

(Later that day after a trip to the Medical Examiner's office to view the body of Anna Nicole Smith, Ms. Arthur is recalled to the stand at the request of Mr. Milstein.)

QUESTIONS BY MR. MILSTEIN OF MS. ARTHUR:

Q In the interest of justice, I am going to ask Ms. Arthur, since the death of your grandson, have you received any financial remuneration directly to you from any news media?

A Are you –

MR. O'QUINN: That was asked and answered and before lunch.

Q How did the helicopter get to the Medical Examiner's office –

THE COURT: I will allow the question. Your objection is overruled.

Q Since the death of your grandson, have you received any funds from any media for any stories or any other purpose?

A Just give me a minute, please.

Q Yes, ma'am.

A Plane fare.

Q From where to where?

A From Houston to the Bahamas.

Q Okay.

A I went over there for one day and that was on January 22nd.

Q And I assume that was a round trip?

A Yes, it was.

Q Did anyone else accompany you?

A My sister-in-law.

Q Did anyone else, other than your sister-in-law?

A Let me think for a minute, let me get their names for a second.

Q Take your time.

A David Lee.

Q David Lee?

A Uh-huh.

Q Who is David Lee?

A He is a close friend of the family first.

Q He is a close friend?

A Uh-huh.

Q Is he with any news agency?

A He is a journalist.

Q With what company?

A Splash.

Q Okay. And what is your sister-in-law's name?

A Elaine Tabers, T-AB-E-R-S.

Q Okay. Now, did David Lee pay for you and your sister-in-law to go over to the Bahamas from Houston, round trip on a one day flight?

A Yes.

Q Did David Lee pay for any other third party payments on your behalf? Those could be lunch, dinner, cars, drivers, airplanes, clothing, video cassettes, video recorders, anything of that nature?

A Not that I know of, no.

Q Did he buy a camera for you?

A No.

Q Did any other money – was any other money paid to any other third person on your behalf?

A No

Q Do you know if your sister-in-law, Elaine, received any money or remuneration as a result of the video that she took as a result of visiting the grave site of your grandson?

A No, I don't

Q Did you ever discuss it with her?

A No, we have been too upset.

Q Did you ever ask her why she released that video to the media?

A No, I didn't.

Q You never objected to her releasing it and said to her it's not appropriate?

A No, I didn't.

Q Have you received any remuneration for coming to Florida for these hearings? Have you received any money for flights, cars, hotels, a place to stay, food, lodging, anything, from any third party or any media person?

A No.

Q Are you paying for all of this out of your own money?

A Not all of it. My family and friends are helping.

Q Are any of your family and friends part of any news media?

A No.

Q David Lee is a close friend, but you said he is with Splash?

A Yes.

Q Is he here today?

A Yes, he is, somewhere.

Q Did he drive over with you to the medical examiner's office?

A Yes, he took me over.

Q In a rental car paid for by Splash?

A I don't know.

Q Is it a car that he rented?

A I don't know.

Q You don't know if he owns it? Does he live here in Florida?

A I think he does.

Q You think so?

A Yes.

Q He is a close personal friend – did he fly to Houston and then fly over to the Bahamas?

A No.

Q Did he ever make suggestions to you that you enter into a contract or make arrangements with regard to any rights regarding the death of your grandson or your daughter?

A Could you ask me that again?

Q Did David Lee ever ask you to enter into any contract with regard to any of the rights, press or publicity through the media, with regards to the death of your grandson or the death of your daughter?

A Not the death of my daughter, because we have not gotten there yet. We are still here, no.

Q Has anyone asked to purchase any memorabilia, photographs, clothing, childhood items, regarding your grandson from you?

A No.

Q Have you received any money for any of those items?

A No, I have not.

Q Have you anticipated – strike that. Has anyone discussed with you any future royalties or remuneration, payments to you, with regard to any funeral arrangements for your daughter.

A No.

Q Have you considered whether or not you would have a public funeral for your daughter that would then be televised or in some way be a public event?

A No, just family.

MR. MILSTEIN: I don't have anymore questions.

