1 2	STATE OF CALIFORNIA Department of Industrial Relations Division of Labor Standards Enforcement	
3	BY: DAVID L. GURLEY, Bar No. 194298	
4	Los Angeles, California 90013	
5	Attorney for the Labor Commissioner	
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8	BEFORE THE LABOR COMMISSIONER	
9	STATE OF CALIFORNIA	
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11	BRITNEY SPEARS, An Individual,) CASE NO. TAC 3744	
12	Petitioner,)) DISMISSAL OF PETITION TO	
13	vs. DETERMINE CONTROVERSY	
14	LAURENCE RUDOLPH, An Individual;) REIGNDEER ENTERTAINMENT, LLC;)	
15	and REIGNDEER ENTERTAINMENT) CORP.,	
16	Respondents.	
17)	
18	The above-captioned petition to determine controversy pursuant to Labor Code	
19	§1700 et seq. was filed with the Labor Commissioner on April 13, 1007, and served on Responde	ant
20	June 4, 2007.	
21	When this proceeding was first commenced in April of 2007, Ms. Spears was	
22	represented by attorney Martin Singer of Lavely & Singer. On July 25, 2007, the Labor	
23	Commissioner set the matter for hearing on November 29, 2007. The Respondents sought a	
24	subpoena ensuring that Ms. Spears would appear personally for the hearing, and on August 6, 200)7,
25	the Labor Commissioner did issue that subpoena.	
26	On September 12, 2007, Mr. Singer stated that he no longer represented Ms. Spear	S
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28	DISMISSAL OF PETITION TO DETERMINE CONTROVERSY	
	COPY	

and that new counsel would be appearing.

On October 11, 2007, the Los Angeles County Sheriff served Ms. Spears with the Labor Commissioner's subpoena, and she is now under a legal obligation to appear in person in connection with this matter. On October 11, 2007, the Labor Commissioner issued an Order to Show Cause re: Dismissal and Ordered Ms. Spears to inform the Labor Commissioner in writing of her new counsel by November 19, 2007. The hearing date of November 29, 2007 was vacated. And finally, the Labor Commissioner issued an Order to Show Cause, specifically directing Ms. Spears (or her new counsel) to explain at a telephonic hearing on November 29, 2007 why this matter should not be dismissed. Mr. Singer was required to deliver this Order or advise the Labor Commissioner if he could not. The Labor Commissioner was never advised as to non-service, so it is presumed that Mr. Singer transmitted the Order to Ms. Spears accordingly. Mr. Singer was then relieved of counsel.

On November 19, 2007, Ms. Spears' child custody lawyers at Trope and Trope wrote to the Labor Commissioner stating that Ms. Spears was "in the process of bringing in counsel in this case." Ann Kiley of Trope and Trope requested on Ms. Spears' behalf that she receive a thirty-day extension to engage new counsel to prosecute this matter.

On November 20, 2007, the Labor Commissioner granted this request and issued a new order requiring Ms. Spears to advise the Labor Commissioner of her designated representative in this matter no later than December 19, 2007. The order further vacated the November 29, 2007 telephonic hearing on the Order to Show Cause, and ordered Ms. Spears (or her new counsel) to meet and confer with respondent's counsel regarding a new hearing date and to submit proposed hearing dates by December 28, 2007.

As of January 14, 2008, Ms. Spears has ignored every Labor Commissioner Order. She did not engage new counsel and she has not provided the required information regarding her representation. It is unjust to force the Respondents to continue to defend a case which is not being prosecuted and in which the Petitioner has engaged in repeated and knowing violations of the Labor Commissioner's orders.

Under California law, the dismissal of an action with prejudice is appropriate where there is an unreasonable and inexcusable delay in prosecution, or where plaintiff's deliberate and egregious misconduct in the course of litigation renders dismissal necessary to protect the fairness of trial. Stephen Slesinger, Inc. v. Walt Disney Co., 155 Cal.App.4th 736,758-759, 762 (2007). This is such a case, and dismissal with prejudice is appropriate where, as here, Ms. Spears has sought, been given and then refused to honor numerous indulgences in order to facilitate her prosecution of this matter.

Ms. Spears has been afforded every opportunity to pursue her claims, and should not be permitted to further delay the Labor Commissioner's process. There is simply not a scintilla of evidence that Ms. Spears is willing to pursue this case. Mr. Spears has ten (10) days to file an appeal in Superior Court pursuant to Labor Code §1700.44(a)

For the reasons set forth above, this petition to determine controversy under Labor Code §1700.44 is hereby DISMISSED w/ prejudice.

Dated: 1-14-07

DAVID L. GURLEY

Attorney for the Laber Commissioner

PROOF OF SERVICE

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2 STATE OF CALIFORNIA COUNTY OF LOS ANGELES 3 I am employed in the County of Los Angeles, State of California. I am over the age of 18 4 and not a party to the within action. My business address is DIVISION OF LABOR STANDARDS ENFORCEMENT, Department of Industrial Relations, 320 W. 4th Street. Suite 5 430, Los Angeles, CA 90013. 6 On, January 14, 2008, I served the following document described as: 7 DISMISSAL OF PETITION TO DETERMINE CONTROVERSY 8 on the interested parties in this action (TAC 3744) by placing 9 the originals 10 a true copy thereof enclosed in a sealed envelope addressed as follows: 11 [X] **Britney Spears** 12 Joseph Taylor, Esq. Michael L. Novicoff, Esq. Liner Yankelevitz Sunshine & Regentreif LLP 13 1100 Glendon Avenue, 14th Floor Los Angeles, CA 90024-3503 14 15 Anne Kiley, Esq. Law Offices of Trope and Trope 12121 Wilshire Boulevard, Suite 801 16 Los Angeles, CA 90025 17 [] BY MAIL I deposited such envelope in the United States Mail at Los Angeles, California, postage prepaid. 18 BY CERTIFIED FIRST CLASS MAIL WITH RETURN RECEIPT: I am readily 19 [X]familiar with the firm's business practice of collection and processing of correspondence for mailing with the United States Postal Service and said correspondence is deposited 20 with the United States Postal Service the same day. 21 [X]BY FACSIMILE (AS TO MICHAEL NOVIKOFF AND ANNE KILEY ONLY. Ms. SPEARS' NUMBER IS UNAVAILABLE): I sent a copy of said document by fax machine for 22 instantaneous transmittal via telephone line to the offices of the addressee(s) listed above using the following telephone number(s): Novicoff: Fax No. (310) 500-3501; Kiley: Fax 23 No.: (310) 826-1122 24 Executed on January 14, 2008, at Los Angeles, California. I declare under penalty of 25 perjury the foregoing is true and correct. 26 27 28