

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION

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

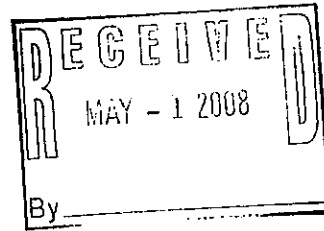
HOWARD K. STERN,

Case 0:07-cv-60534-WPD Document 142-3 Entered on FLSD Docket 07/11/2008 Pa
Plaintiff,

vs.

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

Defendants.



NOTICE OF SERVICE OF SUBPOENA

TO: Robert M. Klein, Esq.
Robert G. Mandel, Esq.
Cayla B. Tenenbaum, Esq.
Law Offices of Stephens Lynn La Cava
Hoffman & Puya, P.A.
Two Datran Center – Penthouse II
9130 South Dadeland Boulevard
Miami, Florida 33156

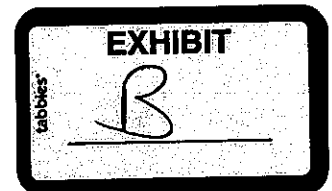
Attorneys for Defendants

Reagan Pratt
Howrey LLP
1111 Louisiana, 25th Floor
Houston, Texas 77002-5242

Attorneys for Wilma Vicedomine

Neil M. McCabe, Esq.
The O'Quinn Law Firm
Suite 2300, 440 Louisiana
Houston, Texas 77002

Attorneys for Defendants



You are hereby notified that on or after Wednesday, April 30, 2008, pursuant to Rule 45 of the Federal Rules of Civil Procedure, Howard K. Stern will serve on the following person the subpoena attached hereto as Exhibit 1, commanding attendance at a deposition, the time and place of which is set forth therein and requesting the production of certain documents described therein.

AMC

The deposition upon oral examination shall be taken for discovery, evidence, and all other purposes allowed by law and shall be taken stenographically, and by sound and visual means by a certified court reporter or any other person authorized to administer oaths and take testimony.

Wilma Vicedomine
c/o Reagan Pratt
Howrey LLP
1111 Louisiana, 25th Floor
Houston, Texas 77002-5242

Case 0:07-cv-60534-WPD Document 142-3 Entered on FLSD Docket 07/11/2008 Pa

Dated: April 30, 2008.

/s/ L. Lin Wood

L. Lin Wood
(Georgia Bar No. 774588) (Pro hac vice)
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Eric P. Schroeder
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POWELL GOLDSTEIN LLP
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1201 West Peachtree Street, N.W.
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Telephone: (561) 776-0330
Facsimile: (561) 776-0302
Attorneys for Plaintiff
Howard K. Stern

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Service of Subpoena was served upon the following by overnight delivery, addressed as follows:

Robert M. Klein, Esq.
Robert G. Mandel, Esq.
Cayla B. Tenenbaum, Esq.
Law Offices of Stephens Lynn La Cava
Hoffman & Puya, P.A.
Two Datan Center – Penthouse II
9130 South Dadeland Boulevard
Miami, Florida 33156

Attorneys for Defendants

Reagan Pratt
Howrey LLP
1111 Louisiana, 25th Floor
Houston, Texas 77002-5242

Attorney for Wilma Vicedomine

And by e-mail to:

Wilma Vicedomine
c/o Reagan Pratt
Howrey LLP
1111 Louisiana, 25th Floor
Houston, Texas 77002-5242

This 30th day of April, 2008.

/s/ M. Krista Barth
M. Krista Barth
(Florida Bar No. 0461229)
krista@emsattorneys.com

Attorney for Plaintiff

5081009

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Issued by the
UNITED STATES DISTRICT COURT

SOUTHERN

DISTRICT OF

TEXAS

HOWARD K. STERN

SUBPOENA IN A CIVIL CASE

V.
JOHN O'QUINN and JOHN M. O'QUINN &

Case Number: 07-60534-cv-Dimitrouleas

Case 0:07-cv-60534-WPD

Document 142-3

Entered on FLSD Docket 07/11/2008

ASSOCIATES PLLC d/b/a The O'Quinn Law Firm

Pending in the United States District Court

Southern District of Florida

West Palm Beach Division

TO: Wilma Vicedomine
c/o Reagan Pratt, Esq.
Howrey LLP
1111 Louisiana, 25th Floor
Houston, Texas 77002-5242

YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case. The deposition will be recorded stenographically and by sound and visual recording.

PLACE OF DEPOSITION Law Office of Howrey LLP 1111 Louisiana, 25th Floor, Houston, Texas 77002-5242	DATE AND TIME 6/2/2008 10:00 am
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YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):


See Exhibit "A" attached.

