1	BY: DAVID L. GURLEY, Bar No. 194298	
3	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 15	LAURENCE RUDOLPH, An Individual; REIGNDEER ENTERTAINMENT, LLC; and REIGNDEER ENTERTAINMENT) CORP.,	
16 17	Respondents.	
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 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, 2007,	
25	the Labor Commissioner did issue that subpoena.	
26	On September 12, 2007, Mr. Singer stated that he no longer represented Ms. Spears	
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28	DISMISSAL OF PETITION TO DETERMINE CONTROVERSY	
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and that new counsel would be appearing. 1

On October 11, 2007, the Los Angeles County Sheriff served Ms. Spears with the 2 Labor Commissioner's subpoena, and she is now under a legal obligation to appear in person in 3 connection with this matter. On October 11, 2007, the Labor Commissioner issued an Order to 4 Show Cause re: Dismissal and Ordered Ms. Spears to inform the Labor Commissioner in writing of 5 her new counsel by November 19, 2007. The hearing date of November 29, 2007 was vacated. And 6 finally, the Labor Commissioner issued an Order to Show Cause, specifically directing Ms. Spears 7 (or her new counsel) to explain at a telephonic hearing on November 29, 2007 why this matter 8 should not be dismissed. Mr. Singer was required to deliver this Order or advise the Labor 0 Commissioner if he could not. The Labor Commissioner was never advised as to non-service, so it 10 is presumed that Mr. Singer transmitted the Order to Ms. Spears accordingly. Mr. Singer was then 11 relieved of counsel. 12

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

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

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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 24 representation. It is unjust to force the Respondents to continue to defend a case which is not being 25 prosecuted and in which the Petitioner has engaged in repeated and knowing violations of the Labor 26Commissioner's orders. 27

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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. <u>Stephen Slesinger, Inc. v. Walt Disney Co.</u>, 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

DISMISSAL OF PETITION TO DETERMINE CONTROVERSY

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1	PROOF OF SERVICE		
2	STATE OF CALIFORNIA)		
3	COUNTY OF LOS ANGELES) ss.		
4	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 DIVISION OF LABOR		
5	STANDARDS ENFORCEMENT, Department of Industrial Relations, 320 W. 4 th Street, Suite 430, Los Angeles, CA 90013.		
6	On, January 14, 2008, I served the following document described as:		
7 8	DISMISSAL OF PETITION TO DETERMINE CONTROVERSY		
9	on the interested parties in this action (TAC 3744) by placing		
10	[] the originals		
11	[X] a true copy thereof enclosed in a sealed envelope addressed as follows:		
12	Joseph Taylor, Esq. Michael L. Novicoff, Esq. Liner Yankelevitz Sunshine & Regentreif LLP 1100 Glendon Avenue, 14 th Floor		
13			
14	Los Angeles, CA 90024-3503		
15	Anne Kiley, Esq. Law Offices of Trope and Trope		
16	12121 Wilshire Boulevard, Suite 801 Los Angeles, CA 90025		
17			
18	California, postage prepaid.		
19	[X] BY CERTIFIED FIRST CLASS MAIL WITH RETURN RECEIPT: I am readily familiar with the firm's business practice of collection and processing of correspondence		
20	for mailing with the United States Postal Service and said correspondence is deposited with the United States Postal Service the same day.		
21	[X] BY FACSIMILE (AS TO MICHAEL NOVIKOFF AND ANNE KILEY ONLY. Ms. SPEARS'		
22	<u>NUMBER IS UNAVAILABLE</u> : I sent a copy of said document by fax machine for 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 24	No.: (310) 826-1122		
24 25	Executed on January 14, 2008, at Los Angeles, California. I declare under penalty of		
25	perjury the foregoing is true and correct.		
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