

Exhibit 18

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MARK SPEER
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HOWARD K. STERN,)
Plaintiff,) Civil Action
vs.) No. 07-CV-8536
RITA COSBY and HACHETTE BOOK)
GROUP USA, INC., D/B/A GRAND)
CENTRAL PUBLISHING, and JOHN) Volume I
OR JANE DOE,) Pages 1-334
Defendants.)

TRANSCRIPT DESIGNATED CONFIDENTIAL

VIDEOTAPED DEPOSITION OF MARK W. SPEER
TAKEN ON
THURSDAY, OCTOBER 23, 2008

Reported by:
BRENDA R. COUNTZ, RPR-CRR
CSR NO. 12563

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1 **MARK SPEER**
2 **Did you ever have any direct**
3 **contact with Ms. Smith during that period of**
4 **time?**

5 A. Yes.

6 **Q. In what way?**

7 A. Well, the day that she was Playmate
8 of the Year I was assigned to her to keep the
9 paparazzi from hurting her. It was like a
10 swarm. And then New Year's Day, I think it
11 was 1995, New Year's Day she called looking
12 for her wedding ring and I happened to answer
13 the phone.

14 **Q. And what, if anything, happened in**
15 **that conversation?**

16 A. Well, the prior evening I had been
17 dispatched by Mrs. Hefner and Mr. Hefner to
18 find her and bring her to the festivities as
19 the New Year's was going to occur. And I was
20 looking for her and I found her in the grotto
21 area, which if you don't know it's an enclosed
22 area where the pool goes through it and there
23 are some jacuzzis built in separate from the
24 pool area. And she was in the pool area with
25 another man.

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1 **MARK SPEER**
2 **Q. Did you have any knowledge as to**
3 **what she was doing with the other man?**

4 A. Yes, I have knowledge of what she
5 was doing.

6 **MR. KANE:** Objection, irrelevant.

7 **MR. PATTON:** Yeah, objection,
8 wholly irrelevant.

9 **MS. McNAMARA:** We will be done in a
10 minute.

11 **MS. STEWART:** You will be done now.

12 **BY MS. McNAMARA:**

13 **Q. What was your conclusion?**

14 A. Well, she was having sex with the
15 man.

16 **MS. STEWART:** Object to the form.

17 Object, relevance, move to strike.

18 Just preserving for the record.

19 **BY MS. McNAMARA:**

20 **Q. And Mr. Speer, when she called the**
21 **next day looking for her wedding ring, were**
22 **you able to find it or what happened about**
23 **that?**

24 A. Yes, we found it rather quickly.

25 **Q. And did you return it to her?**

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1 **MARK SPEER**

2 A. Well, I gave it to our head of
3 security at that time and he placed it in a
4 safe and I was told some months later that she
5 finally retrieved it.

6 **Q. Now, you also stated that you had**
7 **worked for the U.S. Marshals. What was your**
8 **position with the U.S. Marshals?**

9 A. I worked just security in the
10 federal court buildings and in the dispatch
11 center.

12 **Q. And for how long did you hold that**
13 **employment?**

14 A. Six months, maybe.

15 **Q. And you also stated that you worked**
16 **for Liberty Mutual, I believe?**

17 A. Yes.

18 **Q. And what was your position with**
19 **Liberty Mutual?**

20 A. I was a fraud investigator.

21 **Q. And for how long did you hold that**
22 **position?**

23 A. Until late 1999, three or four
24 years.

25 **Q. And what caused you to leave that**

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1 **MARK SPEER**
2 **position?**

3 A. The pain in my back just grew too
4 bad to continue working.

5 **Q. Now, you are familiar with an**
6 **attorney named Debra Opri, is that correct?**

7 A. Yes.

8 **Q. How did you first meet Ms. Opri?**

9 A. I met her in relation to a lawsuit
10 against Playboy Enterprises.

11 **Q. And what was this lawsuit?**

12 A. It was a sexual harassment lawsuit
13 filed against Ms. Hefner.

14 **Q. And who filed the lawsuit?**

15 **MR. KANE:** Objection. I'm going to
16 object. This is all irrelevant.

17 **BY MS. McNAMARA:**

18 **Q. You can answer. Was this a lawsuit**
19 **filed by you?**

20 A. Yes.

21 **Q. Was Ms. Opri representing you in**
22 **that lawsuit?**

23 A. Yes.

24 **Q. Since that time have you worked as**
25 **an investigator for Deb Opri?**

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1 **MARK SPEER**
 2 MR. PATTON: Object to form.
 3 BY MS. McNAMARA:
 4 **Q. And you agreed to do the interview?**
 5 MR. PATTON: If you're going to ask
 6 leading questions, you have to give me
 7 a chance to object to form.
 8 MR. KANE: Why don't we take a
 9 two-minute break and go off the record.
 10 THE VIDEOGRAPHER: We are going off
 11 the record at 10:40 a.m.
 12 (Break taken.)
 13 THE VIDEOGRAPHER: We're back on
 14 the record at 10:42 a.m.
 15 (Viewing DVD.)
 16 MS. McNAMARA: Can you please
 17 instruct your client not to guffaw
 18 during the deposition.
 19 MR. PATTON: I'm not going to
 20 instruct my client not to do anything.
 21 I think Mr. Speer engaged him on the
 22 record and he properly responded.
 23 (Viewing DVD.)
 24 MS. McNAMARA: I think we can stop
 25 at this point because I think it goes

