

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

VIRGIE ARTHUR  
PLAINTIFF

V.

Civil Action No. 4:07-CV-03742

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

§  
§  
§  
§  
§  
§  
§  
§

**NOTICE OF JURISDICTIONAL DISCOVERY DEPOSITION OF  
DEFENDANT HOWARD K. STERN**

To: Howard K. Stern  
c/o L. Lin Wood  
Powell Goldstein, LLP  
One Atlantic Center, 14<sup>th</sup> Floor  
Atlanta, GA 30309

Please take notice that, pursuant to Federal Rules of Civil Procedure 26 and 30 and agreement of counsel, Plaintiff Virgie Arthur shall take the oral and video deposition of Defendant Howard K. Stern for the purpose of obtaining evidence regarding jurisdictional issues on January 4, 2008 beginning at 10:00 a.m. and continuing until completion. The scope of the deposition shall be Defendant Stern's contacts and activities with and in the State of Texas, and the circumstances surrounding the interview that is the basis of this case.

The deposition shall take place in the offices of Powell, Goldstein, LLP, One Atlantic Center, 14<sup>th</sup> Floor, 1201 West Peachtree Street NW, Atlanta, Georgia, 30309 and shall be taken both stenographically and by video.

Under Federal Rules of Civil Procedure 30(b)(5) and 34, Defendant Howard K. Stern is requested to produce the following discoverable information at the deposition.

For purposes of these requests, the word "document" includes information maintained in electronic form as well as paper documents.

1. Any and all employment contracts or agreements between Defendant Howard K. Stern and Vickie Lynn Marshall, also known as Anna Nicole Smith, that authorized you act on her behalf in matters related to the estate of her late husband, Howard Marshall.

2. Any and all documents executed by you or drafted by Howard K. Stern on behalf of Vickie Lynn Marshall, also known as Anna Nicole Smith, to obtain legal counsel in matters related to the estate of her late husband.

3. Any and all documents drafted by Howard K. Stern or filed by Howard K. Stern in the Harris County probate courts.

4. Any and all interviews by Howard K. Stern or set up by Howard K. Stern with any media outlet conducted in Texas or regarding the Texas legal proceedings related to the estate of Howard Marshall.

5. Any orders granting *pro hoc vice* status, or otherwise authorizing Defendant Howard K. Stern to practice law in any Texas court.

6. Any and all documents related to the sale or purchase of Texas real estate by Defendant Howard K. Stern on his own behalf or on the behalf of Vickie Lynn Marshall, also known as Anna Nicole Smith.

7. Any and all documents related to any litigation in which Defendant Howard K. Stern participated in the state of Texas, on his own behalf or on the behalf of Vickie Lynn Marshall, also known as Anna Nicole Smith.

8. Any and all evidence of business expenses in the State of Texas, including but not limited to rental or lease of space used as an office, telephone bills for business conducted in Texas, or payment of employees in Texas.

9. Bank statements for any bank accounts on which Defendant Howard K. Stern has or had authority to sign, whether such accounts were held in his own name or in the name or in the name of Vickie Lynn Marshall, also known as Anna Nicole Smith.

10. Any and all documents related to business conducted while you were in Texas for any entity connected to Vickie Lynn Marshall, also known as Anna Nicole Smith, such as, but not limited to Hot Smoochie Lips.

11. Any and all documentary evidence of wire or other money transfers into or out of Texas, including to and from offshore accounts, whether through banks or by other means.

12. Any and all notes taken by you in connection with the Marshall v. Marshall proceedings, the recent FBI interview, or at any other time in Texas or while in communication with a person or entity in Texas.

13. Transcripts of the Marshall v. Marshall proceedings.

Respectfully submitted,

THE O'QUINN LAW FIRM

/s/Neil McCabe

Neil C. McCabe  
State Bar No. 13335300  
440 Louisiana Street, Suite 2300  
Houston, Texas 77002  
Telephone: 713-223-1000  
Facsimile: 713-222-6903  
ATTORNEY FOR PLAINTIFF

**CERTIFICATE OF SERVICE**

**This is to certify that on the 11<sup>th</sup> day of December, 2007, a true and correct copy of the foregoing Notice of Deposition was served upon the following counsel through the CM/ECF system:**

**Charles L. Babcock  
Jackson Walker, LLP  
1401 McKinney Street, Suite 1900  
Houston, Texas 77010**

**L. Lin Wood  
Powell Goldstein, LLP  
One Atlantic Center, 14<sup>th</sup> Floor  
Atlanta, GA 30309**

**/s/Neil McCabe  
Neil McCabe**