

# Exhibit 19

1

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

HOWARD K. STERN,

Plaintiff,

vs. CIVIL ACTION FILE  
NO. 1:07-CIV-8536-DC

RITA COSBY and HACHETTE  
BOOK GROUP USA, INC., d/b/a  
Grand Central Publishing,  
and JOHN or JANE DOE,

Defendants.

-----

CONFIDENTIAL VIDEOTAPED  
DEPOSITION OF  
JACK E. HARDING

February 21, 2008  
10:06 a.m.

Suite 3900  
601 South Figueroa Road  
Los Angeles, California 90017

Lee Ann Barnes, CCR, RPR

3

1 VIDEOTAPED DEPOSITION OF JACK E. HARDING  
2 February 21, 2008  
3  
4 VIDEOGRAPHER: The time is  
5 approximately 10:06. We're on the video  
6 record.  
7 Today's date is February 21, 2008.  
8 This deposition is taking place at the  
9 offices of Luce Forward, 601 South  
10 Figueroa Street, Los Angeles, California  
11 90057.  
12 Will counsel please identify  
13 themselves for the video record, starting  
14 with Mr. Wood.  
15 MR. WOOD: Lin Wood. I represent  
16 the plaintiff, Howard K. Stern.  
17 MR. LANTTA: Luke Lantta for the  
18 plaintiff, Howard K. Stern.  
19 MS. BARTH: M. Krista Barth for the  
20 plaintiff, Howard K. Stern.  
21 MR. MAYNARD: Doug Maynard for  
22 defendant Hachette Book Group.  
23 MS. McNAMARA: Elizabeth McNamara  
24 for defendant Rita Cosby.  
25 VIDEOGRAPHER: Thank you very much.

2

1 APPEARANCES OF COUNSEL

2 On behalf of the Plaintiff:  
3 POWELL GOLDSTEIN, LLP  
4 LIN L. WOOD, ESQ.  
5 LUKE LANTTA, ESQ.  
6 One Atlantic Center  
7 Fourteenth Floor  
8 1201 West Peachtree Street, NW  
9 Atlanta, Georgia 30309-3488  
10 404-572-6982  
11 404-572-6999 (facsimile)  
12 llwood@pogolaw.com

13 LAW OFFICES OF ERIC M. SAUERBERG, P.A.  
14 M. KRISTA BARTH, ESQ.  
15 200 Village Square Crossing  
16 Suite 102  
17 Palm Beach Gardens, Florida 33410  
18 561-776-0330  
19 561-776-0302 (facsimile)  
20 krista@emsattorneys.com

21 On behalf of the Defendants Hachette Book  
22 Group USA, INC., d/b/a Grand Central  
23 Publishing:  
24 AKIN GUMP STRAUSS HAUER & FELD LLP  
25 DOUGLASS B. MAYNARD, ESQ.  
590 Madison Avenue  
New York, New York 10022-2524  
212-872-1000  
212-872-7539 (facsimile)  
dmaynard@akingump.com

On behalf of the Defendant Rita Cosby:  
DAVIS WRIGHT TREMAINE LLP  
ELIZABETH A. McNAMARA, ESQ.  
1633 Broadway  
New York, New York 10019-6708  
212-489-8230  
212-489-8340 (facsimile)  
lizmcnamara@dwt.com

Also Present:  
Keith Neal, Videographer, Brown & Gallo

4

1 The court reporter will now swear in the  
2 witness.  
3 (Whereupon, the witness was sworn.)  
4 (Plaintiff's Exhibit-1 and 2 were  
5 marked for identification.)  
6 MR. WOOD: This will be the  
7 deposition of Jack Harding. The  
8 deposition is taken pursuant to subpoena  
9 and notice.  
10 I have introduced into the  
11 deposition record as Harding Exhibit 1 a  
12 copy of the amended notice of service of  
13 subpoena, which attaches to it the  
14 subpoena, and as Harding 2, I have  
15 tendered into the record for the  
16 deposition the service form indicating  
17 Mr. Harding was duly served with the  
18 subpoena prior to the deposition taking  
19 place today.  
20 We don't need to do any stipulations  
21 different than what we've done before, do  
22 we?  
23 MS. McNAMARA: We -- I think -- are  
24 we going to, as consistent with the other  
25 depositions, maintain the confidentiality

57

1 "Blonde Ambition," and I think you told me  
2 that you had a copy, that you had loaned it to  
3 a friend?  
4 A. He came over to the house. He says,  
5 "Can I borrow this?" And I said, "Yeah." I  
6 said, "I haven't read it yet, so get it back  
7 to me." And that's --  
8 Q. Didn't --  
9 A. -- been a long time.  
10 Q. Didn't get it back?  
11 A. Never got it back.  
12 Q. And then you bought another copy?  
13 A. Yeah. I bought the other copy the  
14 day before yesterday.  
15 Q. And that's the copy you have with  
16 you here today?  
17 A. Right.  
18 Q. But I believe you told me during the  
19 break that you've never -- before today,  
20 you've never read the book?  
21 A. I never read the book. My wife did  
22 read the other one and my friend took the  
23 book, so she's --  
24 Q. But you -- you've never read it?  
25 A. I never read it, no.

58

1 Q. And you said -- you were flipping  
2 through it and you said there were some  
3 statements in there attributed to you that you  
4 did not make?  
5 A. Uh-huh (affirmative).  
6 Q. Is your answer yes?  
7 A. Yes.  
8 Q. What statements are you referring  
9 to?  
10 A. Oh, let's see. What page are you on  
11 now?  
12 Q. I'm looking at pages 30 and 31, but  
13 I'm not trying to suggest that's where --  
14 A. Okay.  
15 Q. -- what you were referring to. But  
16 I suspect it might be.  
17 A. "And the -- according to Private  
18 Investigator Jack Harding, it was the  
19 overbearing presence of Howard that inspired  
20 the young man to call -- to call the seasoned  
21 investigator for a meeting."  
22 Q. What page are you on?  
23 A. That's on 29.  
24 Q. Okay.  
25 A. And I -- I never -- I never said he

59

1 was overbearing. That must be something that  
2 a writer would use.  
3 Q. You didn't make that statement?  
4 A. I didn't make that statement, no.  
5 Q. Any other statements that you didn't  
6 make?  
7 A. "He was having a hard time with his  
8 mother... (witness mumbling). He was  
9 depressed and incredibly stressed." He was.  
10 Q. If you don't mind, stay on task in  
11 terms of just reading the statements that  
12 you --  
13 A. Right.  
14 Q. -- see in here that are attributed  
15 to you that you didn't make.  
16 A. Right. Because I -- I didn't -- I  
17 didn't memorize all of them. I just went,  
18 "Oh, my gosh." (Witness mumbling.)  
19 Oh, of course when she said that  
20 they chatted over coffee and tea, I -- I had  
21 coffee; Danny didn't have anything.  
22 I thought there was something in  
23 here. I never said -- there was something in  
24 here about -- that he was -- okay, here.  
25 "Daniel also said -- also told private

