

Copy of Transcript

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

VIRGIE ARTHUR,

Plaintiff,

**Civil Action No.
4:07-CV-03742**

vs.

**HOWARD K. STERN, CBS
STUDIOS, INC. and KPRC
HOUSTON,**

Defendants.

VIDEOTAPED DEPOSITION OF

HOWARD K. STERN

**January 4, 2008
10:41 a.m.**

**1400 One Atlantic Center
1201 West Peachtree Street, N.W.
Atlanta, Georgia**

Valerie N. Almand, RPR, CRR, CCR-B-531

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13 Q. At the time of the interviews did
14 you know in what state the plaintiff lives?

15 A. I'm not sure, what plaintiff are you
16 talking about?

17 Q. The plaintiff in this case is Virgie
18 Arthur.

19 A. Did I know? I didn't have personal
20 knowledge. Again, I knew that she had lived
21 there during Anna's childhood from Anna, and,
22 you know, I knew she probably had lived in
23 Texas, but I didn't know for sure.

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11 Q. Well, to be fair, I didn't read the
12 rest of the sentence. It does refer to in
13 chat rooms, threats made in chat rooms.

14 You've not authorized anybody to go
15 into chat rooms to threaten Ms. Vicedomine;
16 have you?

17 A. No, I've never authorized anybody to
18 go into a chat room and say anything on my
19 behalf.

20 Q. You don't employ any bloggers in
21 connection with your litigation?

22 A. Absolutely not, in connection with
23 any litigation, absolutely not. Now, I have
24 seen an article or a fake article that
25 somebody presented to me accusing me of that,

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1 but I have never retained a paid blogger.

2 I didn't even know that it was
3 possible -- this, I hate to say it, but
4 what's occurred since Anna passed away over
5 the Internet, I didn't even know it was
6 possible, I didn't even know there was such a
7 thing as a paid blogger.

8 Q. Until when?

9 A. Until I saw a fake article that
10 purported to be from the Houston Chronicle
11 that actually wasn't, accusing me of having
12 employed paid bloggers.

13 Q. Do you have any volunteer bloggers
14 that work for you in this case?

15 A. Nobody blogs on my behalf in any
16 capacity.

17 Q. Not even family blogging in an
18 attempt to help you? You don't have any
19 family helping you in that respect?

20 A. I don't know if my family's ever
21 blogged. I know that I never have, and I
22 know that I've never authorized any
23 statements by my family on blogs.

24 Q. Has Bonnie Stern ever blogged on
25 your behalf?

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1 MR. WOOD: Help me, again, I've been

2 very patient here. What does that have
3 to do with jurisdiction in Texas?

4 MR. McCABE: Insofar as there are
5 communications being directed into Texas
6 regarding this litigation.

7 MR. WOOD: No, that's not -- that is
8 not at all the standard on personal
9 jurisdiction. You know that.

10 MR. McCABE: I'm going to ask
11 anyway, you can object.

12 MR. WOOD: We'll have another day to
13 talk about paid bloggers. We've pretty
14 much run the gamut with that today.

15 I think his testimony has been
16 clear. I'm going to let him answer the
17 question about his sister, Bonnie Stern,
18 but I don't think it has any relevance
19 to any issues in this case in terms of
20 jurisdiction or otherwise.

21 MR. McCABE: It may just be that
22 there's defamation continuing, Mr. Wood.

23 MR. WOOD: Well, if you've got what
24 you believe is continuing defamation,
25 file your lawsuit. The one you filed so

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1 far doesn't have it, not from my client.

2 MR. McCABE: I understand --

3 MR. WOOD: So don't threat that
4 there's some continued defamation out
5 there. If you've got it, bring it on.
6 We're here, you know how to find us.

7 MR. McCABE: How you can regard that
8 as a threat?

9 MR. WOOD: Well, when you sit here
10 and tell me that you believe there's
11 continuing defamation by Mr. Stern that
12 would somehow bring him within the
13 jurisdiction of the Texas courts, I take
14 that as a statement of a threat to sue
15 him for it. Maybe I'm taking it wrong.

16 MR. McCABE: Well, we may need to
17 amend the petition to include such
18 things.

19 MR. WOOD: You have the right to
20 amend it.

21 MR. McCABE: All right.
22 MR. WOOD: Why don't you amend it
23 and then we'll have a chance if you have
24 jurisdiction to have you question him
25 about it at that point in time. Today's

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1 not the day.
2 MR. McCABE: Well, you make your
3 objections, I'm going to ask my
4 questions.
5 MR. WOOD: I think I've given you
6 great leeway to do just that.
7 MR. McCABE: It's really not for you
8 to give, Mr. Wood.
9 MR. WOOD: Well, I think I have
10 today. But that's all right. If the
11 court has to review this transcript I'm
12 comfortable that I have gone beyond the
13 call of duty in terms of trying to give
14 you the opportunity to ask legitimate
15 questions about jurisdictional issues,
16 and I think about 50 percent of these
17 questions have not been so.
18 MR. McCABE: Again, it's not
19 something that's in your gift. Let me
20 just ask my questions.
21 MR. WOOD: Well, my gift's not
22 relevant here. I've said -- I've made
23 my record, let's move on and ask a
24 question that would be relevant to
25 jurisdiction, please.

