UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

| | | |
|---|---|---|
| VIRGIE ARTHUR, | § | |
| | § | |
| Plaintiff, | § | |
| | § | CIVIL ACTION NO.: |
| vs. | § | 4:07-cv-03742 |
| | § | |
| HOWARD K. STERN, | § | |
| CBS STUDIOS, INC., | § | |
| and KPRC HOUSTON, | § | |
| | § | |
| Defendants. | § | |

**OBJECTION TO PLAINTIFF VIRGIE ARTHUR'S SUBPOENA DUCES TECUM TO NELDA (ROSE) MILLIGAN TURNER ON THE GROUND THAT DISCOVERY HAS NOT YET COMMENCED**

COMES NOW Howard K. Stern ("Stern"), Defendant in the above-styled action, and hereby objects to the production, inspection, and/or copying of documents designated in the subpoena duces tecum served by Plaintiff Virgie Arthur ("Arthur") upon Nelda (Rose) Milligan Turner on January 29, 2008, in the above-referenced matter (the "Subpoena") on the ground that, pursuant to Federal Rule of Civil Procedure 26(d), discovery has not yet started in this matter. The parties have not yet conferred as required by Rule 26(f) and, therefore, Arthur may not seek discovery from any source.

**No Admission of Jurisdiction**

Stern objects to the Subpoena to the extent that serving this objection to the Subpoena on the ground that discovery has not yet commenced may be improperly used by Arthur to erroneously imply that the United States District Court for the Southern District of Texas has personal jurisdiction over Stern in the above-captioned action. Stern's serving of this objection to the Subpoena on the ground that discovery has not yet commenced should in no way be

considered an admission that the United States District Court for the Southern District of Texas has personal jurisdiction over him in the above-captioned action or that Stern consents to jurisdiction in the United States District Court for the Southern District of Texas. Stern specifically incorporates herein his Rule 12(b)(2) Motion to Dismiss for Lack of Personal Jurisdiction, supporting memorandum of law, and supporting affidavit, all filed on November 19, 2007, by this express reference thereto. Stern further specifically incorporates herein his reply memorandum of law in support of his Rule 12(b)(2) Motion to Dismiss for Lack of Personal Jurisdiction, supporting affidavit, and supporting Declaration of L. Lin Wood, all filed on January 18, 2008, by this express reference thereto.

**Reservation of Other Objections If the Subpoena Is Properly Served in the Normal Course of Discovery**

Stern specifically reserves all other objections to the Subpoena not contained herein until such time that the Subpoena is properly served in the normal course of discovery.

Dated: February 4, 2008.

Respectfully submitted,

POWELL GOLDSTEIN LLP

By: */s/ L. Lin Wood*

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Attorneys for Howard K. Stern

**CERTIFICATE OF SERVICE**

This is to certify that on this 4th day of February, 2008, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will automatically send email notification of such filing to the following attorneys of record in this case:

Neil M. McCabe
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440 Louisiana, Suite 2300
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*CBS Studios, Inc. and*
*KPRC Houston*

A true and correct copy of the foregoing document was also served via overnight delivery upon:

Nelda (Rose) Milligan Turner

*/s/ L. Lin Wood*
L. Lin Wood

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