60

1 investigator that Howard was having people lay  
2 his mom" -- he never said that to me -- "or  
3 pimping her for sex."  
4 Q. That's the statement I wanted to get  
5 you to.  
6 On page 31 of the book, "Blonde  
7 Ambition," Ms. Cosby wrote, and I quote --  
8 A. Where -- where was it?  
9 Q. Right there on page 31.  
10 Quote, "Daniel also told the private  
11 investigator that Howard was having people,  
12 quote, lay his mom, end quote, pimping her for  
13 sex."  
14 Have I read that correctly?  
15 A. That's -- yes, you read that  
16 correctly, but I never --  
17 Q. You never --  
18 A. -- said that.  
19 Q. You never said that and Daniel Smith  
20 never said that to you, did he?  
21 A. No. I don't think he would demean  
22 his mom that way, either.  
23 Q. The fact of the matter is, whether  
24 he would demean his mom that way or not, the  
25 truth of the matter is that Daniel Smith never

<p style="text-align: center;">61</p> <p>1 made that statement to you; right? 2 A. No. 3 Q. He didn't; is that right? 4 A. That's right. 5 Q. And in fact -- truth and in fact, 6 you never told Ms. Cosby that Daniel had told 7 you that Howard was having people lay his mom, 8 pimping her for sex? 9 A. No. 10 Q. You didn't tell her that, did you? 11 A. I didn't tell her that, but she kept 12 asking me that and I kept saying, "I -- I have 13 no idea. He never said that to me." 14 Q. And you never told anyone that 15 Daniel Smith told you that Howard K. Stern was 16 having people lay his mom or pimping her for 17 sex? 18 A. No. 19 Q. You never told that to anyone, have 20 you? 21 A. No. 22 Q. You gave a statement to the Bahamian 23 police, didn't you? 24 A. I gave a statement. I didn't say -- 25 but I told them that he was concerned about --</p>	<p style="text-align: center;">63</p> <p>1 Q. Did you give a signed, written 2 statement about what Daniel told you to Don 3 Clark? 4 A. I did give him a statement, but I 5 don't remember what it was. I never said 6 that -- but I never said anything about 7 pimping. 8 Q. No, and I'm not suggesting -- 9 A. Yeah. 10 Q. -- in any way that you did. 11 A. Okay. 12 Q. But the fact is, are you telling me 13 that you signed -- 14 A. I sent -- I sent a -- a signed 15 statement -- 16 Q. To? 17 A. -- to Don Clark, who submitted a 18 statement to the Baham- -- Bahamas and us. 19 And I don't have a copy of that with me. 20 Q. You gave a signed statement to Don 21 Clark with the understanding that Mr. Clark 22 was going to submit it to the Bahamian -- 23 A. Right. 24 Q. -- authorities? 25 A. Right.</p>
<p style="text-align: center;">62</p> <p>1 it's a little hard to remember, because I 2 had -- I had four of those guys jumping me -- 3 Q. Well, let me -- let me just ask you: 4 Did you ever -- 5 MS. McNAMARA: Excuse me. Can we 6 let the witness -- 7 MR. WOOD: I'm going to -- I'm going 8 to -- 9 MS. McNAMARA: -- finish his answer? 10 MR. WOOD: I'm going to -- I'm going 11 to get to it. I want to know what the 12 answer to my question is. 13 Q. (By Mr. Wood) The question I'm 14 asking is not what you said in the statement. 15 Did you ever give a signed, written 16 statement to the Bahamian authorities? 17 A. No. 18 Q. Did you ever give a signed, written 19 statement about what Daniel told you to 20 anyone? 21 A. No. 22 Q. Did you give a signed, written 23 statement about what Daniel told you to Don 24 Clark? 25 A. Say that again.</p>	<p style="text-align: center;">64</p> <p>1 Q. When did you give him that signed 2 statement? 3 A. About a month or so ago. I don't 4 have the -- 5 Q. In the last couple of months? 6 A. Yeah. 7 Q. January of this year; does that 8 sound right? 9 A. Yeah, that could be. I -- I'm not 10 sure. 11 Q. Did he type up the statement or did 12 you type up the statement? 13 A. He -- he typed up the statement. He 14 e-mailed it to me. I read it and corrected it 15 before I would do it, and then I faxed it back 16 to him. 17 Q. And so before you signed it, you 18 corrected his draft to make sure it was 19 absolutely accurate -- 20 A. Right. 21 Q. -- right? 22 And you signed it clearly 23 representing that the contents of that 24 statement were, to your best recollection, a 25 hundred percent accurate; true?</p>

137

1 drug problem and that he had -- Ray Martino  
2 had helped Daniel get off of it; is that  
3 right?  
4 A. He told me that a couple of years  
5 before that -- when he told me that Danny was  
6 like a son to him and he had to help him get  
7 off of some kind of drugs and he was clean.  
8 He also stated that Anna Nicole was  
9 clean and she -- then all of a sudden she met  
10 some people and then she went back on the  
11 drugs again.  
12 Q. Ray Martino told you that?  
13 A. Raymond Martino told me that. And  
14 that was a couple years prior to --  
15 Q. To your meeting Daniel?  
16 A. Yes.  
17 Q. All right. So we're talking about  
18 2004, and you're telling me --  
19 A. I don't know -- I don't know what  
20 years they were.  
21 Q. Well, you said a couple years.  
22 A. A couple years --  
23 Q. A couple years before 2006 --  
24 A. A couple years --  
25 Q. -- would be 2004.

