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7 Attorney for Respondent
8 John J. Eardley

FILED
LOS ANGELES SUPERIOR COURT

APR 10 2009

JOHN A. CLARKE, CLERK
D. Gazindo
BY D. GAZINDO, DEPUTY

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11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 FOR THE COUNTY OF LOS ANGELES
13
14 CENTRAL DISTRICT

11 IN RE THE CONSERVATORSHIP)
12 OF THE PERSON AND THE ESTATE)
13 OF BRITNEY JEAN SPEARS,)

13 Conservatee,)

14 JAMES P. SPEARS,)

15 Conservator,)

16 vs.)

17 JON J. EARDLEY,)

18 Respondent)

CASE NO: BP108870

NOTICE TO ATTEND TRIAL PURSUANT
TO CODE OF CIVIL PROCEDURE
SECTION 1987

DATE: April 21, 2009
TIME: 1:30 P.M.
PLACE: Department 11,
Room 246

JUDGE: Hon. Aviva K. Bobb

19 TO CONSERVATEE BRITNEY SPEARS AND TO HER ATTORNEY SAMUEL D. INGHAM
20 AND TO THE CONSERVATORSHIP OF BRITNEY SPEARS AND ITS ATTORNEY JOEL
21 BOXER OF BIRD, MARELLA BOXER WOLPERT NESSIM DROOKS & LICENBERG ;
22 GERALDINE A. WYLE OF LUCE FORWARD HAMILTON & SCRIPPS AND JEFFREY D.
23 WEXLER:

24 Pursuant to Code of Civil Procedure Section 1987 the presence of
25 Conservatee Britney Spears is hereby respectfully requested for the
26 proceeding on April 21, 2009 at 1:30 P.M. in Department 11 of the above
27 entitled Court located at 111 N. Hill Street, Los Angeles, CA 90012.
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1 In light of the Britney Spears concert to be conducted at Staples
 2 Area in Los Angeles on April 16 and 17, 2009 where Britney Spears will
 3 be present and personally entertain thousands of persons and in light
 4 of the fact that she will be in Los Angeles, Respondent Jon Eardley is
 5 requesting her appearance. If it should turn out that Britney Spears
 6 does not entertain at her concert on April 16 and 17, 2009 because of
 7 physical or mental problems this subpoena (Notice to Attend) will be
 8 withdrawn. Otherwise, if Britney Spears is well enough to put on two
 9 concerts in Los Angeles she is certainly well enough to attend a trial
 10 where attorneys on her behalf have falsely accused Jon Eardley of
 11 harassment and elder abuse. At the last session of of the trial the
 12 attorney for Britney Spears' father created the false impression that
 13 Britney Spears did not authorize Respondent Jon Eardley to take legal
 14 action on her behalf. Question were raised as to the letter that was
 15 allegedly sent by Jon Eardley to Britney Spears.

16 Given the circumstances of this case and Britney Spears apparent
 17 availability and ability to put on a rock concert at Staples Arena,
 18 justice demands that she appear and testify with respect to two limited
 19 issues: (1) did she authorize Jon Eardley to take legal action on her
 20 behalf; (2) did Jon Eardley cause her substantial emotional distress
 21 within the meaning of Code of Civil Procedure Section 527.6.

22 If for any reason Britney Spears is unable to attend Court
 23 Respondent Jon Eardley is willing to stipulate that she can submit to
 24 an oral deposition at a location of her choosing where she can answer
 25 questions relating to these two issues. Jon Eardley has the right to
 26 confront and cross examine his "accuser." If she is unable to come to
 27 court then Mr. Eardley is willing to depose her and have her deposition
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1 used in lieu of her live testimony. Respondent Jon Eardley is also
2 willing to have the deposition taken in the chambers of the Court or
3 some at some other location. Respondent Jon Eardley is willing to have
4 a judge present to preside over the deposition, which should take no
5 more than five minutes.

6 If for some reason Britney Spears is not able to attend a court
7 session or a deposition session Respondent Jon Eardley will withdraw
8 this Notice to Attend if her attorney and the attorneys for the
9 conservatorship will stipulate that she did not suffer substantial
10 emotional distress as a result of any conduct of Respondent Jon
11 Eardley.

12 Unless Respondent Jon Eardley is provided with one of the remedies
13 set forth herein he will suffer irreparable injury to his reputation.
14 Respondent Jon Eardley is mindful of the alleged necessity for the
15 conservatorship and will do nothing to disturb Ms. Spears. He does,
16 however, need to question Ms. Spears on these two limited issues.

17 If the Court should grant any motion to quash this subpoena or
18 Notice to Attend, Jon Eardley makes an offer of proof that if Britney
19 Spears were asked whether she authorized Jon Eardley to take the legal
20 action on her behalf which he took that she would say she did authorize
21 the action. Also Jon Eardley offers to prove that if asked Britney
22 Spears would testify that she did not suffer substantial emotional
23 distress as a result of any conduct of Jon Eardley.

24 To avoid multiple Court appearances and the further wasting of
25 attorney's fees, Respondent Jon Eardley waives notice should Britney
26 Spears or her conservatorship seek any sort of protective order or
27 order quashing this subpoena (Notice to Attend). Respondent Jon
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1 Eardley agrees that any such motion can be heard on April 21, 2009 at
2 1:30 P.M., and should the motion be made and denied, Respondent Jon
3 Eardley will agree to a reasonable continuance to allow arrangements to
4 be made for Britney Spears to attend court where she can be questioned
5 on these two limited issues or have a deposition arranged at some other
6 location.

7 Respondent Jon Eardley also agrees to submit to cross examination
8 by the attorneys for the conservatorship or for Ms. Spears.

9 In a proceeding under Code of Civil Procedure Section 527.6 it is
10 unthinkable that the matter can be heard and decided by a Court without
11 the participation of the Petitioner and the Respondent. Both should be
12 subject to cross examination by the other through his or her respective
13 attorneys.

14 As an offer of proof, Jon Eardley asserts that he was authorized
15 orally by Britney Spears over the telephone to take the action he took
16 on her behalf.

17 Respectfully submitted,

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19 ROGER JON DIAMOND
20 Attorney Respondent J. Eardley
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PROOF OF SERVICE

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)

I am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 2115 Main Street, Santa Monica, California 90405.

On the date shown below I served the foregoing document described as NOTICE TO ATTEND TRIAL PURSUANT TO CODE OF CIVIL PROCEDURE SECTION 1987 interested parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Geraldine A. Wyle
Luce Forward Hamilton & Scripps
601 S. Figueroa Street, Suite 3900
Los Angeles, CA 90017
Fax No. 213/892-7731

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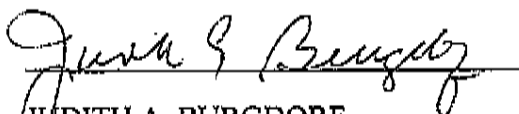
Andrew M. Wallet
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2215 Colby Ave.
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Samuel D. Ingham, Esq.
9440 Santa Monica Blvd., Suite 510
Beverly Hills, CA 90210

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I caused such envelope with postage thereon fully prepaid to be placed in the United States Mail at Santa Monica, California on April 9, 2009

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct and was executed at Santa Monica, California on the 9 day of April 2009


JUDITH A. BURGDORF

04/10/09