

1 STATE OF CALIFORNIA  
Department of Industrial Relations  
2 Division of Labor Standards Enforcement  
BY: DAVID L. GURLEY, Bar No. 194298  
3 320 W. 4<sup>th</sup> Street, Suite 430  
Los Angeles, California 90013  
4 Tel.: (213) 897-1511  
5 Attorney for the Labor Commissioner

6  
7  
8 BEFORE THE LABOR COMMISSIONER  
9 STATE OF CALIFORNIA

10  
11 BRITNEY SPEARS, An Individual, ) CASE NO. TAC 3744  
12 )  
Petitioner, )  
13 vs. ) DISMISSAL OF PETITION TO  
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 Respondent  
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 Lavelly & 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, 2007,  
25 the Labor Commissioner did issue that subpoena.

26 On September 12, 2007, Mr. Singer stated that he no longer represented Ms. Spears

COPY

1 and that new counsel would be appearing.

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

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

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

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


1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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 Labor Commissioner