138

1 A. -- but I don't know what years.  
2 Q. Well, so he told you a couple years  
3 before that Daniel had had a drug problem, but  
4 was clean?  
5 A. And he told me that he was -- even  
6 Raymond said that he was clean.  
7 Q. And then did he take --  
8 A. And he -- he even told me he was  
9 clean -- yeah, that was when he told me he was  
10 clean, right.  
11 Q. Did he ever tell you in 2006 that  
12 Daniel had had any type of problems with  
13 drugs?  
14 MR. MAYNARD: Objection to form.  
15 Q. (By Mr. Wood) Answer the question,  
16 please.  
17 A. I don't remember that part.  
18 He did tell me he had troubles, but  
19 he didn't -- but he said he's clean. As a  
20 matter of fact, yeah, that was -- oh, heck, I  
21 don't remember the dates, but it was about, I  
22 think, a year prior to that.  
23 Q. And is it your testimony under oath,  
24 sir, that Daniel Smith, in July of 2006, told  
25 you that ever since Howard K. Stern had come

139

1 into the life of Anna Nicole Smith, that  
2 Mr. Stern had purposefully kept Anna Nicole  
3 Smith, quote, out of it all the time, end  
4 quote?  
5 A. He never said that he -- that he  
6 kept her out of it; he said, "He -- he keeps  
7 her -- he keeps giving her drugs all the  
8 time."  
9 Q. Right.  
10 A. And she wants -- and he wants -- he  
11 wants -- he wanted to get her away from the  
12 drugs.  
13 Q. But he did not, in fact, tell you  
14 that Mr. Stern, since he had come into the  
15 lives of Anna Nicole and Daniel, had, quote,  
16 kept -- had kept his mother, quote, out of it  
17 all the time? He didn't say that, did he?  
18 A. He didn't say "out of it" like that.  
19 Q. Now, look at page 31 of the book.  
20 A. Right here? Page 31?  
21 Q. Starting at the bottom of page 30,  
22 "He explained that ever since Howard had come  
23 into their lives" --  
24 A. Wait a minute.  
25 Okay.

140

1 Q. -- "he had purposefully kept his  
2 mother, quote, out of it all the time, end  
3 quote."  
4 Have I read that correctly?  
5 A. It should have said, "He kept her  
6 under drugs -- on drugs, was on drugs."  
7 Q. And he did not, in fact, state that  
8 he, Mr. Stern, had kept his mother, quote, out  
9 of it all the time? Those weren't the words  
10 used by Daniel --  
11 A. No.  
12 Q. -- Smith, were they?  
13 A. No. He said he -- he kept him (sic)  
14 on the -- on drugs -- on drugs, not out of it.  
15 Q. Not out of it all the time? That --  
16 those aren't the words of Daniel Smith to you,  
17 were they, sir?  
18 A. No. He said they were on drugs --  
19 he was on drugs -- she was on drugs.  
20 Q. So that's a false -- that statement  
21 in this book is false also, isn't it?  
22 A. As far as I know.  
23 MR. MAYNARD: Objection.  
24 THE WITNESS: I don't know.  
25 Q. (By Mr. Wood) Now, you'll have to

<p style="text-align: center;">141</p> <p>1 answer the question. 2 Do you know whether Daniel said that 3 to you or not? This is the -- this is the -- 4 Ms. Cosby's statement -- 5 A. It's her wording. 6 Q. -- about what you -- 7 Well, it's her statement about what 8 you say Daniel Stern -- Smith said to you. 9 A. Well, she -- 10 Q. He did not say to you that Howard 11 Stern kept his mother, quote, out of it all 12 the time, end quote? 13 A. No. 14 Q. He didn't say that? 15 A. No, he didn't say that, no. 16 Q. That statement attributed to you 17 coming from Daniel Smith is false? 18 A. Right, I did not say that. 19 Q. Right. 20 And Daniel didn't say it to you? 21 A. No, he didn't say that to me. 22 Q. And you never said it to Rita Cosby? 23 A. No. I said that -- what I just told 24 you a few minutes ago. 25 Q. Yeah.</p>	<p style="text-align: center;">143</p> <p>1 A. No, not until I talked to the boy. 2 Q. What did he tell you about problems 3 with his mother and him? 4 A. He didn't say that she -- he had 5 problems; he -- he -- he -- he loved his 6 mother and he wanted to be with her, and he 7 felt that Howard K. Stern was pushing him away 8 from his mother. 9 Q. And he told you that? 10 A. He told me that. 11 Q. Did he tell you why he thought 12 Mr. Stern was pushing him away from his 13 mother? 14 A. No. 15 Q. Did you ask him? 16 A. No. 17 Q. Did you say, "Well, how long have 18 you known Mr. Stern and why do you think he 19 would do something like that?" 20 A. I didn't ask him that. 21 You have to remember, I -- I was 22 interviewing -- interviewing him, and I don't 23 go into a great detail in questioning -- 24 questioning a prospective client until I know 25 that he can pay the fee and I receive a</p>
<p style="text-align: center;">142</p> <p>1 She's got it in quotes. That's not 2 the truth, is it, sir? 3 A. No, no. 4 Q. Do you know when Howard Stern came 5 into the life of Anna Nicole Smith and Daniel 6 Smith? 7 A. No. 8 Q. Do you know how old Daniel Smith was 9 when Howard Stern first came into his life and 10 the life of his mother -- 11 A. No. 12 Q. -- Anna Nicole Smith? 13 A. No, no. 14 Q. Do you know anything about the 15 relationship over the years between Mr. Stern 16 and Daniel Smith? 17 A. No. 18 Q. Do you know anything about the 19 relationship -- in terms of the year 2006, 20 before you met him, about the relationship 21 between Daniel Smith and his mother, Anna 22 Nicole Smith? 23 A. No. 24 Q. Are you aware of any problems in 25 that relationship?</p>	<p style="text-align: center;">144</p> <p>1 retainer or -- and a contract. And up until 2 that time, I don't take notes. 3 A lot of us don't, because we waste 4 so much time and money by sitting around 5 having people take our time for hours 6 reminiscing and keeping you there in front of 7 them, wishing certain things to happen for 8 them, and all of the sudden, you're ready to 9 sign a contract and they say, "No, that's it." 10 So we don't waste our time anymore, 11 a lot -- meaning other investigators. A lot 12 of times we will -- we will -- we don't even 13 take notes until it's agreed upon that it's 14 going to go further. Then we say -- I 15 start -- well, I start writing a note -- I 16 start writing notes and then I will say to 17 them, "Do you mind if I record this so that I 18 won't miss what you want me to do," you know, 19 for the information and, you know, they want 20 us to get. 21 Q. Well, the fact of the matter is you 22 knew literally -- you knew very little about 23 the circumstances between Mr. Smith, Howard 24 Stern, and his mother, Anna Nicole Smith? 25 A. That's right. Only what the boy</p>

