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VIRGIE ARTHUR,  
Plaintiff

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IN THE DISTRICT COURT OF

v.

HARRIS COUNTY, TEXAS

HOWARD K. STERN, ET AL.

Defendants

190TH DISTRICT COURT

**FILED**  
Theresa Chang  
District Clerk

**AUG 11 2008**

Time: 11:26 AM  
Harris County, Texas  
By L.M.  
Deputy

**SPECIAL EXCEPTION AND ORIGINAL ANSWER**  
**OF DEFENDANT TERESA STEPHENS**

Defendant Teresa Stephens ("Stephens") named as a Defendant, files this her Special Exception and Original Answer.

**I.**  
**SPECIAL EXCEPTION**

1. Stephens specially excepts to the petition as whole, in that it fails to allege with specificity either the substance of any allegedly defamatory statement made by Stephens, or recitation *in haec verba* of the allegedly defamatory material. The petition also fails to allege the date or the medium of any such alleged communication. The petition only vaguely alleges that Stephens "conspired" with other defendants to "destroy" the Plaintiff's reputation. Stephens is entitled to a short, clear and concise statement of any allegedly defamatory statement which Plaintiff attributes to her. Without this information, Defendant is unable adequately to prepare a defense. Of this special exception Defendant prays judgment from the Court.

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L.M.

**II.**  
**ORIGINAL ANSWER**

2. Stephens generally denies each and every, all and singular, the allegations in Plaintiff's Original Petition, and demands strict proof of the same.

3. Stephens specially denies either publishing or participating in publishing most of the matters referenced in Plaintiff's Original Petition. Stephens specially pleads that her comments are true and substantially true.

4. Stephens' publications are protected under, and this action is barred by, Article I, Section 8 of the Texas Constitution, and by the First and Fourteenth Amendments to the United States Constitution.

5. Stephens' comments include protected statements of opinion, and thus are not actionable.

6. Stephens specially pleads that her comments are further protected by the statutory privilege in TEX. CIV. PRAC. & REM. CODE § 73.002.

7. Stephens specially denies that anything regarding the publication of her comments caused damage to Plaintiff.

8. At all times material to these proceedings, Plaintiff Arthur was, and remains, a public figure and a limited purpose public figure. Plaintiff accordingly cannot recover without clear and convincing proof that false and defamatory statements were made about her with actual malice. Stephens specially denies making any statement at any time with actual malice. To the contrary, Stephens published her comments in the good faith belief that her statements were substantially true, were legitimate inquiry, or were protected statements of opinion, published to contribute to a larger public debate, and for information on topics of widespread public concern.

9. An award of exemplary damages in this case would offend principles of state and federal constitutional law. Alternatively, and without waiver of the foregoing, Stephens specially pleads the limitations on exemplary damages set forth in TEX. CIV. PRAC. & REM. CODE

§ 41.008. Stephens moves for bifurcated trial pursuant to TEX. CIV. PRAC. & REM. CODE §41.009.

10. In the further alternative, to mitigate both actual and exemplary damages, Stephens specially pleads all facts and circumstances surrounding the claim, all facts and circumstances under which the publications were made, and evidence of her intent in making her publications.

11. Stephens specially denies the charge of conspiracy. Stephens did not act in concert with the other Defendants, or “conspire” with anyone to cause harm to Plaintiff, or to anyone else. Stephens simply expressed her observations and opinions in a public debate about public figures on matters and proceedings of widespread public interest.

**III.  
REQUEST FOR DISCLOSURE**

12. Under Texas Rule of Civil Procedure 194, Defendant, Stephens request that plaintiff disclose, within 30 days of the service of this request, the information or material described in Rule 194.2

**IV.  
MOTION FOR DISCOVERY PLAN**

13. Given the large number of Defendants, the fact that Defendants reside in multiple states, and the fact that the Plaintiff apparently alleges causes of action for multiple articles and communications, many of which have nothing to do with each other, Defendant specially moves for a discovery control plan tailored to the circumstances of this specific suit. TEX. R. CIV. P. 190.4(a).

WHEREFORE, PREMISES CONSIDERED, Defendant Teresa Stephens prays that Plaintiff take nothing by her suit, that Defendants go hence with their costs without day, and for all other and further relief as may be appropriate in the premises.

DATED and FILED this 6<sup>th</sup> day of August, 2008.

Respectfully submitted,

TERESA STPEHENS

By: 

Teresa Stephens  
Pro Se

Address and phone number supplied to  
lawyers and the Court in this Cause

**CERTIFICATE OF SERVICE**

I hereby certify that on August 6<sup>th</sup>, 2008, a true and correct copy of the foregoing instrument was served via facsimile and by U.S. First Class Mail upon the following counsel of record:

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Teresa Stephens