

VIRGIE ARTHUR ,  
PLAINTIFF,

v.

HOWARD K. STERN, BONNIE STERN,  
LYNDAL HARRINGTON, ART HARRIS,  
NELDA TURNER, TERESA STEPHENS,  
LARRY BIRKHEAD, HARVEY LEVIN, and  
TMZ PRODUCTIONS, INC.,  
DEFENDANTS.

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IN THE DISTRICT COURT OF  
HARRIS COUNTY, TEXAS

280th JUDICIAL DISTRICT

**ORDER STRIKING PLEADINGS OF DEFENDANT BONNIE STERN  
AND IMPOSING DEFAULT JUDGMENT**

On the 17<sup>th</sup> day of July, 2009, this Plaintiff's Motion for Sanctions against Defendant Bonnie Stern came on to be heard. The Court determined that it had jurisdiction over the subject matter and over Defendant Bonnie Stern in this proceeding.

After considering the motion, and finding no response, and considering the ~~response~~ the pleadings, the evidence presented, and argument of the parties, this Court is of the opinion that Defendant Bonnie Stern should be sanctioned, as authorized by Tex. R. Civ. P. 215.2(b)(5). It is therefore

ORDERED, ADJUDGED and DECREED that the pleadings filed by Defendant Bonnie Stern in this case are hereby STRUCK, and this Court hereby

RENDERS judgment against Defendant Bonnie Stern in favor of Plaintiff. It is

FURTHER ORDERED that the costs of Special Master Craig Ball's acquisition, examination, return, report, and correspondence related to Ms. Stern's media shall be taxed against Defendant Bonnie Stern.

The Court finds the following:

Defendant Bonnie Stern had notice of the setting for Plaintiff's Motion for Sanctions Against Defendant Bonnie Stern. Defendant Bonnie Stern did not respond to the motion and did not attend the hearing or have counsel present to represent her.

Plaintiff provided evidence that Defendant Bonnie Stern willfully abused the discovery process by failing to produce information in response to Plaintiff's requests for production. Plaintiff further provided "extensive and compelling proof," in the words of the Preliminary Report by the Special Master, that Defendant Bonnie Stern's "media had been deliberately altered to destroy information and frustrate the court's purpose in ordering an independent inspection." This Court further finds, as did the Special Master, that "the media submitted for examination by Bonnie Stern reveals a wide-ranging, concerted and insidious effort by or for Ms. Stern to destroy evidence in this cause and to frustrate the ends of the Court's examination order." The Court further finds that the data destruction was undertaken, in the words of the Special Master, "with deliberation and guile" and that "the spoliation was targeted to relevant and responsive evidence, and not to the protection of purely personal matters." The Preliminary Report of the Special Master is incorporated herein, in its entirety, by reference, and is adopted by this Court.

The discovery abuse engaged in by Defendant Bonnie Stern is of sufficient severity to warrant the striking of her pleadings and entry of Default Judgment against her. *It is ORDERED that Default Judgment is rendered against*  
~~This judgment is final as to Defendant Bonnie Stern, and disposes of all claims~~  
*as to liability only*  
against Defendant Bonnie Stern.

~~The court orders execution to issue for this judgment.~~

Signed the 17<sup>th</sup> day of July, 2009.

*Tony Lindsay*  
JUDGE TONY LINDSAY