<p style="text-align: center;">161</p> <p>1 of statements in there that you say you never 2 made and that Daniel never -- 3 MS. McNAMARA: Objection; 4 mischaracterizes testimony. 5 MR. WOOD: You wait till I finish -- 6 wait till I finish my question, please. 7 Q. (By Mr. Wood) You have already 8 pointed out at least two, if not three, 9 statements in that book that you have told me 10 unequivocally are false -- 11 MS. McNAMARA: Objection to form. 12 Q. (By Mr. Wood) -- right? 13 A. Yes, yes. 14 Q. Trying to -- trying to attribute to 15 you as the source an accusation against 16 Howard K. Stern that he was pimping Anna 17 Nicole Smith, that's a pretty serious 18 accusation, isn't it, sir? 19 A. Right, it is, but I never said that. 20 Q. Why do you think Ms. Cosby put that 21 in her book? 22 A. I'm not Ms. Cosby. I have no idea. 23 Q. Now that you've seen it, do you 24 intend to discuss it with her? 25 A. I probably will. I had discussed it</p>	<p style="text-align: center;">163</p> <p>1 A. Right. 2 Q. Do you intend to address that with 3 her? 4 MS. McNAMARA: Object to form. 5 THE WITNESS: I already did on -- 6 Q. (By Mr. Wood) Other than with 7 respect to Mr. Nazarian, she's now got you as 8 the source for an accusation that Howard Stern 9 was pimping Anna Nicole Smith. 10 A. And I never said that. 11 Q. Do you intend to get her -- 12 A. Oh -- 13 Q. -- on the phone and -- 14 A. Oh, yeah. 15 Q. Excuse me. 16 Do you intend to get her on the 17 phone after this deposition -- 18 A. Well, I talked to her -- 19 Q. -- and tell her? 20 A. I talked to her about that -- I 21 think I talked to her about that, but -- 22 Q. When did you talk about -- 23 A. Someone -- 24 Q. -- that? 25 A. Someone told me that that's what</p>
<p style="text-align: center;">162</p> <p>1 with her one -- on one occasion. 2 Q. When? 3 A. The point when -- was made when they 4 said that John J. Nazarian came over my 5 backyard, which is impossible. 6 Q. When did you discuss that with Rita 7 Cosby? 8 A. Oh, I don't remember the date. It 9 was -- the date's in here, I guess. 10 "He came to the front gate at night 11 wearing black and my dogs didn't like -- 12 they -- he was -- they stopped him from coming 13 in." And I -- I -- I -- "He says, 'Are you 14 Jack Harding?' And I said, 'Yes.' Then he 15 said, 'I am John J. Nazarian. I'm a private 16 investigator and I represent" -- 17 Q. I appreciate that, sir. 18 A. Okay. 19 Q. I didn't ask you about that. 20 A. Well -- 21 Q. I asked you whether or not you 22 intended to discuss with Ms. Cosby now the 23 fact that she has published in her book 24 absolutely false statements, attributing them 25 to you as the source?</p>	<p style="text-align: center;">164</p> <p>1 happened, then I just read it here. 2 Yeah, I'll be -- I'll be calling 3 her. 4 Q. Did you tell Ms. McNamara and 5 Mr. Maynard that you didn't appreciate the 6 fact that their clients had published lies 7 about you in that book? 8 MR. MAYNARD: Objection. 9 MS. McNAMARA: Objection. 10 THE WITNESS: Misquotes. 11 Q. (By Mr. Wood) False statements; 12 right? 13 A. Well, they would be, but they would 14 be misquotes. I know -- 15 Q. False statements; true? 16 A. Yeah. 17 Q. Did you look over at Ms. McNamara 18 and say, you know, "Tell Ms. Cosby I don't 19 appreciate her falsely attributing to me as a 20 source in the book that I was somehow accusing 21 Howard Stern of being involved in pimping"? 22 MS. McNAMARA: Objection. 23 Q. (By Mr. Wood) Did you tell her that 24 when you met with her? 25 MR. MAYNARD: Objection.</p>

169	1 MS. McNAMARA: -- if I do, but -- 2 MR. WOOD: -- Mr. Harding asked if 3 it was CBS. 4 MS. McNAMARA: I thought I heard -- 5 MR. WOOD: I represented it just 6 what it was -- 7 MS. McNAMARA: All right. 8 MR. WOOD: -- an interview with -- 9 MS. McNAMARA: Lin, you don't have 10 to argue with me. I'm just trying to 11 clarify -- 12 MR. WOOD: I just don't want to 13 waste time. 14 MS. McNAMARA: Lin, I don't think 15 I've wasted time today, so you can -- 16 MR. WOOD: I know I haven't. 17 MS. McNAMARA: -- let the record 18 speak for itself. 19 MR. WOOD: This hasn't been a waste 20 of my time. 21 MS. McNAMARA: Well, it hasn't been 22 a waste of mine, either. 23 MR. WOOD: I hope not. 24 MS. McNAMARA: Now -- so I just 25 wanted to make clear that this was a --	171	1 Q. -- by Don Clark? 2 A. Right. 3 Q. Right? 4 A. Right, I guess -- yeah. 5 Q. So now we -- 6 A. I don't have the date, so that's the 7 only reason. 8 Q. So now we know that you, in fact, 9 had been contacted by Don Clark -- 10 A. Uh-huh (affirmative). 11 Q. -- before you were ever contacted by 12 Rita Cosby; true? 13 A. Yes -- 14 Q. All right. 15 A. -- yes, you're right. 16 Q. And do you know whether Mr. Clark 17 suggested or told Ms. Cosby to contact you? 18 A. No, I don't -- I -- she never 19 said -- wait a minute. Who -- I think I 20 remember -- oh, I know who. That was -- Donna 21 Kauffman told Rita Cosby to call me. 22 Q. Donna Kauffman with the tabloid The 23 Globe -- 24 A. Right. 25 Q. -- is the person that told Rita
170	1 appeared to be an interview on Fox 2 television. 3 MR. WOOD: I believe Mr. Harding 4 said CBS. 5 MR. MAYNARD: Whatever. 6 MR. WOOD: No one represented -- 7 MS. McNAMARA: I'm clarifying the 8 record, Lin. I'm -- 9 MR. WOOD: The record's pretty clear 10 when I put it in as an exhibit that it is 11 exactly what it is, it's an exhibit. 12 MR. MAYNARD: It's nothing to fight 13 about. 14 MR. WOOD: Well, I -- I'm not 15 fighting. I don't -- I don't understand 16 the nature of your -- 17 MR. MAYNARD: We're clarifying. 18 MR. WOOD: -- objection, as if I'm 19 trying to misrepresent what the -- 20 MR. MAYNARD: No -- 21 MR. WOOD: -- show is. 22 Q. (By Mr. Wood) Let's go back. 23 So now we know that prior to 24 April 1, 2007, you had been contacted -- 25 A. Right.	172	1 Cosby to contact you? 2 A. Yes. Now I remember now that Rita 3 Cosby told me she had talked to Donna Clark -- 4 Q. Donna Kauffman? 5 A. Donna Kauffman. 6 -- Donna Kauffman, and when I talked 7 to Donna Kauffman, she said she had talked to 8 Rita Cosby. 9 Q. So when does that tell you that you 10 first heard from Rita Cosby? 11 A. Just told me that Donna had actually 12 talked to Rita, and she said that Rita wanted 13 to talk to me about getting a story. 14 And then all of the sudden, I -- I 15 got some calls from Rita Cosby and she said 16 she'd like to talk to me. 17 And she -- she called me two or 18 three times before I would -- I could even 19 talk to her. I'd get a message and I'd -- I'd 20 just wipe it off, because I didn't know who 21 she was. Then finally Donna Clark told me who 22 she was, and so I -- 23 Q. Donna Kauffman? 24 A. Donna Kauffman. 25 I'm getting tired because I haven't

