

# SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Date	11-06-07				Dept: CE88
Honorable		Judge	M. ARNOLD		Deputy Clerk
Honorable	SCOTT M. GORDON	Judge Pro Tem	R. WILLIAMS		Court Assistant
	S. VARTAZAROV	Deputy Sheriff	NONE		Reporter

8:00 am

BD455662

Britney Spears (N/A)

Counsel For  
Petitioner:

VS.

Kevin Federline (N/A)

Counsel For  
Respondent:

NO APPEARANCES

**NATURE OF PROCEEDINGS: COURT'S RULING ON SUBMITTED MATTERS**

The Respondent has requested attorney fees pursuant to Family Code §2030. In his *Keech* declaration filed on October 10, 2007, the Respondent requests attorney fees in the amount of \$160,000. The Court has considered the pleadings of each party including the responsive declaration filed by Petitioner on October 19, 2007.

The Petitioner filed an Income and Expense Declaration (I&E) on October 10, 2007. The Petitioner indicated in her I&E that she works as a recording artist. The Petitioner stated in this document that the "Petitioner stipulates that she has the ability to pay any reasonable attorneys fees and costs." The Court has also reviewed the Petitioner's I&E filed on August 8, 2007.

The Court has considered the information submitted by the Petitioner in that document regarding her monthly income, expenses and assets.

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			Dept: CE88 Deputy Clerk Court Assistant Reporter

8:00 am	BD455662		
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	VS.	Petitioner:	
	Kevin Federline (N/A)	Counsel For	
		Respondent:	
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The Petitioner indicates that she has paid \$225,279 for post-judgment attorney fees.

The Respondent submitted an I&E on October 10, 2007. The Respondent indicates that he is self-employed as a performing artist. The Respondent indicates that he does not earn any income. He states that he receives \$20,000 per month as Spousal Support pursuant to the parties Stipulated Judgment in this matter pursuant to the terms of that judgment, the Spousal Support terminates on November 15, 2007.

The Respondent states that he has assets of \$726,000 subject to certain accounts payable in the amount of approximately \$125,000.

Based on the information provided in the Respondent's I&E and the *Keach* declaration the Respondent has paid \$31,900 in post-judgment attorney fees and owes additional post-judgment attorney fees in the amount of \$154,500.

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Family Code § 2030 provides that in a family law proceeding, the Court shall ensure that each party has access to legal representation to preserve each party's rights by ordering, if necessary based on an assessment of income and needs, one party to pay to the other party, or to the other party's attorney, whatever amount is "reasonably necessary" for attorney's fees and for the cost of maintaining or defending the proceeding. Attorneys' fees under the statute are need-based predicated on what is just and reasonably necessary to adequately maintain or defend an action given the relative circumstances of the parties. *In re Marriage of Braud* (1996) 45 Cal.App.4th 797, 827.

In considering the relative circumstances of the parties the Court considers their respective incomes and expenses, as well as their cash available to pay counsel. *In re Marriage of Duncan* (2001) 90 Cal.App.4th 617, 629. Family Code §2032(b) specifically recognizes that "[t]he fact that the party requesting an award of attorney's fees and costs has resources from which the party could pay the party's own attorney's fees and costs is not itself a bar

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to an order that the other party pay part or all of the fees and costs requested. Financial resources are only one factor for the court to consider in determining how to apportion the overall cost of the litigation equitably between the parties under their relative circumstances.” Thus, even if a party has the ability to pay his or her own fees, a *disparity* in the parties' respective circumstances may itself demonstrate relative “need.” *Marriage of Drake* (1997) 53 Cal. App. 4th 1139, 1167; *Marriage of Cheriton* (2001) 92 Cal. App. 4th 269, 315.

If there is a need for fees and an ability to pay, the Court then considers the reasonableness of the fees, including the results achieved and the manner in which they were achieved. *In re Marriage of Keech* (1999) 75 Cal. App. 4th 860, 867-869. Services which have no apparent effect other than to prolong and to complicate domestic litigation cannot be deemed “reasonably necessary” and may properly be disregarded in determining whether and in what amount to order one party to contribute to the cost of the other's representation. *See Marriage of Behrens* (1982) 137 Cal. App. 3d 562, 576. The purpose of an award of

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future attorney fees in a dissolution proceeding is to provide the party to whom the award is made an adequate amount to properly litigate the action. (*In re Marriage of Ward* (1992) 3 Cal.App.4th 618, 627 [4 Cal.Rptr.2d 365].) "The [trial] Court has broad discretion in awarding attorney fees and costs in dissolution proceedings. Its determination will not be disturbed on appeal absent a clear showing of an abuse of discretion. [Citations.]" ( at p. 628.)

In this matter, the Court has considered the notable disparity between the parties income, the nature of the litigation and the type of legal services rendered. The lawyers for both parties are highly respected and accomplished family law litigators. The vast majority of the post-judgment litigation deals with the Petitioner's conduct.

Based on the evidence presented, pursuant to Family Code §2030 and §2032, the Petitioner is ordered to pay the Respondent attorney fees in the amount of \$120,000, payable

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forthwith.

### CERTIFICATE OF MAILING

I, John A. Clarke Executive Officer/Clerk of the Superior Court of the State of California for the County of Los Angeles, and not a party to the action hereby certify that on this date I mailed a copy of this minute order to all parties by depositing it in sealed envelopes with postage thereon fully prepaid in the U.S. mail at Los Angeles, California addressed as follows:

Sorrell Trope, Esq.  
12121 Wilshire Boulevard, Suite 801  
Los Angeles, CA 90025

Mark V. Kaplan, Esq.  
2049 Century Park East, Suite 2660  
Los Angeles, California 90067

Dated: November 6, 2007

JOHN A. CLARK, EXECUTIVE OFFICER/CLERK

By M. Arnold, Deputy