unlike a conservatorship, the legal standards are
2 entirely deferential to trustees appointed by trustors¹⁰—such hostility would *still* support the fiduciary’s
3 removal. (See, e.g., *In re Gilmaker’s Estate* (1962) 57 Cal.2d 627, 632 [California Supreme Court
4 reversed refusal to remove a trustee, even where trustee’s failure caused no loss, where the trustee and
5 beneficiary did not get along and the trustee did not give appropriate consideration to the beneficiary’s
6 input and wishes].) In the context of a conservatorship, where conservators serve only at the pleasure of
7 the Court, the present hostility compels removal.

8 32. Significantly and as referenced above, Ms. Spears’s position is supported by Jodi
9 Montgomery, the Conservator of Ms. Spears’s person, as well as by Ms. Spears’s mother, Lynne Spears.
10 (See Lynne Spears Decl. [Jamie Spears “being and remaining a conservator of my daughter’s estate is not
11 in the best interests of my daughter, the conservatee”].) Even more importantly, Ms. Spears’s medical
12 team agrees that Mr. Spears’s removal would be in the best interests of the conservatee.” (Montgomery
13 Decl. ¶ 8.)

14 33. Finally, Mr. Spears’s attorney has stated that Mr. Spears contests certain unidentified
15 aspects of Ms. Spears’s recent testimony and wishes to defend his character against charges made. That
16 would be highly-inappropriate and moreover, it is irrelevant for purposes of this Petition. As a matter of
17 law, a conservator’s opposition to his removal motivated by self-interest in defending his reputation is
18 not in the best interests of the conservatee.

19 34. Indeed, Mr. Spears should also be aware that any fees incurred in such an endeavor may
20 not be paid from the conservatee’s estate. (See, e.g., *Conservatorship of Lefkowitz* (1996) 50
21 Cal.App.4th 1310, 1316-1317 [holding conservator’s fees and attorneys’ fees incurred to oppose petition
22 for removal were incurred “solely to protect the personal interests of the conservator”—i.e., to defend
23 character and reputation—and, therefore, were not payable from the conservatee’s estate].)

24 35. In short, for these present, narrow, purposes, all that matters is what is in Ms. Spears’s—
25 not her father’s—best interests. (Prob. Code, § 2650, subd. (j).)

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27
28 ¹⁰ See, e.g., *In re Greenleaf’s Estate* (1951) 101 Cal.App.2d 658, 662.

1 **C. Mr. Spears Should Be Supportive of His Daughter’s Request to Remove and Replace**
2 **Him with a Professional Fiduciary**

3 36. As a fiduciary, Mr. Spears is obligated to accommodate Ms. Spears’s request that he step
4 aside and let a professional take over his current post. Probate Code section 2113 provides, “A
5 conservator shall accommodate the desires of the conservatee, except to the extent that doing so would
6 violate the conservator’s fiduciary duties to the conservatee or impose an unreasonable expense on the
7 conservatorship estate.” (See also National Guardianship Association Standards of Practice (14th ed.), at
8 pp. 18-20, 28, available at [https://www.guardianship.org/wp-content/uploads/2017/07/NGA-Standards-](https://www.guardianship.org/wp-content/uploads/2017/07/NGA-Standards-with-Summit-Revisions-2017.pdf)
9 [with-Summit-Revisions-2017.pdf](https://www.guardianship.org/wp-content/uploads/2017/07/NGA-Standards-with-Summit-Revisions-2017.pdf) [describing a guardian of the estate as a fiduciary that “shall manage
10 the financial affairs of the person under guardianship in a way that maximizes the dignity, autonomy, and
11 self-determination of the person,” “give priority to the goals, needs and preferences of the person,”
12 “manage the estate only for the benefit of the person,” and “value the well-being of the person over the
13 preservation of the estate”]; National Guardianship Association Ethical Principles (2016), at principle 4,
14 available at <https://www.guardianship.org/wp-content/uploads/2017/07/Ethical-Principles-2017.pdf> [“A
15 guardian identifies and advocates for the person’s goals, needs, and preferences.”].)¹¹

16 37. Here, Mr. Spears accommodating this Petition—either by not opposing or voluntarily
17 resigning—would not violate any fiduciary duty, but rather would *fulfill* his fiduciary’s duty by doing
18 what is plainly in the best interest of his daughter’s health and well-being in order to avoid further harm
19 and injury to her mental health. (Cf. *Conservatorship of Lefkowitz* (1996) 50 Cal.App.4th 1310, 1313
20 [“The relationship between a conservator and a conservatee is a fiduciary relationship . . .”]; Prob. Code,
21 § 2355 [any decisions affecting conservatee’s health must be made in a manner consistent with the
22 conservatee’s instructions or wishes to the extent known, or, failing that, in furtherance of “the
23 conservatee’s best interest”].)

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25
26 ¹¹ The National Guardianship Association’s mission is to advance the nationally recognized standard of
27 excellence in guardianship, and seeks to protect adults under the care of guardians, conservators, and
28 fiduciaries, to ensure such persons receive quality services with respect, due process, rights, and dignity
under such protective care. (See National Guardianship Association, “Who We Are” (last accessed July
16, 2021), available at <https://www.guardianship.org/about-us/who-we-are/>.)