<p style="text-align: center;">181</p> <p>1 Danny, Anna Nicole, and so forth. 2 And so she's -- she's trying -- he 3 said that she is trying to get away from it, 4 but people won't leave her alone and that 5 Howard K. Stern -- not Howard K., I'm sorry -- 6 John J. Nazarian is sending his people around 7 trashing her house and all that stuff, and so 8 they had to move, basically. 9 Q. When did this phone conversation 10 occur? 11 A. About four weeks ago -- 12 Q. How did -- 13 A. -- four or five. 14 Q. Is that the first time you'd spoken 15 with Jackie Hatten? 16 A. Yeah. I hadn't talked to her in a 17 long time. 18 Q. Well, you said you hadn't talked to 19 her in a long time. 20 My question is: Was this the first 21 time, four weeks ago, that you had ever talked 22 to her? 23 A. Within four -- like four weeks? 24 Q. You said this phone conversation 25 where she put her brother, Mark Speer, on the</p>	<p style="text-align: center;">183</p> <p>1 A. Huh? 2 Q. You met her in person? 3 A. Oh, yes. 4 Q. So did y'all exchange phone numbers? 5 A. At that time, yes. It was cell 6 phone numbers. 7 Q. Why did you exchange numbers -- 8 A. She gave them to me. She wanted my 9 number and she gave me her number. She said 10 that she'd like to talk to me, that she was 11 Danny Smith's godmother and she -- 12 Q. Did she tell you anything else? 13 A. She was also close to Raymond 14 Martino. 15 Q. Did she say anything else to you 16 when you first met her? 17 A. No. She -- she said she wanted to 18 get back at -- 19 Q. Howard K. Stern? 20 A. Howard K. Stern, yeah. 21 Q. So when you first met her, she told 22 you she wanted to get back at Howard K. Stern? 23 A. Yeah, she -- 24 Q. Is that one of the things -- 25 A. Yeah, she --</p>
<p style="text-align: center;">182</p> <p>1 phone -- 2 A. Right. 3 Q. -- was four weeks ago. 4 A. Oh, that Speer -- 5 Q. I mean Mark Hatten. I'm sorry. 6 A. Oh, okay, Mark Hatten. Okay. 7 Q. Have you spoken to Mark Speer? 8 A. I don't even know who he is. 9 Q. He used to be an investigator 10 allegedly for Debra Opri. 11 A. No. 12 Q. Have you ever spoken with Debra 13 Opri? 14 A. No. 15 Q. The conversation you had with 16 Ms. Hatten and her brother, Mark Hatten, four 17 weeks ago, was that the first time you'd ever 18 spoken to Jackie Hatten? 19 A. No. I talked to Jackie Hatten, oh, 20 when I was mostly on television. I -- I met 21 her on -- what the heck was that show? -- TV 22 Guide News. And that's where I met her, and 23 that was way back when this all started. 24 Q. What did she tell you when you met 25 her?</p>	<p style="text-align: center;">184</p> <p>1 Q. -- she told you? 2 A. She said that he -- he was giving 3 her drugs, too -- 4 Q. Okay. 5 A. -- and all that stuff. 6 Q. But did Jackie Hatten, among other 7 things, tell you when you first met her that 8 she, Jackie Hatten, wanted to get back at 9 Howard K. Stern? 10 A. Yeah, yeah. And basically, she said 11 it's because Howard K. Stern had his -- had 12 her brother thrown in jail, prison or whatever 13 it was. 14 Q. So she clearly had an ax to grind 15 with Howard, wanted to get him; is that what 16 you took away from that? 17 A. Yes. 18 Q. And did she tell you anything about 19 Howard K. Stern, her ever observing Mr. Stern 20 engaged in oral sex with Larry Birkhead? 21 A. No, never told me that. 22 Wait a minute. Yeah, she did say 23 that. 24 And there was another gentleman 25 there at that time -- I don't know if I want</p>

185

1 to use the term "gentleman." He was a  
2 transvestite and he used to be on her -- their  
3 show and he did a lot of the furnishings and  
4 so forth like that. And he emphasized that  
5 Howard K. Stern liked men.  
6 Q. What did she tell you about  
7 Mr. Stern and Mr. Birkhead?  
8 A. That was -- not too much, because  
9 she was on stage most of the time and I didn't  
10 stay too long. I just -- I just mentioned  
11 that I met Danny and, you know, the regular  
12 thing, and then they said that was enough for  
13 me and I said, "Oh, good." I wanted to get  
14 out and I left, so...  
15 Q. But what did she -- what did she  
16 tell you about Howard K. Stern and Larry  
17 Birkhead in terms of their having some type of  
18 sexual relationship, if anything, whatever she  
19 told you?  
20 A. There, I -- I never heard anything  
21 about Birkhead until the squabble about who's  
22 the father, and this was before that.  
23 Q. So Jackie Hatten did not, when you  
24 met her, discuss with you anything about sex  
25 between Howard Stern and Larry Birkhead;

186

1 right?  
2 A. No, he did not.  
3 Q. She did not?  
4 A. She did not. I mean, she did not,  
5 no.  
6 Q. Was the gentleman with her named  
7 Bobby Trendy?  
8 A. That sounds like -- it's a little --  
9 looks like he's a little Oriental guy or --  
10 or --  
11 Q. I wasn't there with y'all. I don't  
12 know.  
13 A. No, no, I -- I thought you might  
14 have seen him. Yeah, she said yes.  
15 Q. So --  
16 A. And he wears wom- -- very feminine  
17 clothes and wears a band over his -- his hat,  
18 and he sat next to me. I moved over.  
19 Q. So you met Jackie Hatten that day.  
20 When did you next speak with Jackie  
21 Hatten?  
22 A. Oh, she called me that same night  
23 and said how wonderful I was sticking up  
24 for -- for Danny and -- because she -- she  
25 loved Danny and Danny was her godson, so I

