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UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 07-60534-CIV-DIMITROULEAS
MAGISTRATE JUDGE: ROBIN ROSENBAUM

HOWARD K. STERN,

Plaintiff,

vs.

JOHN O'QUINN, and JOHN
M. O'QUINN & ASSOCIATES,
PLLC d/b/a The O'Quinn Law
Firm,

Defendants.

_____/

**DEFENDANT JOHN O'QUINN'S RESPONSE TO PLAINTIFF'S
FIRST REQUEST FOR ADMISSIONS**

COMES NOW, the Defendant, JOHN O'QUINN ("O'Quinn"), by and through his undersigned counsel, and responds to Plaintiff's First Request for Admissions and states:

1. Admit that Anna Nicole Smith's death was an accident.

Denied

2. Admit that no criminal charges have been filed against Howard K. Stern concerning the death of Anna Nicole Smith.

Admitted.

3. Admit that Howard K. Stern has not been indicted for any crime associated with the death of Anna Nicole Smith.

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Admitted.

4. Admit that Howard K. Stern has not been convicted for any crime associated with the death of Anna Nicole Smith.

Admitted.

5. Admit that Daniel Smith's death was an accident.

Denied.

6. Admit that no criminal charges have been filed against Howard K. Stern concerning the death of Daniel Smith.

Admitted.

7. Admit that Howard K. Stern has not been indicted for any crime associated with the death of Daniel Smith.

Admitted.

8. Admit that Howard K. Stern has not been convicted for any crime associated with the death of Daniel Smith.

Admitted.

9. Admit that you are quoted accurately in paragraph 93 of the First Amended Complaint as to the statements you made February 19, 2007 on Rita Cosby Specials Unit, broadcast by MSNBC.

Denied, in that the words are taken completely out of context, with certain portions omitted, and without consideration of the medium in which those words were uttered, including the complete audio and visual components of the subject television broadcasts.

10. Admit that you are quoted accurately in paragraph 110 of the First Amended Complaint as to the

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statements you made February 21, 2007 on On the Record with Greta Van Susteren, broadcast by Fox News.

Denied, in that the words are taken completely out of context, with certain portions omitted, and without consideration of the medium in which those words were uttered, including the complete audio and visual components of the subject television broadcasts.

11. Admit that you are quoted accurately in paragraph 129 of the First Amended Complaint as to the statements you made March 1, 2007 on the Nancy Grace Show, broadcast by CNN Headline News.

Denied, in that the words are taken completely out of context, with certain portions omitted, and without consideration of the medium in which those words were uttered, including the complete audio and visual components of the subject television broadcasts.

12. Admit that you are quoted accurately in paragraph 145 of the First Amended Complaint as to the statements you made March 15, 2007 on On the Record with Greta Van Susteren, broadcast by Fox News.

Denied, in that the words are taken completely out of context, with certain portions omitted, and without consideration of the medium in which those words were uttered, including the complete audio and visual components of the subject television broadcasts.

13. Admit that you are quoted accurately in paragraph 168 of the First Amended Complaint as to the

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statements you made March 20, 2007 on the Nancy Grace Show, broadcast by CNN Headline News.

Denied, in that the words are taken completely out of context, with certain portions omitted, and without consideration of the medium in which those words were uttered, including the complete audio and visual components of the subject television broadcasts.

14. Admit that you are quoted accurately in paragraph 181 of the First Amended Complaint as to the statements you made March 26, 2007 on the Nancy Grace Show, broadcast by CNN Headline News.

Denied, in that the words are taken completely out of context, with certain portions omitted, and without consideration of the medium in which those words were uttered, including the complete audio and visual components of the subject television broadcasts.

15. Admit that you are quoted accurately in paragraph 195 of the First Amended Complaint as to the statements you made March 27, 2007 on the Nancy Grace Show, broadcast by CNN Headline News.

Denied, in that the words are taken completely out of context, with certain portions omitted, and without consideration of the medium in which those words were uttered, including the complete audio and visual components of the subject television broadcasts.

16. Admit that you are quoted accurately in paragraph 208 of the First Amended Complaint as to the

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**statements you made March 27, 2007 on On the Record
with Greta Van Susteren, broadcast by Fox News.**

Denied, in that the words are taken completely out of context, with certain portions omitted, and without consideration of the medium in which those words were uttered, including the complete audio and visual components of the subject television broadcasts.

