

1 CAUSE NO. 2008-24181

2 VIRGIE ARTHUR,) IN THE DISTRICT COURT OF
3 Plaintiff,)
4 VS.) HARRIS COUNTY, TEXAS
5 HOWARD K. STERN, BONNIE)
6 STERN, LYNDAL HARRINGTON,)
7 ART HARRIS, NELDA TURNER,)
8 TERESA STEPHENS, LARRY)
9 BIRKHEAD, HARVEY LEVIN,)
TMZ PRODUCTIONS, INC., AND)
CBS STUDIOS, INC.,)
Defendants.) 80TH JUDICIAL DISTRICT

10 -----
11 ORAL AND VIDEOTAPED DEPOSITION OF

12 NELDA TURNER

13 APRIL 2, 2010

14 VOLUME 1
15 -----

16
17 ORAL AND VIDEOTAPED DEPOSITION OF NELDA TURNER,
18 produced as a witness at the instance of the PLAINTIFF,
19 and duly sworn, was taken in the above-styled and
20 -numbered cause on April 2, 2010, from 9:10 a.m. to 3:13
21 p.m., via telephone, before Crystal Greer, CSR in and
22 for the State of Texas, reported by machine shorthand,
23 at Comfort Suites & Inn, 1210 US 259 Business, Kilgore,
24 Texas, 75662, pursuant to the Texas Rules of Civil
25 Procedure.

A P P E A R A N C E S

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9 ALSO PRESENT:

10 Ms. Kathy Bentley, Videographer
11 Ms. Kathleen M. Adair, Paralegal for Ms. Hamilton
12 Mr. Ken Turner
13
14
15
16
17
18
19

20 REPORTER'S NOTE

21 Uh-huh = Yes - Affirmative response

22 Huh-uh = No - Negative response

23 Quotation marks are used for clarity and do not
24 necessarily indicate a direct quote.
25

INDEX

	PAGE
Appearances.....	02
NELDA TURNER	
Examination by Mr. McCabe.....	12
Examination by Ms. Susman.....	136
Examination by Ms. Hamilton.....	152
Signature and Changes.....	224
Reporter's Certificate.....	226

EXHIBITS

NO.	DESCRIPTION	PAGE
1	E-mails of disclosures by Mrs. Turner.....	147
2	E-mail from Bonnie Stern to Ms. Turner.....	147
3	Settlement agreement between Virgie Arthur and Mrs. Turner.....	179
4	Notice of Deposition of Mrs. Turner and Mrs. Turner's Motion to Quash Subpoena for Deposition, Subpoena Duces Tecum, and Motion For Protective Order.....	192
5	Sworn Statement of Mrs. Turner dated February 9, 2009.....	197

1 P R O C E E D I N G S

2 THE VIDEOGRAPHER: Here begins videotape --
3 here begins videotape number one, volume one in the
4 deposition of Nelda Turner in the matter of Virgie
5 Arthur versus Howard K. Stern, et al, in the United
6 States District Court for the Southern District of
7 Texas, Houston Division.

8 MR. MEYER: Wrong style.

9 THE VIDEOGRAPHER: We'll begin again. Case
10 No. 2008-24181 --

11 MR. WOOD: This is working well.

12 THE VIDEOGRAPHER: -- in the case Virgie
13 Arthur versus Howard Stern, et al.

14 MR. WOOD: Hello?

15 MR. MCCABE: The videographer is just
16 announcing the case.

17 MR. WOOD: Oh, okay. I wonder why we can't
18 hear that at all.

19 MR. MCCABE: Well, she's pretty far away.

20 THE VIDEOGRAPHER: Today's deposition is
21 being taken by the plaintiff in -- in Kilgore, Texas.

22 Will counsel please state their appearances
23 for the video record and then the witness may be sworn
24 in. The time now is 9:11.

25 MR. MCCABE: All right. The videographer

1 has asked for appearances to be stated. I'll go first.

2 This is Neil McCabe for the plaintiff.

3 With me is co-counsel Mike Meyer for the plaintiff.

4 MR. WOOD: And for the defendant Howard K.

5 Stern, appearing telephonically, this is Lin Wood. I

6 expect to be joined shortly by Luke Lantta.

7 MR. MCCABE: That's L-A-N-T-T-A for the

8 stenographer.

9 MR. WOOD: L-A-N-T-T-A.

10 MR. MEYER: And Lin is spelled L-I-N.

11 MR. MCCABE: Okay. Other defendants,

12 please.

13 MR. SUSMAN: Also appearing telephonically
14 is Harry Susman for the defendants TMZ and Harvey Levin.

15 MR. MEYER: That's S-U-S-S-M-A-N [sic].

16 MS. HAMILTON: Nancy Hamilton on behalf of
17 the defendant Art Harris. And with me is Kathy Adair.

18 MS. MARSHALL: This is Diana Marshall
19 appearing through special appearance for Larry Birkhead.

20 MR. MCCABE: Mr. Wood, do you want to state
21 your special appearance?

22 MR. WOOD: Yes. Did we get all the -- did
23 we get all of the appearances because I didn't hear
24 Diana?

25 MR. MCCABE: Diana did announce.

1 MR. WOOD: Great.

2 Before we start, let me just make the
3 record that I'm appearing on behalf of Mr. Stern subject
4 to and without waiving the special appearance that is
5 pending in the trial court at this time. Our position
6 today is one of participating in the deposition only on
7 issues that would relate to jurisdiction. And we will
8 obviously, as indicated to the court yesterday, adjourn
9 the deposition at its completion today and have the
10 right to come back at a second day in the future to
11 complete the deposition with respect to having Mr. Stern
12 examine the witness on merits.

13 MR. MCCABE: Please remember, counsel who
14 are telephonically appearing, to give your name before
15 you make objections or whatever statements you wanted to
16 make for the benefit of the court reporter.

17 To follow up on Mr. Wood's statement, I
18 stipulated for Virgie Arthur in our hearing yesterday
19 that if questioning by someone who -- by a defendant
20 making a special appearance happens to move into the
21 area of merits or because of the flow or for other
22 reasons, that we will not claim that thereby there is
23 any waiver of the special appearance because of such
24 questioning today.

25 MS. MARSHALL: This is Diana Marshall. I

1 would simply add that we on behalf of Larry Birkhead
2 also appearing --

3 MR. WOOD: I can't hear Diana.

4 MR. MCCABE: She's got a mike now. Maybe
5 that'll work.

6 MS. MARSHALL: No, it won't.

7 MR. MCCABE: No? I'm sorry, Diana.

8 MS. MARSHALL: I just want to add that
9 Larry Birkhead, as I said, is appearing subject to his
10 special appearance only. I do not anticipate that I
11 will be able to do the deposition of Mrs. Turner, if a
12 need may be needed, as to the merits --

13 MR. SUSMAN: This is Harry Susman. I'm --
14 I hope I'm not interrupting something. But I can't hear
15 a single thing that's going on.

16 MS. MARSHALL: Okay. Well, I'm sorry. We
17 just can't gather all around this little speakerphone.
18 I don't know whether this is going to work.

19 MR. SUSMAN: Yeah. And that's my concern,
20 Diana.

21 MR. WOOD: I can't hear anything either.

22 MR. MCCABE: Well, you just heard her now.

23 MR. WOOD: Yeah. Just then I did.

24 MR. SUSMAN: Yeah. But I mean, Neil, how
25 are we supposed to -- I haven't heard the witness speak

1 yet at all, which of course is --

2 MR. MEYER: That's because she hasn't
3 spoken.

4 MR. SUSMAN: I understand. But -- well,
5 I'm afraid once she does, I -- we -- I'm hopeful we can
6 hear her and that we can hear objections. But I guess
7 we'll try and see what happens.

8 MS. MARSHALL: We'll try and -- and -- and
9 see what happens. I -- I'll -- I'll just conclude by
10 saying I appreciate the -- the stipulation that this
11 deposition will not be used for any purposes in terms of
12 a -- a claim that the special appearance has been
13 waived. And with apologies to Mrs. Turner, I will have
14 to reserve the right to return if necessary. And that's
15 it.

16 MR. MCCABE: Okay. Can we swear in the
17 witness, please?

18 (Court reporter begins to swear witness
19 in.)

20 MR. WOOD: I'm not hearing anything again.
21 This is Mr. Wood.

22 MR. MCCABE: Can we -- let's move this
23 phone.

24 MR. WOOD: Harry, are you there?

25 MR. SUSMAN: Yeah. I don't hear her

1 either.

2 MR. MCCABE: I think I'll move the phone to
3 a better position, if I can. Let's see if I can
4 accomplish this tremendous task without disconnecting
5 everybody.

6 (Attorney tries to move phone and
7 disconnects Mr. Wood and Mr. Susman.)

8 (Discussions off the record.)

9 (Mr. Wood and Mr. Susman reconnected.)

10 MR. MCCABE: Okay. We're now gonna see if
11 we can hear the witness. We're gonna -- we're gonna do
12 the swearing in of the witness. I -- I apologize. I
13 knocked the phone and caused it to hang up.

14 THE WITNESS: Would it be better if I speak
15 that way and y'all can still hear me this way? Okay.

16 MR. MCCABE: You need to speak as loudly as
17 you can at this speaker, please.

18 THE WITNESS: Okay.

19 MR. MCCABE: I'm talking to Mrs. Turner.

20 (Witness sworn.)

21 MR. MCCABE: Did you hear her?

22 MR. WOOD: No.

23 MR. SUSMAN: No.

24 MR. MCCABE: Well, hold on.

25 THE WITNESS: I can move this chair a

1 little bit, too.

2 Mr. Wood, can you hear me now? This is
3 Mrs. Turner.

4 MR. WOOD: I did hear you then,
5 Mrs. Turner. How are you? This is Mr. Wood.

6 THE WITNESS: Good morning.
7 And you Mr. Susman?

8 MR. SUSMAN: Yeah. I can hear you;
9 although it's very --

10 THE WITNESS: I will try to talk up.

11 MR. SUSMAN: Okay.

12 MR. MCCABE: And if you can't -- if you --
13 you get the idea she's talking and that you can't hear
14 her, let's ask her to repeat, please.

15 THE WITNESS: Not a problem.

16 MR. WOOD: The problem is y'all are --

17 MR. SUSMAN: Yeah. I heard every third
18 word of that.

19 (Discussion off the record regarding phone
20 situation.)

21 THE WITNESS: I will speak up as much as I
22 can. Can you hear me now?

23 MR. SUSMAN: Yes, ma'am.

24 It's Harry Susman. Sorry.

25 MR. WOOD: Yeah. This is Lin Wood. I

1 could hear that.

2 THE WITNESS: Thank you.

3 MR. MCCABE: All right. Let's see if we
4 can get this done and make the most of this opportunity.
5 I understand the difficulty. And we'll try to work
6 around it, mainly by speaking loudly.

7 Has the witness been sworn?

8 THE COURT REPORTER: Yes.

9 THE WITNESS: Yes.

10 Again, I -- for the record, I would like to
11 say that I have to take medication every hour. I would
12 prefer to go off camera during that time so it's not
13 videotaped.

14 MR. MCCABE: We'll -- Mrs. Turner, we'll
15 take a break when you need to take a break. You just
16 let me know.

17 NELDA TURNER,
18 having been first duly sworn, testified as follows:

19 EXAMINATION

20 BY MR. MCCABE:

21 Q. Mrs. Turner, you're not represented by counsel,
22 right?

23 A. No, sir, I am not.

24 Q. And -- but you are a party as it stands now?

25 A. I'm a defendant --

1 MS. HAMILTON: Objection.

2 A. -- pro se.

3 Q. (By Mr. McCabe) I'm asking you this because as
4 a defendant pro se, you have a right to make objections
5 to any questions if you wish. Are you familiar with the
6 rules about making objections at depositions under the
7 Texas rules?

8 A. I read them a couple of days ago. I think I
9 understand.

10 Q. Do you know that there are basically three
11 valid objections in a deposition?

12 A. Form of question, leading the witness. And the
13 third one is -- is privilege?

14 Q. Yes.

15 A. Okay.

16 MR. MCCABE: Could you hear her then?

17 MR. WOOD: I -- I don't want to interrupt.
18 This is Lin Wood. I'm not getting half of what y'all
19 are saying.

20 Are you -- Harry, can you hear it?

21 MR. SUSMAN: This is Mr. Susman. No. The
22 same problem.

23 THE WITNESS: He asked me if I knew the
24 rules of objecting since I'm a defendant pro se. I
25 repeated that it was to form of the question, leading

1 the witness, or straying into a privilege area. Did you
2 hear that?

3 MR. WOOD: I -- I did hear that; although
4 it breaks up every once in awhile. That was Mr. Wood.

5 MR. SUSMAN: I'm gonna -- this is
6 Mr. Susman. Unless you hear otherwise from me, assuming
7 that what Mr. Wood is hearing is the same thing I'm
8 hearing. So (unintelligible) proxy for the telephone
9 people --

10 MR. WOOD: Okay.

11 MR. SUSMAN: -- so we don't have to repeat
12 everything.

13 THE WITNESS: Is this their speaker right
14 here?

15 MR. MEYER: Uh-huh. Uh-huh.

16 THE WITNESS: Okay. Mr. Wood, I'm going to
17 lean in as -- as far into the speaker for the phone as I
18 can.

19 MR. WOOD: All right. Thank you,
20 Mrs. Turner.

21 Q. (By Mr. McCabe) Mrs. Turner, have we ever met
22 before, you and I?

23 A. No, sir, we have not.

24 Q. We -- have we communicated before though?

25 A. Yes, sir, we have.

1 Q. In what ways?

2 A. In regards to the case. I want to say December
3 31st through February of 2009. And then this week when
4 I sent the e-mail asking if we could have a conference
5 call to try to work out any differences with the
6 witnesses. Yesterday briefly to say we -- that I would
7 remove any objection to the videotaping before we
8 connected in with the court for the conference call.

9 Q. Well, let me rephrase the question. What were
10 the methods of communication? Telephone, e-mail, what?

11 A. Always telephone with a few e-mails that, to
12 the best of my knowledge, after February of 2009 was
13 sent to every party in this. There may be a few, but
14 not many.

15 Q. Okay. Do you recall giving a sworn statement
16 in -- on February 9th, 2009?

17 A. Yes, I do, sir.

18 Q. What lawyers were there?

19 A. Mr. Lin Wood, Ms. Amanda Bush, and Mr. Chip
20 Charles Babcock and Mr. Luke Lantta.

21 Q. And who actually questioned you during that
22 statement?

23 A. I believe Mr. Babcock was primarily the person
24 asking question. It could be that -- for the first
25 half. And then Mr. Wood asked me some questions during

1 the second half.

2 Q. Did you speak with any of the defense lawyers
3 about giving the sworn statement before you gave the
4 sworn statement on February 9th, 2009?

5 A. Yes, I did, sir.

6 Q. The discussions with those lawyers about the
7 sworn statement, were they about the -- the scope of
8 what your statement would be?

9 A. They were --

10 MR. WOOD: Wait, wait, wait, wait one
11 second, Mrs. -- Mrs. Turner.

12 This is Mr. Wood. Neil, I did not hear
13 that question at all.

14 MR. MCCABE: Thank you.

15 MR. WOOD: It popped in and out.

16 Q. (By Mr. McCabe) The question is when you spoke
17 to lawyers before your sworn statement of February 9th,
18 2009, was the discussion, at least in part, about the
19 scope of the sworn statement?

20 MS. MARSHALL: Objection to form, and
21 leading.

22 Q. (By Mr. McCabe) You may answer.

23 A. Yes, with Mr. Babcock.

24 Q. What did Mr. Babcock say to you about the sworn
25 statement before it was taken?

1 A. He asked me if I would give a sworn statement.
2 I stated that I prefer that it would be a subpoena where
3 all parties were -- were present. They served the
4 subpoena on me. He asked me if I had gone to the dark
5 side. I told him no, I had -- I had no dog in this
6 fight, just honesty. And -- and then they had me begin
7 the facts on a lot of documents to Ms. Bush in her
8 Austin, Texas office.

9 Q. Did you talk to Ms. Bush before the sworn
10 statement was taken?

11 A. Yes, I did; several times during that week.

12 Q. And what was the substance of those
13 conversations?

14 A. It was about your integrity and that you
15 possibly had done something unethical that could result
16 in you being disbarred.

17 Q. Was there voiced any intention by Ms. Bush to
18 try to see that I was disbarred?

19 A. I -- after I had sent her everything Sunday
20 before the sworn statement, I asked her that I did not
21 think there was enough there that they even needed to
22 come up. She assured me there was plenty there to show
23 that you had not been ethical, honorable, and that you
24 did -- you were in danger of losing your license.

25 Q. So did you take it to be a -- a purpose of the

1 sworn statement to gather evidence from you for a
2 grievance to the state bar?

3 A. I have no idea, sir, what they were gonna use
4 it for. Just that that was the bulk of the conversation
5 I had with Mr. Babcock and Ms. Bush during that week.

6 Q. Well, did Ms. Bush seem eager to get me in
7 trouble with the state bar?

8 MS. HAMILTON: Objection to form.

9 MR. WOOD: This is Mr. Wood. I object to
10 the form of the question as leading.

11 A. Yes.

12 Q. (By Mr. McCabe) Thank you.

13 Do you know whether any grievances have
14 been filed against me in connection with your sworn
15 statement?

16 A. I did not know that until recently. Well,
17 about June.

18 Q. Of last year?

19 A. June of 2009. Correct.

20 Q. After you gave -- no. Excuse me. When you
21 appeared for the sworn statement, were you told anything
22 about whether I was expected to appear that day?

23 A. Yes. Ms. Bush told me on Sunday that they
24 expected that because you knew the location and the time
25 that either you or Mr. Meyers would probably appear and

1 at which time it would change from a sworn statement to
2 a deposition and that if you did not appear, it would be
3 a sworn statement.

4 Q. Did you believe the representation that I or
5 Mr. Meyer could be expected to appear?

6 A. I had no reason to doubt her, sir.

7 Q. Well, you did know that we had quashed the
8 deposition?

9 MS. HAMILTON: Objection to form.

10 A. Yes, sir, I did.

11 (Sotto voce discussion off the record.)

12 Q. (By Mr. McCabe) Did you know whether or not I
13 had filed a motion to quash the notice of deposition?

14 A. Yes, sir, I did.

15 MR. WOOD: I -- this -- this is Mr. Wood.
16 I did not hear that question at all.

17 MR. MCCABE: Thank you. I apologize.

18 Q. (By Mr. McCabe) Did you know whether or not I
19 had filed a motion to quash the notice of deposition?

20 A. Yes, I did, sir.

21 Q. And had I or had I not filed a motion to quash?

22 A. Yes, you did, sir.

23 Q. After you gave the sworn statement, did you
24 have communications with any of the defense lawyers
25 about that sworn statement?

1 A. No, sir. Only that they needed me to review it
2 within 24 hours and get it back to them. Just that one
3 rush. But no. None of them ever called me and asked me
4 anything about it.

5 Q. Well, was there a time when you indicated that
6 you were not going to stick by some of the statements in
7 that sworn statement?

8 A. Yes, sir. I was unaware that there was going
9 -- that it was gonna go into anything except e-mails
10 between me and you, telephone calls between me and your
11 office. I was not prepared for the topics postings or
12 to answer honestly the questions that had to do with the
13 settlement agreement in Florida. I later apologized,
14 and I later asked if I could retract those statements.

15 Q. Did Luke Lantta talk to you about changing your
16 statement?

17 A. Yes, sir, he did; in -- in June of 2009.

18 Q. And what did he say to you?

19 A. I -- I initiated the phone call saying that he
20 needed to understand this was not about money, it was
21 about real people's lives. And he needed to not just
22 listen to me but hear me. At that time, he reminded me
23 I had given a sworn statement and suggested that I look
24 up the federal rules as to what taking anything back or
25 saying that I could possibly have lied, the consequences

1 of that could be for me in a federal court setting.

2 Q. Did you regard that statement by Mr. Lantta
3 about the federal rules, as you call it, to be
4 threatening in any way?

5 MS. HAMILTON: Objection to form.

6 MR. WOOD: Neil, can you restate that? I
7 did not hear it. This is Mr. Wood.

8 MR. MCCABE: Yes, sir. I will repeat it.

9 Q. (By Mr. McCabe) Did you, Mrs. Turner, regard
10 Mr. Lantta's statement to you about needing to check the
11 federal rules as being threatening in any way?

12 MS. HAMILTON: Objection to form.

13 MR. WOOD: Object -- this is Mr. Wood.
14 Object to the form of the question as leading.

15 Q. (By Mr. McCabe) Did you or did you not find his
16 statement to be threatening?

17 MS. HAMILTON: Objection to form.

18 MR. WOOD: Object -- this is Mr. Wood.
19 Objection to the form of the question as leading.

20 A. I -- following that conversation, I did have
21 e-mail exchanges with Mr. Wood in which I expressed
22 concern about a potential federal criminal
23 investigation. Mr. Wood assured me that there would not
24 be one and that he was going to file something in one of
25 the jurisdiction -- I believe Florida -- that I had

1 simply made a mistake and had retracted because I did
2 not have the documents I needed to refresh my memory at
3 the time of the sworn statement.

4 Q. (By Mr. McCabe) At the time that Mr. Lantta
5 spoke with you, was it your understanding that he was
6 threatening you?

7 MS. HAMILTON: Objection to form.

8 MR. WOOD: This is Mr. Wood. I -- I didn't
9 hear that question.

10 MR. MCCABE: I'll repeat it.

11 Q. (By Mr. McCabe) At the time when you and
12 Mr. Lantta spoke, was it your understanding that
13 Mr. Lantta was threatening you?

14 MS. HAMILTON: Objection to form.

15 A. I felt like that I was in danger of once again
16 being reported for a criminal -- federal criminal
17 investigation that could cause me some potential of
18 going to jail or -- or cause me other costs that I
19 cannot afford.

20 Q. (By Mr. McCabe) Did you talk with Mr. Babcock
21 after the sworn statement?

22 A. Perhaps by e-mail. I do not have a clear
23 recollection of whether I did by telephone or not.

24 Q. Well, thank you.

25 Do you have a clear recollection of e-mail

1 communications with Mr. Babcock about the sworn
2 statement after you gave it?

3 A. Yes, sir, I do.

4 Q. What was your health like that day that you
5 gave the sworn statement in February of 2009?

6 A. It was better than it is today. I -- I
7 explained what my conditions were off the record, that I
8 was at that moment not on any extensive pain medication,
9 that I felt like I could give the sworn statement. I
10 later apologized that I had not prepared for anything
11 except for the e-mails and the telephone calls between
12 your office and myself.

13 Q. Did anyone actually ask you during or before
14 the deposition -- rather the sworn statement of February
15 2009 about your health?

16 A. Not until at the time of the sworn statement
17 when -- when we went and they saw how I looked. No. I
18 -- no. Excuse me. Ms. Bush asked me to explain to her
19 exactly what my health conditions were in detail.

20 Q. And did you explain what medications you were
21 on at that time?

22 A. No, sir, I did not. I explained what the
23 conditions were and that there was medication for the
24 liver condition that could not be taken with other
25 medication. There was medication for the bone marrow

1 disorder that cannot be taken with other medication and
2 that I needed them to be patient with me when it was
3 time for me to take those medications. Mr. Babcock then
4 asked if there was anything wrong with me or any
5 medication I was on that would make me incompetent to
6 give that statement. And my answer was no, there was
7 not.

8 Q. Did anyone at anytime ask your husband Ken
9 about your health during the taking of the sworn
10 statement?

11 A. Yes. Mr. Babcock was very courteous. He was
12 very concerned. He pulled Ken to the side several times
13 where I could not see them and he asked Ken if he
14 thought I was able to continue on in the deposition and
15 that he did explain concern for me during -- I mean the
16 sworn statement and he did explain concern for me, which
17 was a very nice thing to do.

18 Q. During that sworn statement, you were asked --
19 were you asked about the settlement in Stern versus
20 O'Quinn?

21 A. Yes, I was.

22 Q. And did you say that you were told details of
23 that settlement?

24 MS. MARSHALL: Objection to form.

25 MS. HAMILTON: Objection to form.

1 MR. WOOD: Again, Neil, I'm sorry but that
2 -- you broke -- that question -- this is Mr. Wood. That
3 question broke up.

4 MR. MCCABE: Thank you.

5 Q. (By Mr. McCabe) What did you say in your sworn
6 statement, if anything, about the details of the
7 settlement in Stern versus O'Quinn?

8 MS. MARSHALL: Objection to form.

9 MR. WOOD: Neil, this is Mr. Wood. Does
10 she have a copy of the sworn statement there?

11 THE WITNESS: Yes, sir, I do. I -- I can
12 pull the sworn statement.

13 MR. WOOD: It seems like the answer would
14 be found in the sworn statement.

15 THE WITNESS: I do remember --

16 A. Would you ask the question again?

17 MR. MCCABE: Mr. Wood, unless you're making
18 an objection, please don't be making suggestions about
19 my conduct of my questioning.

20 MR. WOOD: I don't think I did. I just
21 simply asked if she had a copy of the -- you asked her
22 what she said in the sworn statement.

23 MR. MCCABE: Here we go.

24 MR. WOOD: I simply said does she have a
25 copy of it there. It seems like that's where you'll

1 find what she said in the sworn statement. That's not
2 suggesting anything about your conduct.

3 MR. MEYER: Was that form or
4 nonresponsiveness, Mr. Wood?

5 MR. WOOD: Who is that?

6 MR. MEYER: That's Mike Meyer.

7 MR. WOOD: Okay. We're gonna have one
8 person conduct the deposition.

9 MR. MEYER: One person question the
10 witness, yes, sir.

11 MR. WOOD: Yeah. We're gonna have one --
12 we're gonna have one person conduct the examination.
13 We're not gonna have two lawyers for the plaintiff
14 making objections and comments on the record.

15 MR. MEYER: Well, who --

16 MR. WOOD: If we're gonna have that, we'll
17 terminate the deposition.

18 MR. MEYER: Well, you can hang up the phone
19 if you want to, sir. But we're gonna conduct the
20 deposition.

21 MR. WOOD: I'm not arguing with you. I
22 will deal with Mr. McCabe. If you want to interject
23 yourself into this deposition, I'll stop it and we'll
24 take it up with the court.

25 MR. MCCABE: All right. Hold on now. This

1 is Neil McCabe speaking. What I'm saying to you,
2 Mr. Wood, is that there are rules in Texas for
3 depositions. And you are not allowed to do what you've
4 just been doing. You are allowed to make objections
5 during my questioning. And they are specified
6 objections specified in the rules.

7 MR. WOOD: I understand the rules, Neil. I
8 was simply asking about whether she had a copy of the
9 sworn statement.

10 THE WITNESS: Yes, Mr. Wood.

11 MR. MCCABE: Yes. And you don't get to ask
12 questions now, Mr. Wood.

13 MR. WOOD: I understand that, Neil. I --
14 I'm not there, so I don't know what she has in front of
15 her. And when you ask her "what did you say in your
16 sworn statement about the settlement agreement," I don't
17 know whether she's sitting there looking at it to read
18 it to you where -- or whether she's giving it to you
19 from memory.

20 MR. MCCABE: And I'm telling you --

21 MR. WOOD: The only thing I asked about,
22 there's nothing improper about that.

23 MR. MCCABE: Yes, there is. You get to
24 make objections.

25 MR. WOOD: I'm gonna make objections

1 pursuant to the rules. But -- but when I'm sitting here
2 handicapped because I don't know what's in front of the
3 witness and you're asking her about the contents of a
4 sworn statement --

5 MR. MCCABE: And you're repeating yourself.
6 Will you stop it, please?

7 MR. WOOD: And let me tell you something,
8 Neil. I'm not -- I'm not gonna be treated like this.
9 I'm trying to do the best I can to accommodate your
10 deposition.

11 MR. MCCABE: Please follow the rules,
12 Mr. Wood.

13 MR. WOOD: Well, you know, don't yell at me
14 when I'm -- when I'm there and don't yell at me on the
15 phone.

16 MR. MCCABE: Well, I've been yelling the
17 whole time just so I can be heard. I don't mean any
18 disrespect to you, Mr. Wood.

19 MR. WOOD: I understand. But let's --
20 let's go ahead and ask her the question now. But let's
21 -- let's do have it clear that we're gonna have one
22 lawyer conducting the deposition for the plaintiff.