187

1 have to be a friend of hers.  
2 And the thing about her which turned  
3 me off and I backed away from most of her  
4 phone calls when she would call and I'd say,  
5 "I'll see you later," if I could get off the  
6 phone, because she won't stop talking.  
7 Q. Did she ever -- and so how many  
8 phone calls have you had with her since you  
9 met her at that show?  
10 A. Well, there was one other, I think,  
11 but it was -- it was brief, because I got rid  
12 of her. Because I have more things to -- to  
13 do than listen -- listening to her rant on.  
14 Q. And then she called you four weeks  
15 ago?  
16 A. This last time, it was about four  
17 weeks ago and she want- -- she wanted me to  
18 talk to her brother.  
19 And then her brother got a little  
20 really pushy and nasty towards me and I hung  
21 up on him, "Don't call me."  
22 Q. Have you ever called her?  
23 A. I called her on her cell phone  
24 because -- who wanted to talk to -- I think --  
25 oh, Don Clark wanted to talk to her because

188

1 her brother was in town.  
2 And he finally got ahold of -- of  
3 the boy -- of the -- the boy and they got off  
4 a plane or something. This is -- Don got off  
5 the plane and he got a phone call and they  
6 lost contact.  
7 And then I -- I talked to -- to Don  
8 on the phone a few days later and he said he  
9 talked to this -- her brother, and he says,  
10 "What a nut job," and he -- he said he just  
11 hung up on him.  
12 Q. Don Clark said he had talked to Mark  
13 Hatten and that Don Clark thought Mark Hatten  
14 was a nut ball?  
15 A. Right. I didn't say that; I just  
16 said he was sort of -- to Don, I told him that  
17 he's -- that's not true. I did say that he  
18 was a half a bubble off a plum.  
19 Q. Half a bubble off what?  
20 A. A plum.  
21 Q. But Don Clark thought he was a nut  
22 job, according to what Don Clark --  
23 A. Yes.  
24 Q. -- told you?  
25 A. Yes.

<p style="text-align: center;">249</p> <p>1 A. Right. 2 Q. He told you that? 3 A. Yeah. So I don't know which one is 4 telling the -- the truth. 5 Q. And you didn't put that in your 6 statement to the -- Mr. Clark? 7 A. No. 8 Q. Did you say in your statement to 9 Mr. Clark that Daniel told you that he'd 10 made -- that Howard Stern had made Anna Nicole 11 Smith a prisoner? 12 A. Is that on that same page -- 13 Q. Well -- 14 A. 30 -- 15 Q. -- I'm asking you if you told -- I'm 16 asking if you put that in your statement? 17 A. Oh, no, I didn't put -- I didn't put 18 that in my statement, I don't believe, no. 19 What -- tell me again. 20 Q. Yeah, that Daniel told you that he, 21 being Howard K. Stern, had made her, Anna 22 Nicole Smith, a prisoner. 23 A. No, I didn't put that in here, I 24 don't think. I don't see it. 25 Q. Did you put in there that Daniel</p>	<p style="text-align: center;">251</p> <p>1 Q. "He said he feared what Howard would 2 do to him and knew that Howard did not like 3 him because he had stood up to him a few 4 times"? 5 A. That, he told me. 6 Q. "Quote, It's clear Howard wants me 7 out of the picture, end quote, Daniel said, 8 quote, so he can have complete control of my 9 mom and all the money coming into her hands, 10 end quote." 11 Did he tell you that? 12 A. No. 13 Q. That's not true, either, is it, sir? 14 A. No. 15 Q. So this -- this book contains a 16 false statement attributed to you claiming 17 that Daniel Smith told you, "Quote, It's clear 18 Howard wants me out of the picture, Daniel 19 said, quote, so he can have complete control 20 of my mom and all the money coming into her 21 hands, end quote." 22 MR. MAYNARD: Objection to form. 23 Q. (By Mr. Wood) That -- 24 A. No, what he told me -- 25 MR. WOOD: I haven't answered -- I</p>
<p style="text-align: center;">250</p> <p>1 said, "It's clear Howard wants me out of the 2 picture so he can have complete control of my 3 mom and all the money coming into her hands"? 4 A. No, I didn't tell him that. That -- 5 Q. Did Daniel tell you that? 6 A. No, he didn't say that he -- that, 7 no. Wait, read that again. Where is that 8 page? 9 Q. Page 32. 10 A. 32 again. Okay. Let me look at 11 this. 12 Q. Third paragraph down. 13 "Daniel said he wanted Harding to 14 gather all this information against Howard" -- 15 32? 16 A. 32. Where -- where are we at? 17 Q. Third paragraph down. "Daniel said 18 he wanted Harding to gather all this 19 information against Howard in case Howard came 20 after him physically and so Daniel could use 21 the evidence versus Howard in a court of law." 22 A. I did not say that. 23 Q. Daniel didn't say that to you, did 24 he? 25 A. No.</p>	<p style="text-align: center;">252</p> <p>1 haven't asked the question yet. Now I've 2 got to start all over again. Why don't 3 you wait and let me finish and then 4 you'll have your chance to object. 5 MR. MAYNARD: I thought you were 6 done. 7 MR. WOOD: Well, just listen more 8 carefully. I know you didn't mean to 9 interrupt. 10 Q. (By Mr. Wood) Let me go back and 11 start all over again. 12 The statement in "Blonde Ambition," 13 published and written by Ms. Cosby and 14 Hachette -- strike that. 15 The statement in "Blonde Ambition" 16 at page 32, where Ms. Cosby says that Daniel 17 Smith told you, quote, It's clear Howard wants 18 me out of the picture, end quote, quote, so he 19 can have complete control of my mom and all 20 the money coming into her hands, end quote. 21 Daniel Smith did not tell you that, 22 did he, sir? 23 A. I'm trying to find this again here. 24 I gotta look at it. 25 I know there's something in there</p>

