

CAUSE NO. 2008-24181

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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

ORAL AND VIDEOTAPED DEPOSITION OF
NELDA TURNER
APRIL 2, 2010
VOLUME 1

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

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 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 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

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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;

25

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

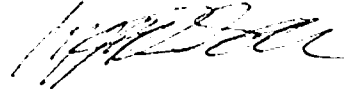
23 I further certify that I am neither counsel for,
24 related to, nor employed by any of the parties or
25 attorneys in the action in which this proceeding was
taken, and further that I am not financially or
otherwise interested in the outcome of the action.

Further certification requirements pursuant to Rule
203 of TRCP will be certified to after they have
occurred.

1 Certified to by me this _____ day of

2 _____, 2010.

3 Digitally signed by Crystal Greer
4 Date: 2010.04.09 14:31:08 -
5 07:00
6 Reason: I am the author of this
7 document
8 Location: Kilgore, TX



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