

# Exhibit A

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10 Attorney for Britney J. Spears  
11

12 UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF  
13 CALIFORNIA — LOS ANGELES DIVISION

13 CONSERVATORSHIP OF BRITNEY ) CASE NO. CV 08-1021 PSC (RCx)  
14 JEAN SPEARS )  
15 ) **OPPOSITION TO MOTION TO**  
16 ) **REMAND; DECLARATION OF**  
17 ) **JON EARDLEY**  
18 ) **Date: March 17, 2008**  
19 ) **Time: 1:30 p.m.**  
20 ) **Place: Courtroom 790**  
21 ) **Roybal Building**  
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1 this fact. Further, counsel is informed and believes from his investigation, that Ms.  
2 Spears has never been and is not now on comfortable terms with her live-in father  
3 conservator. In fact counsel has learned that there has been significant verbal attacks  
4 by her live-in father conservator and is concerned for the emotional and physical  
5 safety of Britney, under these circumstances.  
6

7       Having relied on the courts previous OSC of February 29, 2008 for the filing of  
8 additional papers, I have not been able to brief all of the issues in this matter as a  
9 result of the court's shortened briefing schedule issued yesterday but have addressed  
10 the ones that are the most important for this court's review. Counsel cannot over  
11 stress his concern for the emotional and physical safety of his client.  
12

13       As a result of this court's granting of shortened notice on February 21, 2008,  
14 counsel will submit on Monday, February 25, 2008 an application for leave to amend  
15 the notice of removal to include federal claims involving witness intimidation, victim  
16 intimidation, and other federal claims appropriate for this court's review.  
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1 MEMORANDUM OF POINTS AND AUTHORITIES

2 1. FEDERAL JURISDICTION IS PROPER BECAUSE MS. SPEARS HAS  
3 BEEN DENIED HER FUNDAMENTAL RIGHT TO A TRIAL BY JURY  
4 AS REQUIRED UNDER THE LPS ACT.  
5

6 Both federal and state courts have held that conservatorship proceedings must  
7 comply with fundamental notions of due process. Conservatorship of Roulet (1979)  
8 23 Cal 3d 219, 152 Cal Rptr 425, 590 P2d 1, 1979 Cal LEXIS 195. As explained  
9 long ago by the California Supreme Court, the state must provide “proof beyond a  
10 reasonable doubt of the conservatee’s grave mental disability was required under the  
11 due process clause of the California Constitution. “ Id. The mere fact that the  
12 conservatee was confined in a hospital rather than a prison did not eliminate the need  
13 to protect her against false confinement. Id. Because a conservatorship under the  
14 grave disability provisions of the LPS Act threatens a massive curtailment of the  
15 conservatee’s liberty and personal autonomy, strict compliance with the statutory  
16 procedures designed to protect the conservatee is required [ Edward W. v. Lamkins  
17 (2002) 99 Cal. App. 4th 516, 531, 533-534, 122 Cal. Rptr. 2d 1] . Because of the  
18 deprivation of liberty and stigma attached to involuntary commitment to a mental  
19 institution, due process requires that grave disability be established by proof beyond  
20 a reasonable doubt and, if a jury trial has been requested, by a unanimous verdict [ Conservatorship of Hofferber (1980) 28 Cal. 3d 161, 178-179, 167 Cal. Rptr. 854,  
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1 616 P.2d 836 ; Conservatorship of Margaret L. (2001) 89 Cal. App. 4th 675, 679,  
2 107 Cal. Rptr. 2d 542] .

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4 Britney was not afforded any of these rights in the state court.

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6 2. THE LITIGATION STRATEGY EMPLOYED BY THE  
7 CONSERVATOSHIP IS A SCHEME DESIGNED TO DENY BRITNEY  
8 HER RIGHTS UNDER FEDERAL LAW.

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10 A. In The Interests Of Justice, And As A Matter Of Federal Statutory And  
11 Constitutional Law, This Matter Must Remain In The Federal Courts.

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13 Defendants' Notice of Removal provides adequate notice for removal based upon  
14 federal subject matter jurisdiction, consistent with the United States Supreme Court's  
15 recent decision in Grable & Sons Metal Products v. Darue Engineering and Mfg.,  
16 545 U.S. 308 (2005).