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1 And I'm going to let him answer the
2 question subject to the objection of
3 whether Bonnie Stern, has Bonnie Stern
4 ever blogged on your behalf. That's the
5 question, and I'm going to let him
6 answer it subject to my objection.
7 A. I have never authorized Bonnie, my
8 sister Bonnie to blog on my behalf, so the
9 answer is no, she's never blogged on my
10 behalf.
11 Q. How about someone who uses the name
12 "My Spirit Rocks"? Have you ever had a

13 person who uses that name blog on your
14 behalf?

15 A. I don't even know what that name is.
16 I've never even seen that name.

17 Q. So no is your answer.

18 A. Correct.

19 Q. How about a person who uses the name
20 "Sweet Havana"? Have you ever had someone by
21 that name blogging on your behalf?

22 A. No.

23 Q. How about a person by the name of
24 "Marilyn Cummings"? Have you ever had a
25 person by that name doing any kind of

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1 blogging on your behalf?

2 A. No. And, like I said, I've never
3 authorized anybody to blog on my behalf.

4 Q. Have you authorized any of the
5 persons I've just named to do research on
6 your behalf on the Internet?

7 MR. WOOD: You haven't named
8 persons.

9 Q. Bonnie Stern, for example, have you
10 authorized her to do research on your behalf?

11 MR. WOOD: Tie it to Texas, now.

12 It's getting late in the afternoon.

13 We've been here a long time. This has
14 nothing to do with jurisdiction,
15 nothing.

16 Q. Will you answer the question?

17 MR. WOOD: No, because I think your
18 question is getting to the point of
19 being abusive.

20 Move to jurisdictional questions if
21 you have any left. If you do not have
22 any more jurisdictional questions this
23 deposition will be done subject to the
24 right of counsel for the co-defendants
25 to ask questions.

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1 MR. McCABE: Well, it is our belief
2 that there are communications being
3 directed into Texas by persons using
4 these names that would be relevant to

5 this litigation.

6 MR. WOOD: It would have absolutely,
7 positively nothing to do with
8 jurisdiction over Mr. Stern as it
9 relates to the claims that you have
10 asserted in this complaint that arise in
11 connection with two interviews that you
12 have described in your complaint in
13 November of 2006 and February of 2007.

14 MR. McCABE: I understand your
15 position, but it doesn't dissuade me
16 from asking my questions.

17 MR. WOOD: I obviously have not been
18 able to dissuade you, and I've given you
19 great leeway in asking your questions,
20 Neil, but now talking bloggers and
21 whether his sister has done research for
22 him.

23 Here, do it, ask him whether his
24 sister to his knowledge has ever done
25 any research for him in the state of

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1 Texas. I'll let him answer that because
2 at least that makes some effort to tie
3 it to jurisdiction.

4 Q. (By Mr. McCabe) Has your sister to
5 your knowledge ever used the Internet to
6 attack the reputation of Virgie Arthur?

7 A. I don't know. I have no idea. I
8 don't read -- I don't spend all this time
9 going on the Internet and looking at blogs.
10 Every once in awhile something will get sent
11 to me, but I have far better things to do.

12 Q. Is it your testimony that you don't
13 blog either?

14 A. I definitely don't blog. I've never
15 blogged on anything in my life.

16 Q. To your knowledge has anyone else in
17 your family used the Internet to attack the
18 reputation of Virgie Arthur?

19 A. Not to my knowledge.

20 Q. To your knowledge has anyone in your
21 family used the Internet to attack the
22 reputation of anyone involved in this case?

23 A. Not to my knowledge. And who is

24 involved in this case? I mean, I don't know
25 what my family does over the Internet, but

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1 not to my knowledge.

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1 STATE OF GEORGIA:

2 COUNTY OF FULTON:

3 I hereby certify that the foregoing
4 transcript was reported, as stated in the
5 caption, and the questions and answers
6 thereto were reduced to typewriting under my
7 direction; that the foregoing pages represent
8 a true, complete, and correct transcript of
9 the evidence given upon said hearing, and I
10 further certify that I am not of kin or
11 counsel to the parties in the case; am not
12 in the employ of counsel for any of said
13 parties; nor am I in any way interested in
14 the result of said case.

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Videotaped Deposition of Howard K. Stern

January 4, 2008

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1 testimony on jurisdictional issues.

2 MR. McCABE: I understand your
3 position.

4 MR. WOOD: And we'll do whatever the
5 court tells us if there's a motion
6 filed.

7 THE VIDEOGRAPHER: Off the record at
8 3:53 p.m.

9 (Whereupon, the deposition was
10 concluded at 3:53 p.m.)
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1 Disclosure Pursuant to Article
2 8(B) of the Rules and Regulations of the
3 Board of Court Reporting of the Judicial
4 Council of Georgia, I make the following
5 disclosure:

6 I am a Georgia Certified Court
7 Reporter, here as a representative of
8 Brown & Gallo, L.L.C., to report the
9 foregoing matter. Brown & Gallo, L.L.C.,
10 is not taking this deposition under any
11 contract that is prohibited by O.C.G.A.
12 5-14-37 (a) and (b).

13 Brown & Gallo, L.L.C., will be
14 charging its usual and customary rates
15 for this transcript.

16
17
18 *5) Valerie N. Almand*

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