PLACE Law Office of Coats & Rose c/o James Collura 3 East Greenway Plaza, Suite 2000, Houston, Texas 77046	DATE AND TIME 5/23/2008 9:00 am
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YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
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Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT) 	DATE 4/30/2008
--	-------------------

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

L. Lin Wood, Esq., Attorney for Plaintiff, Ga. Bar No. 774588, Powell Goldstein LLP, One Atlantic Center, 14th Fl., 1201 W. Peachtree St., NW, Atlanta, GA 30309-3488, Phone (404) 572-6600, Fax (404) 572-6999

(See Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), on next page)

¹ If action is pending in district other than district of issuance, state district under case number.

PROOF OF SERVICE

DATE	PLACE
SERVED	
SERVED ON (PRINT NAME)	MANNER OF SERVICE
SERVED BY (PRINT NAME)	TITLE

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DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on	DATE	SIGNATURE OF SERVER
		ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), as amended on December 1, 2006:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection, copying, testing, or sampling of designated electronically stored information, books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection, copying, testing, or sampling may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to producing any or all of the designated materials or inspection of the premises — or to producing electronically stored information in the form or forms requested. If objection is made, the party serving the subpoena shall not be entitled to inspect, copy, test, or sample the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production, inspection, copying, testing, or sampling. Such an order to compel shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection, copying, testing, or sampling commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (e)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held;
- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject

to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) (A) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(B) If a subpoena does not specify the form or forms for producing electronically stored information, a person responding to a subpoena must produce the information in a form or forms in which the person ordinarily maintains it or in a form or forms that are reasonably usable.

(C) A person responding to a subpoena need not produce the same electronically stored information in more than one form.

(D) A person responding to a subpoena need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or to quash, the person from whom discovery is sought must show that the information sought is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) (A) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial-preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

(B) If information is produced in response to a subpoena that is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has and may not use or disclose the information until the claim is resolved. A receiving party may promptly present the information to the court under seal for a determination of the claim. If the receiving party disclosed the information before being notified, it must take reasonable steps to retrieve it. The person who produced the information must preserve the information until the claim is resolved.

(e) CONTEMPT Failure of any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena issued. An adequate cause for failure to obey exists when a subpoena purports to require a nonparty to attend or produce at a place not within the limits provided by clause (ii) of subparagraph (e)(3)(A).

EXHIBIT A

INSTRUCTIONS

1. Each request seeks documents in the possession, custody, or control of Ms. Wilma Vicedomine, individually and in her capacity as an agent of The O'Quinn Law Firm, John O'Quinn, or Don Clark. Documents in Ms. Vicedomine's possession, custody, or control include all documents previously provided to her attorneys, agents, employees or any other person acting on her behalf in response to prior subpoenas issued in this matter, or requests for documents government agencies. Documents in Ms. Vicedomine's possession, custody, or control shall also include all documents contained on any computer and PDA utilized by Ms. Vicedomine, and said computer's or PDA's hard drive.

2. If you object to any request for production set forth below, in whole or in part, state your objection with particularity and the factual basis for that objection.

3. If you assert privilege as a ground from refusing to produce documents to any request for production set forth below, produce those documents in your possession, custody or control that are not privileged and that are responsive to the request or requests.

4. If you assert privilege as a ground for refusing to produce documents in response to any request for production set forth below, or as a ground for redacting information from any documents produced in response to said requests, state the privilege and the factual basis for that privilege with particularity. In addition, for each document not produced because you contend it is protected from production by privilege, prepare and produce a privilege log that describes the factual basis for the claim of privilege as it relates to that document in sufficient detail to permit adjudication of the validity of that claim. Information included on the privilege log should include the specific privilege being asserted for the identified document, the type of document

being withheld, (e.g., memo, letter or e-mail), the general subject matter of the document, the document's date, its author, addressee and recipients.

5. This subpoena commanding the production of documents shall be continuing to the full extent permitted under the applicable provisions of the Federal Rules of Civil Procedure.

Any documents secured after initial production and which would have been included therein had such documents been previously known or available, shall be supplied by supplemental production within a reasonable time after they are secured or become known to you.

6. All definitions set forth below apply to the foregoing instructions as well as to the requests for production themselves, and shall be carefully regarded.

7. Unless otherwise indicated, the relevant time period for responding to this subpoena commanding the production of documents should be September 1, 2006, to the present.

DEFINITIONS

1. The word "document" and "documents" mean written, typed, printed, and recorded (including electronic, magnetic, photographic, graphic and computerized) matter of any type and description including, but not limited to, e-mails, witness statements, blog postings, text messages, photographs, tape recordings, handwritten notes, or computerized chats depicting conversations between two or more persons occurring via the internet. A draft or non-identical copy is a separate document for purposes of this definition.

2. As used herein, the word "communications" means documents constituting the exchange of thoughts, messages, ideas or other information between two or more persons or entities, e.g. e-mails, text messages, online chat transcripts, recorded statements, or written correspondence.