253	255
<p>1 that he did tell me, but -- 2 Q. I understand, but I'm asking you 3 about this statement. 4 A. Right, I know. 5 Q. He did not tell you that, did he? 6 A. No, I'm trying to find that 7 statement. 8 Q. Halfway down in that paragraph, 9 third one. 10 A. Okay, I'm there. I'm here now. 11 (Witness mumbling.) What he said 12 was -- 13 Q. No, I'm asking it very precisely. 14 A. Right. 15 Q. Quote, It's clear Howard wants me 16 out of the picture, end quote, quote, so he 17 can have complete control over my mom and all 18 the money coming into her hands, end quote. 19 Daniel Smith did not make that 20 statement to you, did he, sir? 21 A. Not that complete statement. 22 Q. And -- 23 A. He -- he said that Stern wanted 24 him -- wait a minute. He said, "He wanted to 25 have control of my mom." He didn't say --</p>	<p>1 information against Howard in case Howard came 2 after him physically and so Daniel could use 3 the evidence versus Howard in a court of law." 4 Daniel did not tell you -- 5 A. No. 6 Q. -- that, did he? 7 A. No, no. 8 Q. That is a false statement? 9 A. Yeah, that is. 10 Q. And you did not tell Rita Cosby that 11 Daniel told you that, did you? 12 A. No, I did not. 13 Q. You never told anyone that Daniel 14 said that to you, because he did not, did he? 15 A. That's right. What is with her? 16 Q. I'm sorry? 17 A. I said what's with her? I was 18 just -- 19 Q. Talking about Rita Cosby -- 20 A. Yeah. 21 Q. -- making it up? 22 A. Yeah. 23 Q. I mean, she's making it up, isn't 24 she? 25 A. It looks like it.</p>
254	256
<p>1 Q. "And all the money coming into" -- 2 A. "And all the money in the hands," 3 no. 4 Q. So he did say to you that Mr. Stern 5 wanted to have control over his mom? 6 A. Right. 7 Q. He did not -- Daniel Smith did not 8 say to you that -- that Howard Stern wanted 9 control of all the money coming into her 10 hands? He did not say that to you, did he? 11 A. He did not say that, no. 12 Q. And you didn't tell Rita Cosby that 13 he said that, did you? 14 A. Not that, no. 15 Q. You haven't told anyone that Daniel 16 Smith ever said to you that Howard Stern 17 wanted control of all the money coming into 18 her hands? 19 A. Uh-uh (negative). 20 Q. That's a false statement, isn't it? 21 A. Right. 22 Q. And then going back up there, I 23 believe you also told me, just to be clear, at 24 the beginning of that paragraph, "Daniel said 25 he wanted Harding to gather all of this</p>	<p>1 Q. Well, from your -- from your 2 knowledge and standpoint -- 3 A. Yeah. 4 Q. -- there's no doubt about it, she's 5 making it up; true? 6 A. Yeah. Damn. I should have read 7 this when it first came out. 8 Q. Now look at page 46, if you would, 9 of "Blonde Ambition." Next-to-the-last 10 paragraph starts off halfway through, "The 11 business card was that of Jack Harding, a 12 private investigator Daniel had met with the 13 month before he died. The man whom Daniel had 14 told how deathly afraid he was of Howard K. 15 Stern. Jack Harding told me, quote, When I 16 heard that Daniel died, I was shocked, but not 17 surprised that Stern could be there and be 18 involved somehow, end quote." 19 Did you make that statement to Rita 20 Cosby? 21 A. I didn't say there -- that -- say 22 that -- "to be involved." Say -- read it 23 again. I'm still having -- 24 Q. Right down here (indicating). "Jack 25 Harding told me, quote, When I heard that</p>

<p style="text-align: center;">257</p> <p>1 Daniel died, I was shocked, but not surprised 2 that Stern could be there and be involved 3 somehow, end quote." 4 Did you make that statement to Rita 5 Cosby? 6 A. I said to her I was shocked. 7 Q. By Daniel's death? 8 A. Period, uh-huh (affirmative). 9 Q. Period. 10 So what you said to Rita Cosby was 11 that when you learned that Daniel died, you 12 were shocked -- 13 A. Right. 14 Q. -- right? 15 A. Right. 16 Q. Period, nothing more? 17 A. Right. As a matter of fact, that's 18 what -- 19 Q. Just shocked because this young man 20 was dead a month -- 21 A. Right. 22 Q. -- or so after you'd seen him? 23 A. Yeah. 24 Q. You did not say to her, "...but not 25 surprised that Stern could be there and be</p>	<p style="text-align: center;">259</p> <p>1 A. I didn't know anything. 2 Q. And you told -- 3 A. And it's the same thing with the 4 other one, the medical association 5 investigator. 6 Q. Told him you didn't know anything 7 factual about it? 8 A. I didn't know anything. 9 Q. And I'm going to hand you Harding 10 11. 11 (Plaintiff's Exhibit-11 was marked 12 for identification.) 13 THE WITNESS: Another one? 14 Q. (By Mr. Wood) Another one. 15 A. Lot of transcripts. 16 Which one is this? 17 Q. Showbiz Tonight -- 18 A. Who's that? 19 Q. -- March 29, 2007. The anchor is 20 A.J. Hammer. 21 A. Hammer. 22 I must be down here somewhere. 23 Q. I'm going to -- there's going to be 24 a page number at the top, No. 9. 25 A. I see Volume 441. Got a lot of</p>
<p style="text-align: center;">258</p> <p>1 involved somehow"? You didn't tell Rita Cosby 2 that, did you? 3 A. No, I did not. 4 Q. That statement is false; true? 5 A. Right. 6 Q. She's again making it up, isn't she? 7 A. Well, I'm positive, yeah. Yeah. 8 Q. Have you ever had anyone from the 9 California Department of Justice interview 10 you? 11 A. I had the -- the Department of 12 Justice, that would be the FBI. No. 13 Q. Well, no, it would be the California 14 state agency -- 15 A. Oh, the state agency. 16 Q. -- Department of Justice. 17 A. Okay. I had the medical association 18 investigator -- 19 Q. Yes. 20 A. -- and the DEA. 21 And they asked me if -- what I knew 22 about the drug situation with Stern or the 23 prescriptions and the doctors and so forth, 24 and I said no. 25 Q. You didn't know anything?</p>	<p style="text-align: center;">260</p> <p>1 numbers at the top. 2 Q. Let me -- let me -- I'm just trying 3 to get you to the right page here. 4 MR. MAYNARD: Near the fax number? 5 Is that what you mean? 6 MR. WOOD: Yeah, that page number at 7 the top. 8 Q. (By Mr. Wood) Start at the -- right 9 here where it says "Hammer." 10 A. Okay. 11 Q. "Hammer: Daniel did say to you, as 12 you mentioned, that he was concerned that 13 Howard K. Stern was being very controlling of 14 his mom?" 15 A. Uh-huh (affirmative). 16 Q. "How did Daniel actually feel about 17 the guy? I mean, obviously, that wouldn't 18 have boded for -- for his feelings toward 19 Stern, but what else did he tell you in terms 20 of how he personally felt about him? Because 21 obviously, he was very much in his mother's 22 life and he was very much somehow connected to 23 Daniel's life." 24 And you say, "Harding" -- you with 25 me?</p>