23 MR. MEYER: The rules say that one lawyer
24 will question the witness. There's nothing that says
25 that two lawyers can't make comments on the record of a

1 deposition.

2 MR. WOOD: Well, I disagree with you,
3 Mr. Meyer.

4 MR. MEYER: Show me the rule, Mr. Wood.

5 MR. WOOD: Well, it -- it becomes a
6 problem. And it seems like it's getting there pretty
7 quickly. I'm gonna terminate the deposition and take it
8 up with the court.

9 MR. MEYER: You're not gonna terminate
10 anything. You can hang up your phone if you want to.
11 But you're not gonna terminate the deposition. You
12 don't have that authority.

13 THE WITNESS: Can I try to clarify
14 something here that might calm everybody down?

15 MR. MCCABE: No.

16 MR. MEYER: No.

17 THE WITNESS: Okay.

18 MR. MCCABE: No. Let me just go on with
19 asking the questions.

20 MS. MARSHALL: I say yes. But go ahead.

21 MS. HAMILTON: Yeah, I mean.

22 MR. WOOD: This is Mr. Wood. I didn't hear
23 either one of those statements.

24 MR. MCCABE: I'm gonna continue asking my
25 questions.

1 Q. (By Mr. McCabe) Now, in your sworn statement --
2 do you have it in front of you?

3 A. Yes, I do, sir.

4 Q. You brought it yourself?

5 A. Yes, I did, sir.

6 Q. Would you turn to page 45 of it, please?

7 A. (Witness complies). All right. Mine is
8 double, double. So am I looking for 45 on the double?

9 Q. Yes. You have a condensed version?

10 A. Yes, I do, sir. That was what was provided to
11 me. Page 45. Yes, sir, I have it.

12 Q. On that page, are you questioned about the
13 settlement of Stern versus O'Quinn?

14 MS. MARSHALL: Objection, form.

15 MS. HAMILTON: Join in the objection.

16 A. Yes, I was.

17 Q. (By Mr. McCabe) And at that point, who was
18 questioning you?

19 MS. MARSHALL: Objection to form.

20 MR. WOOD: This is Mr. Wood. I couldn't
21 hear the question or the answer.

22 Q. (By Mr. McCabe) At that point, who was
23 questioning you?

24 A. It was Mr. Stern's attorney Mr. Wood.

25 Q. And at line 21, what does Mr. Stern ask you, if

1 anything?

2 MS. MARSHALL: Objection, form.

3 A. Mr. Wood asked on behalf of --

4 Q. (By Mr. McCabe) I'm sorry. Did I just say --
5 did I say Mr. Stern?

6 A. Yes, sir.

7 Q. I apologize.

8 A. Mr. Wood on behalf of his client said -- and
9 I'm quoting -- "Tell me what he told you about the
10 settlement," unquote.

11 Q. Who do you take the word "he" to refer to?

12 MS. MARSHALL: Objection, form.

13 A. To you, Mr. McCabe.

14 Q. (By Mr. McCabe) Would you turn to page 46,
15 please?

16 A. (Witness complies).

17 Q. And look at line 19. Who -- who was
18 questioning you at that point?

19 A. Again, it was Mr. Stern's attorney Mr. Lin
20 Wood.

21 Q. And what does he ask you there?

22 A. He asked me --

23 MS. MARSHALL: Objection to form.

24 I'm sorry to be interposing these
25 objections. It's just --

1 MS. HAMILTON: Join in the objection.

2 A. He asked me, quote, "But he told you that it
3 was over a million dollars," unquote.

4 Q. (By Mr. McCabe) And do you respond to that
5 question?

6 MS. MARSHALL: Objection to form.

7 MS. HAMILTON: Same objection.

8 A. Yes, I did.

9 Q. (By Mr. McCabe) And what was your response?

10 A. My response was, quote, "He told me that it
11 was. You know, just offhand, he said, you know, I think
12 a million, maybe a little over that and -- and -- but
13 you know, he was vague. I cannot say -- I cannot -- I
14 cannot say he said we signed this for this, you know,
15 just," unquote.

16 Q. And when --

17 MS. MARSHALL: Objection --

18 MS. HAMILTON: Objection.

19 MS. MARSHALL: -- nonresponsive. I think
20 she read the answer to the --

21 MS. HAMILTON: Proceeding question.

22 MS. MARSHALL: -- proceeding question.

23 THE WITNESS: I'm sorry.

24 MR. MCCABE: They're correct.

25 MS. MARSHALL: If the witness could just

1 continue.

2 MR. WOOD: This is Mr. Wood. I can't hear
3 anything.

4 MR. MCCABE: Well, I'm gonna re-ask the
5 question, Mr. Wood.

6 MR. WOOD: Thank you.

7 Q. (By Mr. McCabe) You read the question earlier,
8 Mrs. Turner. You said, "But he told you that it was
9 over a million dollars." Is that -- is that a correct
10 reading of the question?

11 A. That's a correct reading, sir.

12 Q. And -- and what was your answer to that
13 question?

14 A. That yes, you had.

15 MS. MARSHALL: Objection --

16 MS. HAMILTON: Objection.

17 MS. MARSHALL: -- nonresponsive.

18 Q. (By Mr. McCabe) I'm really asking you to read
19 the response that you gave.

20 A. Now you want me to read?

21 Q. Yes, please.

22 A. Okay.

23 Q. Just for the record.

24 A. Pardon me. I'm -- okay. My answer was, quote,
25 "He told me that it was --"

1 Q. Let me interrupt you. I'm sorry to do so. But
2 again, you're on the wrong question and answer.

3 A. I'm sorry.

4 Q. We're talking about lines 19 and 20 where you
5 read the question. And now, what was your answer to
6 that question?

7 A. Okay. My answer was, quote, "Yes. So was it?
8 I know you can't talk about it," unquote.

9 Q. Did you get asked another question at that
10 point?

11 MS. MARSHALL: Objection to form.

12 A. There was no question. There was a couple of
13 statements by Mr. Wood prior to -- to any -- any
14 question.

15 Q. (By Mr. McCabe) Yes. Now, what statement was
16 made at that point?

17 MS. MARSHALL: Objection to form.

18 MS. HAMILTON: Join in the objection.

19 A. Mr. Wood stated that -- that the amount was
20 confidential.

21 Q. (By Mr. McCabe) Okay. Would you read the exact
22 words, please, on page --

23 A. Okay. Lin --

24 Q. -- 23?

25 A. Mr. -- Mr. Wood's question -- are we on line

1 23?

2 Q. Yes.

3 A. Okay. Mr. Wood's question was -- not question
4 -- statement was, quote, "That amount is confidential."

5 Q. Did you understand from that that there was an
6 amount involved in the settlement?

7 A. Yes, I did, sir.

8 Q. Is it true that I told you the details of the
9 Stern versus O'Quinn settlement?

10 MS. MARSHALL: Objection to form.

11 MS. HAMILTON: Join in the objection.

12 MR. WOOD: Objection to the form -- this is
13 Mr. Wood. Objection to the form of the question as
14 leading.

15 A. Can you repeat the question?

16 Q. (By Mr. McCabe) Is your statement that I told
17 you about the details of the Stern versus O'Quinn
18 settlement a true statement?

19 MS. MARSHALL: Objection to form.

20 MS. HAMILTON: Join in the objection.

21 MR. WOOD: I -- I couldn't hear the
22 question, Neil. This is Mr. Wood.

23 Q. (By Mr. McCabe) Do you stand by your statement
24 that I told you about some details of the Stern versus
25 O'Quinn settlement?

1 A. No, sir. That was the part of the statement
2 that once I was home and could review the records that I
3 realized that I had not been truthful and asked to be
4 able to recant that -- those statements.

5 Q. Did someone else then at some point tell you
6 the details of the Stern versus O'Quinn settlement?

7 A. Are -- are -- it would be hearsay. Is hearsay
8 allowed? I -- I -- I read the federal rules and the
9 state rules and --

10 MR. MCCABE: Objection, nonresponsive.

11 Q. (By Mr. McCabe) Please just answer the question
12 truthfully.

13 A. Yes.

14 Q. Who told you about the Stern versus O'Quinn
15 settlement?

16 MS. MARSHALL: Objection, form.

17 MS. HAMILTON: Join in the objection.

18 A. It was two-part.

19 MR. WOOD: I -- I didn't hear the question
20 or the answer. This is Mr. Wood.

21 Q. (By Mr. McCabe) The question is who told you
22 about the Stern versus O'Quinn settlement?

23 A. My answer was it came in two parts.

24 Q. Please give me the first part.

25 A. The first part was when I reviewed my records,

1 I showed that I was forwarded some comments from topics
2 that there was a cash settlement and that it was so low
3 that Mr. Stern could not even afford a pair of shoes
4 from it.

5 Q. Did you speak with someone about the Stern
6 versus O'Quinn settlement?

7 A. Yes, I did.

8 Q. Who?

9 A. Bonnie Stern.

10 Q. When?

11 A. Shortly after October 31st of 2008.

12 Q. What did she tell you, if anything?

13 A. She told me the amount of the objection. She
14 told me that -- she told me that Mr. Stern was having a
15 personal relationship with Ms. Barth and that --

16 Q. Is that --

17 A. That's Krista Barth, B-A-R-T-H -- and that
18 Ms. Barth had sided with Mr. Wood to pressure him to
19 settle when he did not want to settle and that Ms. Barth
20 used her personal relationship with her client to force
21 him to feel sorry for her and to settle.

22 Q. Did Bonnie Stern tell you from where she got
23 the information that you just described?

24 MS. HAMILTON: Objection to form.

25 MS. MARSHALL: Objection to form.

1 A. Yes, sir, she did.

2 Q. (By Mr. McCabe) And what did she say?

3 A. That she had talked to her brother, that he was
4 very upset, and that it had caused a lot of problems
5 within the family.

6 Q. Did she say which brother?

7 A. She talked to Howard K. Stern.

8 Q. So is it your testimony today that Bonnie Stern
9 told you that Howard K. Stern had told her about the
10 settlement?

11 A. Yes, sir.

12 MR. WOOD: This is Mr. Wood. I object to
13 the form of the question as leading.

14 (Sotto voce discussion off the record.)

15 A. Yes, sir. It was Bonnie Stern.

16 Q. (By Mr. McCabe) And Bonnie -- is it your
17 testimony that Bonnie Stern told you that Howard K.
18 Stern had told her about the settlement in Stern versus
19 O'Quinn?

20 A. Yes.

21 MS. MARSHALL: Objection to form.

22 MR. WOOD: This is Mr. -- this is Mr. Wood.
23 I object to the form of the question as leading.

24 A. Yes, sir. Everything I just repeated was in
25 conver -- telephone conversations with Bonnie Stern. It

1 may have been in one or it may have been in three. But
2 they were fairly successive phone calls.

3 Q. (By Mr. McCabe) Have you had more than three
4 phone conversations with Bonnie Stern?

5 A. Yes, sir. I used to speak to her --

6 MR. WOOD: I -- I'm sorry. This
7 is Mr. Wood. I did not hear that question.

8 MR. MCCABE: I'm sorry.

9 Q. (By Mr. McCabe) Did you have more than three
10 conversations on the telephone with Bonnie Stern?

11 MS. MARSHALL: Objection to form.

12 A. Yes, sir, when Bonnie Stern and I used to talk
13 almost daily.

14 Q. (By Mr. McCabe) Do you have phone records to
15 show that?

16 A. Yes, sir, I do.

17 Q. Did you communicate with Bonnie Stern in any
18 other ways other than by the telephone?

19 A. No, sir.

20 Q. Did you ever e-mail?

21 A. I'm sorry. Yes, e-mails. I was thinking
22 Yahoo! Chat. But yes. We had quite a bit of e-mail
23 communication.

24 Q. Over what period of time was your communication
25 with Bonnie Stern?

1 A. Some time fairly after April 1st of 2007 and
2 continued until about June or July of 2009. And since
3 then, it has not been daily. It has been more like she
4 would call me a couple of times a week.

5 Q. When was the most recent time that you spoke
6 with her on the phone?

7 A. This week, either -- probably Sunday and
8 Monday.

9 Q. Have you had communications with Howard K.
10 Stern?

11 A. Not directly, sir.

12 Q. Well, have you e-mailed him directly?

13 A. Yes, sir, I did.

14 Q. And so is it your testimony that he never
15 e-mailed you directly?

16 A. That's correct, sir.

17 Q. Did he communicate with you through someone
18 else?

19 MS. MARSHALL: Objection to form.

20 MR. WOOD: I -- I can't -- I didn't hear
21 that question.

22 MR. MCCABE: Sorry. I leaned back away
23 from the phone.

24 Q. (By Mr. McCabe) Did Howard K. Stern ever
25 communicate with you through a third party?

1 MS. MARSHALL: Objection to form.

2 MR. WOOD: Object -- objection to the form.

3 A. Only -- only via forwarded e-mails, sir.

4 MR. MCCABE: For the stenographer's
5 benefit, the only person we're now hearing over the
6 phone is Mr. Wood. Mr. Susman has been keeping silent.

7 MR. WOOD: Mr. Susman's here. But I think
8 he's deferred to me when we can't hear 'cause we're
9 hearing the same feed.

10 MR. MCCABE: Right. But since Mr. Wood --

11 MR. SUSMAN: This is Mr. Susman. Mr. Wood
12 is -- is correct.

13 MR. MCCABE: Okay. Just for the
14 stenographer's benefit, Mr. Wood, you'll not have to
15 identify yourself all the time is the point.

16 MR. WOOD: Okay. Good.

17 MR. MCCABE: Okay.

18 MR. WOOD: All right. As long as my
19 objection was noted on that.

20 MR. MCCABE: Yes.

21 A. Could you repeat the question?

22 Q. (By Mr. McCabe) Yes. I'll be happy to. Thank
23 you for prompting me.

24 Did you communicate with Howard K. Stern
25 through a third party?

1 MR. WOOD: Objection to the question.

2 MS. MARSHALL: Objection, form.

3 A. Yes, sir, I did.

4 MR. MCCABE: Mr. Wood, is yours a form
5 objection? Mr. -- Mr. Wood?

6 MR. WOOD: Are you talking to me?

7 MR. MCCABE: Yes. I asked if your -- you
8 just said "I object to the question." Is it a form
9 objection?

10 MR. WOOD: Yeah. I object to the form of
11 the question.

12 MR. MCCABE: Okay.

13 MR. WOOD: I also object to the -- I didn't
14 think you wanted me to say anything more than objection.

15 MR. MCCABE: Oh, no. The rule is objection
16 form, objection leading, or --

17 (Sotto voce discussions off the record.)

18 MR. WOOD: I object to the form of the
19 question.

20 MR. MCCABE: Okay. Thank you.

21 Q. (By Mr. McCabe) And who was the person that you
22 communicated through in communicating with Howard K.
23 Stern?

24 MR. WOOD: I object to the form of that
25 question --

1 MS. MARSHALL: Objection, form.

2 MR. WOOD: -- leading.

3 MS. HAMILTON: Same objection.

4 A. Primarily Krista Barth; at one time, Mr. Ben
5 Erwin from the Powell Goldstein office; and frequently
6 through Bonnie Stern.

7 MS. MARSHALL: Objection. It's
8 nonresponsive.

9 Q. (By Mr. McCabe) Did you ever --

10 A. Do you want me to add that it was both
11 telephone with Bonnie Stern and e-mail?

12 Q. Let me just ask another question --

13 A. Okay.

14 Q. -- okay. Did Bonnie Stern ever forward to you
15 e-mails to her from Howard Stern?

16 MS. MARSHALL: Objection --

17 MS. HAMILTON: Objection --

18 MR. WOOD: I'm sorry. I didn't -- I did
19 not hear that question, Neil.

20 MR. MCCABE: Thank you.

21 Q. (By Mr. McCabe) Did Bonnie Stern --

22 (Witness tries to move phone.)

23 Q. (By Mr. McCabe) No. No. Please don't touch
24 the phone. I made that mistake earlier.

25 Did Bonnie Stern ever forward to you

1 e-mails from Howard Stern?

2 A. Yes, sir, she did.

3 Q. Did she ever forward your e-mails to Bonnie
4 over to Howard?

5 A. Yes, sir, she did.

6 Q. Before the filing of this lawsuit or the
7 earlier federal suit, did you ever provide help for
8 Howard Stern?

9 MS. MARSHALL: Objection to form.

10 MR. WOOD: I -- I'm sorry. I did not hear
11 that question.

12 MCCABE: Okay. Thank you.

13 Q. (By Mr. McCabe) Before the filing of -- of this
14 suit and the earlier federal suit involving Virgie
15 Arthur and Howard Stern, did you ever provide help to
16 Howard Stern?

17 MS. MARSHALL: Objection to form.

18 MS. HAMILTON: Objection to form.

19 MR. WOOD: Objection to the form of the
20 question.

21 A. Yes, sir. Only through Krista Barth
22 originally. And I initiated the contact with Ms. Barth.

23 Q. (By Mr. McCabe) Did, at some point, you provide
24 help to Howard Stern through his sister Bonnie?

25 MS. MARSHALL: Objection to form.

1 MS. HAMILTON: Objection to form.

2 A. Yes, sir, I did.

3 MR. WOOD: Objection to the form of the
4 question, vague and ambiguous.

5 Q. (By Mr. McCabe) Did you understand the
6 question?

7 A. Yes, sir.

8 Q. What kind of help did you provide to Howard
9 Stern?

10 MS. MARSHALL: Objection, form.

11 MR. MCCABE: What's the form?

12 MS. MARSHALL: 'Cause it assumes a fact
13 that will not be established.

14 MR. MCCABE: She's already testified to the
15 fact.

16 Q. (By Mr. McCabe) Go ahead. What kind of help
17 did you provide to Howard Stern?

18 A. I transcribed videos. I did what was called
19 bullet points on CNN transcripts. I searched public
20 records, some of which I paid for.

21 Q. Did -- let me --

22 A. Oh. And there was a couple of times when --
23 oh, no. That -- that was not help to Howard. It was
24 about an ET program. I'm sorry.

25 Q. So did you ever provide Mr. Stern with videos?

1 MS. MARSHALL: Objection to form.

2 MR. WOOD: Object --

3 A. Yes.

4 MR. WOOD: Object to the form of the
5 question. It misstates her testimony.

6 THE WITNESS: Then I apologize, Mr. Wood.

7 A. Yes. I did provide videos directly to
8 Mr. Stern -- to Howard K. Stern.

9 MR. WOOD: I'm sorry. I just missed that.

10 Q. (By Mr. McCabe) Did you ever provide videos to
11 Mr. Stern?

12 A. Yes, sir. I did provide videos to Howard K.
13 Stern.

14 MR. WOOD: Neil, I -- I -- I'm sorry. But
15 I'm losing something in the translation. Are we talking
16 -- did she testify that she actually sent something to
17 Howard directly?

18 Q. (By Mr. McCabe) Is that your testimony,
19 Mrs. Turner?

20 A. Yes, sir. I did send links to Howard K. Stern.
21 But they were also CC'd to his attorneys, occasionally
22 to his brother Gary Stern and Art Harris and Bonnie
23 Stern.

24 Q. Did you ever receive thank-you's from Howard
25 Stern or Gary?

1 A. I received e-mails directly from Gary Stern
2 thanking me. Any appreciation that Howard K. Stern said
3 was always a forwarded e-mail that he used his sister as
4 a go-between.

5 Q. Did --

6 MS. MARSHALL: Objection, nonresponsive.

7 MS. HAMILTON: Objection.

8 MR. WOOD: I didn't hear the answer.

9 MR. MEYER: Can you read it?

10 Q. (By Mr. McCabe) Can you repeat your answer?

11 A. Can we -- can I hear the question again?

12 Q. Hold on a second.

13 MR. MCCABE: Could you read back her
14 answer, the court reporter?

15 (Court reporter searches for answer.)

16 MR. WOOD: If the court reporter is
17 reading, I cannot hear her at all.

18 MS. MARSHALL: She's not reading yet.

19 MR. MEYER: She's not reading right now.

20 MR. WOOD: That's probably why I don't hear
21 anything.

22 MR. MCCABE: Mrs. Turner, are you okay
23 right now?

24 MR. MEYER: Do you need a break?

25 MR. MCCABE: Do you need a break?

1 THE WITNESS: No, sir. Let's go forward
2 and complete this --

3 MR. MCCABE: Well, let me just ask the
4 question again rather than belaboring the court reporter
5 with this.

6 Q. (By Mr. McCabe) Did you ever receive
7 thank-you's from Mr. Stern or other members of his
8 family?

9 A. Yes, sir, I did.

10 Q. And what did you receive?

11 A. I received e-mails from Mr. Stern's parents. I
12 received e-mails directly from Gary Stern. And I
13 received forwarded e-mails that was sent by Howard K.
14 Stern to his sister and then forwarded to me in their
15 entirety.

16 Q. Did you receive any thank-you's from anyone
17 else involved with Mr. Stern?

18 A. Yes. From --

19 MS. HAMILTON: Objection to form.

20 A. Yes. From Krista Barth and from Art Harris and
21 from Ben Erwin of the Powell Goldstein law offices.

22 THE WITNESS: I'm sorry, Mr. Wood. I -- I
23 think you've changed your name now.

24 Q. (By Mr. McCabe) Well, please not-- let's not go
25 into that.

1 A. Okay.

2 Q. That would be nonresponsive to the question.

3 A. Okay. And -- and I did receive some e-mails
4 from Mr. Wood himself in the late fall of 2007.

5 Q. So you received at least one e-mail, is that
6 correct, from Mr. Wood?

7 A. Yes, sir.

8 Q. And was it a thank-you e-mail?

9 A. It was both a thank --

10 MS. MARSHALL: Objection, form.

11 A. There was a request for me to send some videos
12 and/or to -- to transcribe some videos for him, a e-mail
13 asking if I had mailed the DVD's yet or the videos, and
14 then a thank-you for what I had done.

15 MS. MARSHALL: Objection, nonresponsive.

16 MS. HAMILTON: Join in the objection.

17 Q. (By Mr. McCabe) Is it your testimony that
18 Mr. --

19 MR. WOOD: All of that -- all of that -- I
20 got to the point where Mrs. Turner said "a thank-you"
21 and then everything went out.

22 MR. MCCABE: Oh, you would object as
23 nonresponsive anyway. And that objection's been already
24 lodged. So let me just go at it another way.

25 Q. (By Mr. McCabe) Did you receive a thank-you

1 from Mr. Wood by e-mail?

2 MS. MARSHALL: Objection, form.

3 MR. WOOD: Object -- objection to the form
4 of the question, leading.

5 Q. (By Mr. McCabe) Go ahead. It's not --

6 A. Yes, sir, I did.

7 Q. And what was he thanking for you?

8 MS. MARSHALL: Objection, form.

9 MR. MCCABE: A what question?

10 MS. MARSHALL: You are talking about a
11 piece of paper that may or may not say that. You're
12 talking about hearsay that's hearsay about hearsay.

13 MR. MCCABE: Well, hearsay's not an --
14 hearsay's not an objection --

15 MR. WOOD: I -- I didn't hear any of that.

16 MS. MARSHALL: It elicits hearsay. It's an
17 objection to --

18 MR. WOOD: I heard Neil say "what was he
19 thanking you for." I heard Diana Marshall do objection
20 and it went blank.

21 Q. (By Mr. McCabe) What is your understanding of
22 what Mr. Wood was thanking you for?

23 MS. MARSHALL: Objection, form.

24 A. He thanked me. He e-mailed me and asked me if
25 I had sent the DVD's I had promised to send to his

1 office. I did, the next day, send those, which I paid
2 for. And he then e-mailed me and thanked me for it.

3 Q. (By Mr. McCabe) What was the nature of the
4 communications you've mentioned today between you and
5 Gary Stern?

6 MS. MARSHALL: Objection, form.

7 MR. WOOD: You broke up on that, Neil.

8 MR. MCCABE: I leaned back again.

9 Q. (By Mr. McCabe) What's the -- what was the --
10 what was the nature of the communications that you've
11 mentioned today between you and Gary Stern?

12 MS. MARSHALL: Objection, form.

13 A. I felt they were very heartfelt e-mails from
14 Mr. -- from Gary Stern.

15 Q. (By Mr. McCabe) You say -- are you saying that
16 he -- he expressed his feelings to you?

17 A. Yes, sir.

18 Q. And what were those feelings that he expressed?

19 MS. MARSHALL: Objection, form.

20 A. That he was very grateful for -- for what I had
21 done, that me offering to do this had restored his faith
22 in mankind. And a couple of articles I did before
23 the -- the -- the hearing in the Bahamas on the DNA, he
24 actually sent me an e-mail where he -- and I have turned
25 over these e-mails -- where he actually said the article

1 made him cry, that it touched him so deeply.

2 Q. (By Mr. McCabe) And did you -- are you saying
3 that you received thank-you's from Howard K. Stern's
4 parents?

5 MS. MARSHALL: Objection, form.

6 A. Yes, sir, I did.

7 Q. (By Mr. McCabe) And what were they thanking you
8 for?

9 A. For helping their son and -- and their
10 daughter. They also thanked me for helping Bonnie Stern
11 and Howard K. Stern.

12 Q. Have you helped Bonnie Stern?

13 MS. MARSHALL: Objection, form.

14 A. Yes, sir, I have.

15 Q. (By Mr. McCabe) In what ways?

16 A. I had helped her do a business plan -- a
17 business plan for her company Flirts Chocolate.

18 Q. Were you paid for that help?

19 MR. WOOD: I didn't hear that question,
20 Neil.

21 MR. MCCABE: Thanks.

22 Q. (By Mr. McCabe) Were you paid for that help?

23 A. I got -- I got a couple of bags of coffee.

24 I --

25 Q. Did you -- okay. This is from Bonnie Stern?

1 A. Yes, sir.

2 Q. Okay. Were you paid for helping Howard Stern?

3 A. No, sir.

4 Q. Were you -- were you given anything of value in
5 return for helping Howard Stern?

6 MS. MARSHALL: Objection, form.

7 A. Only through Bonnie Stern.

8 Q. (By Mr. McCabe) And is that what you --

9 A. That was --

10 Q. -- just testified to?

11 A. That was coffee; there was some -- some
12 trinkets of jewelry, nothing expensive; and some
13 specialty food items from specialty shops that are not
14 available here that she thought I might enjoy.

15 Q. And --

16 A. Oh.

17 Q. Please go ahead, if it's responsive.

18 A. And -- and -- and I did receive \$500 from
19 Bonnie Stern and her parents.

20 Q. Was that -- in what form was that transmitted,
21 that \$500?

22 A. It was overnight FedEx or UPS. But it was
23 overnight. The form -- the form was in cash. And it
24 was intended for me to use for legal fees.

25 MS. HAMILTON: Objection, nonresponsive.

1 Q. (By Mr. McCabe) What do you understand the
2 intended purpose for that money to be?

3 MR. WOOD: I'm sorry. I didn't hear that
4 question, Neil.

5 MR. MCCABE: I'm sorry. I'll speak up.

6 Q. (By Mr. McCabe) Do you have an understanding
7 about the purpose of the \$500 that you've just
8 mentioned?

9 MS. MARSHALL: Objection, form.

10 A. Yes, sir. Through e- -- there was multiple
11 e-mails that have been turned over, and then through
12 telephone calls. Yes, sir.

13 Q. (By Mr. McCabe) And what was the intended
14 purpose?

15 A. The intended purpose was to aid me in paying
16 legal fees.

17 Q. What period of time did that take place?

18 A. January 2008 and possibly February 2008.

19 Q. What is your understanding of what occasioned
20 the sending of money for --

21 MR. WOOD: That question broke up, Neil.

22 MR. MCCABE: I'm sorry. I keep getting
23 quiet. Not like me.

24 Q. (By Mr. McCabe) What was your understanding of
25 -- of what occasioned the sending of legal fee money?

1 MS. HAMILTON: Objection to form.

2 MR. WOOD: Objection to the form.

3 A. I told Bonnie Stern I could not afford the
4 hourly fee for a lawyer.

5 Q. (By Mr. McCabe) Well, had you been sued?

6 A. No, sir. At that time, I had been subpoenaed
7 for the federal suit in the Southern District of Texas.
8 I believe Judge Rosenthal's court.

9 Q. Now, when -- when you were providing help to
10 Howard K. Stern, in what state were you residing?

11 MR. WOOD: I -- I -- I object to the form
12 of the question.

13 MS. MARSHALL: Objection, form.

14 A. I had resided in the State of Texas since 2004.

15 Q. (By Mr. McCabe) And so is your answer that you
16 were residing in Texas at the time you provided help to
17 Howard K. Stern?