3. As used herein, the word “concerning” when prefaced by the word “documents” means referring to, describing, evidencing, constituting, or documenting.

4. As used herein, the word “concerning” when prefaced by the word “communications” means referring to, mentioning or discussing.

5. The words “you” or “your” shall refer to you, Wilma Vicedomine, individually, and in your capacity as an agent for The O’Quinn Law Firm, John O’Quinn, Don Clark or any other person or entity that has investigated Howard K. Stern, Larry Birkhead, the death of Anna Nicole Smith, the death of Daniel Smith, or the paternity of Dannielynn Hope Marshall Birkhead.

6. The phrase “your investigation” shall mean any investigation performed in whole or in part by you, or any investigation with which you assisted, that was undertaken at the request of another or through your own initiative regardless of for whom the investigation was conducted.

7. The name “The O’Quinn Law Firm” shall mean John M. O’Quinn & Associates, PLLC d/b/a The O’Quinn Law Firm including its attorneys, agents, employees, and representatives acting on its behalf, including but not limited, to John O’Quinn, Neil McCabe, and/or Don Clark.

8. As used herein, the term “*Blonde Ambition*” means the book *Blonde Ambition: The Untold Story Behind Anna Nicole Smith’s Death*, authored by Rita Cosby and Bruce Littlefield and published by Hachette Book Group USA, Inc. d/b/a Grand Central Publishing

9. As used herein, the connectives “and” and “or” shall be construed disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

10. The use of the singular form of any word includes the plural and vice versa.

REQUESTED DOCUMENTS

Please produce the following documents, as defined above, which are in your possession, custody, or control:

1. ~~All documents concerning your investigation of Howard K. Stern~~
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2. All communications concerning Howard K. Stern.
3. All documents concerning your investigation of Anna Nicole Smith.
4. All communications concerning Anna Nicole Smith.
5. All documents concerning your investigation into the death of Anna Nicole Smith.
6. All communications concerning the death of Anna Nicole Smith.
7. All documents concerning your investigation of Daniel Smith.
8. All communications concerning Daniel Smith.
9. All documents concerning your investigation into the death of Daniel Smith.
10. All communications concerning the death of Daniel Smith.
11. All documents concerning your investigation of Larry Birkhead.
12. All communications concerning Larry Birkhead.
13. All documents concerning your investigation into the paternity of Dannielynn Hope Marshall Birkhead.
14. All communications concerning the paternity of Dannielynn Hope Marshall Birkhead.
15. All documents that describe or document your employment arrangement with John O'Quinn, The O'Quinn Law Firm, or Don Clark, including but not limited to, employment

contracts, e-mails or other correspondence documenting the agreement to work for John O'Quinn, The O'Quinn Law Firm, or Don Clark on a pro bono basis.

16. All documents evidencing expenses that you have submitted to John O'Quinn, The O'Quinn Law Firm, or Don Clark for reimbursement, including but not limited to travel itineraries, boarding passes, hotels or motel receipts, rental car agreements, and receipts for meals.

17. All documents evidencing reimbursement for expenses you have received from John O'Quinn, The O'Quinn Law Firm, or Don Clark.

18. All calendars, be they paper calendars or electronic calendars, which evidence your schedule beginning six months before you began providing investigative and other services to John O'Quinn, The O'Quinn Law Firm, or Don Clark to the present.

19. All communications concerning Rita Cosby, including but not limited to all communications with Rita Cosby.

20. All documents concerning information provided by you to Rita Cosby, or anyone acting on her behalf, regarding Howard K. Stern, Anna Nicole Smith, Daniel Smith or Larry Birkhead prior to the release of *Blonde Ambition*.

21. All documents concerning information collected from or interviews had with Quethlie Alexis and Nadine Alexie (the "Former Nannies"), Lincoln Bain, Elizabeth Thompson, or any person holding themselves out as a representative of the Former Nannies.

22. All communications concerning the Former Nannies, Lincoln Bain, Elizabeth Thompson, or any person holding themselves out as a representative of the Former Nannies, including but not limited to all communications with those persons.

23. All communications concerning Virgie Arthur, including but not limited to all communications with Virgie Arthur.

24. All documents concerning your investigation of Melinda Burleson also known as "Sun68ray", including but not limited to any formal or informal compilation of information regarding Melinda Burleson and her family.

25. All communications concerning Melinda Burleson also known as "Sun68ray", including but not limited to all communications with Melinda Burleson.

26. All communications concerning James Edstrom, including but not limited to all communications with James Edstrom.

27. All telephone and cell phone records reflecting calls place to or received from Don Clark, John O'Quinn, The O'Quinn Law Firm, Virgie Arthur, Rita Cosby, James Edstrom, Melinda Burleson, and to any person in the Bahamas.

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