

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

VIRGIE ARTHUR	§	
PLAINTIFF	§	
	§	
V.	§	Civil Action No. 4:07-CV-03742
	§	
HOWARD K. STERN,	§	
CBS STUDIOS, INC. and	§	
KPRC HOUSTON,	§	
DEFENDANTS	§	

PLAINTIFF'S REPLY TO DEFENDANTS CBS STUDIOS, INC.'S AND KPRC HOUSTON'S SUPPLEMENTAL RESPONSE TO PLAINTIFF'S AMENDED MOTION FOR LEAVE TO AMEND ORIGINAL PETITION (COMPLAINT) AND TO ADD ADDITIONAL PARTY DEFENDANTS AND JURISDICTIONAL FACTS

Plaintiff, Virgie Arthur, files this her Reply to Defendants CBS STUDIOS, INC.'s and KPRC HOUSTON's Supplemental Response to Plaintiff's Amended Motion for Leave to Amend Original Petition (Complaint) and to Add Additional Party Defendants and Jurisdictional Facts, and would show:

1. On March 26, 2008, Plaintiff advised this Court's case manager by email about a potential limitations issue regarding parties Plaintiff has sought to add. (See Exhibit A, attached.) On April 18, 2008, this Court heard Plaintiff's request to add parties. The Court took the issue under advisement.

2. On April 21, 2008, Plaintiff filed an Original Petition in state district court in Harris County, Texas, and named as defendants the persons and entities that Plaintiff had asked leave of this Court to add in this case. The filing in state court was necessitated by the fact that one basis for that lawsuit was a publication made on April 19, 2007. Texas has a one-year limitations period for defamation.

3. Plaintiff's Amended Motion for Leave to Amend is not made moot by the state court filing. On the contrary, the reason for amendment remains, i.e. so that Plaintiff will no suffer the injustice of being forced to litigate in state and federal court simultaneously, and to avoid the possibility of inconsistent results.

Wherefore, Plaintiff respectfully requests that this Court grant her Amended Motion for Leave to Amend Original Petition (Complaint) and to Add Additional Party Defendants and Jurisdictional Facts.

Respectfully submitted,

THE O'QUINN LAW FIRM

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CERTIFICATE OF SERVICE

This is to certify that on the 25th day of April 2008, a true and correct copy of the foregoing Plaintiff's Reply to to Defendants CBS STUDIOS, INC..'s and KPRC HOUSTON's Supplemental Response to Plaintiff's Amended Motion for Leave to Amend Original Petition (Complaint) and to Add Additional Party Defendants and Jurisdictional Facts were served to the following counsel electronically via the CM/ECF system:

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