THE COURT: I want you to do the same questioning, because it's really the issue of viewing. We just had that viewing. I mean, one of the parties can say, Judge, she is in contempt of an agreed order that we signed off on. Wouldn't that be your next logical argument?

MR. MILSTEIN: Well, I guess, Your Honor since –

THE COURT: I am also going beyond. I am marching on.

Q Since David Lee went to the Medical Examiner's Office and he is a journalist with Splash, do you know if he contacted anyone at Splash –

A No, he is here as a friend. No, I don't know but, no, I would say no.

Q As far as you know he did not?

A No, he is a friend.

Q There was a Splash helicopter above the Medical Examiner's Office?

A I don't know.

Q You did not know anything about it?

A No, sir.

Q So in your presence, no one called the media to inform them that you were on your way for the viewing of your daughter?

A No, sir.

Q Or anyone else was on their way for the viewing?

A No, sir.

Q How long have you known this gentleman from Splash?

A Two years.

Q How did it come that he came to drive you to the viewing?

A Because he lives here and he is a family friend.

Q Has he been driving you to any other places while you were here?

A Yes.

Q Did you have any other means of transportation.

A No.

Q When you were in the car with David Lee, did you discuss where you were going and why?

A When?

Q This afternoon, when you got in the car with David Lee and you were going to the viewing of your daughter at the Medical Examiner's Office –

MR. TUNSTALL: Your Honor, I went with them in the car, so you are going to get into – you may get into some attorney/client issues.

MS. BARTH: Not if there is a third party. If there was a third party in the car, there is no privilege.

MR. MILSTEIN: I will concur on the objection.

THE COURT: Are you going to withdraw it?

MR. MILSTEIN: No, but I will modify it. Did you have any discussion in the vehicle with David Lee as to where you were going when you left at 1:15?

A I told the driver.

Q What did you tell the driver?

A That we needed to go to the morgue.

Q Okay. And did you tell the driver or David Lee why you were going there?

A Everybody knew why, everyone, the media knew.

Q My question was, did you individually say to the driver or say to David Lee why you were going to the Medical Examiner's Office?

A They knew. They knew my daughter was there. Did I say I am going to the morgue to visit my daughter?

Q Yes. Did you say you were going to the viewing?

A I said, I am going to the morgue.

Q You did not discuss for what purpose?

A No, they knew. Why else would I be going to the morgue?

Q Besides your attorney in the car, did anyone else in the car discuss going to the morgue, as you put it, as a means of viewing your daughter?

A No, sir. We talked about food.

Q I don't blame you. That's what I am thinking about.

QUESTIONS BY THE COURT OF MS. ARTHUR:

Q What is your pension a month with the Sheriff's Department?

A Thirty-five hundred dollars.

Q Thirty-five hundred dollars a month?

A Uh-huh.

Q And does your husband also receive an income?

A He works.

Q What do you think he makes a month?

A Let's see, how much do you make a month?

MR. TUNSTALL: He can't answer.

Q Give me a good guess.

A He makes –

Q He makes six dollars an hour?

A He brings home \$600 a week.

Q Do you have any other sources of income? Are you working presently?

A No, I am not.

Q Those are your two primary sources of income?

A Uh-huh.

Q Is your house paid for?

A Almost.

Q What is the mortgage, fifteen thousand or less?

A Yes, I've almost got it paid off.

Q What is your house worth? What do you think it's worth, \$160,000?

A Oh, no. Sixty or Seventy thousand.

MR. MILSTEIN: Did anyone in the car, discuss your going to the morgue, as you put it, to view your daughter's body?

A No. We talked about food the whole way.

MR. MILSTEIN: I have no further questions, unless you have another suggestion.

THE COURT: You want to ask him some questions on this, on Splash, why Splash was in the car?

MR. TUNSTALL: No.

THE COURT: You are going to reach it in a different way?

MR. TUNSTALL: I don't want to discuss it.

THE COURT: Cross examination?

QUESTIONS BY MS. BARTH OF MS. ARTHUR:

Q Ms. Arthur, how did you meet Mr. Lee?

A I was introduced to him by my sister-in-law.

Q How did your sister-in-law meet David Lee?

A I don't know that.

Q Do you recall?