<p style="text-align: center;">269</p> <p>1 cocktails and food? 2 A. Cocktails, food, hors d'ouvres. 3 Q. And did your wife go with you? 4 A. Yes. 5 Q. How long did you stay? 6 A. A couple hours. 7 Q. And did you speak with Rita while 8 you were at the party? 9 A. Right. But she was not -- well, 10 just a couple of times. She was very busy 11 running around. 12 Q. Do you recall what she said to you 13 at the party or what you said to her? 14 A. "Thank you very much for coming. I 15 want you to come over here and sign the books, 16 too." 17 And I -- and I wasn't really into 18 it, but I went ahead and I stayed a little 19 while and then -- I don't like book signings 20 because I get cramps. 21 Q. So you were signing books? 22 A. Yeah, they had me signing books. 23 Q. And -- 24 A. I was one of -- she had four other 25 people that were there that are in her book --</p>	<p style="text-align: center;">271</p> <p>1 about conversations that you -- 2 A. Right. 3 Q. -- she claimed she had with you and 4 that you had with Daniel Smith; true? 5 A. Yeah. 6 MS. McNAMARA: Objection. 7 Q. (By Mr. Wood) I mean, do you have 8 any idea why she just made all this stuff up? 9 A. I have no idea what's in that -- in 10 that -- in anyone's mind or her -- her mind at 11 that time. 12 I was surprised that -- I was 13 surprised when I got a phone call -- was it a 14 phone call? -- yeah, a phone call and she was 15 on the other end and she says, "Jack, I -- I 16 just finished writing a book called 'Blonde 17 Ambition.' I'll send you a copy." 18 And I waited and I waited and I 19 waited and I waited and I waited and I waited, 20 and I finally got a copy just -- I think it 21 was a couple of weeks before the signing. 22 And then we -- we -- my wife wanted 23 a copy, so we bought a copy there and she got 24 Rita Cosby's autograph on it and so forth. 25 Q. That's the one you gave to your</p>
<p style="text-align: center;">270</p> <p>1 Q. Also? 2 A. -- and they were signing. 3 Q. Who were they? 4 A. Oh, oh, I don't know their names 5 now. One is -- one is a -- supposed to have 6 been Anna Nicole's physical trainer that was 7 with her a lot. 8 Q. Alex Denko (sic) -- 9 A. That might be it. 10 Q. -- Denk? 11 Anybody -- was he signing books, 12 too? 13 A. Oh, yeah. 14 Q. Who else was signing? 15 A. All the men, I guess, in this book. 16 I haven't read the book, so I don't know their 17 names. 18 Q. So you were signing a book that you 19 had not read -- 20 A. Yeah. 21 Q. -- and that you now know without any 22 doubt in your mind contains a number of false 23 statements -- 24 A. Oh, yeah. Damn. 25 Q. -- that Rita has simply made up</p>	<p style="text-align: center;">272</p> <p>1 friend? 2 A. Huh? 3 Q. That's the one you gave to your 4 friend and never got back? 5 A. Oh, no. My friend came over prior 6 to that. He was up in Oroville, California. 7 And he said, "I'd like to read that." I said, 8 "Okay." Well, he was -- he was going to be -- 9 read it over a couple of days and then go back 10 up. 11 He took the book, never came back, 12 and he's got my -- he's got the book now. Now 13 he's got a collection, because my name's in 14 it. 15 Q. Did your wife ever ask you about 16 whether you had made all these statements to 17 Rita or did y'all never discuss it? 18 A. No. She doesn't care. She's 19 just -- housewife. 20 Q. So you never had any discussions 21 with her about it? 22 A. No. But -- 23 Q. Since the -- I'm sorry. 24 A. She -- she caught a few things and 25 told me about it, like the thing with the</p>

<p style="text-align: center;">273</p> <p>1 jerry (phonetic) coming over the back fence. 2 There's no way you can get over my back fence. 3 Q. Rita just made that up, too? 4 A. Right. It was a front fence and he 5 never got a chance to get in. 6 Q. The dogs kept him -- 7 A. They all lined up. They're all 8 Australian. 9 Q. So since the time of the 10 book-signing party, have you spoken with Rita 11 Cosby? 12 A. Since the book -- yeah, I talked to 13 her a few times. She said she wanted me to go 14 to another one, but apparently it never panned 15 out, you know. 16 Q. What else have she -- have you -- 17 she and y'all talked about? 18 A. Nothing much. She just said -- she 19 called to thank me. 20 Q. Thank you for what? 21 A. Helping with the book. And I said, 22 "Oh, really? Oh, okay." 23 Q. Thank you for helping her make money 24 on the book -- 25 A. Yeah.</p>	<p style="text-align: center;">275</p> <p>1 the conversations with her since the 2 book-signing party other than for her to call 3 and say thank you? 4 A. No, I -- I called her and I -- I did 5 call her and tell her that I was served and -- 6 Q. Served with? 7 A. With your subpoena. 8 Q. And what did she say to you? 9 A. Well, I didn't know what it was for 10 in the beginning, because the guy just 11 shoved -- threw it over the fence. 12 Q. What did she say to you? 13 A. She says, "Oh, yeah," she says, 14 "Call -- call my attorneys." 15 And I did and they weren't -- they 16 weren't in at the time, and so I just let it 17 go and I called again and nothing happened. 18 And then -- then they contacted me 19 and told me -- 20 Q. And set up the meeting to come talk 21 to you? 22 A. Huh? 23 Q. Set up the meeting to come talk to 24 you -- 25 A. Right.</p>
<p style="text-align: center;">274</p> <p>1 Q. -- that you didn't know she was 2 writing? 3 A. That's not what -- 4 MS. McNAMARA: Objection. 5 MR. MAYNARD: Objection. 6 THE WITNESS: That's not what she 7 said, but... 8 Q. (By Mr. Wood) That's what she did? 9 A. She said, "Thank you for helping" -- 10 you know, "helping" and... 11 Q. You didn't even know she was writing 12 a book, did you? 13 A. No. 14 Q. She led you to believe that she was 15 just talking to you as part of her reporting 16 for MSNBC? 17 A. Yeah. She was going to write an 18 article, basically, from what I understood. 19 I -- and she said -- I think she did 20 say she was going to write a book later on, 21 but she never told me that she already was -- 22 you know, that she had -- was already on the 23 blueprint. 24 Q. Did she -- how many -- and how many 25 times -- have you discussed anything else in</p>	<p style="text-align: center;">276</p> <p>1 Q. -- that you told me about? 2 A. Uh-huh (affirmative). 3 Q. But you never had any discussions 4 with Ms. McNamara or Mr. Maynard on the phone 5 other than to set up the meeting where you 6 said you met with them here in California -- 7 A. Right. 8 Q. -- right? 9 A. Right. 10 Q. So Ms. Cosby, when you told her 11 you'd been served with a subpoena, she told 12 you, "Call my lawyers," and she gave you 13 Ms. McNamara's name and phone number and 14 Mr. Maynard's name and phone number -- 15 A. Uh-huh (affirmative). 16 Q. -- is that right? 17 A. I believe so. 18 Q. And have you talked with her since 19 then? 20 A. No. 21 Q. When did you first learn that she 22 had been sued by Mr. Stern for libel? 23 A. I heard on the -- on television that 24 Howard K. Stern and Birkhead were going to sue 25 over "Blonde Ambition."</p>