18 A. Yes, sir.

19 MS. MARSHALL: Objection, form.

20 MR. WOOD: Object -- objection to the form
21 of the question as leading.

22 Q. (By Mr. McCabe) When you provided help to
23 Howard K. Stern as you've testified, in what state were
24 you residing?

25 A. Texas.

1 MR. WOOD: Object -- objection to the
2 leading preparatory comment.

3 Q. (By Mr. McCabe) And was it your understanding
4 that Howard K. Stern was aware that you resided in
5 Texas?

6 A. I --

7 MS. MARSHALL: Objection to form.

8 A. I don't believe that he or his sister
9 understood that I lived in Texas until some time in the
10 early part of May 2008 -- of 2007. I'm sorry.

11 Q. (By Mr. McCabe) And what gave you that belief
12 in May 2007?

13 A. Bonnie Stern and I had a conversation over the
14 telephone. And she sent me, at that time, some pictures
15 of two homes that she owned in Austin, Texas.

16 Q. Did you do research for Howard K. Stern?

17 MS. MARSHALL: Objection --

18 MR. WOOD: I didn't hear that question,
19 Neil.

20 Q. (By Mr. McCabe) Did you do research for Howard
21 K. Stern?

22 MS. MARSHALL: Objection to form.

23 MR. WOOD: Objection to the form of the
24 question.

25 A. Yes, sir, I did.

1 Q. (By Mr. McCabe) What kind of research did you
2 do?

3 MS. MARSHALL: Objection to form.

4 (Sotto voce discussion off the record.)

5 A. Videos; transcribing videos; pulling -- pulling
6 scripts from headline news, CNN; taping Geraldo shows,
7 transcribing those.

8 Q. (By Mr. McCabe) Are you finished?

9 A. That's all I can remember at the moment,
10 Mr. --

11 Q. And was that -- what you just described, was
12 that research done for Mr. Stern?

13 MS. MARSHALL: Objection to form.

14 A. Yes, sir. It was all done for Mr. Stern. Some
15 of it was requested by Gary Stern and some of it by
16 Bonnie Stern, some of it by Howard K. Stern through
17 e-mails forwarded to me by Bonnie Stern.

18 MS. MARSHALL: Objection, nonresponsive.

19 MS. HAMILTON: Join in the objection.

20 Q. (By Mr. McCabe) Did Howard Stern have the
21 ability to tell you the manner and means of providing
22 the help to him?

23 MS. HAMILTON: Objection to form.

24 MR. WOOD: Neil, you broke up on that one.

25 MR. MCCABE: Yeah.

1 Q. (By Mr. McCabe) Did Howard Stern have the
2 ability to tell you the manner and means of providing
3 the help to him that you provided?

4 MS. MARSHALL: Objection --

5 MS. HAMILTON: Objection to form.

6 MS. MARSHALL: -- form.

7 MR. WOOD: Are you asking if Howard Stern
8 directly did what? I can't hear you.

9 MR. MCCABE: I'm asking -- and I -- here's
10 the question again.

11 Q. (By Mr. McCabe) Did Howard Stern have the
12 ability to tell you the manner and means of providing
13 the help to him that you've testified you provided?

14 MS. MARSHALL: Objection, form.

15 MS. HAMILTON: Join in the objection.

16 MR. WOOD: Did he have the ability to do
17 so?

18 MR. MCCABE: Yes, Mr. --

19 MR. WOOD: I'm missing -- I'm missing
20 something here. I mean you -- we're breaking up, Neil.

21 MR. MCCABE: Yes. That's the question, Mr.
22 -- Mr. Wood.

23 A. The ability, Mr. --

24 Q. (By Mr. McCabe) Yes.

25 A. -- McCabe? Yes, sir. He did have that

1 ability.

2 Q. Do you have any examples of him exercising that
3 ability?

4 A. I have --

5 MS. MARSHALL: Objection to form.

6 Go ahead. Sorry.

7 A. I have turned over multiple DVD's that have
8 every e-mail I've ever had forwarded to me, every e-mail
9 between me and Bonnie Stern and Krista Barth.

10 Q. (By Mr. McCabe) Did Mr. Stern ever tell you
11 that he wanted a video transcribed rather than sent to
12 him just as a video?

13 MR. WOOD: Neil, I'm -- I'm losing
14 something here. You're asking -- you're asking the
15 question as if this lady has talked to Howard Stern. I
16 thought she testified she's never spoken to Howard, that
17 Howard's never directly e-mailed her.

18 (Sotto voce discussion off the record.)

19 MR. WOOD: You keep asking her "Did Howard
20 Stern do this? Did Howard Stern tell you this?" And I
21 think it's -- I think it's misleading and it's an
22 inappropriate form of the question.

23 MR. MCCABE: Which objection is it?

24 MR. WOOD: It's an inappropriate question
25 to suggest that she has had direct contact with Howard

1 Stern. When you keep saying did Howard Stern ask you or
2 direct you, she's testified she's never talked with
3 Howard Stern. He's never e-mailed her directly. And --
4 and you're suggesting to the contrary of the question.
5 And I think that makes it improper as to its form.

6 MR. MCCABE: You're not allowed to make
7 speaking objections. Is it a form objection or a
8 nonresponsive objection?

9 MR. WOOD: It's a form objection because it
10 -- it's totally misrepresentative of this woman's
11 testimony.

12 Q. (By Mr. McCabe) Can you answer the question?
13 Did he ever tell you to -- that he wanted something
14 transcribed rather than sent to you -- sent to him in a
15 video?

16 MS. MARSHALL: Objection, form.

17 MS. HAMILTON: Join in the objection.

18 A. Yes, sir, but always through a third party.

19 Q. (By Mr. McCabe) Thank you.

20 So you did communicate with Mr. Stern,
21 right?

22 MS. MARSHALL: Objection, form.

23 MR. WOOD: That question didn't -- broke
24 up, Neil.

25 Q. (By Mr. McCabe) You did communicate with

1 Mr. Stern, right?

2 MS. MARSHALL: Objection, form.

3 MS. HAMILTON: Join in the object --
4 objection.

5 A. Yes, sir, I did. And at times, Art Harris was
6 also the inter -- intermediary.

7 MS. HAMILTON: Objection, nonresponsive.

8 A. Would you repeat the question?

9 Q. (By Mr. McCabe) Did you --

10 A. Okay.

11 Q. No. I'm gonna -- I'm gonna take something and
12 repeat it. Did you communicate with Mr. Stern through
13 Art Harris?

14 MR. WOOD: All of that was gobbley-goop.
15 And y'all got to start again.

16 Q. (By Mr. McCabe) Did you communicate with
17 Mr. Stern through Art Harris?

18 A. Yes.

19 MS. HAMILTON: Objection to form.

20 MS. MARSHALL: Form.

21 A. Yes, sir, I did.

22 Q. (By Mr. McCabe) So was it your understanding
23 that Mr. Harris was in contact with Mr. Howard K. Stern?

24 MS. HAMILTON: Objection to form.

25 A. Yes, sir. Mr. Harris told me that. But I can

1 not vouch for his honesty.

2 MS. HAMILTON: Objection, nonresponsive.

3 Q. (By Mr. McCabe) Did you ever send Howard K.
4 Stern a program to facilitate downloading of videos?

5 A. No, sir, I did not.

6 Q. Did you ever make such a program available to
7 him?

8 A. I did not make the program available to him.
9 There was an e-mail from me to Bonnie forwarded to him
10 about the program.

11 Q. Why were you helping Howard K. Stern?

12 MS. MARSHALL: Objection to form.

13 MR. WOOD: That question stopped half --
14 halfway through, Neil.

15 MR. MCCABE: Yeah. Okay.

16 Q. (By Mr. McCabe) Why were you helping Howard K.
17 Stern?

18 MR. WOOD: Objection to the form.

19 A. I felt like he got a raw deal in the Florida
20 burial proceedings.

21 Q. (By Mr. McCabe) Did you help him with the
22 intention of saving him expenses and attorney's fees?

23 MS. HAMILTON: Objection to form.

24 A. Yes, sir. During the burial proceedings, he
25 did testify that his parents were paying everything. I

1 contacted Krista Barth and said that if I could do a
2 little bit to save him money on his legal funds, I was
3 more than happy to do it for him.

4 MS. HAMILTON: Objection, nonresponsive.

5 Q. (By Mr. McCabe) So did you have the belief that
6 Mr. Stern could use some help with his legal fees and
7 expenses?

8 A. Yes, sir.

9 Q. And what gave you that belief?

10 A. His testimony that was televised during the
11 burial proceedings in Florida.

12 Q. Do you need a break?

13 A. No. Let's -- until -- until the next
14 medication.

15 THE WITNESS: Is it time?

16 Then yes. I would like to go off to
17 take the -- to take the medicine.

18 THE VIDEOGRAPHER: We are now going off the
19 record. The time is --

20 MR. WOOD: I'm missing the last
21 (unintelligible).

22 MR. MCCABE: Lin and Harry, we need to take
23 a break so that Mrs. Turner can take some medication on
24 time. Is there any objection to that? It'll just take
25 a moment.

1 THE VIDEOGRAPHER: We're now going off the
2 record. The time is 10:15.

3 (Off the record.)

4 THE VIDEOGRAPHER: We're now back on the
5 record. The time is now 10:16.

6 MR. MCCABE: The videographer has announced
7 that we're now back on the record.

8 Q. (By Mr. McCabe) Mrs. Turner, I asked you
9 earlier if you received anything of value for your
10 helping Mr. Stern. Did you ever receive any gift cards?

11 A. No, sir.

12 Q. Were you ever asked to delete files?

13 MR. WOOD: I can't hear you.

14 MR. MCCABE: Yeah.

15 Q. (By Mr. McCabe) Were you ever asked to delete
16 files?

17 MS. MARSHALL: Objection, form.

18 MS. HAMILTON: Join in the objection.

19 A. Not in those words.

20 Q. (By Mr. McCabe) Well, were you ever asked by
21 anyone in connection with this case to get rid of
22 anything on your computer?

23 MS. HAMILTON: Objection to form.

24 A. Not stated as that way, sir.

25 Q. (By Mr. McCabe) Were you ever asked to destroy

1 any evidence in connection with this case or the federal
2 case Arthur versus Stern?

3 MS. HAMILTON: Objection to form.

4 A. No, sir.

5 Q. (By Mr. McCabe) If you were asked to get rid of
6 anything, how was the request made?

7 MS. HAMILTON: Objection to form.

8 MR. WOOD: Objection to the form of the
9 question; improper cause for a hypothetical,
10 contradicting the witness' testimony.

11 A. I was asked by Bonnie Stern not to comply with
12 the court's orders to turn over documents.

13 MS. HAMILTON: Non -- objection,
14 nonresponsive.

15 Q. (By Mr. McCabe) Did Bonnie Stern ask you not to
16 comply with the court order to turn over documents?

17 MR. WOOD: Objection to the form as
18 leading.

19 MS. HAMILTON: Join in the objection.

20 MS. MARSHALL: Objection to form

21 Q. (By Mr. McCabe) It can be a yes or no answer.

22 A. Yes.

23 Q. When was that request made?

24 MS. MARSHALL: Objection to form.

25 MS. HAMILTON: Join in the objection.

1 A. They began after the hearing on December the
2 11th of 2008.

3 Q. (By Mr. McCabe) When you say "they began," what
4 do you mean?

5 A. Bonnie's requests that I not comply with court
6 orders.

7 Q. Is it your testimony then when you say
8 "requests," plural, that there was more than one?

9 A. Yes, sir.

10 Q. How were those requests communicated to you?

11 A. Both by e-mail but the majority of it was by
12 telephone.

13 Q. Did Bonnie represent to you that she was making
14 such requests on her own behalf?

15 MS. MARSHALL: Objection to form.

16 MR. WOOD: Objection to the form of the
17 question as leading.

18 A. No, sir.

19 MR. MCCABE: I guess it didn't lead.

20 I retract the sidebar.

21 MR. WOOD: I couldn't hear those last
22 comments.

23 MR. MCCABE: I -- I made a sidebar and
24 retracted it. I apologize.

25 Q. (By Mr. McCabe) Did Bonnie Stern indicate to

1 you on whose behalf she was making the requests not to
2 comply with the court order?

3 MS. HAMILTON: Objection to form.

4 MS. MARSHALL: Objection to form.

5 A. From both Howard K. Stern and Larry Birkhead.

6 Q. (By Mr. McCabe) Well, what did -- what did
7 Bonnie Stern actually say to you in asking you not to
8 turn over documents in response to the court order?

9 MR. WOOD: That question broke up.

10 Q. (By Mr. McCabe) What did Bonnie Stern actually
11 say to you in this regard?

12 MS. HAMILTON: Objection to form.

13 MS. MARSHALL: Objection, form.

14 MR. WOOD: Objection to the form.

15 A. She asked me to please not do it because it
16 could hurt Howard K. Stern, it could hurt Larry
17 Birkhead, and it could hurt the Stern family from being
18 able to visit with Dannielynn.

19 Q. (By Mr. McCabe) Bonnie asked you please do not
20 do what?

21 MS. HAMILTON: Objection to form.

22 MR. WOOD: That question didn't come across
23 at all.

24 Q. (By Mr. McCabe) Bonnie asked you please do not
25 do what?

1 A. To not comply with the court orders --

2 Q. Did she -- I'm sorry.

3 A. -- because it would hurt Howard K. Stern, it
4 made Larry Birkhead angry, and it would directly result
5 in the Stern family not being allowed to see Dannielynn.

6 Q. Did Bonnie explain why it would make Birkhead
7 angry for you to comply with the court's order?

8 MS. MARSHALL: Objection to form.

9 A. Yes, sir.

10 Q. (By Mr. McCabe) And what did she say would make
11 Birkhead angry?

12 A. When I turned over the e-mail for the court
13 order that was dated in, I believe, April of 2007 about
14 the TMZ article and that Mr. Birkhead was very, very
15 angry that that e-mail had been turned over.

16 Q. Did Bonnie say why Mr. Birkhead was angry that
17 the e-mail had been turned over?

18 MS. MARSHALL: Objection to form.

19 A. He was just angry, sir.

20 Q. (By Mr. McCabe) Do you recall what the e-mail
21 you just mentioned said?

22 MS. HAMILTON: Objection to form.

23 A. The e-mail that I turned over was an e-mail
24 that said that Larry Birkhead had asked that a article
25 be put up on TMZ right before a hearing in the Bahamas

1 because he needed the advantage over Virgie Arthur
2 during that hearing.

3 MS. MARSHALL: Objection, nonresponsive.

4 Q. (By Mr. McCabe) Did -- to what TMZ article?

5 A. The article about Virgie Arthur having a child
6 with her stepbrother.

7 Q. And that's a -- that e-mail you just mentioned
8 is an e-mail you've produced in this litigation?

9 A. Yes, sir. It was one of the first e-mails
10 produced, I believe, to you in court at the December --
11 or right -- no -- on December the 4th right before the
12 hearing on December the 11th.

13 Q. And is it -- is it in the record in this case?
14 I'm sorry. I'm fading out again. Is it in the -- is
15 that e-mail in the record in this case?

16 MS. MARSHALL: Objection to form.

17 MS. HAMILTON: Objection to form.

18 A. I was not in the courtroom, sir. I believe you
19 handed it to Judge Lindsay. But I was not present.

20 Q. (By Mr. McCabe) Do you have that e-mail with
21 you today?

22 A. I'm not sure I brought that particular e-mail.

23 Q. Did Bonnie Stern write articles for your
24 website?

25 A. No, sir, she did not.

1 Q. Did she edit articles for your website?

2 A. Yes, sir, she did.

3 Q. Did you edit articles for Art Harris' website?

4 A. Yes, sir, I did.

5 Q. Did you do research for Art Harris?

6 A. Yes, sir, I did.

7 Q. Did you help prepare him for the prison

8 interview that's the basis of some --

9 MR. WOOD: Can you repeat that question?

10 MR. MCCABE: I'm sorry. I keep leaning
11 back, Lin.

12 Q. (By Mr. McCabe) Did you help prepare Art Harris
13 for the Larry Dale Hart prison interview?

14 MS. HAMILTON: Objection to form.

15 A. Yes, sir, I did.

16 Q. (By Mr. McCabe) Did you acquire criminal
17 records for the benefit of Mr. Harris for that
18 interview?

19 MS. HAMILTON: Objection to form.

20 A. Yes, sir, I did.

21 Q. (By Mr. McCabe) Who paid for those criminal
22 records?

23 A. I did, sir.

24 Q. Do you have receipts for those criminal records
25 that you paid for?

1 A. I can produce those receipts if needed, sir.

2 Q. What other assistance, if any, did you give to
3 Mr. Harris in connection with the prison interview?

4 A. I faxed him what we referred to as cliff notes
5 to be at the hotel at the night before the interview so
6 that he could pick them up. He asked me to mark them
7 extremely confidential. I called the hotel and asked
8 them to do that and to -- and to put it in a sealed
9 envelope for him.

10 Q. What -- what was the substance of those
11 so-called cliff notes?

12 A. The events of Ms. Arthur's home life and the
13 trouble that her children might have been in.

14 Q. Whose idea was the prison interview?

15 A. Mr. Harris.

16 Q. In connection with the prison interview, did
17 you have any communications with CBS or Entertainment
18 Tonight?

19 A. No, sir.

20 Q. Have you received any communications from CBS
21 Paramount or Entertainment Tonight?

22 A. Not directly to me, sir.

23 Q. Is it your testimony that you have received
24 communications, just not directly?

25 A. Yes, sir.

1 Q. How did you receive them?

2 A. Through Art Harris.

3 Q. What was the substance of those communications?

4 MS. MARSHALL: Objection, form.

5 MS. HAMILTON: Join in the objection.

6 A. The amount of expenses that he was billing CBS
7 Productions, Inc. for.

8 Q. (By Mr. McCabe) What is your understanding of
9 why he sent you such communications? That is, why
10 Mr. Harris sent you such communications?

11 MS. HAMILTON: Objection to form.

12 A. To share them.

13 MR. WOOD: I didn't hear -- if there was an
14 answer, I missed it.

15 THE WITNESS: To share them, Mr. Wood.

16 MR. WOOD: Thank you, Mrs. Turner.

17 Q. (By Mr. McCabe) Did you get anything in payment
18 or appreciation for your help with the prison interview?

19 A. I was offered some -- some through Mr. Harris.

20 Q. What were you offered?

21 A. I was offered that CBS Productions, Inc. was
22 willing to fly me and my husband to Las Vegas or any
23 town we wanted to go to, put us up for the weekend, and
24 see that we had a wonderful dinner.

25 Q. Did you accept that offer?

1 A. No, sir. I was unable to travel.

2 Q. Did you actually receive anything in connection
3 with the prison interview by way of appreciation or
4 reward?

5 MS. HAMILTON: Objection to form.

6 A. I received some custom overnight sand crabs
7 from Florida that Mr. Harris shared was his favorite as
8 a -- as a -- as a -- as a child and Starbucks coffee.

9 Q. (By Mr. McCabe) Did Mr. Harris ever indicate to
10 you that he wanted to engage in any business with you?

11 MS. HAMILTON: Objection to form.

12 A. Yes, sir.

13 Q. (By Mr. McCabe) What business did Mr. Harris
14 indicate to you he wished to engage in with you?

15 A. That he wanted to, quote, "pitch," unquote, to
16 some investors to produce his own television show to
17 compete possibly with Entertainment Tonight and that
18 because of my ability to turn research around so
19 quickly, he thought that that would be very beneficial
20 to him.

21 Q. Did you have the understanding that you would
22 benefit financially from such an arrangement?

23 MS. HAMILTON: Objection to form.

24 MR. WOOD: I -- I missed that, Neil.

25 Sorry.

1 MR. MCCABE: Sorry. My fault.

2 Q. (By Mr. McCabe) Did you have an understanding
3 that you would benefit financially from the arrangement
4 you just described regarding Mr. Harris?

5 MS. HAMILTON: Objection to form.

6 A. Yes, sir.

7 Q. (By Mr. McCabe) Did that arrangement come to
8 fruition?

9 A. No, sir.

10 Q. Did you ever sign any agreements with
11 Mr. Harris?

12 A. No, sir.

13 Q. How is it that you came -- at some point, did
14 you have an attorney in this case?

15 A. Yes, sir.

16 Q. And what attorney -- what was the attorney's
17 name, please?

18 A. I've had two attorneys, sir.

19 Q. Then were they at different times?

20 A. Yes, sir.

21 Q. What was the first attorney's name, please?

22 A. Mr. William Ogden.

23 Q. How did you come to have him as an attorney?

24 A. I called Ms. Hamilton -- or I called Jackson
25 Walker. I was put through to Ms. Hamilton. She

1 expressed concern and worry for me, which I appreciated.
2 And about two days later, she called me from her
3 Canadian office -- I believe Ontario -- and gave me
4 Mr. Ogden's name and phone number and told me that,
5 quote, "Chip," unquote, said to call him.

6 MS. HAMILTON: Objection, nonresponsive.

7 Q. (By Mr. McCabe) You -- are you sure that when
8 Ms. Hamilton called you from Canada she was calling from
9 a -- a Canadian office of hers?

10 A. That is what appeared on my caller ID.

11 Q. Did you at some point get in contact with
12 Mr. Ogden then?

13 A. Yes, sir.

14 Q. And what was your fee arrangement with
15 Mr. Ogden?

16 A. That I would pay as much as I could as I could
17 originally.

18 Q. At some point, did Mr. Ogden withdraw as your
19 attorney?

20 A. Yes, sir.

21 Q. What was the reason that he withdrew?

22 MS. HAMILTON: Objection to form.

23 A. Lack of -- lack of funds, inability to pay.

24 Q. (By Mr. McCabe) Was there any conflict that
25 precipitated his withdraw?

1 A. Yes, sir.

2 Q. What was that?

3 A. It was with Lyndal Harrington and Art Harris.

4 Q. Was Mr. Ogden representing those two persons at
5 the same time?

6 A. Yes, sir.

7 Q. And -- and was he representing you at the same
8 time?

9 A. Yes, sir.

10 Q. Was he representing anyone else at the same
11 time?

12 A. Bonnie Stern.

13 Q. What was the conflict between Lyndal Harrington
14 and Art Harris?

15 MS. HAMILTON: Objection to form.

16 A. That what -- I don't want to get into
17 attorney/client privilege.

18 Q. (By Mr. McCabe) Can you tell me without
19 relating to me any communications between you and your
20 lawyer?

21 A. Yes, sir.

22 MR. WOOD: I didn't -- I didn't get that
23 question, Neil.

24 MR. MCCABE: I'm asking if Mrs. Turner can
25 answer the question without giving me the substance of

1 any communication between her and her legal counsel.

2 A. Yes, sir.

3 Q. (By Mr. McCabe) Then without giving me such
4 communication between you and your legal counsel, what
5 was the conflict between Lyndal Harrington and Art
6 Harris?

7 MS. HAMILTON: Objection to form.

8 A. That he had not paid her for some work she did
9 in Houston.

10 Q. (By Mr. McCabe) By "he," do you mean Art --

11 A. Art --

12 Q. -- Harris?

13 A. Art Harris.

14 Q. And when you say "her," you mean?

15 A. Lyndal Harrington.

16 Q. What work had Lyndal Harrington performed for
17 Art Harris?

18 (Telephone beeping.)

19 MS. HAMILTON: Objection to form.

20 But --

21 MR. MEYER: Did somebody just arrive --

22 MR. WOOD: Hey, Neil.

23 MR. MCCABE: Yeah.

24 MR. WOOD: Can we take about a five-minute
25 break real quick?

1 MR. MEYER: Sure.

2 MR. MCCABE: Let's make it ten.

3 MR. WOOD: All right. Thank you. I'm
4 gonna go on mute.

5 MR. MCCABE: Okay.

6 Can we go off?

7 THE VIDEOGRAPHER: This concludes tape
8 number one. We're going off the record. The time is
9 now 10:33.

10 (Break taken from 10:33 to 10:47.)

11 THE VIDEOGRAPHER: This marks the beginning
12 of tape number two in the deposition of Delta Turner --
13 Nelda Turner. The time is now 10:47. We're going on
14 the record.

15 MR. MCCABE: The videographer has said
16 we're going on the record.

17 Q. (By Mr. McCabe) At some time, Mrs. Turner, did
18 you get another lawyer other than Mr. Ogden?

19 A. Yes, sir, I did.

20 Q. And who was that?

21 A. Jim McCown, M-C-C-O-W-N.

22 Q. How did you come to get Mr. McCown for a
23 lawyer?

24 A. Mr. Babcock referred me to him.

25 MS. HAMILTON: Objection -- never mind.

1 Q. (By Mr. McCabe) What was your fee arrangement
2 with Mr. McCown?

3 A. There is a contract that I -- I can produce of
4 a hourly rate.

5 Q. At some point, Mr. McCown was no longer your
6 lawyer, correct?

7 A. Yes, sir.

8 Q. And without revealing attorney/client
9 communications, can you tell me why Mr. McCown stopped
10 being your lawyer?

11 A. I terminated him.

12 Q. Without revealing attorney/client
13 communications, can you tell me why you terminated?

14 A. I felt there -- there could potentially be a
15 conflict.

16 MR. MCCABE: Could you hear that answer?

17 MR. SUSMAN: I heard the answer, Neil.
18 Just -- I know we're -- it's Harry Susman. I -- I've
19 had a little trouble with these last series of
20 questions, I think, as we came back from the break and
21 maybe y'all were being so good before.

22 MS. HAMILTON: Is Lin on?

23 MR. SUSMAN: If you'll keep it up, it'll be
24 easier for us to hear.

25 MR. MCCABE: Oh. So --

1 MS. HAMILTON: I don't know that Lin's on.

2 MR. MCCABE: So you're saying you're having
3 trouble hearing?

4 MR. SUSMAN: Yeah. A little bit.

5 MR. MCCABE: All right.

6 MR. WOOD: There was a long -- I think
7 there was a long pause before the answer, I think. I
8 wasn't sure if she was talking and we missed it or
9 whether we got it all.

10 MR. MCCABE: She was thinking, it appears
11 to me, Lin.

12 MR. WOOD: Okay.

13 MR. MCCABE: It was a deliberate pause.

14 Q. (By Mr. McCabe) Can -- Mrs. Turner, can you
15 tell me what the conflict was that caused you to
16 terminate Mr. McCown?

17 A. I perceived that there could become a conflict.

18 Q. Can you tell me what the possible conflict that
19 you perceived was?

20 A. Mr. McCown and Mr. Babcock were very close
21 friends.

22 Q. Let me go back to when Mr. Ogden was
23 representing you. You mentioned that there was a
24 conflict between Lyndal Harrington and Art Harris.

25 A. And a conflict between me and Art Harris.

1 Q. Was there a conflict between anyone else that
2 Mr. Ogden was representing at that time and another
3 defendant in the case?

4 A. No, sir.

5 MS. HAMILTON: Objection to form.

6 Q. (By Mr. McCabe) Are you telling me that there
7 was not a conflict that arose between Bonnie Stern and
8 Howard Stern?

9 MS. HAMILTON: Objection to form.

10 A. Mr. Ogden did not represent Howard Stern.

11 MR. MCCABE: Objection, nonresponsive.

12 Q. (By Mr. McCabe) Are you telling me that there
13 was not a disagreement between Bonnie Stern and Howard
14 Stern during the time --

15 MR. WOOD: I -- I can't hear you.

16 MR. MCCABE: Sorry.

17 Q. (By Mr. McCabe) Mrs. Turner, are you saying
18 that there was not a disagreement between Bonnie Stern
19 and Howard Stern during the time that Mr. Ogden
20 represented you?

21 MS. MARSHALL: Objection, form.

22 MR. WOOD: Are you asking about a conflict?

23 MR. MCCABE: I said a disagreement.

24 A. Yes, sir.

25 Q. (By Mr. McCabe) What was the disagreement

1 between Bonnie Stern and Howard Stern when Mr. Ogden was
2 representing you?

3 MS. MARSHALL: Objection, form.

4 A. Turning over court ordered documents.

5 Q. (By Mr. McCabe) Are you referring in your
6 previous answer to the requests --

7 MR. WOOD: I didn't -- didn't hear that
8 question.

9 MR. MCCABE: I haven't finished yet. But
10 I'll speak up.

11 Q. (By Mr. McCabe) Are you refer -- were you
12 referring in your previous answer to the requests from
13 Bonnie Stern to you to not turn over documents pursuant
14 to the court order?