- 17. Admit that Anna Nicole Smith did not have any life insurance policies taken out under her name or under the name of any alias she has used.**

After a reasonable inquiry, the information known or readily available to O'Quinn is insufficient to enable him to admit or deny.

- 18. Admit that you have no knowledge of any life insurance policies in which a third-party would benefit upon the death of Anna Nicole Smith.**

After a reasonable inquiry, the information known or readily available to O'Quinn is insufficient to enable him to admit or deny.

- 19. Admit that Howard K. Stern did not request or direct that the Will of Vickie Lynn Marshall or any will of Anna Nicole Smith be faxed to him four (4) days before the death of Anna Nicole Smith on February 8, 2007.**

Denied.

- 20. Admit that by February 10, 2007, Police Chief Charlie Tiger of the Seminole Police had publicly stated that "no evidence has been revealed to suggest a crime occurred" in connection with Ms. S m i t h ' s d e a t h . (S e e**

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[http://www.cnn.com/video/#video/law/2007/02/09/zarella.smith.com.\)](http://www.cnn.com/video/#video/law/2007/02/09/zarella.smith.com.)

The CNN.com URL provided by Plaintiff leads to a web page where the video of Police Chief Charlie Tiger is no longer available. As a result, the information known or readily available to O'Quinn after a reasonable inquiry is insufficient to enable him to admit or deny this request as to any specific statement at any particular point in time. Defendant generally became aware of Chief Tiger's conclusions at some point in time shortly after they were announced to the media.

21. Admit that before making the statements attributed to you in paragraph 93 of the First Amended Complaint, you had read, were informed or were otherwise aware of the public statement made by Seminole Police Chief Charlie Tiger which is referenced in Request for Admission 20, above.

Because of the reasons stated in ¶20, the information known or readily available to O'Quinn after a reasonable inquiry is insufficient to enable him to admit or deny this request as to any specific statement at any particular point in time. Defendant generally became aware of Chief Tiger's conclusions at some point in time shortly after they were announced to the media

22. Admit that before making the statements attributed to you in paragraph 110 of the First Amended Complaint, you had read, were informed or were otherwise aware of the public statement made by Seminole Police Chief Charlie Tiger which is referenced in Request for Admission 20, above.

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Because of the reasons stated in ¶20, the information known or readily available to O'Quinn after a reasonable inquiry is insufficient to enable him to admit or deny this request as to any specific statement at any particular point in time. Defendant generally became aware of Chief Tiger's conclusions at some point in time shortly after they were announced to the media.

- 23. Admit that before making the statements attributed to you in paragraph 129 of the First Amended Complaint, you had read, were informed or were otherwise aware of the public statement made by Seminole Police Chief Charlie Tiger which is referenced in Request for Admission 20, above.**

Because of the reasons stated in ¶20, the information known or readily available to O'Quinn after a reasonable inquiry is insufficient to enable him to admit or deny this request as to any specific statement at any particular point in time. Defendant generally became aware of Chief Tiger's conclusions at some point in time shortly after they were announced to the media.

- 24. Admit that before making the statements attributed to you in paragraph 145 of the First Amended Complaint, you had read, were informed or were otherwise aware of the public statement made by Seminole Police Chief Charlie Tiger which is referenced in Request for Admission 20, above.**

Because of the reasons stated in ¶20, the information known or readily available to O'Quinn after a reasonable inquiry is insufficient to enable him to admit or deny this request as to any specific statement at any particular point in time. Defendant

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generally became aware of Chief Tiger's conclusions at some point in time shortly after they were announced to the media.

- 25. Admit that before making the statements attributed to you in paragraph 168 of the First Amended Complaint, you had read, were informed or were otherwise aware of the public statement made by Seminole Police Chief Charlie Tiger which is referenced in Request for Admission 20, above.**

Because of the reasons stated in ¶20, the information known or readily available to O'Quinn after a reasonable inquiry is insufficient to enable him to admit or deny this request as to any specific statement at any particular point in time. Defendant generally became aware of Chief Tiger's conclusions at some point in time shortly after they were announced to the media.

- 26. Admit that before making the statements attributed to you in paragraph 181 of the First Amended Complaint, you had read, were informed or were otherwise aware of the public statement made by Seminole Police Chief Charlie Tiger which is referenced in Request for Admission 20, above.**

Because of the reasons stated in ¶20, the information known or readily available to O'Quinn after a reasonable inquiry is insufficient to enable him to admit or deny this request as to any specific statement at any particular point in time. Defendant generally became aware of Chief Tiger's conclusions at some point in time shortly after they were announced to the media.

