

# Judge denies Britney Spears' request to move up hearing that could remove her dad from conservatorship

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*Jamie Spears and Britney Spears AP*

The judge in [Britney Spears' conservatorship case](#) denied her new lawyer's demand to move up a crucial hearing on whether to remove her father as her conservator, as the level of acrimony among lawyers in the case rises ever higher.

Judge Brenda Penny issued a one-page order Monday denying Mathew Rosengart's petition to move up the date of the hearing to Aug. 23 from Sept. 29 to prevent further "harm" to Britney.

Rosengart argued that the question of whether Jamie Spears will be fired as her conservator is too urgent to wait any longer.

"Every day that passes is another day of avoidable harm and prejudice to Ms. Spears and the Estate," Rosengart said in a document filed in the Spears case in Probate Court in Los Angeles on Thursday.

"All interested parties forcefully agree that Mr. Spears's continued presence as Conservator of the Estate is contrary to Ms. Spears's best interests, health, and well-being, and that his prompt removal – or, at the very least, his immediate suspension – is critical at this juncture," Rosengart asserted.

Judge Penny's order did not include an explanation for her decision but it was denied without prejudice, meaning it could be brought up again.

On Friday, Jamie Spears responded to Rosengart's petition, saying there is "no reason whatsoever" to remove him, and that his daughter's new legal team is basing her case for dumping him on "unsubstantiated, vague accusations."

The latest development in the case features dueling documents in the case file in which multiple lawyers and their clients exchange accusations of various misdeeds.

Jamie Spears' lawyer, Vivian Thoreen, said in his response that Jamie does not oppose moving up the hearing date but rejects any effort to remove him as his daughter's conservator.

"Mr Rosengart's assertion that the Court could suspend Mr. Spears without a hearing, after thirteen years of admirable service, carefully monitored and approved by this Court, is simply without merit," Thoreen said in the response.

USA TODAY has made attempts to reach lawyers for Britney, her father, her mother and her conservator of her person, but has not heard back. As of Monday, the Sept. 29 hearing date remains on the court calendar.

[Britney Spears says the 'cat is out of the bag'](#)

The latest exchange of documents in the Spears file was another sign of Rosengart's aggressive strategy in freeing his client from her 13-year-old conservatorship, under which she claims to have been "abused" by her father's longstanding control over her money and her intimate life choices.

"Although a two-month wait for a hearing may not seem significant in the context of 13 years, Ms. Spears should not be forced to continue feel traumatized, lose sleep and suffer further," Rosengart argued in the petition. "Every day matters."

Britney Spears, 39, glancingly mentioned the conservatorship battle on Instagram Thursday.

"OK, so I'm sure a lot of you guys are wondering how I'm doing, and since the cat is out of the bag, literally out of the bag, and you guys know my situation, I do want to let you guys know

that things are better than I ever anticipated," she says, before moving on to answer fan questions about her favorite things.

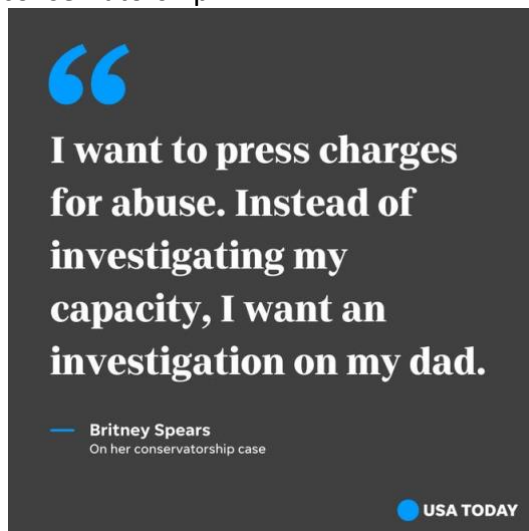
For the first time in 13 years, Judge Penny last month allowed Britney to pick her own lawyer to represent her, and she hired Rosengart, a former federal prosecutor known as an aggressive litigator.

His goal, as stated in court documents including the petition seeking a hearing date change, is to permanently remove Jamie Spears and replace him with a new professional conservator, Jason Rubin, or failing that, to immediately suspend him and appoint Rubin as temporary conservator.

Rosengart's petition also suggested Jamie Spears should resign immediately – in his daughter's best interest – without having to admit fault. Jamie Spears' response declared there are no grounds to remove him because there are no "blemishes" on his record of serving as conservator.

"This is not an opinion; he has taken the Estate from being in debt and facing tens of millions of dollars of lawsuits to a current value of well over \$60 million," Thoreen wrote. "Mr. Spears' record as Conservator speaks for itself."

In seeking the date change, Rosengart cited a number of factors contributing to urgency, many of which have been raised in before, including during Britney Spears' searing laments at June 23 and July 14 hearings about how she has been "traumatized" by her father and the conservatorship.



*Britney Spears spoke at her conservatorship hearing*

*on July 14, 2021 USA Today Graphic*

[Jamie Spears alleges Jodi Montgomery suggested a psychiatric hold in July](#)

The Rosengart petition cited her professional co-conservator, Jodi Montgomery, who wants her father removed. Her mother, Lynne Spears, wants her ex-husband removed. And her "medical team agrees" his removal is necessary, the petition said.

Jamie Spears argued in his response that none of his daughter's statements nor those of other parties have been fact-checked by the court so they amount to "unsupported hearsay" assertions.

Moreover, Jamie Spears said in a separate declaration that last month Montgomery called him in a distraught state, concerned about Britney's recent behavior, said she was "mentally sick" and possibly needed a 5150 psychiatric hold. A few days later, Montgomery sent Jamie Spears an email, walking back everything she said in the phone call and discounting the need for a psychiatric hold, Spears said.

Montgomery's lawyer, Lauriann Wright, did not immediately return a message from USA TODAY. Meanwhile, the status quo, under which Britney Spears has refused to work while her father remains, means further "dissipation" of her estate due to her father's "spendthrift" ways, Rosengart asserted.

The estate is already paying her father's salary (\$16,000 a month) and his substantial legal fees (more than \$1.3 million since October) and the fees charged by his media advisors – a "shocking and inexplicable \$541,065.50," the petition sputters.

Rosengart claimed Jamie Spears "microscopic control" of his daughter extended to whether she could take a vacation using her own money last month. Jamie Spears said in his response this is a "false statement."

Britney Spears spent some time in Hawaii with her boyfriend, Sam Asghari, according to her Instagram page.

"Although Mr. Spears and his team ultimately relented, the mere objection to his adult daughter taking a brief, well-earned vacation at this point in her life, while other funds are lavishly expended, underscores why suspension and ultimately removal should not wait," Rosengart argued.

Los Angeles [top family law attorney](#) Christopher C. Melcher, who's been following the Britney case, told USA TODAY he was surprised at Judge Penny's denial given that all the parties agreed to advancing the hearing.

"The request to remove Jamie as conservator is an important and urgent matter. The court should have been able to find time before Sept. 29 to have that hearing," said [celebrity divorce lawyer](#) Christopher C. Melcher of [top family law firm](#) Walzer Melcher LLP. "This was not a denial on the merits of whether Jamie should be removed; it was just a scheduling issue."