15 A. Yes, sir.

16 MS. HAMILTON: Objection to form.

17 MR. WOOD: Objection to the form of the
18 question, leading.

19 A. Yes, sir.

20 Q. (By Mr. McCabe) Have you reviewed the discovery
21 responses by Art Harris in this case?

22 A. Yes, sir.

23 Q. Have you reviewed in particular Mr. Harris'
24 responses to requests for admissions?

25 A. Yes, sir.

1 Q. Have you reviewed in particular the responses
2 of Mr. Harris to requests for admissions to authenticate
3 e-mail communications?

4 A. Yes, sir.

5 Q. Do you find all of Mr. Harris' responses to be
6 truthful?

7 MS. MARSHALL: Objection --

8 MS. HAMILTON: Objection to form.

9 MS. MARSHALL: -- form.

10 A. No, sir.

11 Q. (By Mr. McCabe) Can you point to any examples
12 of Mr. Harris' responses to requests for admissions in
13 this case that are not truthful?

14 MS. HAMILTON: Objection to form.

15 A. Two examples. Can I give two?

16 Q. (By Mr. McCabe) Let's start with one, please.

17 A. Okay.

18 MS. MARSHALL: Objection to form.

19 A. There were documents that he turned over when
20 we had Mr. Ogden as an attorney that he's now denying or
21 cannot authenticate because he no longer has them.

22 MS. HAMILTON: Objection, nonresponsive.

23 Q. (By Mr. McCabe) Can you give me another
24 example?

25 MS. MARSHALL: Objection, form.

1 A. That I have gone through the -- the document
2 that he denies having and cannot authenticate and
3 actually pulled the message source detail code. I have
4 an example here of where I've printed out a couple to
5 make sure that I knew what I was talking about.

6 MS. HAMILTON: Objection, nonresponsive.

7 Q. (By Mr. McCabe) Is it your testimony that you
8 have the means to authenticate e-mail communications
9 from Art Harris that he is denying sending you?

10 MS. HAMILTON: Objection to form.

11 A. Yes, sir.

12 Q. (By Mr. McCabe) And are you willing to provide
13 the parties with that proof that you just mentioned of
14 e-mails that you can authenticate that Art Harris is --
15 has denied sending?

16 MS. HAMILTON: Objection to form.

17 A. Yes, sir.

18 MR. WOOD: I didn't -- I didn't hear that
19 question, Neil.

20 MR. MCCABE: Thank you.

21 Q. (By Mr. McCabe) Mrs. Turner, are you willing to
22 provide to the parties in this case your documentation
23 to authenticate e-mails that Art Harris sent to you that
24 he now is denying sending?

25 MS. HAMILTON: Objection to form.

1 A. Yes, sir.

2 Q. (By Mr. McCabe) And how -- how can you
3 authenticate such e-mails?

4 A. I was able to go through my Outlook Express and
5 pick up the e-mail exchanges, go into a tab called
6 property, then click on a tab called details, and then
7 open up what was called a message source code.

8 Q. Have you read Mr. Stern's, Howard K. Stern's
9 discovery responses in this case?

10 A. I read all three of the admissions. I think
11 I've -- I think I also have read the interrogatories.

12 Q. Do you find Mr. Stern's responses to the
13 requests for admissions to be entirely truthful?

14 MS. MARSHALL: Objection to form.

15 MR. WOOD: What -- what -- what -- what was
16 that question?

17 Q. (By Mr. McCabe) Do you -- do you find
18 Mr. Stern's responses to the requests for admissions in
19 this case to be entirely truthful?

20 MS. MARSHALL: Objection, form.

21 MR. WOOD: I object to that. You -- you
22 can't ask a witness to comment on the truth of another
23 person's discovery.

24 MR. MCCABE: What's the objection?

25 MS. HAMILTON: Form.

1 MR. WOOD: Yeah. It's a totally improper
2 question. You can't have this witness comment on the --

3 MR. MEYER: Sure can.

4 MR. WOOD: -- on the credibility of another
5 witness. Ask her a factual question.

6 MR. MCCABE: What's your objection? Form?

7 MR. WOOD: I think I -- I -- I think I've
8 made it.

9 MS. HAMILTON: Objection, form.

10 MR. WOOD: It's a -- it's a -- it's a
11 totally inappropriate question.

12 MR. MCCABE: You're not allowed to make
13 speaking objections, Mr. Wood.

14 MR. WOOD: Well, take me up to the judge.
15 But I think he'll tell you that's a totally
16 inappropriate question.

17 MR. MCCABE: And now you're just repeating
18 yourself.

19 MR. WOOD: You're just interrupting me.

20 A. It is my belief that Mr. Stern is -- is
21 attempting to be extremely honest and forthcoming in his
22 answers.

23 MS. HAMILTON: Objection, nonresponsive.

24 MR. MCCABE: Objection, nonresponsive.

25 Q. (By Mr. McCabe) Thank you, Mrs. Turner.

1 MS. MARSHALL: Miss who?

2 MR. MCCABE: Turner.

3 MS. MARSHALL: Turner. I thought you said
4 Ms. Stern.

5 MR. MCCABE: No.

6 Okay. We're -- we're just having a little
7 levity here.

8 Q. (By Mr. McCabe) When -- back in 2007, was there
9 a time when you were researching Virgie Arthur's
10 relationship with David Luther Tacker?

11 A. Yes, sir.

12 Q. What was the purpose of that research?

13 A. To -- to dig up anything that we could on her.

14 Q. And why did you want to do that, Mrs. Turner?

15 A. Because I felt like that Mr. Stern got a very
16 raw deal in Florida.

17 Q. And when you said we wanted to dig up -- up
18 anything we could on her, who was "we"?

19 A. A blogger by the name of Havana. I believe her
20 name was Chrystal Baker. Yvonne Waddle -- I believe she
21 goes by QV -- referred other people that she felt like
22 was good researchers.

23 Q. Well, was it your intention to find unfavorable
24 information on Virgie Arthur?

25 MS. HAMILTON: Objection to form.

1 A. No, sir. Just the truth.

2 Q. (By Mr. McCabe) Did you work on that research
3 in connection with Art Harris?

4 A. Yes, sir.

5 Q. What was your understanding of Art Harris'
6 interest in that research?

7 MS. HAMILTON: Objection to form.

8 A. He wanted to, quote, "pitch," unquote, multiple
9 potential interviews to CBS Productions, Inc. and
10 Celebrity TV.

11 Q. (By Mr. McCabe) Is it your testimony that he
12 wanted this research in order to help him pitch
13 interviews to television?

14 MS. HAMILTON: Objection to form.

15 A. Yes, sir.

16 Q. (By Mr. McCabe) And what were these -- what was
17 your understanding of what these interviews were to be
18 about?

19 A. Virgie Arthur.

20 Q. Was it your understanding that Mr. Harris
21 wanted to portray Virgie Arthur in an unfavorable light?

22 MS. HAMILTON: Objection to form.

23 A. Yes, sir.

24 Q. (By Mr. McCabe) Did you come to an
25 understanding of what the relationship was between David

1 Luther Tacker and Virgie Arthur?

2 A. Yes, sir.

3 Q. What was your understanding of that
4 relationship between Virgie Arthur and David Luther
5 Tacker?

6 A. That they had had a child together ten months
7 before Ms. Arthur's mother married Mr. Tacker's father.

8 Q. Did you have an understanding of whether Virgie
9 Arthur was married at some point to David Luther Tacker?

10 MR. WOOD: I lost -- I lost that question,
11 Neil.

12 MR. MCCABE: I'm sorry. My voice is fading
13 again.

14 Q. (By Mr. McCabe) Did you have an understanding
15 at some point as to whether Virgie Arthur was married to
16 David Luther Tacker?

17 A. No, sir. I could not find that in the public
18 records.

19 Q. Have you seen any public record since 2007 that
20 indicates that David Luther Tacker and Virgie Arthur
21 were married at some point?

22 A. No, sir.

23 Q. Have you read TMZ's, Harvey Levin's summary
24 judgment motion?

25 MR. WOOD: I couldn't hear that either,

1 Neil.

2 MR. MCCABE: Thank you.

3 Q. (By Mr. McCabe) Have you read TMZ and Harvey
4 Levin's summary judgement motion?

5 A. Yes, sir.

6 Q. Do you -- in 2007, did you publish a story of
7 any kind about David Luther Tacker and Virgie Arthur?

8 A. No, sir.

9 Q. Did -- did anyone you know of publish a story
10 about Virgie Arthur and David Luther Tacker?

11 A. Yes, sir.

12 Q. Did any of the defendants presently in this
13 case publish a story about Virgie Arthur and David
14 Luther Tacker?

15 A. Yes, sir.

16 Q. And which defendant was that that published
17 such a story?

18 A. Harvey Levin and TMZ Productions or Inc. or --
19 their -- their professional name.

20 Q. About what time, if you recall, was that story
21 published by TMZ, Harvey Levin for our purposes?

22 A. April 19th, 2007.

23 Q. And did you read the story that day?

24 A. Yes, sir.

25 Q. Did you have a reaction?

1 A. I was appalled.

2 Q. Why were you appalled?

3 A. Because it was not true. And it should've
4 stated her future stepbrother. And I asked everyone
5 through e-mails to please correct it.

6 Q. So you knew that the TMZ story, the -- we'll
7 call it the Stepbrother Story -- was not true?

8 A. I knew it was not --

9 MR. WOOD: I couldn't hear that question.

10 Q. (By Mr. McCabe) So -- so you -- is it your
11 testimony that you knew that the TMZ story -- which
12 we'll call the Stepbrother Story -- the Virgie Arthur,
13 David Luther Tacker story was not true?

14 MS. MARSHALL: Objection --

15 MS. HAMILTON: Objection to form.

16 MS. MARSHALL: -- form.

17 MR. WOOD: Object to form.

18 A. It was inaccurate in my opinion.

19 Q. (By Mr. McCabe) What was inaccurate about the
20 story?

21 MS. MARSHALL: Objection to form.

22 A. The implication of almost incest between her
23 and her stepbrother when he was not her stepbrother at
24 the time.

25 Q. (By Mr. McCabe) Do you know now whether David

1 Luther Tacker and Virgie Arthur even cohabited while he
2 was her stepbrother?

3 MS. MARSHALL: Objection to form.

4 A. No, sir, I do not.

5 Q. (By Mr. McCabe) Did you know in 2007, April
6 of 2007 that before the time that Virgie Arthur's mother
7 married David Luther Tacker's father that Virgie Arthur
8 had given birth to a child by David Luther Tacker?

9 A. Yes, sir.

10 Q. Did you know in April of 2007 that before the
11 time that Virgie's mother married David Luther Tacker's
12 father that Virgie Arthur and David Luther Tacker
13 actually had separated?

14 MR. WOOD: I -- that was a long one, Neil.
15 I hate it. But I -- I missed the first half of it. It
16 was chopped up.

17 MR. MCCABE: Yeah. I'm sorry.

18 Q. (By Mr. McCabe) Did -- were you aware in April
19 of 2007 that before the time Virgie's mother married
20 David Luther Tacker's father that the two young people,
21 Virgie and David Luther Tacker, actually had separated?

22 MS. MARSHALL: Objection, form.

23 MS. HAMILTON: Join in the objection.

24 A. No, sir.

25 MR. MCCABE: And what was the form

1 objection?

2 MS. HAMILTON: Assumes facts not in
3 evidence.

4 MS. MARSHALL: You're -- it's leading --

5 MS. HAMILTON: And leading.

6 MS. MARSHALL: -- suggestive, and assumes
7 facts that she has already said she doesn't know.

8 MR. MCCABE: Yes. Okay. I'm entitled to
9 find out whether she does.

10 MS. MARSHALL: Yes. I'm happy to explain
11 or not.

12 (Sotto voce discussion off the record.)

13 Q. (By Mr. McCabe) Did any lawyer for Howard K.
14 Stern ask you for information regarding the relationship
15 between Virgie Arthur and David Luther Tacker?

16 MR. WOOD: I did not -- I did not hear that
17 question.

18 Q. (By Mr. McCabe) Did any lawyer for Howard K.
19 Stern ask you for information about the relationship
20 between Virgie Arthur and David Luther Tacker?

21 A. Yes, sir.

22 Q. What lawyer asked you for that information?

23 A. Ms. Krista Barth.

24 Q. Do you recall when Ms. Barth asked you for that
25 information about the relationship between David Luther

1 Tacker and Virgie Arthur?

2 A. Towards the end of March 2007 to perhaps the
3 10th of April 2007.

4 Q. Do you have an understanding of why that
5 information was requested of you?

6 A. No, sir.

7 Q. Did Ms. Barth ask you for information on any
8 other persons around that time?

9 A. Yes, sir.

10 Q. What other persons did Ms. Barth ask you for
11 information about?

12 A. Everything that I could find connected to
13 Virgie Arthur, her life, and especially a Houston
14 Chronicle article about her son suffering a gunshot
15 wound when he was a -- a child.

16 Q. Did Krista Barth ask you for information at --
17 around that time about Larry Birkhead?

18 A. Yes, sir.

19 Q. Was it your understanding that Ms. Barth was
20 requesting favorable or unfavorable information about
21 Mr. Birkhead?

22 A. Unfavorable.

23 Q. Do you have an understanding of why Ms. Barth
24 was seeking unfavorable information about Mr. Birkhead?

25 A. Yes, sir.

1 Q. What is that understanding, please?

2 A. She wanted Dannielynn to remain with Howard K.
3 Stern.

4 Q. And for the record, what is your understanding
5 of who is Dannielynn?

6 A. Dannielynn is the daughter of Larry Birkhead
7 and Anna Nicole Smith. Or her legal name is Vicky
8 somebody, but Anna Nicole Smith.

9 Q. That'll do for this purpose of this deposition.
10 Thank you.

11 Do you understand whether there is a
12 relationship between Virgie Arthur and Dannielynn?

13 A. Am I aware?

14 MR. WOOD: I didn't -- I didn't hear that
15 question, Neil.

16 MR. MCCABE: Yeah.

17 Q. (By Mr. McCabe) Are -- are you aware of a --
18 I'll change it a little bit. Are you aware of a
19 familial connection between Virgie Arthur and
20 Dannielynn?

21 A. Yes, sir.

22 Q. And what is that connection that -- as far as
23 you understand it?

24 A. She is Dannielynn's maternal grandmother.

25 Q. When you say "she" --

1 A. Virgie Arthur. I'm sorry, sir.

2 Q. That's all right. Thank you. I just have to
3 clarify it.

4 Did Mr. Wood, Lin Wood ask you to send him
5 information on Don Clark?

6 MR. WOOD: I didn't hear that question.

7 Q. (By Mr. McCabe) Did Mr. Wood ask you to send
8 him information on Don Clark?

9 A. No, sir.

10 Q. Did you at some point come into possession of
11 photographs of someone's garbage?

12 A. Yes, sir.

13 Q. Did you offer photographs of someone's garbage
14 to Mr. Wood?

15 A. Yes, sir.

16 Q. Did Mr. Wood reply?

17 A. Yes, sir.

18 Q. What was Mr. Wood's reply as best you can
19 remember?

20 A. That he would appreciate having the pictures.

21 Q. Did he express -- did Mr. Wood express to you
22 what his interest was in the pictures of the garbage?

23 A. No, sir.

24 MR. WOOD: What was the question?

25 MR. MCCABE: Did Mr. Wood express to you

1 what his interest was in the pictures of the garbage.

2 Q. (By Mr. McCabe) Who acquired that garbage?

3 A. Lyndal Harrington.

4 Q. And do you have an understanding of how Lyndal
5 Harrington acquired that garbage?

6 A. She drove by a Ms. Wilma Vicedomine's home.

7 MR. MCCABE: That spelling is
8 V-I-C-E-D-O-M-I-N-E.

9 Q. (By Mr. McCabe) We can call her Wilma Vice for
10 short.

11 A. Okay. Thank you, sir.

12 Q. And is it your testimony that Lyndal acquired
13 the garbage from Ms. -- outside Ms. Vicedomine or
14 Ms. Vice's home?

15 A. Yes, sir.

16 Q. And how do you know that?

17 A. Ms. Harrington told me.

18 Q. Did -- did Ms. Harrington take the photographs
19 of the garbage?

20 A. Yes, sir.

21 Q. Was anything found in the garbage with Mr. Don
22 Clark's name on it?

23 A. Yes, sir.

24 Q. Do you recall what that was?

25 A. Yes, sir.

1 Q. What was it, please?

2 A. Plane tickets for -- to go in and out of the
3 Bahamas with a layover in Florida, a receipt where he
4 had used a previous -- or a family member's FBI number
5 for car washes, receipts that he signed picking up
6 things for Wilma Vice.

7 Q. Was -- were you making an attempt at that time
8 to show a connection between Don Clark and Wilma Vice?

9 A. Yes, sir.

10 Q. What was the purpose, as far as you understand
11 it, of making such a connection?

12 A. That they were having an affair.

13 Q. Was the intention to use that information to
14 anyone's advantage?

15 MR. WOOD: Who is -- wait. Wait. Ask her
16 that question again.

17 Q. (By Mr. McCabe) Was there an intention to use
18 that information about Don Clark and Wilma Vice's
19 garbage to anyone's advantage?

20 MS. MARSHALL: Objection, form.

21 MS. HAMILTON: Join in the objection.

22 MR. WOOD: Who's intention?

23 A. Not my intention, Mr. Bab -- Mr. McCabe. I'm
24 sorry.

25 Q. (By Mr. McCabe) Are you -- Is it your

1 understanding that anyone currently involved in this
2 lawsuit had the intention to use information about a
3 connection between Wilma Vice and Don Clark as shown by
4 garbage to their advantage?

5 MS. HAMILTON: Objection to form.

6 A. Yes, sir.

7 Q. (By Mr. McCabe) And who, as far as you
8 understand, had that intention?

9 A. Howard K. Stern and his attorneys.

10 (Sotto voce discussion off the record.)

11 Q. (By Mr. McCabe) How did you come to that
12 understanding that Howard K. Stern and his attorneys
13 intended to use information found in garbage about Don
14 Clark and Wilma Vice to their advantage?

15 A. Phone calls with Bonnie Stern and perhaps a
16 phone call with Ben Erwin. I would have to look on my
17 phone records to verify Mr. Erwin.

18 Q. Was Mr. Harris --

19 A. Wait.

20 Q. I'm sorry.

21 A. Mr. Erwin had already left Powell Goldstein, so
22 it was not him.

23 Q. Thank you.

24 MR. MCCABE: Did you guys hear that about
25 Mr. Erwin having left Powell Goldstein already?

1 MR. WOOD: Yeah. I think she was -- I
2 think she was making that comment because she realized
3 she did not talk to Mr. Erwin because he had already
4 left the firm.

5 MR. MCCABE: That's -- that's my
6 understanding of her answer, too.

7 Q. (By Mr. McCabe) Was Mr. Harris involved in the
8 matter of Ms. Vice's garbage?

9 MS. HAMILTON: Objection to form.

10 A. Yes, sir.

11 Q. (By Mr. McCabe) How was Mr. Harris involved in
12 the matter of Ms. Vice's garbage?

13 MS. HAMILTON: Objection to form.

14 A. He asked her to pick it up and take pictures of
15 it.

16 Q. (By Mr. McCabe) He -- Mr. Harris asked whom to
17 pick up --

18 A. Lyndal Harrington.

19 Q. So Mr. -- is it your testimony that Mr. Harris
20 asked Lyndal Harrington to pick up Ms. Vice's garbage
21 and take pictures?

22 A. Yes, sir.

23 Q. Did Mr. Harris get the pictures?

24 A. Yes, sir.

25 MS. HAMILTON: Objection to form.

1 Q. (By Mr. McCabe) Did Mr. Harris receive anything
2 else as a result of this garbage acquisition?

3 MS. HAMILTON: Objection to form.

4 A. Yes, sir.

5 Q. (By Mr. McCabe) What did he receive?

6 A. The garbage.

7 Q. It's your testimony that the garbage from
8 Ms. Vicedomine's house was given to Mr. Harris?

9 MS. HAMILTON: Objection to form.

10 A. Yes, sir.

11 Q. (By Mr. McCabe) How does -- how do you know
12 this?

13 A. Ms. Harrington told me that she had FedEx'd it
14 to her -- to him. And Mr. Harris confirmed it.

15 Q. Did Mr. Harris confirm that he had received the
16 garbage?

17 A. Yes, sir.

18 Q. Did he confirm that directly to you?

19 A. Yes, sir.

20 Q. Did he comment on the garbage to you?

21 A. Yes, sir.

22 Q. What comment did he make?

23 A. That it showed the character of Wilma Vice and
24 Don Clark.

25 Q. Did Mr. Harris publish anything about the

1 garbage?

2 A. Yes, sir.

3 Q. What did he publish, please?

4 A. An article.

5 Q. What's the gist of the article?

6 MS. MARSHALL: Objection, form.

7 MS. HAMILTON: Objection to form.

8 Q. (By Mr. McCabe) Can you summarize the article
9 for me, please?

10 MS. HAMILTON: Objection to form.

11 MS. MARSHALL: Objection, form.

12 A. Hinting that there was something going on
13 between the two of them.

14 Q. (By Mr. McCabe) So you read the article?

15 A. It has been awhile. But yes, sir.

16 Q. And when you say "there was something going on
17 between the two of them" --

18 A. An affair.

19 Q. And the "two of them" would be whom?

20 A. Wilma Vice and Don Clark.

21 Q. Do you know -- do you have an understanding of
22 why Art Harris wanted to publish that?

23 MS. HAMILTON: Objection to form.

24 A. He wanted to show that Wilma Vice was a drunk.

25 Q. (By Mr. McCabe) Excuse me.

1 MR. WOOD: Did we get an answer on what
2 Wilma Vice was?

3 THE WITNESS: That she was a drunk,
4 Mr. Wood.

5 MR. WOOD: I -- I'm sorry. I just didn't
6 hear you, Mrs. Turner. Thank you.

7 Q. (By Mr. McCabe) Did Art Harris have a business
8 arrangement with Lyndal Harrington?

9 MS. HAMILTON: Objection to form.

10 A. She thought she had one.

11 Q. (By Mr. McCabe) Did Lyndal Harrington tell you
12 about what she thought was a business arrangement with
13 Art Harris?

14 A. Yes, sir.

15 Q. What did Lyndal Harrington tell you she thought
16 the business arrangement with Art Harris was?

17 MS. HAMILTON: Objection to form.

18 A. That he was going to help her sell pictures of
19 Mr. O'Quinn's Christmas party and that he was going to
20 set her up as one of his investigators in his new
21 business venture.

22 Q. (By Mr. McCabe) Is it -- did there come a time
23 when Lyndal Harrington took pictures of the John O'Quinn
24 firm Christmas party?

25 A. Yes, sir.

1 Q. Did -- how do you know that?

2 A. She called me before entering the Christmas
3 party and she called me throughout the time she was at
4 the Christmas party.

5 Q. Did Lyndal Harrington tell you she was -- she
6 was invited to the Christmas party?

7 A. She told me she was not.

8 Q. So did -- did Lyndal Harrington tell you that
9 she took pictures at the O'Quinn Christmas party?

10 A. Yes, sir.

11 Q. What year was that?

12 A. 2007.

13 Q. Did she take just still pictures or did she
14 take video, too?

15 A. She took both, sir.

16 Q. Who is depicted in the video? Did you see it?

17 A. Yes, sir. John O'Quinn; a woman who at that
18 time I did not know her name, a very attractive woman;
19 John O'Quinn's bodyguard; and dancers on the dance
20 floor.

21 Q. Did you later find out who the woman depicted
22 in the video was?

23 A. Yes, sir.

24 Q. And to your knowledge, who was it?

25 A. Darla Lexington.

1 Q. Do you have an understanding of who Darla
2 Lexington is?

3 A. The significant other of -- of Mr. O'Quinn
4 during his lifetime.

5 Q. Did you -- did you tell Art Harris who the
6 woman in the video was?

7 A. Once we found out. We had the wrong name begin
8 -- in the beginning.

9 Q. What was the wrong name that you had?

10 A. We thought it was Mr. O'Quinn's wife, a woman
11 named Julie.

12 Q. Did you later determine whether or not
13 Mr. O'Quinn was still married to Julie at the time of
14 that Christmas party?

15 A. Yes, sir.

16 Q. And what did you determine?

17 A. I determined that he was not through public
18 records.

19 Q. Did Art Harris and Lyndal Harrington, to your
20 knowledge, sign a nondisclosure agreement between the
21 two of them?

22 A. Lyndal Harrington signed it.

23 Q. Did you and Mr. Harris have a nondisclosure
24 agreement between the two of you?

25 A. Verbally.

1 Q. Well, that could be either orally or in
2 writing. Did you have one orally or in writing?

3 A. Orally.

4 Q. Did Mr. Harris try to get you to sign a
5 nondisclosure agreement?

6 A. No, sir.

7 Q. Have you engaged in communications with Larry
8 Birkhead?

9 A. Yes, sir.

10 MR. WOOD: I didn't -- I didn't hear that
11 question, Neil. The last two or three questions have
12 been very difficult.

13 MR. MCCABE: I'm sorry. I'm -- I'm pooping
14 out.

15 Q. (By Mr. McCabe) Did you -- have you engaged in
16 communications with Larry Birkhead?

17 A. Yes, sir.

18 Q. Were -- in what form were those communications?
19 Phone, e-mail?

20 A. They were both e-mail and postings on my
21 website.

22 Q. Have you ever talked with Mr. Birkhead on the
23 phone?

24 A. No. I refused to.

25 Q. What things did Mr. Birkhead post on your

1 website?

2 MR. WOOD: I didn't hear that question.

3 Q. (By Mr. McCabe) What things did Mr. Birkhead
4 post on your website?

5 A. Derogatory about me.

6 Q. Do you recall what Mr. Birkhead said about you
7 in such postings?

8 A. That I should put up a clock on my website to
9 do the world a favor to show how much longer I had to
10 live.

11 Q. Now, how do you know that that was Mr. Birkhead
12 posting such things?

13 A. We were able to track the ISP.

14 Q. Do you -- was that -- could you say that
15 louder, please?

16 A. We were able to track the ISP. And I
17 confronted Mr. Birkhead and he admitted that he had done
18 that.

19 Q. How did you confront Mr. Birkhead?

20 A. Via e-mails.

21 Q. Did Mr. Birkhead e-mail you back?

22 A. He posted on the blog that -- to please list
23 his name as Larry Birkhead, he was not hiding it. And
24 that I had actually changed the name to protect him and
25 he wanted it changed back.

1 Q. Has Mr. Birkhead ever threatened you?

2 A. Yes, sir.

3 Q. When was that?

4 A. In April of 2009.

5 Q. And can you tell me what the threat was?

6 A. That he was going to sue me, sue Bonnie, and
7 make sure Bonnie never saw Dannielynn again.

8 Q. How --

9 MR. MCCABE: Did you hear that?

10 Q. (By Mr. McCabe) How was that threat
11 communicated to you?

12 A. By e-mail by Mr. Birkhead and telephone call by
13 Bonnie Stern.

14 Q. What was Art Harris' -- what -- what was your
15 understanding of Art Harris' relationship with the Stern
16 family in 2007, if any?

17 A. That he was able to negotiate for Howard K.
18 Stern to be able to retain Lin Wood.

19 Q. Who told you that?

20 A. Art Harris.

21 Q. What was your understanding of the relationship
22 between Art Harris and Lin Wood?

23 A. They lived in the same town and their wives
24 worked at the same school.

25 Q. Did Mr. Harris ever make any representations to

1 you about having gotten Lin Wood to represent Howard K.
2 Stern?

3 A. Yes, sir.

4 Q. Did you believe that?

5 A. Yes, sir.

6 Q. What is your understanding of how the -- how
7 the Stern family regarded Art Harris?

8 MS. HAMILTON: Objection --

9 MS. MARSHALL: Objection to form.

10 MS. MARSHALL: -- form.

11 A. As a very close --

12 MR. WOOD: I didn't hear -- excuse me,
13 Mrs. Turner. I'm sorry.

14 I didn't hear that. All I heard was Stern
15 family.

16 Q. (By Mr. McCabe) What is your understanding, if
17 any, of how the Stern family regarded Art Harris?

18 MS. HAMILTON: Objection to form.

19 MR. WOOD: I object to the form of the
20 question.

21 When you say "the Stern family," who -- who
22 -- who -- that's vague and ambiguous. Who are you
23 talking about?

24 Q. (By Mr. McCabe) Can you answer the question?

25 A. Howard K. Stern's two parents and his sister

1 and his brother.