- 27. Admit that before making the statements attributed to you in paragraph 195 of the First Amended Complaint, you had read, were informed or were otherwise aware of the public statement made by**

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Seminole Police Chief Charlie Tiger which is referenced in Request for Admission 20, above.

Because of the reasons stated in ¶20, the information known or readily available to O'Quinn after a reasonable inquiry is insufficient to enable him to admit or deny this request as to any specific statement at any particular point in time. Defendant generally became aware of Chief Tiger's conclusions at some point in time shortly after they were announced to the media.

- 28. Admit that before making the statements attributed to you in paragraph 208 of the first Amended Complaint, you had read, were informed or were otherwise aware of the public statement made by Seminole Police Chief Charlie Tiger which is referenced in Request for Admission 20, above.**

Because of the reasons stated in ¶20, the information known or readily available to O'Quinn after a reasonable inquiry is insufficient to enable him to admit or deny this request as to any specific statement at any particular point in time. Defendant generally became aware of Chief Tiger's conclusions at some point in time shortly after they were announced to the media.

- 29. Admit that the document attached hereto as Exhibit A is a true and correct copy of the "Investigative Report in the death of Vickie Lyn Marshall (Anna Nicole Smith)" prepared by the Broward County Medical Examiner in 2007.**

Admitted.

- 30. Admit that Exhibit A states that Anna Nicole Smith's "manner of death is deemed ACCIDENT."**

Admitted.

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31. Admit that the document attached hereto as Exhibit B is a true and correct copy of the "Final Pathological Diagnosis" report prepared by the Broward County Medical Examiner in 2007 regarding the autopsy of Vickie Lynn Marshall, a.k.a. Anna Nicole Smith.

Admitted.

32. Admit that Exhibit B states that the "manner of death is determined to be: Accident."

Admitted.

33. Admit that Exhibit A and Exhibit B were available to the public by or on March 26, 2007.

After a reasonable inquiry, the information known or readily available to O'Quinn is insufficient to enable him to admit or deny.

34. Admit that on March 26, 2007, Seminole Police Chief Charles Tiger stated at a press conference that: "We are convinced, based on extensive review of the evidence, that this case is an accidental overdose with no other criminal element present."

After a reasonable inquiry, the information known or readily available to O'Quinn is insufficient to enable him to admit or deny.

35. Admit that before making the statements attributed to you in Paragraph 181 of the First Amended Complaint, you had read, were informed or were otherwise aware of the public release of Exhibit A.

After a reasonable inquiry, the information known or readily available to O'Quinn is insufficient to enable him to admit or

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deny this request. I was certainly aware of the conclusion at or about the time that it was released to the public.

- 36. Admit that before making the statements attributed to you in Paragraph 181 of the First Amended Complaint, you had read, were informed or were otherwise aware of the statement in Exhibit A that Anna Nicole Smith's death was an "ACCIDENT."**

After a reasonable inquiry, the information known or readily available to O'Quinn is insufficient to enable him to admit or deny this request. I was certainly aware of the conclusion at or about the time that it was released to the public.

- 37. Admit that before making the statements attributed to you in Paragraph 181 of the First Amended Complaint, you had read, were informed or were otherwise aware of the statement in Exhibit B.**

After a reasonable inquiry, the information known or readily available to O'Quinn is insufficient to enable him to admit or deny this request. I was certainly aware of the conclusion at or about the time that it was released to the public.

- 38. Admit that before making the statements attributed to you in Paragraph 181 of the First Amended Complaint, you had read, were informed or were otherwise aware of the statement in Exhibit B that Anna Nicole Smith's death was an "Accident."**

After a reasonable inquiry, the information known or readily available to O'Quinn is insufficient to enable him to admit or deny this request. I was certainly aware of the conclusion at or

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about the time that it was released to the public.

- 39. Admit that before making the statements attributed to you in Paragraph 181 of the First Amended Complaint, you had read, were informed or were otherwise aware of the public statement made by Seminole Police Chief Charlie Tiger which is referenced in Request for Admission 34, above.**

After a reasonable inquiry, the information known or readily available to O'Quinn is insufficient to enable him to admit or deny this request.