17  
18 Additionally, adequate notice of issues involving federal questions was provided  
19 in the notices of removal in both cases in that defendants have demonstrated  
20 violations of the rule of Tulsa Professional Collection Services, Inc. v. Pope, 485  
21 U.S. 478 (1988) in the conservatorship proceedings. The temporary conservatorship  
22 was granted in violation of the five day notice requirement under state law ostensibly  
23 because notice to Britney would have also been notice to Sam Lufti. Thus, the  
24 perjured declaration of Lynn Spears was submitted to the state court, not only to  
25 deny Britney her freedom of association with her best friend, but also to justify  
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OPPOSITION TO MOTION TO REMAND

1 denying Britney a hearing and even minimal notice of a hearing. The court should  
2 take a close look at the declaration of Lynn Spears because on its face it is  
3 inconsistent concerning the events it allegedly describes and does not constitute  
4 credible evidence to justify a waiver of notice pursuant to Tulsa, supra.  
5

6 It is obvious that the conservatorship was planned well in advance of its  
7 implementation as a tool to influence the custody proceedings in the family law court  
8 and for other illicit purposes. A probate action, wherein as here, the prospective  
9 conservatee would suffer the adjudication of fundamental constitutional rights,  
10 requires notice and the opportunity for participation consistent with Tulsa  
11 Professional Collection Services, Inc. v. Pope, 485 U.S. 478 (1988).  
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15 3. REMOVAL IS PROPER BECAUSE OF FEDERAL QUESTION  
16 JURISDICTION.  
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18  
19 A. Significant Federal Issues Exist In The Conservatorship Matter To  
20 Justify Federal Question Jurisdiction.  
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23 The case removed to federal court implicates sufficient federal question  
24 jurisdiction to warrant removal under 28 U.S.C. §1441(a). "The statute that governs  
25 removal jurisdiction in this case, [28 U.S.C. § 1441(a)], allows removal of 'any civil  
26 action' over which the district court has original jurisdiction. [The 9<sup>th</sup> Circuit] has  
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1 held that the presence of at least some claims over which the district court has  
2 original jurisdiction is sufficient to allow removal of an entire case, even if others of  
3 the claims alleged are beyond the district court's power to decide. Kruse v. State of  
4 Hawaii, 68 F.3d 331, 334-35 (9th Cir.1995).” Lee v. American Nat. Ins. Co., 260  
5 F.3d 997, 1004 (9<sup>th</sup> Cir. 2001).

7 As the 9<sup>th</sup> Circuit has explained, the presence of federal question jurisdiction  
8 renders a case properly removable to federal court even if some state-law claims are  
9 otherwise not considered removable:  
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11 “ *Kruse* thus recognized as a general matter that federal jurisdiction over a  
12 removed case is ‘otherwise proper’ so long as *some* claims alleged were within  
13 the district court's power to decide, even if the district court cannot decide *all* the  
14 claims before it. Our circuit's reading of § 1441(a) is consistent with that  
15 enunciated two years later by the Supreme Court. In City of Chicago v.  
16 International College of Surgeons, 522 U.S. 156, 118 S.Ct. 523, 139 L.Ed.2d 525  
17 (1997), the city defendant removed to federal court a plaintiff's lawsuit  
18 comprising some federal question claims and some state-law claims reviewing  
19 state administrative action. The Court explained that the federal claims within the  
20 plaintiff's case: suffice[d] to make the actions ‘civil actions’ within the ‘original  
21 jurisdiction’ of the district courts for purposes of removal. § 1441(a). [The]  
22 federal claims, ‘if brought alone, would be removable to federal court.’ [Citation  
23 omitted.] Nothing in the jurisdictional statutes suggests that the presence of  
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1 related state law claims somehow alters the fact that [the plaintiff's] complaints,  
2 by virtue of their federal claims, were 'civil actions' within the federal courts'  
3 'original jurisdiction.' [citation omitted] Stated otherwise, the presence of some  
4 federal question claims in the plaintiff's case made the case one over which the  
5 district court would have original jurisdiction, a proposition that federal court  
6 litigators would find wholly unremarkable."  
7

8  
9 Lee v. American Nat. Ins. Co., 260 F.3d 997, 1004 (9<sup>th</sup> Cir. 2001).

10 In the instant case, her rights have been significantly violated because without  
11 the right to notice and a hearing, many, if not all, of Britney's other rights under the  
12 constitution have been deprived, including the right to freedom of association under  
13 the First Amendment; the right to due process under the Fifth Amendment; the right  
14 to counsel of her own choosing and the right to meet with counsel in private under  
15 the Sixth Amendment; the right to a jury trial under the Seventh Amendment; and  
16 the right to a fair trial where she is afforded equal protection of the law under the  
17 Fourteenth Amendment. Such a significant deprivation of rights cannot be cavalierly  
18 disregarded in the name of obtaining an extraordinarily restrictive conservatorship.  
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23 B. Contained Within The State Conservatorship Action Are Significant  
24 Federal Constitutional And Statutory Rights.  
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1 “There is, however, another longstanding, if less frequently encountered, variety  
2 of federal ‘arising under’ jurisdiction, [the United States Supreme Court] having  
3 recognized for nearly 100 years that in certain cases federal question jurisdiction will  
4 lie over state-law claims that implicate significant federal issues. *E.g.*, Hopkins v.  
5 Walker, 244 U.S. 486, 490-491, 37 S.Ct. 711, 61 L.Ed. 1270 (1917). The doctrine  
6 captures the commonsense notion that a federal court ought to be able to hear claims  
7 recognized under state law that nonetheless turn on substantial questions of federal  
8 law, and thus justify resort to the experience, solicitude, and hope of uniformity that  
9 a federal forum offers on federal issues, see ALI, Study of the Division of  
10 Jurisdiction Between State and Federal Courts 164-166 (1968).” Grable & Sons  
11 Metal Products, Inc. v. Darue Engineering & Mfg., 545 U.S. 308 (2005).