2 Q. How did you come to an understanding that the
3 Stern family had any kind of regard for Art Harris?

4 MS. HAMILTON: Objection to form.

5 A. Because of telephone calls.

6 Q. (By Mr. McCabe) So there were telephone calls
7 in which something was expressed to you about the Stern
8 family's regard for Art Harris?

9 A. Yes, sir.

10 Q. What was expressed to you?

11 A. That he was very trusted, that he had helped
12 Howard K. Stern almost as a therapist, and that he had
13 leveled the playing field for Howard.

14 Q. What do you take "level the playing field" to
15 mean in that expression?

16 MS. HAMILTON: Objection to form.

17 A. That Howard K. Stern did not murder Anna Nicole
18 Smith or Daniel.

19 Q. (By Mr. McCabe) Do you believe that Art Harris
20 was trying to help Howard K. Stern?

21 A. Yes, sir.

22 Q. In what way do you believe Art Harris was
23 trying to help Howard K. Stern?

24 A. To level the playing field.

25 Q. Yes. But what I'm asking is how do you believe

1 Art Harris was going about leveling the playing field?

2 A. To discredit Virgie Arthur, to sell stories for
3 his own money, and to see that it helped Howard K. Stern
4 and Larry Birkhead, that Ms. Arthur would not have a
5 relationship with Dannielynn.

6 MS. HAMILTON: Objection, nonresponsive.

7 Q. (By Mr. McCabe) Did Mr. Harris express --

8 MR. WOOD: I didn't hear that question,
9 Neil.

10 MR. MCCABE: Yeah. Okay. Thank you.

11 Q. (By Mr. McCabe) Did Mr. Harris express an
12 intention to level the playing field to you?

13 A. Yes, sir.

14 Q. Did he express to you -- did Mr. Harris express
15 to you an intention to help Howard K. Stern?

16 A. Yes, sir.

17 Q. Has Mr. Harris ever referred to Lin wood --

18 MR. WOOD: I didn't hear that question. I
19 just heard my name and I thought --

20 MR. MCCABE: That was the last sen -- that
21 was the last word before I paused. But I'll try again.

22 Q. (By Mr. McCabe) Did Mr. Harris ever express to
23 you that he regarded Lin Wood as a client?

24 MS. HAMILTON: Objection to form.

25 MR. WOOD: Art Harris regarded himself as a

1 client of mine?

2 MR. MCCABE: That's the question.

3 MR. WOOD: Oh, that's ridiculous.

4 MR. MCCABE: No. No. It's backwards.
5 It's backwards.

6 Q. (By Mr. McCabe) Did Mr. Harris ever express to
7 you that Lin Wood was a client of Mr. Harris'?

8 MS. HAMILTON: Objection to form.

9 A. No, sir.

10 Q. (By Mr. McCabe) Did Mr. Harris ever express to
11 you that Mr. Harris had clients?

12 A. Mr. Harris?

13 Q. (Witness nods head).

14 A. Yes, sir.

15 Q. Did Mr. Harris ever give you the names of
16 people he regarded as clients?

17 A. No, sir.

18 Q. Did Mr. Harris ever explain to you why he
19 regarded person -- certain persons as clients?

20 MS. HAMILTON: Objection to form.

21 A. He was able to sell stories to multiple news
22 organizations and TV -- TV shows.

23 Q. (By Mr. McCabe) So it's your understanding that
24 Mr. Harris regarded as clients news organizations to
25 which he could sell stories or interviews; is that

1 correct?

2 MS. HAMILTON: Objection to form.

3 A. Yes, sir.

4 Q. (By Mr. McCabe) Are you aware of Mr. Harris
5 doing work of any kind for lawyers?

6 MR. WOOD: I -- I missed that question if
7 it was finished.

8 Q. (By Mr. McCabe) Are you --

9 MR. MCCABE: I'll repeat.

10 Q. (By Mr. McCabe) Are you aware of Mr. Harris
11 doing work of any kind for lawyers?

12 A. Yes, sir.

13 Q. How is it that you are aware of Mr. Harris
14 doing work for lawyers?

15 A. He describes himself as a media consultant.

16 MS. HAMILTON: Objection, nonresponsive.
17 Well --

18 A. That's Mr. Harris does.

19 Q. (By Mr. McCabe) So is it your testimony that
20 Mr. Harris has described himself as a media consultant
21 for one or more lawyers?

22 A. Yes, sir.

23 Q. Has he told -- has Mr. Harris told you of any
24 lawyers for whom he serves as a media consultant?

25 A. No, sir.

1 Q. Are you aware from any other source of -- of
2 Mr. Harris serving as a media consultant for a lawyer?

3 A. Yes, sir.

4 Q. How are you aware of Mr. Harris serving as a
5 media consultant for a lawyer?

6 A. When everything exploded in Florida on the
7 Haleigh Leigh Cummings case and he came under
8 investigation.

9 Q. What -- what information are you referring to
10 when you refer to Florida and the Haleigh Leigh Cummings
11 case?

12 A. There is a girl that turned up missing in
13 Florida in 2009 by the name of Haleigh Cummings.
14 Mr. Harris asked me not to cover the story because it
15 was important to him to be able to sell the story. And
16 since then, there has been articles about that
17 Mr. Harris was, in fact, a media consultant for family
18 attorneys and that the police -- the police -- the
19 sheriff's department at -- in that area actually as late
20 as yesterday had to contact him and ask him to correct
21 something that they had not stated to him.

22 Q. To your knowledge, has Mr. Harris ever been
23 described as the go-to guy for --

24 MR. WOOD: That -- that question didn't
25 come through, Neil.

1 MR. MCCABE: I'm sorry. I faded out.

2 Q. (By Mr. McCabe) To your knowledge, has -- has
3 Mr. Harris been described as the go-to guy for the Stern
4 family?

5 A. Yes, sir.

6 MS. HAMILTON: Objection to form.

7 MR. WOOD: I got -- I -- I got the go-to
8 guy, but that's all.

9 MR. MCCABE: Okay.

10 Q. (By Mr. McCabe) To your knowledge, has
11 Mr. Harris ever been described as the go-to guy for the
12 Stern family?

13 MS. HAMILTON: Objection to form.

14 A. Yes, sir.

15 MR. WOOD: Objection to the form of the
16 question.

17 MR. MCCABE: The -- the deponent answered
18 yes. There was some over-talking there --

19 MS. HAMILTON: There were objections. It
20 wasn't over-talking. It was objections to form.

21 MR. MCCABE: Yes. But -- but --

22 THE WITNESS: Do I need -- do I need to
23 repeat my answer?

24 MR. MCCABE: -- but -- but she was talking
25 at the same time. That's all I mean. I don't mean -- I

1 didn't mean to be --

2 THE WITNESS: Ms. -- Ms. Hamilton, do you
3 want me to repeat my answer?

4 MS. HAMILTON: No. I just wanted to make
5 sure --

6 THE WITNESS: Okay.

7 MS. HAMILTON: -- that my objection's on
8 the record and --

9 MR. WOOD: My objection's noted, too.

10 MS. HAMILTON: -- that there wasn't some
11 misunderstanding that there was just some chatter in the
12 background. It was an objection --

13 MR. MCCABE: So noted.

14 MS. HAMILTON: -- I wanted to make clear.

15 MR. MCCABE: That -- that's correct. It
16 was just an answer coming at the same time as an
17 objection.

18 It -- it really -- it really -- Let me just
19 advise that -- so that we don't have that same
20 difficulty. Don't jump to answer, okay.

21 THE WITNESS: Okay.

22 MR. MCCABE: You have to leave the
23 attorneys some time to do the objection, okay.

24 MR. WOOD: Neil, I think you're rocking
25 back and forth 'cause you're bouncing in and out.

1 MR. MCCABE: Yeah. I'm doing it. I'm just
2 advising the -- the deponent to wait a second before
3 answering so that the lawyers have a chance to register
4 their objections and we don't have the objection coming
5 at the same time as the answer.

6 Q. (By Mr. McCabe) Did you work with Art Harris in
7 helping him -- did you work with Art Harris in helping
8 him prepare to deal with possible investors?

9 MS. HAMILTON: Objection to form.

10 A. Yes.

11 Q. (By Mr. McCabe) What did you do to help Art
12 Harris prepare?

13 A. I aided him in a business plan.

14 Q. Did you ever suggest what he might say in a
15 meeting with a possible investor?

16 A. We had give-and-take conversations.

17 Q. Could those give-and-take conversations include
18 giving him advice on things to say to a possible
19 investor?

20 MS. HAMILTON: Objection to form.

21 A. Yes, sir, when I was asked to.

22 Q. (By Mr. McCabe) And you have brought phone
23 records with you today?

24 A. Yes, sir.

25 Q. Do you have them in front of you?

1 A. Yes, sir.

2 Q. Have you supplied those to all the parties?

3 A. They have all been supplied except for the
4 December telephone bill and the August telephone bill
5 because I needed to pull those to refresh my memory on
6 some conversations with Art Harris.

7 Q. When you say "December," what year?

8 A. December 22nd, 2008 and then August 22nd, 2009.

9 Q. Now, you were in conversation then with Art
10 Harris in December of 2008?

11 A. Yes, sir.

12 Q. By telephone?

13 A. Yes, sir. And November of 2008 that I have
14 records on. There -- there was more but --

15 Q. Yes. Have you redacted some of these records?

16 A. Yes, sir.

17 Q. Do the records also show that there were
18 telephone calls between you and Bonnie Stern?

19 A. Yes, sir.

20 Q. Do the records show telephone calls between you
21 and any other defendant in this case other than Bonnie
22 Stern and Art Harris?

23 A. Yes, sir.

24 Q. What defendants other than Art Harris and
25 Bonnie Stern do the records reflect?

1 A. Teresa Stephens.

2 Q. Well, okay. She's not now a defendant in this
3 case.

4 A. I'm -- I'm sorry.

5 Q. But I appreciate your -- I appreciate your --
6 the fullness of your answer.

7 When you spoke to Art Harris in December
8 of 2008, what did you speak about?

9 A. That we had lost Mr. Ogden as an attorney.

10 Q. Did you speak with Art Harris about any course
11 of action to take?

12 MR. WOOD: I didn't hear that, Neil. I'm
13 sorry.

14 MR. MCCABE: I'm leaning back again.

15 Q. (By Mr. McCabe) Did you speak with Art Harris
16 in December of 2008 about any course of action to take
17 in light of your loss of Mr. Ogden as an attorney?

18 A. We had some give-and-take conversations about
19 how he could obtain another attorney.

20 Q. Did -- okay. Do you know if Mr. Harris
21 obtained another attorney?

22 A. Yes, sir.

23 Q. Do you know how Mr. Harris obtained another
24 attorney?

25 A. Only what Mr. Harris told me.

1 Q. Yes. And what did Mr. Harris tell you about
2 how he obtained another attorney?

3 A. That CBS wanted to come into the case in late
4 January or February and that everybody else had turned
5 Mr. Harris down and he was very eager to have
6 Mr. Babcock.

7 Q. Let me see if I understand that.

8 MR. WOOD: I missed the last part of the
9 answer.

10 MR. MCCABE: Well --

11 MR. WOOD: It was (unintelligible).

12 Q. (By Mr. McCabe) Are you -- are you doing okay,
13 Mrs. Turner?

14 A. I'm -- I'm okay.

15 Q. Okay. We'll take a lunch break before too
16 long.

17 A. That's okay.

18 Q. Please tell me again, tell us all again, what
19 did Mr. Harris tell you about his obtaining another
20 counsel?

21 A. That Mr. Babcock had contacted him and had
22 asked -- had told him that he would represent him in
23 order to come into the lawsuit early to defend CBS
24 Productions.

25 MS. HAMILTON: Objection, nonresponsive.

1 MR. WOOD: Neil, are y'all there?

2 MR. MCCABE: Yeah. I'm just thinking.

3 Q. (By Mr. McCabe) Was Mr. Harris -- did he
4 express to you that -- that he was favorable to the idea
5 of Mr. Babcock becoming his attorney?

6 A. He was ecstatic.

7 (Sotto voce discussion off the record.)

8 Q. (By Mr. McCabe) Later on in 2008, did you file
9 a motion to designate CBS as a responsible third party?

10 A. Yes, sir.

11 Q. Around that time of your filing that motion,
12 did you speak with Mr. Harris about the motion?

13 A. Yes, sir.

14 Q. And was that on the telephone?

15 A. Yes, sir.

16 Q. Do you have a telephone record indicating --

17 A. Yes, sir.

18 Q. -- that phone call?

19 A. Yes, sir.

20 Q. Did Mr. Harris express his reaction to your
21 plan to file a motion to designate CBS as a responsible
22 third party?

23 A. Yes, sir.

24 Q. What was Mr. Harris' reaction to your plan to
25 file a motion to designate CBS?

1 MS. HAMILTON: Objection to form.

2 Q. (By Mr. McCabe) Insofar as he expressed it to
3 you.

4 A. That it would be a win-win situation, that it
5 would help me, and that it would keep him -- that
6 Mr. Babcock had indicated he was going to leave
7 Mr. Harris once CBS was let out, which was obviously not
8 true.

9 MS. HAMILTON: Objection, nonresponsive.

10 Q. (By Mr. McCabe) So was Mr. Harris favorable or
11 unfavorable to your plan?

12 MR. WOOD: I didn't get that question,
13 Neil.

14 MR. MCCABE: I'm sorry. I'm leaning back
15 again.

16 Q. (By Mr. McCabe) Was Mr. Harris at the time you
17 just described favorable or unfavorable to your plan to
18 file a motion to -- for lead to designate CBS as a
19 responsible third party?

20 A. He encouraged --

21 MS. HAMILTON: Objection to form.

22 A. -- me to do that.

23 MS. HAMILTON: Excuse me. Could you wait
24 until I --

25 THE WITNESS: I'm sor -- I'm sorry.

1 MS. HAMILTON: I -- I know. I -- it's --
2 people do it naturally. I just want to interject.

3 MR. MCCABE: Would you like to state your
4 objection again? I'm not sure --

5 MS. HAMILTON: Yeah. I think it was
6 nonresponsive. No. It was objection to the form. But
7 she stepped on -- on my objection.

8 THE WITNESS: I'm -- I'm so sorry --

9 MS. HAMILTON: That's okay.

10 THE WITNESS: -- Ms. Hamilton.

11 Q. (By Mr. McCabe) All right. The question is the
12 same one. Did Mr. Harris say he was favorable or
13 unfavorable to the plan --

14 A. He -- he very much wanted me to do it.

15 Q. Did Mr. Harris encourage you to file the motion
16 to designate CBS?

17 MR. WOOD: Objection to the form of the
18 question as leading.

19 A. Yes, sir.

20 Q. (By Mr. McCabe) What -- what -- can you tell me
21 what Mr. Harris' words of encouragement to you were?

22 A. That if CBS was not added as a third party, he
23 would lose his -- he would lose Mr. Babcock as a
24 counsel.

25 Q. Did Mr. Harris express to you why he thought he

1 would lose Mr. Babcock as counsel if CBS were not added
2 to the suit?

3 A. He told me that that's what he had been told.

4 Q. Did he tell you who had told -- did Mr. Harris
5 tell you who had told him that he would lose Mr. Babcock
6 if CBS were not added to the suit?

7 A. Jackson & Walker.

8 Q. Did he give you the name of someone at Jackson
9 & Walker?

10 A. No, sir.

11 Q. Are you aware that Mr. Harris filed documents
12 opposing your motion to designate CBS?

13 A. Yes, sir.

14 Q. The prison interview that we talked about
15 earlier, what was the purpose, as far as you understand
16 it, of the interview?

17 A. That Mr. Harris would make some money.

18 Q. Did you expect to make some money from the
19 interview?

20 A. No, sir.

21 Q. And yet you helped Mr. Harris prepare for the
22 interview, correct?

23 A. Yes, sir.

24 Q. What was your purpose in helping Mr. Harris
25 prepare for the interview?

1 A. I liked Mr. Harris.

2 Q. Do you still like Mr. Harris?

3 A. No, sir.

4 MR. WOOD: I -- is that a like Mr. Harris
5 or don't like Mr. Harris?

6 MS. HAMILTON: Both.

7 MR. MEYER: Yeah.

8 MR. MCCABE: She did like Mr. Harris, but
9 she doesn't now.

10 MR. MEYER: Tell him not to expect a
11 Christmas card.

12 MR. MCCABE: Okay.

13 Q. (By Mr. McCabe) Was one of the purposes of the
14 prison interview broadcast, in your understanding, to
15 depict Virgie Arthur as a bad mother?

16 MS. MARSHALL: Objection.

17 MS. HAMILTON: Objection to form.

18 A. Yes, sir.

19 (Sotto voce discussion off the record.)

20 Q. (By Mr. McCabe) Why do you have that
21 understanding that that was the purpose of the prison
22 interview broadcast?

23 A. Because of the nickname that Mr. Harris used
24 for the -- for all of the pitches.

25 Q. And what was the nickname Mr. Harris used?

1 A. Virgie Dirt.

2 MR. WOOD: Virgie -- I'm sorry. I didn't
3 hear you, Mrs. Turner.

4 THE WITNESS: Virgie Dirt.

5 Q. (By Mr. McCabe) When you say Mr. Harris --

6 MR. WOOD: Virgie Dirt?

7 MR. MEYER: Dirt.

8 MR. MCCABE: Virgie Dirt.

9 MR. WOOD: Thank you.

10 Q. (By Mr. McCabe) When you say Mr. Harris used
11 Virgie Dirt in all of the pitches, what do you mean by
12 pitches?

13 MS. HAMILTON: Objection to form.

14 A. What he -- I had to ask him what a pitch was.
15 He said that he contacted multiple media outlets to
16 pitch a story for a sensationalized public interest in
17 all of this in order to make money.

18 Q. (By Mr. McCabe) Is it your understanding that a
19 purpose of the prison interview broadcast was to imply
20 that Dannielynn would not be safe with Virgie Arthur?

21 MS. MARSHALL: Objection --

22 MS. HAMILTON: Objection to form.

23 MS. MARSHALL: -- form.

24 MR. WOOD: Objection to the form of the
25 question as leading.

1 Q. (By Mr. McCabe) The answer can be yes or no.

2 A. Yes.

3 MR. WOOD: Form of the question as leading.

4 Q. (By Mr. McCabe) How is it that you have the
5 understanding that a purpose of the prison interview
6 broadcast was to imply that Virgie -- that Dannielynn
7 would not be safe with Virgie Arthur?

8 MS. MARSHALL: Objection, form.

9 MS. HAMILTON: Objection to form.

10 MR. WOOD: Objection to the form of the
11 question as leading.

12 A. Because Virgie Arthur did not do a good job
13 raising her -- her children.

14 Q. (By Mr. McCabe) And what was your basis for
15 that understanding that a purpose of the prison
16 interview broadcast was to depict Virgie Arthur as not
17 to be someone that Dannielynn would be safe with?

18 MS. MARSHALL: Objection --

19 MS. HAMILTON: Objection to form.

20 MS. MARSHALL: -- form.

21 A. Because of the preparation that he asked me to
22 do for the -- for the interview and have faxed to him.

23 Q. (By Mr. McCabe) Please tell me who "he" is
24 in --

25 A. I'm sorry. It was Art Harris.

1 Q. No need to apologize. It's just something I
2 have to do.

3 What preparation did Mr. Harris ask you to
4 do for the prison interview broadcast that gives you the
5 understanding that a purpose of the prison interview
6 broadcast was to depict Virgie Arthur as someone that
7 Dannielynn would not be safe with?

8 MS. HAMILTON: Objection to form.

9 A. To attempt to establish --

10 MR. WOOD: I -- I didn't hear that -- I'm
11 sorry, Neil. I didn't hear the end of the question.

12 Q. (By Mr. McCabe) What things did Art Harris ask
13 you to do in preparation for the prison interview
14 broadcast that gave you the understanding that a purpose
15 of the prison interview broadcast would be to imply that
16 Dannielynn would not be safe with Virgie Arthur?

17 A. That Virgie Arthur abused Anna Nicole Smith and
18 allowed Anna Nicole Smith to be raped in her home.

19 MS. HAMILTON: Objection, nonresponsive.

20 Q. (By Mr. McCabe) Are you saying that Art Harris
21 asked you to find evidence that Virgie Arthur abused
22 Anna Nicole Smith?

23 A. Yes, sir.

24 MS. HAMILTON: Objection to form.

25 MR. WOOD: I object -- I -- I -- I didn't

1 hear the end of it. But it started off two-thirds of
2 the way as a leading question. Could you restate it,
3 Neil, and let me get my objection on the record?

4 MR. MCCABE: Sure.

5 Q. (By Mr. McCabe) Are you saying, Mrs. Turner,
6 that Art Harris asked you to find evidence that Virgie
7 Arthur abused her daughter Anna Nicole Smith?

8 MS. HAMILTON: Objection to form.

9 MR. WOOD: I didn't get the end of that one
10 again. I'm sorry, Neil. It cut off after Virgie
11 Arthur.

12 (Sotto voce discussion off the record.)

13 Q. (By Mr. McCabe) Did Art Harris ask you to find
14 evidence that Virgie Arthur abused Anna Nicole Smith?

15 A. Yes, sir.

16 MR. WOOD: I -- I -- I -- I -- I -- I'm
17 missing -- after you say Virgie Arthur, then it goes
18 away. Can -- can you restate it, please?

19 Q. (By Mr. McCabe) Did Art Harris ask you to find
20 evidence that Virgie Arthur abused Anna Nicole Smith?

21 MR. WOOD: All right. Let -- let me see if
22 I can -- is the word -- the -- the word that's cutting
23 off starts with an A and then it goes away every time.
24 Is it abused?

25 MR. MCCABE: Yes.

1 MR. WOOD: Okay. All right. I -- I've got
2 the question.

3 I object to the form of the question as
4 leading.

5 Q. (By Mr. McCabe) The answer can be yes or no.
6 What is your answer?

7 MS. HAMILTON: Same objection.

8 A. Yes. Yes, sir.

9 MR. WOOD: Form of the question as leading.
10 (Sotto voce discussion off the record.)

11 MR. MCCABE: All right. I suggest we take
12 a lunch break and let me evaluate whether I'm gonna pass
13 the witness or not. Does anyone -- anyone oppose to
14 that?

15 MR. WOOD: No. Since it's 12:48 here, I'm
16 -- I'm all in favor of it. But I would suggest that we
17 go ahead though and -- and just call back in at this
18 point.

19 MR. MEYER: Yeah. Yeah, as opposed --

20 MR. WOOD: I don't -- I don't have any
21 reason to think that the bridge wouldn't work again. Do
22 you, Neil?

23 MR. MCCABE: No, I don't.

24 MR. WOOD: All right. What time would you
25 like for us to call back in?

1 MR. MCCABE: How about an hour from now?
2 That'll be -- let's say 11:45. Depending on what
3 everybody's watches say. Do you want to synchronize --

4 MR. WOOD: Did you say an hour?

5 MR. MCCABE: Yeah.

6 MR. MEYER: How about 2 o'clock your time
7 straight up?

8 MR. WOOD: That's fine.

9 MS. MARSHALL: What time do -- does anybody
10 have? I never have --

11 MR. MCCABE: I have 11:47 on my watch. But
12 let's go by the videographer's.

13 THE VIDEOGRAPHER: We are now going off the
14 record. The time is now 11:49.

15 (Break taken from 11:49 to 1:06.)

16 THE VIDEOGRAPHER: We are now going back on
17 the record. The time is now 1:06.

18 MR. MCCABE: The videographer has announced
19 that we're back on the record. I've got just another
20 question or two and I'll be done, ready to pass the
21 witness.

22 Q. (By Mr. McCabe) Mrs. Turner, did you speak with
23 anyone during the lunch break?

24 A. My husband, Diana Marshall and I just kind of
25 -- nothing about the case and --

1 MR. WOOD: Hey, Neil. I didn't hear the
2 question. Sorry.

3 MR. SUSMAN: I didn't hear the question,
4 Neil.

5 Q. (By Mr. McCabe) I asked Mrs. Turner, and I'll
6 ask it again, did you speak with anyone during the lunch
7 break?

8 A. I spoke with my husband; Diana -- Diana --

9 THE WITNESS: Diana or Diane?

10 A. -- Diane Marshall and I, you know, just had
11 some chitchat; got to know -- talked with the court
12 reporter, shared pictures of our Labradors; but -- I
13 mean my husband.

14 Q. (By Mr. McCabe) Okay. Thank you.

15 The e-mails between you and the persons who
16 are defendants in this case, including former defendant
17 Teresa Stephens, that you have produced, are they
18 actually e-mails that you sent or received from the
19 person shown on the e-mails as the sender?

20 A. Yes.

21 MR. WOOD: Object to the -- object to the
22 form of the question.

23 Q. (By Mr. McCabe) So insofar as you have produced
24 e-mails that purport to be from you to Art Harris, are
25 those e-mails true and accurate copies of e-mails that

1 you did send to Art Harris?

2 MS. HAMILTON: Objection to form.

3 A. Yes.

4 Q. (By Mr. McCabe) And e-mails that you've
5 produced that purport to be sent from Art Harris to you,
6 are those true and accurate copies of e-mails that he
7 did send to you?

8 MS. HAMILTON: Objection to form.

9 A. Yes.

10 Q. (By Mr. McCabe) Same question with Bonnie
11 Stern. The e-mails that you've produced which purport
12 to be e-mails from you to Bonnie Stern in this case, are
13 they true and accurate copies of e-mails that you
14 actually did send to Bonnie Stern?

15 A. Yes.

16 Q. And the e-mails that you've produced that
17 purport to be e-mails from Bonnie Stern to you, are they
18 true and accurate copies of e-mails actually sent to you
19 by Bonnie Stern?

20 MR. WOOD: I -- I object to that.

21 MR. SUSMAN: Objection to that.

22 MR. MCCABE: What's the objection?

23 MR. WOOD: I mean I think she can say
24 they're -- they're received from that address. But
25 she doesn't know who sent them.

1 MR. MEYER: You can answer.

2 MR. MCCABE: Please answer.

3 A. Yes.

4 Q. (By Mr. McCabe) Your answer is yes?

5 A. Yes.

6 Q. And all of the other e-mails that you have
7 produced in this case which purport to have been sent by
8 you to any of the defendants or former defendant Teresa
9 Stephens, are they true and accurate copies of e-mails
10 that actually were sent by you?

11 MS. HAMILTON: Objection to form.

12 MR. WOOD: Objection.

13 A. Yes.

14 Q. (By Mr. McCabe) And e-mails that you have
15 received that -- rather that you have produced in this
16 case which purport to have been sent to you by any of
17 the other defendants or former defendant Teresa
18 Stephens, are they true and accurate copies of e-mails
19 that actually were sent to you by the persons that you
20 say sent them?

21 MS. HAMILTON: Objection to form.

22 MR. WOOD: Objection to the wholesale
23 authentication effort.

24 A. Yes.

25 MR. MCCABE: And is that a form objection,

1 Mr. Wood?

2 MR. WOOD: I just want -- I'm -- I'm -- it
3 -- it's an objection to the form because I don't think
4 you can -- if you're trying to authenticate for
5 admissibility purposes e-mails or any documents -- we
6 just disagree -- I don't think you can do it by
7 wholesale fashion.

8 MR. MEYER: It was a speaking objection.

9 MR. WOOD: I'm just making a record that I
10 think it's improper to form to try to do it that way.

11 MR. MCCABE: Well, that's an improper
12 speaking objection but --

13 MR. WOOD: You asked me the question, Neil.
14 I was just trying to answer it.

15 MR. MCCABE: Yes. Improperly. Thank you
16 though.

17 (Sotto voce discussion off the record.)

18 MR. MCCABE: I pass the witness.

19 MR. SUSMAN: I guess it's, Neil -- it's
20 Harry Susman. And for the record, I'm going to question
21 first. And then I think, Nancy, are you going next?