- 40. Admit that before making the statements attributed to you in Paragraph 195 of the First Amended Complaint, you had read, were informed or were otherwise aware of the public release of Exhibit A.**

After a reasonable inquiry, the information known or readily available to O'Quinn is insufficient to enable him to admit or deny this request. I was certainly aware of the conclusion at or about the time that it was released to the public.

- 41. Admit that before making the statements attributed to you in Paragraph 195 of the First Amended Complaint you had read, were informed or were otherwise aware of the statement in Exhibit A that Anna Nicole Smith's death was an "ACCIDENT."**

After a reasonable inquiry, the information known or readily available to O'Quinn is insufficient to enable him to admit or deny this request. I was certainly aware of the conclusion at or about the time that it was released to the public.

- 42. Admit that before making the statements attributed to you in Paragraph 195 of the First Amended**

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Complaint, you had read, were informed or were otherwise aware of the public release of Exhibit B.

After a reasonable inquiry, the information known or readily available to O'Quinn is insufficient to enable him to admit or deny this request. I was certainly aware of the conclusion at or about the time that it was released to the public.

43. Admit that before making the statements attributed to you in Paragraph 195 of the First Amended Complaint, you had read, were informed or were otherwise aware of the statement in Exhibit B that Anna Nicole Smith's death was an "Accident."

After a reasonable inquiry, the information known or readily available to O'Quinn is insufficient to enable him to admit or deny this request. I was certainly aware of the conclusion at or about the time that it was released to the public..

44. Admit that before making the statements attributed to you in Paragraph 195 of the First Amended Complaint, you had read, were informed or were otherwise aware of the public statement made by Seminole Police Chief Charlie Tiger which is referenced in Request for Admission 34, above.

After a reasonable inquiry, the information known or readily available to O'Quinn is insufficient to enable him to admit or deny this request. I was certainly aware of the conclusion at or about the time that it was released to the public.

45. Admit that before making the statements attributed to you in Paragraph 208 of the First Amended Complaint, you had read, were informed or were otherwise aware of the public release of Exhibit A.

After a reasonable inquiry, the information known or readily

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available to O'Quinn is insufficient to enable him to admit or deny this request. I was certainly aware of the conclusion at or about the time that it was released to the public.

- 46. Admit that before making the statements attributed to you in Paragraph 208 of the First Amended Complaint, you had read, were informed or were otherwise aware of the statement in Exhibit A that Anna Nicole Smith's death was an "ACCIDENT."**

After a reasonable inquiry, the information known or readily available to O'Quinn is insufficient to enable him to admit or deny this request. I was certainly aware of the conclusion at or about the time that it was released to the public.

- 47. Admit that before making the statements attributed to you in Paragraph 208 of the First Amended Complaint, you had read, were informed or were otherwise aware of the public release of Exhibit B.**

After a reasonable inquiry, the information known or readily available to O'Quinn is insufficient to enable him to admit or deny this request. I was certainly aware of the conclusion at or about the time that it was released to the public.

- 48. Admit that before making the statements attributed to you in Paragraph 208 of the First Amended Complaint, you had read, were informed or were otherwise aware of the statement in Exhibit B that Anna Nicole Smith's death was an "Accident."**

After a reasonable inquiry, the information known or readily available to O'Quinn is insufficient to enable him to admit or deny this request. I was certainly aware of the conclusion at or about the time that it was released to the public.

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49. Admit that before making the statements attributed to you in Paragraph 208 of the First Amended Complaint, you had read, were informed or were otherwise aware of the public statement made by Seminole Police Chief Charlie Tiger which is referenced in Request for Admission 34, above.

After a reasonable inquiry, the information known or readily available to O'Quinn is insufficient to enable him to admit or deny this request.

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that on May 28, 2008 this document was e-filed using the CMECF system and that **L. LIN WOOD, ESQ.**, (llwood@pogolaw.com) Powell Goldstein LLP, Co-counsel for Plaintiff, One Atlantic Center, 14th Floor, 1201 W. Peachtree Street, N.W., Atlanta, GA 30309; **M. KRISTA BARTH, ESQ.** (krista@emsattorneys.com), Eric M. Sauerberg, P.A., Co-counsel for Plaintiff, Suite 102, 200 Village Square, Palm Beach Gardens, FL 33410 who are listed as recipients as counsel under said system.

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