THE COURT: Just to let you all know, so you are not surprised, everyone is going to that voir dire of questions. What Milstein just did with this client, he is going to do with the next two. Everyone is going to answer those same questions.

Q You stated that you met Mr. Lee through your sister?

A My sister-in-law.

Q How did your sister-in-law meet Mr. Lee?

A I don't know that.

Q Do you know anything about your sister –

THE COURT: Do you want to go on more with this thing?

MS. BARTH: I do, I do.

THE COURT: I am going to let you.

Q Do you know anything about your sister-in-law previously selling a video of your daughter's former husband, Mr. Marshall, to Mr. Lee's agency?

A Two years ago, yes.

Q She did sell it?

A Yes, she sold it.

Q Do you know how much she made?

A I have no idea.

Q You never asked her?

A No, never did. Not my business.

Q Well, where did she get the video?

A Where did she get it?

Q Sure.

A She worked for Howard Marshall and Vickie.

Q You didn't receive any money at that time?

A No, ma'am, I have not.

Q And when you went to have this memorial service at Daniel's grave site, why did you participate in that event?

A It was his birthday.

Q Why did you go on his birthday?

A Because I was not allowed to go to the funeral.

Q Why this birthday?

A I was not allowed to go on his birthday. Howard kept Vickie and Daniel – not any of family, not just me, not any of the family.

Q But you said Daniel was a good boy and you said he wasn't on drugs; is that correct?

A Yes, he wasn't.

Q So how is it that my client kept you from having a relationship with your adult, 20-year-old grandson?

A Because my daughter was on drugs and she told him that he could not have anything to do with any of the family, not just me, because Howard told her.

Q So your grandson was told by his mother?

A Yes.

Q Who was on drugs that he could not visit his grandmother and that's why you had no relationship with him?

A I had a relationship with my grandson as long as I could.

Q I am sorry, but in the last ten years –

A While she was on drugs.

Q I am talking about the time after he was 20. When is the last time you attempted to contact your grandson, Daniel?

A I have always tried to keep up with him. I would call, but he was not allowed to talk to anyone.

Q Did you write letters?

A Yes, several letters.

Q Were they returned?

A I sent birthday cards, I sent fifty bucks. Sent Vickie birthday cards.

Q When is the last time you sent your grandson a birthday card?

A Since they were in California. I can't tell you the correct address, but I know it was a pink house.

Q And so let's go back to the question of what precipitated your desire? What –when is his birthday?

A January 22nd.

Q So January 22nd, three months after he passed away, you decide to go on his birthday. Who gave you the idea to do that?

A Because it was his birthday and I did not get to go before.

Q How was it that Mr. Lee was involved with that?

A How was he involved?

Q Yes.

A He went with us – well, because we had never been to the Bahamas.

Q So he went with you for what reason?

A Friend.

Q And you were aware that your sister had previously sold a tape to this gentleman; is that correct?

MR. TUNSTALL: Asked and answered.

THE COURT: Objection sustained.

Q You brought him there as a friend. Tell me about your friendship with Mr. Lee. Where does he live?

A He lives in Florida, I think. Let me think of the name. I don't know. But he has a beautiful wife, two darling daughters.

Q Do you know what part of Florida he lives in?

A I want to say Cocoa Beach, but I have not been there that often.

Q In the last two years, how often have you seen Mr. Lee?

A Several times. I talk to him several times.

Q Since when?

A Since when?

Q What period of time?

THE COURT: Let me say something here. We have covered this. You can spend more time, but we have a day left. Tomorrow is Thursday. This is not a jury trial, where you keep drumming away. I hear it. I understand you want to cover more terrain, right?

MS. BARTH: I do, Your Honor, that's correct.

THE COURT: Milstein covered it pretty much the same answers.

QUESTIONS BY MS. BARTH OF MS. ARTHUR:

Q You have no idea how Splash came in possession of the tape of the memorial that you and your sister and Mr. Lee had together, correct?

A Ask the question again.

Q Do you know how the video of the memorial service got to Splash Magazine?

A I guess my sister-in-law – no, I don't.

Q Did he know Daniel?

A No.

(Objection from Mr. Tunstell. Judge ends questioning of Ms. Arthur)



Transcribed by Amy