22 MS. HAMILTON: Yes.

23 MR. MCCABE: Nancy says yes.

24 MR. SUSMAN: Okay. As -- as I understand
25 it, Neil, too, I'm gonna ask just a limited -- pursuant

1 to what the judge had said yesterday, I'm gonna ask a
2 limited set of sort of my top questions for the moment
3 'cause I understand this deposition may adjourn early
4 and reserve the right to come back later.

5 MR. MCCABE: That's what we would prefer.

6 MR. SUSMAN: Yes. That's what I'm gonna do
7 and I'll try to keep it quick.

8 EXAMINATION

9 BY MR. SUSMAN:

10 Q. Mrs. Turner, my name is Harry Susman and I
11 represent TMZ and Harvey Levin. Have we ever spoken
12 before, to your knowledge?

13 A. No, sir.

14 Q. Have we ever met before?

15 A. No, sir.

16 Q. Mrs. Turner, when this lawsuit was filed, you
17 were accused by Virgie Arthur of conspiring with both
18 TMZ and Harvey Levin to defame Ms. Arthur. Are you
19 aware of that?

20 A. Yes, sir.

21 Q. All right. Part of the -- the -- the main
22 charge of defamation was that you had conspired with TMZ
23 to have published a story called the Stepbrother Story;
24 is that right?

25 A. Yes, sir.

1 Q. The Stepbrother Story was a story that was
2 published in April of 2007 by -- on the TMZ website
3 which purported that Ms. Arthur had a child with her
4 stepbrother, right?

5 A. Yes, sir.

6 Q. Okay. You have -- since the lawsuit was filed,
7 you've reached a settlement agreement with Ms. Arthur,
8 correct?

9 A. Yes, sir.

10 Q. Under that agreement, are you going to pay
11 Ms. Arthur any money?

12 A. No, sir.

13 Q. Once you are done completing this deposition,
14 is it -- is it your understanding that Ms. Arthur will
15 -- said she will dismiss you from the lawsuit?

16 A. I hope so, sir.

17 Q. But is that your understanding of what the deal
18 is; once you give this law -- deposition, she'll let you
19 out for free?

20 A. Yes, sir.

21 Q. Now, did you -- strike that.

22 You testified earlier that when you read
23 the Stepbrother Story on TMZ's website in April of 2007
24 you were appalled because it was not true. Did I hear
25 you correctly?

1 A. I was appalled because it did not state the
2 facts accurately.

3 Q. Okay. So in -- in April of 2007 when you first
4 saw the Stepbrother Story, at that point, you thought it
5 was inaccurate; is that right?

6 A. Yes. The -- the -- it was with her future
7 stepbrother, not her existing stepbrother. Correct.

8 Q. Okay. And I believe that you testified that
9 you told people in writing that the story was not true
10 at the time; is that -- is that right?

11 A. Yes, sir.

12 Q. Okay. In what form did you tell people in
13 writing or state that back in April of 2007 that the
14 story was not accurate?

15 A. An e-mail, sir.

16 Q. Okay. To whom did you send such e-mails?

17 A. A woman by the name of Jane Devon and a woman
18 by the name of Yvonne Waddle, a woman by the name of
19 Chrystal Baker, a gentleman by the name of Dwayne
20 Derrick.

21 Q. Have you -- have you produced those e-mails in
22 this case?

23 A. Yes, sir.

24 Q. Do you today still believe that the Stepbrother
25 Story was not true?

1 A. You -- you mean by Texas law or -- I'm --

2 Q. You told me and you've testified that in April
3 of 2007 you believed the story was inaccurate, correct?

4 A. Right. And that it was her future stepbrother,
5 not her existing one.

6 Q. Do you believe that it was -- do you believe it
7 is inaccurate today?

8 A. Unless it's been corrected to show it was her
9 future stepbrother, yes.

10 Q. Okay. Have you always believed that the
11 Stepbrother Story was inaccurate?

12 A. Yes.

13 Q. Okay.

14 MR. SUSMAN: Nancy, do you have what I'm
15 gonna mark as Exhibit 1? If you could show it to the
16 witness, please.

17 MS. HAMILTON: You want to describe it?
18 I've got -- is that the -- the --

19 MR. SUSMAN: Mrs. Turner, if you could tell
20 me when you have the document in front of you.

21 THE WITNESS: Yes, sir.

22 MR. SUSMAN: All right.

23 MS. HAMILTON: Harry, Mr. Susman, it's the
24 -- is this the disclosures?

25 MR. SUSMAN: I -- I can't hear, Nancy.

1 MS HAMILTON: The disclosures?

2 MR. SUSMAN: I'm sorry. I intended the
3 e-mails.

4 MS. HAMILTON: The disclosure, the e-mail?

5 MR. SUSMAN: Yes.

6 MS. HAMILTON: Of the disclose -- with --
7 okay.

8 MR. SUSMAN: Nancy, I can't hear you. You
9 might have to get really close to the phone.

10 (Sotto voce discussion off the record.)

11 MR. SUSMAN: I can't hear still, if you can
12 hear me.

13 MR. MEYER: Nobody's saying anything right
14 now.

15 MR. SUSMAN: Oh.

16 MR. MCCABE: Nancy's coming around to
17 better speak into the phone.

18 MS. HAMILTON: Harry, are you talking about
19 the disclosures?

20 MR. SUSMAN: Yes, ma'am.

21 MS. HAMILTON: The e-mail with the
22 disclosures? I have the e-mail cover sheet and then I
23 have a complete set --

24 MR. SUSMAN: Great.

25 MS. HAMILTON: -- the same cover set --

1 sheet.

2 MR. SUSMAN: Okay. If you would just mark
3 that all as Exhibit 1, that'd be great.

4 (Sotto voce discussion off the record.)

5 Q. (By Mr. Susman) Mrs. Turner, do you have
6 Exhibit 1 in front of you?

7 A. Yes, I do, sir.

8 Q. Do you recognize that as an e-mail that you
9 sent on July 8th, 2009?

10 A. Yes, sir.

11 Q. And the e-mail says, "Counsel and Pro Se
12 Defendants, please find attached the first amended Rule
13 194 Disclosures By Defendant Pro Se Nelda "Rose" Turner,
14 which is current up through July 1, 2009."

15 A. Yes, sir.

16 Q. And those were disclosures that you provided in
17 this lawsuit, correct?

18 A. Yes -- yes, sir.

19 Q. Okay. And at the time that you provided these,
20 you were representing yourself?

21 A. Yes, sir.

22 Q. So you typed up the disclosures that are
23 attached yourself?

24 A. Yes, sir.

25 Q. And you understood that the purpose of these

1 disclosures in part was to explain the basis for your
2 defense in this lawsuit; is that right?

3 A. Yes -- yes, sir.

4 Q. All right. If you would, please turn to the
5 disclosures themselves to page 1. And it says, "Updated
6 Nelda" -- it's titled "Updated Nelda "Rose" Turner's
7 Rule 194 Requests For Disclosures." Do you see that
8 page?

9 A. Yes, sir.

10 Q. And under 194.2(c), in bold, there's something
11 that says, "The legal theories and, in general, the
12 factual bases of responding party's claims or defenses."
13 You see that?

14 A. Yes, sir.

15 Q. And you understood what you were to write here
16 was your theories or factual basis for your defenses,
17 right?

18 A. Yes, sir.

19 Q. And could you please read for the jury what you
20 wrote in July of 2009 on (c)1?

21 A. I'm sorry, Mr. Susman. Number 1?

22 Q. Yes, ma'am.

23 A. Quote, "There was no defamation of Virgie
24 Arthur because the premise of the step-brother story was
25 true, as was the marrying the first cousin, Mr. James

1 Sanders in 1996," unquote.

2 Q. And you believed that was -- statement was
3 accurate when you typed it and submitted it in this
4 lawsuit in July of 2009, correct?

5 A. When I looked up what defamation was in Texas
6 and found substantial truth, that is correct, sir.

7 Q. By the way, you mentioned in this that the
8 premise of the Stepbrother Story was true. You also
9 wrote "as was the marrying the first cousin, Mr. James
10 Sanders in 1996." What did you mean by that?

11 A. That through public documents, I had been able
12 to find when Ms. Arthur married Mr. Sanders and when
13 Mr. Sanders became deceased or died.

14 Q. And what did Ms. Arthur's having married her
15 first cousin have to do with whether the Stepbrother
16 Story was true or not?

17 A. As I said, Mr. -- is it Susman (soose-man
18 phonetic)?

19 MS. MARSHALL: Susman (sus-man phonetic).

20 Q. (By Mr. Susman) Yes.

21 A. Susman. I'm sorry. I have since looked up
22 what's called substantial truth under the Texas
23 defamation laws. Therefore, I believe that although it
24 was not worded the way I would've thought it should be,
25 I understand that it was substantially true. And I

1 concur with that.

2 Q. I understand that, Mrs. -- Mrs. Turner. My
3 question is what does the fact that Ms. Arthur married
4 her first cousin in 1996 have to do with whether the
5 Stepbrother Story was accurate?

6 A. I guess nothing. I guess I messed up and put
7 two defenses in one answer.

8 Q. Did you mean to imply that Ms. Arthur had --
9 was -- was liable proof on the subject of marrying or
10 having relations with relatives?

11 A. Once I looked up what substantial truth was in
12 Texas defamation, that is what formed my answers to
13 these questions.

14 Q. You also testified, I believe, to Mr. McCabe
15 that the -- that prior to TMZ publishing the Stepbrother
16 Story, no one else had published it; is that correct?

17 A. No. That is incorrect, sir. I have maintained
18 that TMZ republished the story.

19 Q. So the -- the story of Ms. Arthur's having had
20 a child with her stepbrother was already published
21 before TMZ published it?

22 A. Yes, sir. If you look at number 2, I do state
23 republishing.

24 Q. Where had it been published prior to TMZ
25 publishing it?

1 A. It had been published on Jane Devon's site the
2 day before. It had been published on a professional
3 genealogy site before Anna Nicole Smith's death of which
4 I have screen shots of it dated March 26th when it was
5 shared on the Court TV form board. And I believe it
6 appeared for a few minutes, until I got her to take it
7 down, on Yvonne Waddle's website.

8 Q. And as I understand it, your -- your testimony
9 is that at the time the story was published, you were
10 aware that when the child was born, Ms. Arthur and
11 Mr. Tacker's parents had not yet married?

12 A. That is correct, sir.

13 Q. And you had -- how'd you learn that?

14 A. Through public records of divorces and
15 marriages and -- and with Mr. Sanders' -- his death
16 announcement.

17 Q. Okay. And what was the time span between when
18 the child was born and when the parents got married?

19 A. I'm not aware that the parents ever did get
20 married, sir. I was not -- I was not able to find any
21 records of a marriage or a divorce. Are -- are we
22 talking about the Stepbrother Story?

23 Q. Yes, ma'am.

24 A. Then yes. That is my -- my answer then.

25 Q. So you mean as you -- you sit here today,

1 you're not aware that Ms. -- of any evidence that
2 Ms. Arthur and Mr. Tacker's parents got married?

3 A. Oh, I'm sorry. I thought you meant Ms. --
4 Ms. Arthur and her stepbrother. No. On public records,
5 I located where Ms. Arthur's mother Tara Lee married
6 Mr. Tacker's father in October of the same year that
7 Ms. Arthur had the child in January.

8 Q. Right. So you're understood.

9 Last questions I want to ask you is that
10 you testified about an e-mail that says that Larry
11 Birkhead was the source of the Stepbrother Story. Do
12 you recall that?

13 A. Yes, sir.

14 Q. And I think you had said that the e-mail
15 recounts that Larry Birkhead told TMZ about this
16 stepbrother issue in order to gain some leverage in a
17 custody dispute; is that right?

18 A. In a hearing in the Bahamas, yes, sir. That --
19 that is what I was told.

20 Q. And that's a cus -- that was a custody dispute
21 with Mr. Stern?

22 A. No. With Mr. Birkhead. It was -- it was after
23 the DNA test had been announced.

24 Q. Right. And his -- his advisory, I mean, in
25 that proceeding was Mr. Stern in part; is that right?

1 A. No, not at the time the story appeared. It was
2 Mr. Birkhead and Ms. Arthur.

3 Q. I got you. Okay.

4 MR. SUSMAN: If you could just -- Nancy, do
5 you have that e-mail?

6 MS. HAMILTON: Tell him you've got it
7 (hands documents to witness).

8 (Sotto voce discussion off the record.)

9 MR. MCCABE: Harry, this is Neil McCabe.
10 Mrs. Arthur's been handed a copy by Nancy.

11 MR. SUSMAN: Okay.

12 Q. (By Mr. Susman) Is -- is that, Ms. Arthur,
13 Exhibit 2 -- I'm sorry --

14 MR. MEYER: Do you want to have it marked,
15 Mr. Susman?

16 MR. SUSMAN: What's that?

17 MR. MEYER: Do you want it marked as
18 Exhibit 2?

19 MR. SUSMAN: I would. Yes. If you would,
20 please.

21 THE WITNESS: And this should be, what,
22 Exhibit 1?

23 MR. SUSMAN: Yep.

24 (Exhibit Nos. 1 and 2 marked.)

25 THE WITNESS: Okay, sir. I now have

1 Exhibit 2.

2 Q. (By Mr. Susman) Okay. Is this the e-mail to
3 which you were referring earlier?

4 A. Yes, sir, it is.

5 Q. Okay. Is it correct that your source of
6 information that Larry Birkhead told -- leaked the
7 Stepbrother Story to TMZ, was it Howard Stern?

8 A. Bonnie Stern indicated that that is what Howard
9 K. Stern told her before she sent me this e-mail.
10 Correct, sir.

11 Q. I see. So in other words, you -- your
12 knowledge that Larry Birkhead gave this story to TMZ is
13 that Bonnie Stern told you that Howard Stern told her
14 that Mr. Birkhead was the source of the Stepbrother
15 Story; is that right?

16 A. Yes, sir. I believe that the e-mail starts
17 out, quote, "I just spoke to Howard," unquote.

18 Q. Okay. And at the time, in April of 2007, to
19 your knowledge, was Howard Stern and Larry Birkhead --
20 were they cooperating with each other?

21 A. From April the 10th, 2007 forward, that is my
22 understanding from what they said in -- in public
23 interviews.

24 Q. I got you.

25 Last question for you and then I think I'm

1 -- I'm done. You -- you've said that you thought the
2 Stepbrother Story was not accurate but that it was
3 substantially true?

4 A. That is my understanding of Texas defamation
5 law. Yes, sir.

6 Q. Okay. And why is it that you think the story
7 was true, which is what you put in Exhibit 1?

8 A. Well, when I looked --

9 MR. MCCABE: Objection, it mis -- form. It
10 mischaracterizes her testimony.

11 Q. (By Mr. Susman) All right. Well, let me -- let
12 me re-ask the question then, Mrs. Turner. If you'll
13 turn back to Exhibit 1.

14 A. (Witness complies). All right, sir.

15 Q. And where we -- 194.(c)1, if you turn to that
16 -- that sentence that we looked at earlier.

17 A. Yes, sir.

18 Q. You wrote, "There was no defamation of Virgie
19 Arthur because the premise of the step-brother story was
20 true." Why is it that you wrote that even though you've
21 said that you thought the story was inaccurate?

22 A. What I said, sir, was that the story was
23 inaccurate in that it was her future stepbrother, not
24 her current stepbrother. But once I looked up the legal
25 defamation of substantially true under Texas defamation

1 law, I think I understand what the statute said.

2 Q. Well, if you could, explain to me why -- why it
3 is that you thought the story was substantially true.

4 A. Because it's my understanding in Texas, as long
5 as the basis is true, that she did have a child with
6 someone who either -- it did not matter if it was her
7 current stepbrother or her future stepbrother, that the
8 press in Texas are allowed to take that and even, you
9 know, not explain it in order to get more reads and even
10 put up, you know, the -- the type of questionnaire you
11 had for your readers.

12 Q. Let me ask it one more time, Mrs. Turner. Why
13 did you think the story was true even though it was, in
14 your -- according to you, inaccurate?

15 MR. MCCABE: I object as to form. It's
16 been asked and answered.

17 A. Sir, because I looked up, prior to me writing
18 this, the definition in Texas statute of substantially
19 truth. And it did not matter if it was her stepbrother
20 at the time or her future stepbrother. Media -- it is
21 my understanding that media are allowed to take -- you
22 know, to kind of distort it a little bit. I mean it's
23 -- it's for advertising dollars. So it --

24 Q. (By Mr. Susman) Do you understand that
25 substantial truth means that the story when read in

1 context is true?

2 A. Do I think the story was true in context or by
3 the legal defamation in --

4 Q. No. Let me ask it a different way,
5 Mrs. Turner. What is your under -- you say you looked
6 up the definition of substantial truth under Texas law
7 when you wrote this sentence, okay. What was the
8 definition of substantial truth that you were using?

9 A. As long as the underlying facts were true, then
10 the substantial truth statute in Texas kicked in to
11 protect the news media.

12 Q. All right. And so when you -- you believe that
13 the underlying facts of the TMZ Stepbrother Story were
14 true, correct?

15 A. Correct. Other than the date, and you had the
16 right to change that. I -- yeah. I -- I agree with you
17 totally.

18 MR. SUSMAN: I will go ahead and pass the
19 witness on to Nancy.

20 MS. HAMILTON: Can we go off for a minute?
21 I -- we're gonna have to change --

22 THE VIDEOGRAPHER: We are now going off the
23 record. The time is now 1:31.

24 (Off the record.)

25 THE VIDEOGRAPHER: This marks the beginning

1 of tape number three in the deposition of Nelda Turner.
2 We are now going back on the record. The time is now
3 1:38.

4 MR. MCCABE: Let me just say we're back on
5 the record now.

6 MS. HAMILTON: You want to ask my
7 questions, too?

8 MR. MCCABE: They just need to know.

9 MR. MEYER: Sure. We'll ask your
10 questions.

11 MS. HAMILTON: I bet.

12 EXAMINATION

13 BY MS. HAMILTON:

14 Q. Mrs. Turner, are you okay? Are you ready to
15 go or --

16 A. Yeah. I'm ready.

17 Q. Okay. Mrs. Turner, my name is Nancy Hamilton.
18 We have not met previously --

19 A. No.

20 Q. -- prior to this.

21 A. It's nice to meet you, Ms. Hamilton.

22 Q. Nice to meet you.

23 MR. WOOD: Nancy, you're not coming
24 through.

25 MS. HAMILTON: Okay. I'll have to yell.

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5 Q. Okay.

6 MR. MEYER: I'm not questioning the
7 witness. I'm not making objections. But I think all
8 the attorneys need to state their stipulation on the
9 record that this is confidential.

10 MS. MARSHALL: I did that. It's Diana
11 Marshall. I already did it.

12 MR. MCCABE: And actually, it doesn't need
13 to be done that way. It's enough under our operating
14 order for anyone to designate something as confidential.

15 MR. MEYER: We're gonna designate that
16 confidential.

17 MR. WOOD: Are we just quiet or am I
18 missing out?

19 MS. HAMILTON: No. We're just -- we're
20 agreeing that that portion will be confidential.

21 MR. WOOD: Oh. Okay.

22 Q. (By Ms. Hamilton) Mrs. Turner, a couple of
23 questions from your testimony this morning and then
24 obviously I have others.

25 But one thing was that you testified that

1 Mr. Babcock had referred you to Mr. McCown?

2 MR. WOOD: You're breaking up, Nancy.

3 Q. (By Ms. Hamilton) I said Mr. Babcock had
4 testify -- you testified that Mr. Babcock referred you
5 to Mr. McCown?

6 A. That is correct, ma'am.

7 Q. And did he tell you about Mr. McCown directly?

8 A. Yes, he did.

9 Q. Are you sure he didn't talk to your husband?

10 A. No. I was at the table and he gave the phone
11 numbers of four lawyers to call and said he recommended
12 the first one because he had already spoken with him.

13 Q. He was sitting at the table with you?

14 A. Mr. Babcock and my husband and me?

15 Q. Yes.

16 A. Yes.

17 Q. Okay. And did he give -- I'm sorry. He gave
18 you the names of other lawyers as well?

19 A. He -- he gave me four, gave me their phone
20 numbers, looked up their cell phone numbers on his
21 BlackBerry, told me he had talked to Mr. McCown and that
22 he suggested that I call him.

23 Q. Okay. But did -- but in any event, he gave you
24 the list of four names of four other lawyers -- four
25 lawyers and their -- their phone numbers for you to

1 contact?

2 A. And -- and a list that he thought I should
3 contact --

4 Q. Okay. Another thing, you --

5 A. Which, by the way, I don't see anything wrong
6 with that.

7 Q. Okay. Fair enough.

8 MR. MCCABE: Objection, nonresponsive.

9 Q. (By Ms. Hamilton) You do not have a law degree,
10 do you?

11 A. No, ma'am.

12 Q. Do you have any formal legal education?

13 A. A degree or did I go to college and study?

14 Q. Did you have any formal legal education?

15 A. Yes.

16 Q. And what legal education was that?

17 A. Paralegal, prelaw, political science.

18 Q. Okay. Where were you a paralegal?

19 A. I never worked as a paralegal.

20 Q. Where did --

21 A. I --

22 Q. Okay.

23 A. Texas -- when you're on Social Security
24 disability, Texas makes you go to try to -- to
25 rehabilitate. I did that. I love school. I -- I got

1 to return when I was 40 years old. And eventually,
2 Texas then paid off all my student loans. And they
3 declared I was totally disabled to their satisfaction.

4 Q. Okay. But you studied -- where did you study
5 to be a paralegal?

6 A. Midland Junior College in Midland, Texas.

7 Q. And what year was that?

8 A. 1990, '91, that -- that school year starting in
9 1992.

10 Q. And was that the term of the program?

11 A. There was two terms. And then after that, they
12 suggested I transfer to prelaw, which I did in the fall
13 in '91.

14 Q. Did you get a certificate as a paralegal?

15 A. No.

16 Q. Okay. Prelaw, where did you take prelaw
17 courses?

18 A. I did that at both Midland College and then
19 Tyler College.

20 Q. And what years were you there?

21 A. Midland was the school year of '91, '92. Tyler
22 was '92 and '93.

23 Q. And did you get a certificate?

24 A. No, I did not.

25 Q. Did you graduate?

1 A. No, I did not.

2 Q. Okay. What other legal education have you had,
3 if any?

4 A. As in hands-on like helping the --

5 Q. No. I want formal education --

6 A. No.

7 Q. -- first. So No?

8 A. No.

9 Q. Okay. Have you ever worked for a law firm?

10 A. No.

11 Q. Have you ever worked for a private
12 practitioner, a sole practitioner?

13 A. No.

14 Q. Okay. Have you ever worked in a courthouse?

15 A. No. Not for pay.

16 Q. Well, have you ever worked as an employee of
17 the State or Federal Government in a courthouse?

18 A. No.

19 Q. You are not a lawyer, correct?

20 A. No, ma'am.

21 Q. Okay. And you are not an expert on the law,
22 are you?

23 A. No, ma'am.

24 Q. Okay. And you don't consider yourself to be
25 an --

1 A. Absolutely not.

2 Q. Let me finish my question --

3 A. Okay.

4 Q. -- first. You do not consider yourself to be a
5 lawyer or an expert on the law, do you?

6 A. Absolutely not.

7 Q. Okay. Do you have any formal education in
8 computers?

9 A. Only what I was required to take as mandatory
10 classes in '90 and '91.

11 Q. That was back in 1991 -- '90 and '91. What
12 types of classes were those?

13 A. Computer programming, computer analysis,
14 computer research. It was two required semesters.

15 Q. Computer research meaning how to do research on
16 a computer?

17 A. Correct.

18 Q. Okay. Do you have what they would call an IT
19 education?

20 A. No, I do not.

21 Q. Okay. Do you know anything about or have you
22 ever been educated in computer software?

23 A. No, I have not.

24 Q. Okay. Do you consider yourself an expert in --
25 in the field of computers?

1 A. No.

2 Q. Okay.

3 A. I -- I turn them on and turn them off. He does
4 the work (indicating Mr. Turner).

5 Q. Okay. And otherwise, all you do is type in,
6 sort of a stenographic --

7 A. That's correct.

8 Q. And -- and that's the extent of your work on
9 the computer?

10 A. Yeah. Research, writing for my blog.

11 Q. Okay.

12 A. Which you're correct.

13 Q. And that's the -- I'm sorry.

14 A. If it crosses, I don't know what to do to it,
15 if that's where you're going.

16 Q. Right. My -- my question is that you -- the
17 extent of your use and knowledge of the computer is type
18 -- what you -- whatever it is you type in on a keyboard?

19 A. Well, I know a little bit more about that now.
20 But you mean formal education or --

21 Q. Yes.

22 A. -- what I know now?

23 Q. For -- formal education.

24 A. Yes.

25 Q. Okay. And what do you know now?

1 A. Like, unfortunately, a -- a whole lot more like
2 how to pull a message source code that a computer person
3 led me through to make sure that somebody was not
4 sending me a virus in an e-mail bouncing off of somebody
5 else's e-mail account that I might trust and would of
6 normally opened.

7 Q. Okay. Who -- who was that person who taught
8 you?

9 A. Dwayne Derrick and --

10 THE WITNESS: Who was --

11 A. -- a -- a -- a gentleman -- let's see. Ken's
12 stepbrother Mike (unintelligible), Mike --

13 MR. TURNER: Dana.

14 THE WITNESS: Huh?

15 MR. TURNER: Dana.

16 THE WITNESS: What?

17 A. I'm sorry. I don't know his last name.

18 Q. (By Ms. Hamilton) How do you know Dwayne
19 Derrick?

20 A. Through the telephone and through e-mails.

21 Q. Have you ever met him?

22 A. No, I have not.

23 Q. Do you know what his expertise is, if any?

24 A. He is a professional news video person for the
25 Canadian Press.

1 Q. Do you know where he -- does he live in Canada?

2 A. Yes, he does.

3 Q. Do you know what his address is?

4 A. I do. I -- I may not have it here today. But
5 yes, I do.

6 Q. Okay.

7 A. And it was in the e-mails that was turned over.

8 Q. Okay. Have you received any training from
9 anyone else with respect -- formal or informally with
10 respect to computers?

11 A. Yes, I have.

12 Q. Okay. Who?

13 A. Steve Mar -- Marriott in the United Kingdom.
14 Cindy Hurd in Michigan. There's another man in the UK.
15 I can't think of his name. I know his -- I know his --
16 what -- what you call moniker, but I don't know his
17 name. Ken's stepbrother. I may have to amend that.
18 But right off the top of my head, those are the ones.

19 Q. Okay. With -- with the two -- I think you
20 named two people in the UK?

21 A. Yes. That is correct.

22 Q. And that's the United Kingdom?

23 A. Yes. That is correct.

24 Q. Have you met them face to face?

25 A. No, I have not.

1 Q. All right. Have you only corresponded with
2 them via e-mail?

3 A. No.

4 Q. Have you talked to them on the phone?

5 A. Yes, I have.

6 Q. Okay. Do you know where they were educated?

7 A. They both have college degrees. The one that I
8 cannot remember his name is actually a programmer for
9 companies in the UK where he sets up the whole server,
10 the software, monitors everything.

11 Q. So --

12 A. So he -- he does have a degree. The other one
13 has a -- has a degree in multiple areas. You know, I
14 think -- I can't say what the degree is. But yes, he
15 does have a degree -- a degree.

16 MS. HAMILTON: Objection, nonresponsive.

17 Q. (By Ms. Hamilton) You -- do you need a minute
18 to break --

19 A. No.

20 Q. -- or are you --

21 A. I'm just ready -- I just --

22 Q. Okay.

23 A. No. That's okay.

24 Q. Earlier today you said you brought some
25 telephone records that you had not produced to the other

1 defendants in this case?

2 A. Yes. Two different months that was not asked
3 for in the -- when y'all were asking for production of
4 documents.

5 Q. And they were August --

6 A. No. It was December 22nd of 2008 and August
7 22nd of 2009.

8 Q. Okay. And would those records reflect phone
9 calls that you have had with the O'Quinn Law Firm?

10 A. Yes. What I have turned over to ya'll -- and
11 you can make copies of this -- will show every law firm
12 I've communicated with, every law firm I have faxed, you
13 know, any type of a -- of course, my personal lawyers I
14 marked out --

15 Q. Sure.

16 A. -- and family and friends. But yes.

17 Q. I -- yeah. I wanted to -- I know a number of
18 those pages have been redacted. And I'd like an
19 explanation of what it is that you were redacting.