1 38. Nor would Mr. Spears’s acceding to this Petition—again, either by not opposing or by
2 voluntarily resigning—impose unreasonable expense on the Estate. To the contrary, unlike Mr. Spears,
3 while a professional fiduciary will be required to furnish a bond in the same amount as Mr. Spears, a
4 professional fiduciary will charge solely for the hours worked and would not pay himself in the lavish
5 fashion enjoyed by Mr. Spears.

6 39. Finally, perhaps most importantly for purposes of obtaining the immediate relief
7 necessary, this Court is not, at this time, being asked to adjudicate wrongdoing on the part of Mr. Spears.
8 All Mr. Spears is being asked to recognize is that (i) his daughter’s best interests must be placed ahead of
9 his own, (ii) whether he has done an exemplary job, failed as a fiduciary, or worse, his mere presence as
10 conservator is detrimental to the well-being of a daughter, and (iii) accordingly, he should step aside in
11 favor of a highly-respected fiduciary nominated by Ms. Spears. In any event and regardless of whether
12 Mr. Spears resigns voluntarily (as he should do immediately), this Court should remove and replace Mr.
13 Spears for these very reasons.

14 **III. CONCLUSION**

15 40. In sum, Ms. Spears’s bests interests are served by granting this Petition and removing
16 Mr. Spears and replacing him as requested, as Conservator of the Estate. (See Prob. Code, § 2650, subd.
17 (j).) Mr. Spears’s attorney has publicly stated that Mr. Spears loves his daughter and wants the best for
18 her.¹² Taking that at face value, and given all the foregoing, this Petition should not even be necessary,
19 because Mr. Spears should resign voluntarily (see Prob. Code, § 2660) or, at the least, he should not
20 oppose the relief sought herein. Regardless, Ms. Spears respectfully submit that the Court should grant
21 the requested relief.

22 **WHEREFORE**, Ms. Spears prays:

- 23 1. For judgment granting this Petition in its entirety, and:
24 a. removing James Spears as Conservator of the Estate, and
25 b. revoking his letters of conservatorship.

26
27 ¹² “Attorney for Britney Spears’ father speaks with CNN,” *CNN Entertainment*, Mar. 2, 2021. (last
28 accessed Jul. 23, 2021), and available at (<https://www.cnn.com/videos/entertainment/2021/03/02/britney-spears-jamie-spears-attorney-interview-melas-pkg-mxp-vpx.hln>).

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2. Should Mr. Spears contest this Petition, for an order suspending him as Conservator of the Estate and replacing him with Jason Rubin as an interim Conservator of the Estate;
3. For an order directing James Spears to prepare and file his final accounting and to surrender the Estate to the successor appointed by the Court or other person legally entitled thereto; and
4. For such other and further orders and relief as the Court may deem just and proper.

Dated: July 26, 2021

Respectfully Submitted,
GREENBERG TRAURIG, LLP

By: /s/ Mathew S. Rosengart
Mathew S. Rosengart

Attorneys for Conservatee Britney Jean Spears

VERIFICATION

1
2 I, Britney Jean Spears, am the petitioner in this proceeding. I have read the foregoing petition and
3 know the contents thereof. The facts stated herein are true of my own knowledge, except as to those
4 matters that are alleged therein on information and belief and, as to those matters, I believe them to be
5 true.

6 I declare under penalty of perjury under the laws of the State of California that the foregoing is
7 true and correct. Executed on July 21, 2021.


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10 _____
11 Britney Jean Spears
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Exhibit A

Exhibit B

**DECLARATION IN SUPPORT OF REMOVAL OF JAMES P. SPEARS
AS CONSERVATOR OF THE ESTATE**

STATE OF LOUISIANA)
PARISH OF TANGIPAHOA)

I, LYNNE SPEARS, declare as follows:

1. I am the mother of Britney Jean Spears, and an interested party to this matter. I submit
s P. Spears as the Conservator of
the Estate. I have personal knowledge of the following facts and, if called as a witness, I could and
would competently testify to the facts stated herein.

2. I have been a participant in this conservatorship as an interested party since May of 2019.

3. I became involved in this conservatorship
began at the end of 2018 and continued into 2019.

4. I became involved in this conservatorship because I wanted to ensure that everything in
he conservatee, which I did not
believe at the time (and I still do not today) to be the case.

5. At all points of time during the time of crisis, James
and the sole conservator of the estate and, at the time, the person, had absolute control over the

6. At the time of crisis, my daughter the conservatee was being treated by a sports
enhancement doctor hired by Mr. Spears; the doctor in question was a psychiatrist who was prescribing
what I and many others thought to be entirely inappropriate medicine to my daughter, who did not want
to take the medicine.

7. During the time of crisis, I witnessed my daughter be compelled by that doctor, with the
knowledge and encouragement of Mr. Spears, to enter a health facility that she did not want to enter,
where she was threatened with punishment if she did not stay for medical treatment that she did not
want to endure.

Exhibit C

Exhibit D