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15 The conservatorship litigation removed to this court implicates substantial 14<sup>th</sup>  
16 amendment questions suitable for resolution by a federal court. Denying notice to  
17 those parties in interest in the conservatorship case violates the rule of Tulsa  
18 Professional Collection Services, Inc., v. Pope, 485 U.S. 478 (1988). In Tulsa, the  
19 court held that, “[I]n failing to require more than publication notice, the nonclaim  
20 statute violated due process. That contention was based upon Mullane v. Central  
21 Hanover Bank & Trust Co., 339 U.S. 306, 70 S.Ct. 652, 94 L.Ed. 865, which held  
22 that state action that adversely affects property interests must be accompanied by  
23 such notice as is reasonable under the particular circumstances, balancing the State's  
24 interest and the due process interests of individuals, and Mennonite Board of

1 Missions v. Adams, 462 U.S. 791, 103 S.Ct. 2706, 77 L.Ed.2d 180, which generally  
2 requires actual notice to an affected party whose name and address are “reasonably  
3 ascertainable.”  
4

5 Here, Britney’s interest in being provided notice and a hearing were undermined  
6 by the unilateral determination that the giving of such notice would somehow enable  
7 a first friend to speak with her or advise her concerning the possibility of  
8 confinement in a conservatorship. The conservator does not argue that that her name  
9 and address were not reasonably ascertainable.  
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13 CONCLUSION

14 For the foregoing reasons, the motion to remand should be denied; or in the  
15 alternative, remanded to state court with special instructions that a hearing be held  
16 with the presence of Ms. Spears at the earliest available date. Further, she should be  
17 afforded the opportunity to meet with counsel in private; and that adequate measures  
18 are taken to secure her right to privacy from undue publicity.  
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22 Date: February 22, 2008

By: \_\_\_\_\_

23 Attorney for Britney J. Spears  
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DECLARATION OF JON EARDLEY

1  
2 I, Jon Eardley, do state and declare as follows.

3  
4 1. I am counsel for Britney J. Spears.

5 2. I was retained by her on or about February 12, 2008.

6 3. I have spoken with her on several occasions. The last time she attempted to  
7 call me, the telephone was taken away from her, and the number was disconnected  
8 the next day.  
9

10 4. In the brief period of time I have worked on this case, I have interviewed a  
11 number of witnesses in California and abroad. I have not had sufficient time to make  
12 a full inquiry as to all relevant matters and have been denied by opposing counsel the  
13 opportunity to meet with my client.  
14

15 5. I am concerned with the information I have learned because I have been  
16 informed of the existence of voice mails, etc., that include verbal abuse of the  
17 conservatee, Ms. Spears by her father.  
18

19 I declare under penalty of perjury that the foregoing is true and correct. Executed  
20 this 22<sup>nd</sup> day of February 2008 in Whittier California.  
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22 

23 Jon Eardley  
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PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to this action. I am a citizen of the United States. My business address is 16020 Puesta Del Sol, Whittier, CA.

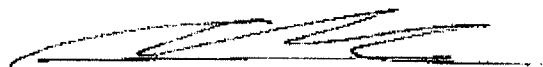
On February 22, 2008 I served the foregoing document, described as  
**OPPOSITION TO MOTION TO REMAND; DECLARATION  
OF JON EARDLEY**

on the interested parties in this action by placing a true copy thereof in the United States' mail and addressed to:

LUCE FORWARD HAMILTON SCRIPPS  
601 S. Figueroa St., Suite 3900  
Los Angeles, CA 90017

MAIL AND FAX. I am readily familiar with the firm's practice of collection and sending of correspondence. Pursuant to this practice of collection and processing correspondence, it is mailed on date of this service.

Executed this 22<sup>ND</sup> day of February, 2008 in Whittier, CA 90603. I declare under penalty of perjury that the foregoing is true and correct.

  
Jon Eardley