20 A. My husband's family.

21 Q. Okay.

22 A. I don't want them drug into this. A friend in
23 South Carolina that's HIV positive that I've tried to be
24 supportive to. Can I --

25 Q. Sure.

1 A. -- kind of just look through it?

2 MR. WOOD: I lost that last answer.

3 MS. HAMILTON: It was someone in South
4 Carolina.

5 THE WITNESS: Who has HIV that we've become
6 good friend.

7 A. Let's see. Of course, Teresa Stephens, Art,
8 Bonnie Stern. John Nazarian's -- oh. I'm sorry.
9 Redacted. I'm sorry. John Nazarian's is redacted.

10 Q. (By Ms. Hamilton) And who's John Nazarian?

11 A. He is a private investigator in California that
12 is also a writer. And we do lead-ins to his -- to his
13 log.

14 Q. And his number has been redacted?

15 A. Yes.

16 Q. His name appears in your e-mails frequently,
17 doesn't it?

18 A. I have constant e-mail contact with him. That
19 is correct.

20 Q. In the e-mails that you have produced?

21 A. That is -- well, mostly at that time in 2007
22 with his publicist to try to convince her to let us pick
23 up the articles.

24 Q. And what types of articles were those?

25 A. We started out with the Anthony Pellicano trial

1 that he was covering.

2 Q. Any other articles?

3 A. There's a lot of articles on my site that leads
4 into him.

5 Q. Okay. Any articles relating -- have you ever
6 done any work with him relating to Anna Nicole Smith?

7 A. No.

8 Q. Okay. In any event, do the numbers for
9 Mr. McCabe appear on the records that you have before
10 you today?

11 A. Yes. Those are not redacted.

12 Q. Okay. And that's also for the John O'Quinn Law
13 Firm?

14 A. That is correct. And for Bryan Cave. And I
15 believe even your fax number is in here.

16 Q. Okay. And for -- do you have Mr. McCabe's cell
17 phone?

18 A. No, I do not.

19 Q. Okay. I was curious. You -- you had testified
20 that after last February of 2009 that you no longer
21 e-mailed, except for occasionally, with Mr. McCabe. Am
22 I accurate?

23 MR. WOOD: That question is breaking up,
24 Nancy.

25 MS. HAMILTON: I said that -- that she

1 testified that after February -- around late January or
2 February of 2009 she no longer e-mailed Mr. McCabe but
3 only used the telephone.

4 A. No. I have not talked to Mr. McCabe by
5 telephone until this week after February 2009. There
6 are e-mails that went to all of you that I include to
7 everyone. There are a minimum of personal e-mails not
8 really to do with the case, just -- you know, I would
9 have to look for -- for them. But they have all been
10 turned over.

11 Q. But they're -- they're personal e-mails between
12 you and Mr. McCabe?

13 A. You mean like -- well, no. I have to correct
14 that. It was with his ex-paralegal who left that we
15 decided to keep up with each other. So no. I don't
16 think there are -- you know, we would have to go through
17 the DVD's and I would have to correct that. I'm -- I
18 just cannot recall.

19 Q. Okay. But you have kept in touch with
20 Mr. McCabe's ex-paralegal?

21 A. No. She just left recently. I told her my
22 e-mail address and to keep up with me. That's, you
23 know --

24 Q. Who -- what was your main point of contact at
25 the O'Quinn firm?

1 A. Patty Lampton.

2 Q. Okay. And is she the paralegal who just left?

3 A. Yes.

4 Q. Did you have phone conversations with her as
5 well?

6 A. Yes, I did.

7 Q. Did you -- how many -- approximately how many
8 phone conversations have you had with her in the last
9 eight months?

10 A. Three.

11 Q. And her phone number would appear on your --
12 your phone records?

13 A. That is correct. Well, it goes to the O'Quinn
14 Law Firm's main number and then routed to her.

15 Q. Okay. Mr. McCabe earlier today asked you about
16 various e-mails.

17 Do you -- do you need to take a break?

18 A. I'm just trying to -- to redo the --

19 Q. Okay.

20 A. I'm sorry.

21 Q. Anytime you need to take a break --

22 A. No. That's okay.

23 Q. -- let me know. Okay.

24 Mr. McCabe asked you earlier today about
25 the authenticity of various e-mails. Do you recall

1 that?

2 A. Yes, I do.

3 Q. And when he asked you whether the e-mails that
4 you have produced in this case are true and correct
5 copies, did he show you those e-mails when he asked you
6 that question?

7 A. No.

8 Q. Okay.

9 A. I thought it was about the case.

10 Q. Did he --

11 A. I mean he asked me about the people and --

12 Q. But did he ask -- he did not show you any of
13 those e-mails, did he?

14 A. Today, no, ma'am.

15 Q. Okay. Did he show you those e-mails at any
16 other time?

17 A. Only when all of us traded production for
18 documents and stuff. But no. Nothing personally from
19 him.

20 Q. Have you ever met with Mr. McCabe or anyone of
21 the O'Quinn firm to go through the e-mails that you have
22 produced in this case?

23 A. I have never met anyone from the O'Quinn Law
24 Firm. I met Mr. McCabe and Mr. Meyer for the first time
25 today as I've met you for the first time today.

1 Q. Have you ever met Don Clark?

2 A. No, I have not.

3 Q. Have you ever met Wilma Vicedomine?

4 A. No, I have not.

5 Q. Have you ever met with anyone purporting to be
6 an agent of the O'Quinn firm to go over the e-mails that
7 you've produced in this case?

8 A. No, I have not.

9 Q. Likewise, you asked -- Mr. McCabe asked you
10 about various requests for admissions that were
11 responded to by Mr. Harris. Do you recall that --

12 A. Yes, ma'am.

13 Q. -- testimony? And Mr. McCabe did not show you
14 those responses to the requests for admissions, did he?

15 A. No, he did not.

16 Q. Okay. And he didn't have them with him here
17 today when he asked you to testify about them, did he?

18 A. I don't know if he has them or not.

19 Q. He didn't show them to you here today?

20 A. No.

21 Q. Okay.

22 MR. WOOD: Is anyone talking now or are we
23 just missing?

24 MS. HAMILTON: I'm talking now.

25 MR. WOOD: Okay.

1 Q. (By Ms. Hamilton) Let me hand you what will be
2 Exhibit, I believe, No. 3, which is the settlement
3 agreement.

4 THE WITNESS: Mark this and then I can look
5 at it.

6 (Exhibit No. 3 marked.)

7 A. Yes. I have it now, Ms. Hamilton.

8 Q. (By Ms. Hamilton) All right. And you take a
9 look at that. Is that a -- your signature that's on
10 page 3?

11 A. Yes, it is.

12 Q. And was this document signed at or about on --
13 actually on June 29th, 2009 as it represents on page 3?

14 A. Yes, it was.

15 Q. Okay. What discussions did you have with
16 Mr. McCabe and/or anyone from the O'Quinn firm or
17 representing Virgie Arthur that led up to this
18 settlement agreement?

19 A. No one by telephone. I believe I had a -- one
20 or two e-mails with Michael Meyer. I actually drew up
21 this agreement and presented it to them. So that's
22 probably why it doesn't look too professional.

23 Q. So you drafted this settlement agreement?

24 A. I proposed it, I wrote it up, and I sent it to
25 them.

1 Q. And they said "Thank you very much. You're
2 dismissed"?

3 A. No, they did not. It was sent to them quite
4 awhile before we signed it.

5 Q. When -- when did you send it to them?

6 A. Several weeks before it was signed.

7 Q. Are there drafts of this document?

8 A. Yes, on a DV -- well, I don't know. If they
9 are, they're on the DVD I turned over -- no. It was to
10 your law firm about any drafts of a third-party motion.
11 So it would be in there in that -- on that DVD.

12 Q. Okay. When did you first draft this settlement
13 agreement, Exhibit 3?

14 A. Some time in June of 2009, the first part of
15 June 2009. Maybe even June the 15th. You know, I
16 really don't recall. But it was a week or so before --

17 MS. HAMILTON: Can I have the answer back
18 on the last one?

19 (Requested portion read back.)

20 MR. WOOD: Anybody there?

21 MS. HAMILTON: She's just reading back the
22 answer.

23 MR. WOOD: Okay.

24 (Continue to read back requested portion.)

25 Q. (By Ms. Hamilton) So you sent them a draft of

1 the week before you signed this -- that you signed this
2 settlement agreement?

3 A. I don't recall the exact date. But yes, before
4 it was signed.

5 Q. Do you know when they sign -- when Mr. McCabe
6 signed this settlement agreement?

7 A. The exact date, no, I do not.

8 Q. Do you have a signed copy other than what was
9 produced yesterday?

10 A. I -- I think I have a copy of it. It may be a
11 faxed copy with electronic signatures.

12 Q. Is -- paragraph 4 refers to an audiotape?

13 A. That is correct.

14 Q. Have you produced that document in this
15 litigation?

16 A. The affidavit, no. I do not even have a copy
17 of the affidavit. It was for a sealed --

18 MR. WOOD: We lost that answer.

19 Q. (By Ms. Hamilton) You want to start your answer
20 again?

21 A. I don't know if I even have a copy -- a copy of
22 the affidavit. It was something I took to the bank,
23 notarized, faxed it to him with a guarantee it would be
24 in the overnight ex -- express mail the same night. I
25 may have a copy of it with my signature on it. But I --

1 Q. Do you have the CD with the audiotaped
2 conversations that are referenced that occurred on
3 March 19th and March 20th?

4 A. Yes. And that -- those dates are a mistake on
5 my part.

6 Q. So what dates should they be?

7 A. May 19th and May 20th.

8 Q. Do you have a copy of that audiotape?

9 A. I have a copy of both audiotapes.

10 Q. Have you produced that in this litigation?

11 A. No, I have not.

12 Q. And there is a reason why you haven't produced
13 it?

14 A. It does not concern this investigation --
15 litigation. No one has asked me for any audiotapes. I
16 mean if you did, I'm sorry, I didn't understand --

17 Q. Okay.

18 A. -- the production but --

19 Q. So we will make -- we will amend our request.
20 If it's not already in there, I'll go back. I think it
21 would be covered by audiotapes, but most definitely
22 then. And you will produce the audiotapes?

23 A. Unless Mr. McCabe files an objection because of
24 any type of protective order, I would -- I would be glad
25 to.

1 MS. HAMILTON: Objection, nonresponsive.

2 MR. WOOD: Y'all -- y'all -- I'm losing you
3 again here.

4 MR. MCCABE: May I make a suggestion that
5 it be a request for CD because it's not actually
6 audiotapes?

7 A. Yeah. They're -- they're two CD's or DVD's.

8 Q. (By Ms. Hamilton) Well --

9 MR. WOOD: I'm --

10 MS. HAMILTON: Lin, I'm on record. I am
11 asking that -- that Mrs. Turner produce the affidavit
12 authenticating the CD. And as I understand this, there
13 is also on that CD audiotaped conversations that
14 occurred in May between Wilma Vicedomine and Turner.

15 A. There are two CD's, not one.

16 Q. (By Ms. Hamilton) Okay. So we're asking for
17 both.

18 A. Certainly. I will make a --

19 MR. WOOD: Okay. And what was -- was the
20 response? They would produce them?

21 Q. (By Ms. Hamilton) You will -- well, you will
22 produce those, will you?

23 A. Yes, I will.

24 Q. Okay.

25 (Sotto voce discussion off the record.)

1 Q. (By Ms. Hamilton) And what is in -- what was
2 that audiotaped conversation?

3 A. I was not aware, at the time, I was being
4 taped. But it had to do with where I learned about
5 the -- the actual settlement agreement in the -- in the
6 Florida lawsuit.

7 MR. WOOD: I -- I -- I didn't get that
8 answer, Mrs. Turner. I'm sorry.

9 A. I did not know I was being taped at the time.
10 But it had to do with the settlement in the Florida
11 lawsuit and who told me about it. Ms. Vicedomine sent
12 me the DVD. I listened to it. I recognized my voice
13 and I was able to authenticate that those were my words.

14 Q. (By Ms. Hamilton) So this is an audiotape of a
15 conversation that you had with Wilma Vicedomine. Am I
16 correct?

17 A. Two separate conversations.

18 Q. Two separate conversations with her?

19 A. That is correct.

20 Q. That she taped without your knowledge?

21 A. That is correct.

22 Q. Regarding the settlement in the Florida
23 litigation between Mr. Stern and the O -- and
24 Mr. O'Quinn?

25 A. Regarding who told me about the settlement, and

1 the topics information.

2 Q. And who was that told you that?

3 A. About the settlement?

4 Q. Yes.

5 A. I was forwarded topics information that Howard
6 didn't even get enough to buy a pair of shoes. And then
7 after that, I had several conversations with Bonnie
8 Stern including a request for an affidavit.

9 Q. How did you have -- come to have this
10 conversation with Wilma Vicedomine?

11 A. She posted on my website and I e-mailed her to
12 make sure that it was her and not someone else. And I
13 asked her if we could talk and she said yes.

14 Q. And who is Wilma Vicedomine?

15 A. A woman that lives in Houston.

16 Q. And you know her to be associated with the
17 O'Quinn Law Firm?

18 A. I believe she is a consultant for the O'Quinn
19 Law Firm.

20 Q. Okay. How did you feel about finding out later
21 that you were being taped on a conversation?

22 A. I had no problem authenticating that was my
23 voice. I -- I think everyone likes to be told that
24 they're being taped. Of course, I've been taped by Art
25 Harris, too. But I never have any problem

1 authenticating my voice.

2 MS. HAMILTON: Objection, nonresponsive.

3 Q. (By Ms. Hamilton) Did she tape that
4 conversation with your permission?

5 A. No, she did not.

6 Q. Okay.

7 A. Let me make sure I'm -- I'm understanding you.
8 You're asking me if I knew she taped the conversation
9 and I'm saying --

10 Q. At the time.

11 A. At the time. And I'm saying no, I did not know
12 at the time. Okay. I want to make sure I'm -- I'm
13 answering the correct --

14 Q. We're --

15 A. -- question.

16 Q. We're on the right page.

17 A. Okay.

18 Q. And I just want to be clear about this. Did
19 you send Mr. McCabe then a copy of the CD's with the --
20 with the audiotaped conversations and the affidavit?

21 A. No. The -- the two DVD's were sent to me
22 with -- I -- I then think it was either a -- the
23 affidavit for me to have notarized was either e-mailed
24 to me or faxed to me. I'm not -- I don't have a clear
25 recollection of which way it came in.

1 Q. But have you kept a copy for yourself?

2 A. Of the two DVD's, yes.

3 Q. Okay. So you're --

4 A. Of the -- of the affidavit, maybe.

5 Q. But you keep saying DVD's. But you reference a
6 CD in paragraph 4.

7 A. That is my mistake.

8 Q. Okay. So it should --

9 A. They came -- they came to me in two separate
10 DVD's.

11 Q. So instead of CD as represented in paragraph 4,
12 it should say DVD, two DVD's?

13 A. Well, maybe they were CD's, you know, I mean.

14 MR. MEYER: The only difference is the
15 amount of data you can put on them.

16 A. Yeah. I -- I mean they were disks with
17 telephone conversations --

18 Q. (By Ms. Hamilton) Okay.

19 A. -- on them.

20 Q. Okay. But you kept copies?

21 A. Yes. I do have --

22 Q. Okay.

23 A. -- copies.

24 Q. Okay. Do you need to take a break?

25 A. No. I'm just --

1 Q. Okay.

2 A. -- trying to redo the pillow.

3 Before you start your next question, just a
4 moment off camera for the next --

5 Q. Yeah.

6 A. -- pill.

7 MS. HAMILTON: Can we take a break for --
8 for just a minute?

9 MR. WOOD: Sure.

10 THE VIDEOGRAPHER: Everyone agree to go
11 off?

12 MR. MCCABE: Yes.

13 THE VIDEOGRAPHER: We're now going off the
14 record. The time is now 2:19.

15 (Off the record.)

16 THE VIDEOGRAPHER: We are now back on the
17 record. The time is now 2:19.

18 Q. (By Ms. Hamilton) In paragraph 5 of Exhibit 3,
19 it states that "Once CBS has been added as a party
20 defendant to the lawsuit, Turner will be dismissed with
21 prejudice by Plaintiff Virgie Arthur." Did I read that
22 correctly?

23 A. Yes, you did.

24 Q. And do you recall when CBS was added as a party
25 in this litigation?

1 A. Not the exact date, no.

2 Q. Was August or --

3 A. Aug -- I would say --

4 Q. -- September of --

5 A. I would say Aug -- middle of August to the
6 first part of September.

7 Q. Okay. Have you had any discussions with
8 Mr. McCabe or anyone associated with the O'Quinn firm as
9 to why you have not been dismissed from this lawsuit
10 yet?

11 A. The only discussion was about Special Master
12 Greg Ball. And -- and I have no idea who that was with
13 the O'Quinn Law Firm or whether it was e-mail or phone.

14 MS. HAMILTON: Objection, nonresponsive.

15 Q. (By Ms. Hamilton) My question is did you have
16 any discussions with anyone associated with the O'Quinn
17 firm as to why you were not dismissed with prejudice
18 when CBS was joined as a party as represented in
19 paragraph 5?

20 A. I do not recall.

21 Q. So you didn't ask them "hey, guys, I got CBS
22 in. Why don't you let me out?"

23 A. To me, it was obvious what paragraph 2 said
24 since I wrote it.

25 MS. HAMILTON: Objection, nonresponsive.

1 A. I mean I'm trying to be honest with you,
2 Ms. Hamilton, you know.

3 Q. (By Ms. Hamilton) Well, I don't understand what
4 paragraph 2 has to do with paragraph 4, but...

5 A. Paragraph 2 has to do with imaging of the hard
6 drives and getting the report back from Greg Ball that I
7 had not in any way destroyed any documents on my hard
8 drives.

9 MR. WOOD: I -- I -- I missed that,
10 Mrs. Turner. You said something about Mr. Ball and I
11 have not, and then it was gone.

12 THE WITNESS: In paragraph 2, Mr. Wood, it
13 states that this will not occur until Special Master
14 Greg Ball images the computer and reports back. So of
15 course, when everything went to the appellate court, it
16 froze, in my opinion, this.

17 Q. (By Ms. Hamilton) So it's -- just to make sure
18 I understand your position, it's your opinion that
19 because of the mandamus proceedings that are pending in
20 the Court of Appeals in Houston that that precludes you
21 from being dismissed as a defendant in this lawsuit?

22 A. Yes. That -- that is the interpretation I have
23 of -- of my writing this. Correct.

24 Q. Okay. And in fact, part of your -- your
25 testimony here today is an exchange for being dismissed

1 from this lawsuit, correct?

2 A. I certainly hope so, Ms. Hamilton.

3 Q. Thank you.

4 MR. WOOD: Nancy, I just want to make it
5 clear on something because I'm -- I'm missing something
6 in the translation.

7 But Mrs. -- what -- what was -- what was
8 the testimony about the paragraph 2 again, Mrs. Turner.

9 THE WITNESS: That -- that in my
10 estimation, once the motions for the writs were filed
11 and Special Master Greg Ball then halted all work, my
12 interpretation, since I wrote this, was that this was
13 now frozen in time until such -- until such time that
14 those decisions were made.

15 MR. WOOD: And you're talking about the
16 order on Mr. Harris' appeal and not the May 19th order
17 on Mr. Stern's?

18 (Sotto voce discussion off the record.)

19 THE WITNESS: Whenever this became
20 effective, in my opinion, when Special Master Greg Ball
21 e-mailed all of us. So I believe he did e-mail us in --
22 in like August or September after Art Harris filed his
23 -- his motion.

24 MR. WOOD: Yeah. Okay. Thank you. I'm --
25 I'm sorry for the interruption.

1 MS. HAMILTON: Okay.

2 Q. (By Ms. Hamilton) So it's your understanding
3 that you will not be dismissed from this litigation
4 until the mandamus proceedings in the Court of Appeals
5 are resolved?

6 A. Unless Mr. McCabe allows me to authenticate the
7 e-mails through the details message source code so he
8 can assure himself that I have not tampered with any --
9 any of the documents I have produced. I'm hoping then
10 he -- we can negotiate to get me out of this. And maybe
11 I can help by --

12 Q. No, no, no, no. I'm just --

13 A. Okay.

14 Q. I'm just thinking. If you'll hold on one
15 second let me get --

16 (Attorney searches for documents.)

17 Q. (By Ms. Hamilton) Let me mark this as Exhibit
18 No. 4.

19 (Exhibit No. 4 marked.)

20 A. Yes. I have -- I have Exhibit 4.

21 Q. (By Ms. Hamilton) And Mrs. Turner, do you
22 recognize Exhibit No. 4?

23 A. Yes, I do.

24 Q. And would you tell the ladies and gentlemen of
25 the jury what it is?

1 A. Jury?

2 Q. Yes. This --

3 A. Oh. I'm sorry. Okay. "Notice of Deposition
4 of Nelda "Rose" Turner in the Tarrant County 352nd
5 Judicial District Court" by a cross-complainant and
6 codefendant of Carolyn O'Dell's attorney.

7 Q. And the plaintiff in that case was Teresa
8 Stephens?

9 A. And then I believe Ms. O'Dell cross-complaint.

10 Q. Okay. And the second -- there are actually two
11 documents clipped together. But I want to make them all
12 Exhibit No. 4. There's a second document and I want --
13 that the style is "Defendant Nelda "Rose" Turner's
14 Motion to Quash Subpoena for Deposition and Subpoena
15 Duces Tecum and Motion for Protective Order." Did I
16 read that correctly?

17 A. That is correct, Ms. Hamilton.

18 Q. And is that a document that you filed?

19 A. That is a document I filed with the court.

20 Q. And is your signature on page 3 of that?

21 A. Yes. That is my signature.

22 Q. Okay. And it's dated December 11th and again
23 on the 14th of December of 2009? Well, that's a
24 certificate of conference. I'm sorry. That's a
25 certificate --

1 A. Yeah.

2 Q. -- of conference. I was wrong. Sorry.

3 The next page, December 14th, 2009, that
4 was the day of the certificate of service?

5 A. That is correct.

6 Q. And that's your signature?

7 A. That is correct.

8 Q. And this is -- I'm sorry. You said this is a
9 document that you filed with the court?

10 A. That is correct.

11 Q. And I'd like to turn your attention to page 2
12 of your -- of the Nelda Turner's Motion to Quash.

13 A. I have page 2.

14 Q. Paragraph 2.

15 A. Yes.

16 Q. It says that "Turner has" -- and one of the
17 reasons you want them to quash the deposition is because
18 you state "Turner has a Common Interest and Joint
19 Defense Privilege with the O'Quinn law firm, including
20 it's agents and consultants, members of the O'Quinn Law
21 Firm to include Wilma Vicedomine." Did I read that
22 correctly?

23 A. Yes, you did.

24 Q. And was that your understanding at the time?

25 A. I wrote this. Yes.

1 Q. That's a true and correct statement at --

2 A. Yes.

3 Q. Okay. And that was your understanding that you
4 have a common interest and a joint defense privilege
5 with the O'Quinn firm --

6 A. I sure hope we do, you know. I don't think
7 that -- I'm not -- I don't see their signature on this.
8 But I sure was hoping Harris County didn't end up in
9 Tarrant County. Yes.

10 MR. WOOD: I lost you after end up.

11 THE WITNESS: Oh. I said they did not sign
12 this. I -- I drafted this because I certainly did not
13 want the Harris County evidence that is under -- was
14 under a protective order to be transferred to Tarrant
15 County who had no protective order. And Ms. O'Dell's
16 attorney was telling me that he could do that.

17 Q. (By Ms. Hamilton) What -- what was the subject
18 of this litigation filed by Teresa Stephens, if you
19 know?

20 A. That everybody had conspired against her to
21 intercept phone records. I -- I believe your law firm
22 even handled a federal suit at the same time.

23 Q. Do you -- I note in Exhibit 4 in your motion to
24 quash you state four reasons. One is number 2, which is
25 the common interest and joint defense privilege that we

1 discussed.

2 A. That is correct, Ms. --

3 Q. And --

4 A. -- Hamilton.

5 Q. And number -- then number 1 was the -- is just
6 a statement that she had subpoenaed you for records,
7 that Carolyn O'Dell had subpoenaed you for records?

8 A. I believe also -- I -- I think it was a -- a
9 subpoena duces tecum for records at the time of the
10 deposition.

11 Q. Okay. And did you testify in this case?

12 A. No, I did not.

13 Q. And I note nowhere in this motion to quash this
14 deposition do you mention your health condition, do you?

15 A. No, I do not.

16 Q. Did you not have a health condition at that
17 time?

18 A. Obviously I did, Ms. Hamilton.

19 Q. I mean you've made it very clear in this case
20 on numerous occasions that you were --

21 A. And I did make it clear verbally and by e-mail
22 to Mr. Watts who said "we will come to Kilgore, but I
23 can get everything from Harris County transferred up
24 here." And I did not feel like that he was entitled to
25 do that.

1 MS. HAMILTON: Objection, nonresponsive.

2 Q. (By Ms. Hamilton) In any event, you didn't list
3 any health conditions as the reason why you could not be
4 deposed in -- in this case?

5 A. In -- in my second amended thing, it did say
6 that. I don't think you seem to have that here. Also,
7 there was a thing filed with the court asking them to
8 look at my medical records in camera to prove that I
9 could not appear in Tarrant County.

10 MS. HAMILTON: Objection, nonresponsive.
11 There's no question pending.

12 A. I'm sorry. I guess I'm trying to help too
13 much.

14 Q. (By Ms. Hamilton) No. I understand. But I got
15 to do my job, too.

16 A. I understand. I'm just trying to help. And I
17 should keep my mouth shut.

18 Q. You have -- well, let me mark it anyway. Let
19 me hand you what I want to mark as Exhibit No. 5.

20 (Exhibit No. 5 marked.)

21 MS. HAMILTON: And for counsel, it's the
22 sworn statement.

23 MS. MARSHALL: Are the exhibits attached?

24 MS. HAMILTON: Yes

25 MR. MCCABE: For clarification --

1 MS. HAMILTON: Do you -- do you have a
2 copy?

3 MR. MCCABE: -- do you mean her sworn
4 statement?

5 MS. HAMILTON: Her sworn statement dated --

6 MR. MCCABE: February 9th.

7 MS. HAMILTON: -- February 9th, 2009.

8 MR. MCCABE: Thank you.

9 MS. MARSHALL: I have a copy. I don't have
10 the exhibits. That's okay.

11 MS. HAMILTON: Here.

12 THE WITNESS: I don't have the exhibits.
13 But I have a copy in my book I can refer to if you --

14 MS. MARSHALL: That's okay.

15 THE WITNESS: Okay.

16 Q. (By Ms. Hamilton) And on the second page of
17 what has been marked as Exhibit 5 is an errata sheet?

18 A. That is correct.

19 Q. And is that your signature there at the bottom
20 of the errata sheet?

21 A. That is my handwriting for each change and my
22 signature. That is correct.

23 Q. And what is also, in fact, page 3 and 4 is the
24 -- more changes to that errata sheet?

25 A. They appear to be numbered correctly. So I

1 would -- I mean this -- this is my handwriting. And it
2 appears to be numbered one through whatever.

3 Q. Okay. And so when you -- you received a copy
4 of your sworn statement?

5 A. That is correct.

6 Q. And you had an opportunity to go through it and
7 make whatever changes you felt were necessary at the
8 time?

9 A. Well --

10 Q. Or needed to be made.

11 A. -- I had less than 24 hours to go through it,
12 so I did the best I could.

13 Q. And the document in total looks to be about 105
14 pages?

15 A. Including exhibits? I mean what --

16 Q. Not the exhibits. The -- the text that you
17 would have been reviewing.

18 A. It looks like 104 here. Well, wait. 104 since
19 this is not signed. But do you include this with it?

20 Q. No. I just -- I just want to get a sense of
21 how much was there when you said you didn't -- did you
22 have enough time to sign it and to review it?

23 A. In the 24 hours, I was rushed. But I certainly
24 did try to go over it and be as accurate as possible.

25 Q. Okay. And at the time that this statement was

1 taken, you realized that you were under oath?

2 A. Yes, I did.

3 Q. And did you testify truthfully?

4 A. Without records to refresh my memory, I
5 testified as truthfully as possible at the time.

6 Q. And have you had a chance -- and then you went
7 through it again when you made your changes on the
8 errata sheet, correct?

9 A. And I went through it a third time.

10 Q. Okay. And do -- are those statements truthful
11 that you made --

12 A. The ones --

13 Q. -- in the sworn statement?

14 A. The ones that I recant -- recanted or the ones
15 that are here?

16 Q. Okay. The statements that you raised earlier
17 in your testimony before Mr. McCabe involved the -- I
18 believe the settlement in the Florida litigation between
19 Mr. Stern and the O -- and Mr. O'Quinn or the O'Quinn
20 firm. Am I correct?

21 A. And that -- that is the part that I had to ask
22 to retract.

23 Q. Right. But you -- you didn't ask to retract
24 anything else, did you?

25 A. No.

1 Q. Because everything else is true and correct?

2 A. Yes.

3 Q. Okay.

4 MS. HAMILTON: Can we take a break for a
5 minute? Everybody --

6 MS MARSHALL: Okay.

7 MS. HAMILTON: -- agreeable?

8 MS. MARSHALL: Okay.

9 THE WITNESS: Can -- can I review this just
10 to make sure I'm not stepping into something where I'm
11 lying here? I mean I --

12 MS. HAMILTON: Sure. We can go off the
13 record for a minute.

14 THE VIDEOGRAPHER: We are now going off the
15 record. The time is now 2:36.

16 (Off the record.)

17 THE VIDEOGRAPHER: We're now going back on
18 the record. The time is now 2:39.

19 Q. (By Ms. Hamilton) Mrs. Turner, earlier today
20 with Mr. McCabe you were reviewing and referring to this
21 sworn statement in your testimony with Mr. McCabe,
22 correct?

23 A. I did turn to a couple of pages. Yes. I have
24 it.

25 Q. And you're familiar with that document,

1 correct --

2 A. I have --

3 Q. -- your sworn statement?

4 A. I have not read it in its entirety in months.

5 Q. Okay. Is there any reason to believe that at
6 the time that you made that statement that you were not
7 testifying truthfully as under oath?

8 A. Ms. Hamilton, I always try to testify
9 truthfully. But without going word for word, I would
10 say that I do understand what swearing to tell the truth
11 is.

12 Q. Okay. Is there any reason to believe that you
13 were not -- for you to believe that you were not
14 testifying truthfully in making the statements on
15 February 9th, 2009 with -- as reflected in that sworn
16 statement with the exception of whatever the deal was
17 with the Florida case with the O'Quinn firm? Do you
18 have any reason to believe that any of your other
19 statements were not true and correct?

20 A. I would have to read it to be -- if you want me
21 to be absolutely sure that I'm absolutely being honest
22 with you, I would need to read it again page by page.
23 At the time of it, I had every reason to believe that
24 the facts were true. I have not read it in many, many
25 months.

1 Q. Okay. Is there -- but I still want to know
2 before you go through it again. At the time, you
3 believed it was true, correct?

4 A. The first --

5 Q. Am I correct?

6 A. The first part of it, yes.

7 Q. At the time --

8 A. Okay. At the time -- on that date, yes. I'm
9 sorry. I did not understand.

10 Q. So on February 9th, 2009, under oath, you were
11 testifying truthfully and honestly?

12 A. To the best of my ability. Yes, Ms. Hamilton.

13 Q. To the facts that you stated in that sworn
14 statement?

15 A. Yes.

16 Q. Okay. And you believed at the time that you
17 were being threatened by the O'Quinn firm?

18 A. I've been threatened by all of you.

19 MS. HAMILTON: Objection, nonresponsive.

20 Q. (By Ms. Hamilton) At the time that you made the
21 February 9th, 2009 statement, you believed that you were
22 being threatened by the O'Quinn firm?

23 MR. MCCABE: Objection, leading.

24 MS. HAMILTON: Of course I'm leading.

25 A. Can you tell me what page we're on?

1 Q. (By Ms. Hamilton) No. I'm just asking you. If
2 you want to -- if you want to go through them, we'll
3 just go through longer. Okay. Okay. We want to turn
4 to page 11.

5 A. (Witness complies). I have it.

6 Q. Okay. You testified -- the question was "Do
7 you feel that Mr. McCabe has intimidated you with
8 respect to this lawsuit."

9 A. What line?

10 Q. Line 2 to 3.

11 A. Intimidated, yes.

12 Q. Yes. And your answer was "yes, oh" -- or
13 "yes"?

14 A. Yes.

15 Q. Okay. And you believed that at the time?

16 A. Yes.

17 Q. Okay. And Mr. McCabe -- you answered how had
18 he intimidated you.

19 A. What line are we on?

20 Q. Let's look at question 5 and line 6 through 11.
21 Would you read that, please, into the record?

22 A. Are we starting at page -- at line 5?

23 Q. Line 5 --

24 A. Okay.

25 Q. -- the question.

1 A. Quote, question, "Would you tell me how he has
2 done that," unquote. Line 6, answer, quote, "He wants
3 me to admit that I defamed his client and that was part
4 of conspiracy, and I have continually stated I will
5 never do that. I will never lie. I will not commit
6 perjury for him or anyone else. There was no
7 defamation. There was no conspiracy. I've never known
8 anybody at TMZ except for -- except when -- I've
9 never -- I've never known anybody at TMZ except when
10 Mr. McCabe head blogger -- I don't know what her name is
11 -- I don't know what her job is, Wilma Vicedomine."
12 Well, that's -- that's not honest then.

13 Q. Was that -- I'm sorry?

14 A. This -- this was not an honest statement then.

15 Q. That's not an honest statement?

16 A. No.

17 Q. And what's not honest about it?

18 A. I had talked to TMZ, some -- TMZ's lawyer in
19 California and two employees at TMZ.

20 Q. Okay. But the -- everything above the
21 reference to TMZ, lines 6 through 11, through the word
22 conspiracy, is that true and correct?

23 A. Yes. I have never been part of a conspiracy.

24 Q. Okay. And you -- so I mean just to be clear
25 and for -- for time, your answer "He wants me to admit

1 that I defamed his client and that was part of
2 conspiracy, and I have continually stated I will never
3 do that. I will never lie. I will not commit perjury
4 for him or anyone else. There was no defamation. There
5 was no conspiracy." Did I read that correctly?

6 A. You read it correctly.

7 Q. And was that a true statement at the time?

8 A. (Witness peruses documents). Well, there's
9 some exceptions to this. But I know you're not gonna
10 get it in. But yes. I did say this at the time.

11 Q. I didn't ask if you said it. I said was that a
12 true statement.

13 A. No. It is not a true statement.

14 Q. So you falsely stated that under oath in your
15 sworn statement on February 9th --

16 A. I did not intend to, Ms. Hamilton. I had less
17 than 24 hours to correct this.

18 MR. WOOD: I'm -- y'all have lost me a
19 little bit. What statement are we saying is not true?

20 MS. HAMILTON: Her -- Mrs. Turner's
21 testimony is that on page 11, line 6 through 11, her
22 testimony about Mr. McCabe, quote, "He wants me to admit
23 that I defamed his client and that was part of the
24 conspiracy, and I have continually stated I will never
25 do that. I will never lie. I will not comment perjury

1 for him or anyone else. There was no defamation. There
2 was no conspiracy."

3 A. That statement is true in -- in -- in how I
4 said it. That is correct.

5 Q. (By Ms. Hamilton) So that was a truthful
6 statement?

7 A. Yes. That was a truthful --

8 Q. Okay.

9 A. -- state -- statement.

10 Q. Just to make sure, on page 12, line 5 through
11 7, you testify "You know, you have to understand I will
12 always tell the truth. I won't commit perjury." Is --
13 is that a true statement?

14 A. That is something I will always try to do,
15 Ms. Hamilton. And yes. That was a true statement.

16 Q. Okay. And if you go further down that page,
17 there's a -- your answer line 12 through an answer line
18 21. Did Mr. McCabe offer you perks in exchange --

19 A. No. He -- he offered to refer me to an
20 attorney.

21 Q. Okay. And you go on to --

22 A. Which he never did.

23 Q. Okay. But he offered to refer you to an
24 attorney. And he -- and who was -- do you know -- did
25 he offer who that attorney would be?

1 A. No. He never gave me any names.

2 Q. Okay. Did he ever discuss getting you a lawyer
3 if there was ever a deposition?

4 A. He suggested I might need one and he would give
5 me some names.

6 Q. Okay. You say "And he never really offered me
7 money but hinted that, you know, some people had ended
8 up with new computers, a few trips..." Did I read that
9 correctly?

10 A. He did not tell me he offered new computers.
11 Other sources told me they had received those.

12 Q. From Mr. McCabe?

13 A. Yes.

14 Q. And who were those sources?

15 A. Chrystal Baker and Yvonne Waddle and somebody
16 that went to the Bahamas once.

17 Q. So they received --

18 A. They claim -- they claimed that they did. I
19 did not see the receipts.

20 Q. Okay. But they told you that Mr. McCabe had
21 given them computers? Anybody got a -- any specific
22 person got a computer that you recall?

23 A. Chrystal Baker.

24 Q. Anybody specifics -- anybody else about a new
25 computer?

1 A. Not that told me personally.

2 Q. Anybody else?

3 MR. WOOD: Lin Wood.

4 (Lin Wood disconnected from conference
5 call.)

6 MS. HAMILTON: Lin's gone.

7 MR. MEYER: Lin Wood didn't get a computer.

8 MS. HAMILTON: Well, he's gonna have to
9 call back. I wonder if he's gonna be able to do that.
10 He should.

11 Q. (By Ms. Hamilton) Anybody else? Who was
12 offered the few trips that you recall from your
13 conversations?

14 A. I believe Yvonne Waddle was flown from wherever
15 she lives into Houston, Texas. I was under the
16 assumption that someone from the -- from Massachusetts
17 got a trip to the Bahamas, which later I found out long
18 after this that that was not true.

19 MS. HAMILTON: Lin?

20 A. In fact -- in fact, in the Tarrant County case
21 is when I found out that that was not true.

22 MR. WOOD: Hey -- hey, Nancy.

23 MS. HAMILTON: Yes.

24 MR. WOOD: I -- I apologize. I got
25 disconnected.

1 MS. HAMILTON: I know. You -- we heard you
2 cut out.

3 MR. WOOD: Yeah. And I just got back on.
4 I -- I lost -- I left off when y'all were talking about
5 some -- Chrystal Baker and some other people were
6 getting ready to be named that had received new
7 computers from Mr. McCabe.

8 MS. HAMILTON: Correct.

9 MR. WOOD: Can -- can you just fill me in
10 on what I missed real quick?

11 MS. MARSHALL: Nothing.

12 A. I understood that Chrystal Baker received a new
13 computer. I understood that Yvonne Waddle received a
14 free trip from whatever state she lives in to Houston,
15 Texas. I had -- also at that time was under the
16 impression that a Carrie Castro from Massachusetts had
17 received a free trip to the Bahamas. During the Tarrant
18 County case recently, I learned that that was not true.

19 MR. WOOD: About Carrie?

20 THE WITNESS: That's correct, Mr. Wood.

21 MR. WOOD: Okay.

22 Q. (By Ms. Hamilton) Is there anyone else that --
23 that you have had discussions with who've said that
24 they've received these things from Mr. McCabe?

25 A. No --

1 Q. Okay.

2 A. -- Ms. Hamilton.

3 Q. And did Mr. McCabe -- at line 20 to 21, you
4 said that if you cooperated there were perks; "if I
5 didn't, my life was going to be hell until I died." Was
6 that a true statement?

7 A. Can I -- can I read this stuff over --

8 Q. Sure.

9 A. -- in the context? (Witness peruses document).
10 The statement on -- from 19 to 21 did not come directly
11 from Mr. McCabe.

12 Q. Who -- who -- who made that statement to you?

13 A. Art Harris and --

14 MR. WOOD: Wait. What page are y'all on
15 now? I'm sorry.

16 MS. HAMILTON: Page 12.

17 MR. WOOD: Okay.

18 A. Art -- Art Harris knew Chrystal Baker and had
19 shared some conversations with her.

20 Q. (By Ms. Hamilton) So you're saying Art Harris
21 was reporting that Chrystal Baker had told him that --

22 A. She was -- she was his moderator.

23 Q. Okay. So Mr. McCabe never told you that your
24 life was going to be hell until you died?

25 A. Well, this pretty much hell, isn't it?

1 Q. Let's go on to page 13. The -- the O'Quinn
2 firm and Mr. McCabe put you under a great amount of
3 pressure to get all the e-mails and DVD's and computer
4 hard drives to him?

5 A. That is -- that is correct. They wanted it as
6 quickly as possible.

7 Q. And you were not only hearing from Mr. McCabe,
8 you were also hearing from Don Clark in his office?

9 A. Don Clark was sending me e-mails asking if I --
10 if they needed to purchase DVD's, if they needed to send
11 me prepaid envelopes. And I refused all of those.

12 Q. And you say that it was constant pressure at
13 line 14.

14 A. From the time I agreed to do it till the time I
15 shipped those off, for about two weeks, I did get daily
16 e-mails.

17 Q. One e-mail a day or more?

18 A. Probably one e-mail a day in the morning from
19 Don Clark saying "How are you doing? Is there anything
20 that you need us to provide?"

21 Q. And what was the timeframe for this? This was
22 prior --

23 A. It was between December 31st and I want to say
24 January 16th. December 31st, 2008 when I reached out to
25 them to January -- I think the last of the DVD's went

1 out like about -- and I'm guessing here -- about --
2 around January 16th of 2009.

3 Q. So at that point, you had turned over all of
4 your computer hard drives and everything that --

5 A. Oh, no. No computer hard drives.

6 Q. Okay.

7 A. I turned over three DVD's.

8 Q. Okay.

9 A. Of which you now have copies of also.

10 Q. Okay. And have you been under constant
11 pressure from the -- from Mr. McCabe or the O'Quinn firm
12 since that date?

13 A. Not at all.

14 Q. Okay. Let's look at page 41. This is in
15 relation to Mr. McCabe dismiss -- promising to dismiss
16 you from the lawsuit.

17 A. What --

18 Q. If you look at page 41.

19 A. Okay.

20 Q. Well, you don't -- I -- I'm just --

21 A. Okay. I have page 41. Okay.

22 Q. All right. And the question was that you had
23 referred to Mr. McCabe as constantly moving the goal
24 posts?

25 MR. WOOD: What page is she on?

1 MS. HAMILTON: Page 41.

2 A. That is correct. They wanted to image my
3 computer then.

4 Q. (By Ms. Hamilton) Okay. So it wasn't just the
5 DVD's, the three DVD's that you just testified to. Once
6 he got that, then he wanted something more from you. Am
7 I correct?

8 A. He wanted to know if I would have my computer
9 imaged. Eventually we entered an agreed motion before
10 the court.

11 Q. Okay. But his demands were always changing.
12 Am I correct?

13 A. That -- that's a change. I had -- I had almost
14 no contact with Mr. McCabe after this all came out.

15 Q. No. I was talking about your testimony up and
16 through -- till the date of February 9th, 2009 when you
17 made this statement.

18 A. I had talked to -- I've gone back and looked at
19 my phone bills. I had talked to Mr. McCabe four times;
20 two with Pattie Hamilton -- Pattie Hampton. Maybe three
21 with Pattie Hampton and one with --

22 Q. You mean Lampton?

23 A. Lampton. I'm sorry -- and one with Michael
24 Meyer. Short phone calls. I -- I wanted to make a deal
25 and get out of the suit. I wanted to do what Judge

1 Lindsay ordered and -- and try to get out and get on
2 with my life.

3 Q. Okay. And the cooperation that he was asking
4 from you in terms of testimony was he wanted you to
5 testify your view falsely about certain matters relating
6 to the lawsuit, correct?

7 A. That is not correct.

8 Q. Okay. Let's go to the bottom of page 41, line
9 24.

10 A. (Witness peruses document). This reads
11 correctly. But it's very narrow.

12 Q. What is -- what was on the page, that was your
13 testimony --

14 A. Are my words. That is correct.

15 MR. MEYER: Ms. Hamilton, I don't want to
16 make an objection because I'm a -- I'm a second lawyer.
17 But --

18 MR. WOOD: I -- I didn't really get a good
19 question. And -- and -- and I did hear Mrs. Turner with
20 an answer.

21 MR. MEYER: But I do have a question for
22 you. Are you referring to her sworn statement as
23 testimony?

24 MS. HAMILTON: I'm not going to answer your
25 question, Mr. Meyer.

1 MR. WOOD: Anybody there?

2 MS. HAMILTON: Yes. We're here, Lin.

3 MR. WOOD: Did we -- did we confirm the
4 accuracy of the testimony on page 41, line 24 through
5 page 42, line 8?

6 MS. HAMILTON: We are in the process of
7 doing that.

8 MR. WOOD: Okay. Sorry.

9 MR. MCCABE: I object to the question
10 because it mischaracterizes what you're talking about as
11 testimony.

12 Q. (By Ms. Hamilton) The question states at the
13 bottom of page 41, line 24, question, "Okay. And the
14 cooperation he wanted from you..." Let me interject.
15 Is that Mr. -- you understand that to be Mr. McCabe. Am
16 I correct, Mrs. Turner?

17 A. Not without reading this all the way through to
18 understand who "he" is. I mean I would have to go back
19 several pages 'cause I don't see Mr. McCabe's name on
20 this page.

21 Q. Okay. Let's go back to page 39 and start
22 reading there.

23 A. If you can point out where I refer --

24 Q. Okay.

25 A. -- to Mr. McCabe and then "he," that will be --

1 Q. Page --

2 A. -- sufficient for me.

3 Q. Page 39, beginning of line 6.

4 A. Okay. That says Mr. McCabe.

5 Q. Okay. If you go down to line 16, you refer to
6 Mr. McCabe.

7 A. That is correct.

8 Q. And let's go from there and see if you change
9 to talk about anyone else.

10 A. (Witness peruses document). How many pages?

11 Q. I'm just --

12 A. I'm sorry.

13 Q. We're just going from page 39 to 41.

14 A. Okay. I do not see any other "he" on this.

15 Q. Okay. So you would be referring to -- the
16 question is referring to -- your understanding is the
17 question was referring to Mr. McCabe?

18 MR. MCCABE: Objection, vague.

19 As to what question?

20 A. Can -- can you tell me what page the -- you're
21 backing --

22 Q. (By Ms. Hamilton) Line 41, page -- I'm sorry.
23 Page 41, line 24.

24 A. Okay.

25 Q. The question is the cooperation Mr. McCabe

1 wanted from you. You agree with me?

2 A. Yes. I'm listening --

3 Q. Okay.

4 A. -- to you.

5 Q. In terms of testimony was he wanted you to
6 testify in your view falsely --

7 MR. MCCABE: Objection to form. That's not
8 what the question says.

9 MS. HAMILTON: Excuse me, Mr. McCabe. Do
10 not interrupt my question.

11 MR. MCCABE: Oh, I'm sorry. I thought you
12 were finished, Ms. Hamilton.

13 MS. HAMILTON: I am asking the question,
14 Mr. McCabe.

15 MR. MCCABE: I thought you were finished --

16 MS. HAMILTON: Mr. McCabe, you're not gonna
17 stop this deposition now. I'm getting through
18 this question.

19 THE WITNESS: You know what? I need a
20 break, okay. I am trying to be honest with you.

21 MS. HAMILTON: I -- I understand that.

22 THE WITNESS: You have threatened me, your
23 husband has threatened me --

24 MS. HAMILTON: I have never threatened you.

25 THE WITNESS: -- Mr. Birkhead has -- has

1 threatened me with a criminal investigation.

2 Q. (By Ms. Hamilton) Is this a true statement?

3 And nobody has threatened you with that.

4 A. There is -- there is an exception. You want
5 the e-mails from your husband?

6 Q. I want the question answered.

7 MR. MCCABE: Objection to form. You're
8 arguing with the witness.

9 A. I am trying to be honest with you,
10 Ms. Hamilton. I am sick. And every one of you have
11 pulled at me and have threatened me except for Mr. Wood.

12 MR. SUSMAN: Wait a second, Mrs. Turner.

13 THE WITNESS: I'm sorry, Mr. -- Mr. Susman.
14 I forget you're there.

15 Q. (By Ms. Hamilton) All I want to know is the
16 question at the bottom of page 41 and the answer at the
17 top of page 42, was that true and correct?

18 A. It is not correct. It was out of context.

19 Q. Is it true?

20 A. That he wanted me to view -- to testify
21 falsely, no. That he wanted me to review some statutes
22 to see that I would give his client a fair deal, yes.

23 Q. Okay. So you were not testifying truthfully?

24 A. I had not looked up the statutes at the time.
25 And I had promised to keep an open mind.

1 Q. You were not testifying truth -- then your
2 testimony today is your testimony --

3 A. My testimony today a year later is I have
4 researched the statutes, I have gone back, I know what
5 he was talking about. However, on this day, at this
6 moment, I did tell the truth.

7 Q. So you -- I'm sorry. On this day at this
8 moment -- I just want to be sure -- on February 9th of
9 2009, you were telling the truth?

10 A. That is correct, Ms. Hamilton.

11 Q. Thank you.

12 THE WITNESS: And I'd like to interject --

13 MS. HAMILTON: Sure.

14 THE WITNESS: -- from here.

15 MS. HAMILTON: If you want a break.

16 THE WITNESS: No.

17 MS. HAMILTON: Okay.

18 THE WITNESS: We can go off the record. I
19 asked y'all to do this as a subpoena deposition so
20 Mr. McCabe could be there. I thought it was only fair
21 that everybody ask their questions. Y'all did not do
22 that.

23 MS. HAMILTON: Well, Mrs. Turner, I beg to
24 differ. And we're not gonna get into an argument. But
25 you know it was noticed as a deposition. And you know

1 that Mr. McCabe quashed the deposition.

2 THE WITNESS: And Ms. Bush told me to
3 expect Mr. Meyer or Mr. McCabe to be there; they knew
4 the time and they knew the place. Now, we can argue
5 about this all you want to. But there are calls between
6 me and Ms. Bush because I actually --

7 Q. (By Ms. Hamilton) Do you have them tape
8 recorded?

9 A. No. I try not to do that.

10 Q. What's the date of the telephone calls?

11 A. It would've been the Sunday before this. So if
12 this was done on the 8th, it would've been --

13 Q. Do you have notes?

14 A. I have the phone records showing -- and I was
15 faxing her a mass -- you talk about him wanting DVD's.
16 What y'all demanding in less than a week was
17 un-freaking-believable. So of course I was confused.
18 That's why I wanted everyone there to be able to ask
19 questions just so you could not blind-side me like this.

20 Now since then, I have researched, I have
21 asked questions, I have read laws. Now, if you want me
22 to say there is no defamation and no conspiracy, I will
23 say that to the -- to the last breath I take. Nothing
24 to do with me ever happened like that. And I will say
25 that on my deathbed.

1 Q. Do you want to take a break?

2 A. No. I want to get this over with.

3 Q. Okay.

4 MR. MEYER: I'd like to take a break.

5 THE WITNESS: I thought you said not -- you
6 know, all of y'all said don't take a break with a
7 question.

8 MR. MEYER: There is no question pending
9 right now.

10 THE WITNESS: Then yes. I would like to
11 take a break.

12 THE VIDEOGRAPHER: Does everybody agree?

13 MR. MCCABE: I agree. They don't -- they
14 can't hear us on the phone.

15 MR. MEYER: We're taking a break.

16 THE VIDEOGRAPHER: We're now going off the
17 record. The time is now 3:02.

18 (Off the record.)

19 THE VIDEOGRAPHER: We're now going back on
20 the record. The time is now 3:13.

21 This concludes today's deposition of Nelda
22 Turner. This ends tape number three, volume one taken
23 on April the 2nd, 2010. The time is now 3:13.

24 The video operator today has been Kathy
25 Bentley representing Westlaw Deposition Services of San

1 Francisco. The court reporter is Crystal Greer of
2 Gretchen Shore Court Reporting in Longview.

3
4 (End of proceedings.)
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1 I, NELDA TURNER, have read the foregoing
2 deposition and hereby affix my signature that same is
3 true and correct, except as noted above.

4
5 _____
6 NELDA TURNER

7 THE STATE OF _____)

8 COUNTY OF _____)

9
10 Before me, _____, on this day
11 personally appeared NELDA TURNER, known to me (or proved
12 to me under oath or through _____)
13 (description of identity card or other document) to be
14 the person whose name is subscribed to the foregoing
15 instrument and acknowledged to me that they executed the
16 same for the purposes and consideration therein
17 expressed.

18 Given under my hand and seal of office this
19 _____ day of _____, _____.

20
21
22 _____
23 NOTARY PUBLIC IN AND FOR
24 THE STATE OF _____
25 COMMISSION EXPIRES: _____

1 CAUSE NO. 2008-24181

2 VIRGIE ARTHUR,) IN THE DISTRICT COURT
3 Plaintiff,)
4 VS.) HARRIS COUNTY, TEXAS
5 HOWARD K. STERN, BONNIE)
6 STERN, LYNDAL HARRINGTON,)
7 ART HARRIS, NELDA TURNER,)
8 TERESA STEPHENS, LARRY)
9 BIRKHEAD, HARVEY LEVIN,)
10 TMZ PRODUCTIONS, INC., AND)
11 CBS STUDIOS, INC.,)
12 Defendants.) 80TH JUDICIAL DISTRICT

11 REPORTER'S CERTIFICATION
12 DEPOSITION OF NELDA TURNER
13 APRIL 2, 2010

14 I, Crystal Greer, Certified Shorthand Reporter in
15 and for the State of Texas, hereby certify to the
16 following:

17 That the witness, NELDA TURNER, was duly sworn by
18 the officer and that the transcript of the oral
19 deposition is a true record of the testimony given by
20 the witness;

21 That the deposition transcript was submitted on
22 _____ to the witness or to the attorney
23 for the witness for examination, signature and return to
24 me within 20 days;

1 That the amount of time used by each party at the
2 deposition is as follows:

3 MR. NEIL C. MCCABE -- 03 HOURS:50 MINUTE(S)
4 MR. MICHAEL MEYER --- 00 HOURS:00 MINUTE(S)
5 MS. NANCY HAMILTON -- 01 HOURS:24 MINUTE(S)
6 MS. DIANA MARSHALL -- 00 HOURS:00 MINUTE(S)
7 MR. L. LIN WOOD ----- 00 HOURS:00 MINUTE(S)
8 MR. HARRY SUSMAN ---- 00 HOURS:20 MINUTE(S)

9 That pursuant to information given to the
10 Deposition officer at the time said testimony was taken,
11 the following includes counsel for all parties of
12 record:

13 MR. NEIL C. MCCABE, Attorney for Plaintiff
14 MR. MICHAEL MEYER, Attorney for Plaintiff
15 MS. NANCY HAMILTON, Attorney for Defendants
16 ART HARRIS AND CBS STUDIOS, INC.
17 MS. DIANA MARSHALL, Attorney for Defendant
18 LARRY BIRKHEAD
19 MR. L. LIN WOOD, Attorney for Defendant
20 HOWARD K. STERN
21 MR. HARRY SUSMAN, Attorney for Defendants
22 TMZ PRODUCTION, INC. AND HARVEY LEVIN

23 I further certify that I am neither counsel for,
24 related to, nor employed by any of the parties or
25 attorneys in the action in which this proceeding was
taken, and further that I am not financially or
otherwise interested in the outcome of the action.

Further certification requirements pursuant to Rule
203 of TRCP will be certified to after they have
occurred.

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Certified to by me this _____ day of
_____, 2010.

CRYSTAL GREER, TEXAS CSR 8575
Expiration Date: 12/31/10
Firm Registration No. 90
Gretchen Shore Court Reporting
P.O. Box 1789
Longview, Texas 75606
(903) 758-2183
(903) 758-4890 FAX
gretchenshore@gretchenshore.com

FURTHER CERTIFICATION UNDER RULE 203 TRCP

The original deposition was/was not returned to the deposition officer within 20 days;

If returned, the attached Changes and Signature page contains any changes and the reasons therefor;

If returned, the original deposition was delivered to _____, Custodial Attorney;

That \$_____ is the deposition officer's charges to the Plaintiff for preparing the original deposition transcript and any copies of exhibits;

That the deposition was delivered in accordance with Rule 203.3, and that a copy of this certificate was served on all parties shown herein on and filed with the Clerk.

Certified to by me this _____ day of _____, 2010.

CRYSTAL GREER, TEXAS CSR 8575
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