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1 MARK SPEER
 2 to the OJ video, if you want to stop
 3 the video.
 4 And if you could move that laptop
 5 because I think the videographer would
 6 like not to have that in front of you.
 7 BY MS. McNAMARA:
 8 **Q. Mr. Speer, have you now had an**
 9 **opportunity to watch your appearance on the**
 10 **Geraldo show?**
 11 A. Yes, that's the first time I've
 12 seen it.
 13 **Q. So you didn't see it when it**
 14 **originally aired?**
 15 A. No.
 16 **Q. That is you on the Geraldo show; is**
 17 **that correct?**
 18 A. Yes.
 19 MR. PATTON: Object to form.
 20 BY MS. McNAMARA:
 21 **Q. And the statements made by you on**
 22 **the Geraldo show, were those accurate**
 23 **statements?**
 24 MR. PATTON: Object to form.
 25 MR. KANE: Objection, vague and

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1 MARK SPEER
 2 ambiguous as to the meaning of the word
 3 "accurate."
 4 BY MS. McNAMARA:
 5 **Q. You can answer.**
 6 **I'll strike that question.**
 7 **At the time you made those**
 8 **statements, Mr. Speer, that appeared on the**
 9 **Geraldo show, did you understand those**
 10 **statements to be true?**
 11 A. Yes.
 12 MR. PATTON: Object to form.
 13 BY MS. McNAMARA:
 14 **Q. Were you paid any compensation from**
 15 **the Geraldo show or anybody else in connection**
 16 **with that interview?**
 17 A. No.
 18 **Q. Did there come a time when you were**
 19 **contacted by Rita Cosby to interview you?**
 20 A. Yes.
 21 **Q. Do you know when that occurred?**
 22 A. May or June, I believe, of '07.
 23 **Q. Had you known of Ms. Cosby prior to**
 24 **her initial contact?**
 25 A. I had met her in Florida, I

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1 MARK SPEER
 2 believe, was the first time I met her in
 3 regards to this Larry Birkhead and Anna Nicole
 4 Smith case.
 5 **Q. How had you met her in Florida?**
 6 A. She was working as a reporter down
 7 there covering the story and as we would walk
 8 to court or go out to dinner or whatever, she
 9 was around reporting or sometimes invited to
 10 have dinner with us.
 11 **Q. And when you say "us," who do you**
 12 **mean by that?**
 13 A. It would be myself, Ms. Opri, Larry
 14 Birkhead, Judy Birkhead was there, Judy, Rita,
 15 sometimes I think it's her producer named
 16 Steve Faucett or Forest or something like
 17 that.
 18 And it seems like there would be
 19 other people around from time to time but I
 20 don't know.
 21 **Q. How many dinners occurred where**
 22 **Ms. Cosby attended in Florida?**
 23 A. More than one, less than five.
 24 **Q. And during those dinners, did you**
 25 **form any impressions concerning Ms. Cosby's**

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1 MARK SPEER
2 BY MS. McNAMARA:
3 **Q. Do you have any knowledge?**
4 A. I don't know.
5 **Q. Now, with regard to the other pages**
6 **in this exhibit, the handwriting that appears**
7 **on these pages, do you recognize that**
8 **handwriting?**
9 A. It's not mine.
10 **Q. So it's not your handwriting?**
11 A. It's not mine. It's not my wife's.
12 **Q. Do you recall whether you ever had**
13 **a conversation with Ms. Cosby concerning -- if**
14 **you turn to the page that is Bates stamped R**
15 **C5823?**
16 A. Okay.
17 **Q. I believe you previously indicated**
18 **she had called you about some criminal charge**
19 **against you?**
20 MR. PATTON: Object to form.
21 THE WITNESS: Yes.
22 BY MS. McNAMARA:
23 **Q. Do you know whether this document**
24 **is the reflection of the criminal court case**
25 **number with your name?**
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1 MARK SPEER
2 never been arrested, never had handcuffs on me
3 except in training and it just couldn't be
4 true.
5 I said the only thing that I've had
6 in the last several years is I got pulled over
7 by a CHP officer for my tinted windows which
8 are very darkly tinted and I believe he gave
9 me a ticket for other violations, other
10 tinting on other parts of my car as well, but
11 that's what it was about.
12 **Q. But no criminal charges were filed**
13 **against you?**
14 MR. PATTON: Object to form.
15 THE WITNESS: No criminal charges
16 were filed.
17 BY MS. McNAMARA:
18 **Q. Okay. Mr. Speer, did there come a**
19 **time when you were retained to provide**
20 **security services for Larry Birkhead?**
21 MR. PATTON: Object to form.
22 MR. KANE: Objection, vague.
23 THE WITNESS: You'd have to define
24 "retained" for me.
25 BY MS. McNAMARA:
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1 MARK SPEER
2 MR. PATTON: Object to form.
3 MR. KANE: Objection, calls for
4 speculation.
5 THE WITNESS: I have to agree with
6 them. I don't know. I never pulled
7 this document. I don't know. I got a
8 ticket. That's my biggest offense.
9 BY MS. McNAMARA:
10 **Q. Okay. Do you recall -- tell me**
11 **what you recall about the conversation with**
12 **Ms. Cosby concerning this issue about the**
13 **ticket.**
14 MR. PATTON: Object to form. Go
15 ahead.
16 BY MS. McNAMARA:
17 **Q. You can answer.**
18 A. She called me up, like I said,
19 rather -- I don't want to say frantic. But
20 she was upset that her people, whoever her
21 people are, had uncovered a criminal record
22 with my name on it.
23 And I spent, I believe, the better
24 part of an hour, if not longer, trying to
25 assure her I did not have a criminal record,
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1 MARK SPEER
2 **Q. Were you ever hired to work for**
3 **Larry Birkhead in connection with security?**
4 MR. KANE: Objection, again, vague
5 and ambiguous as to the word "hired."
6 THE WITNESS: It's a very unusual
7 situation. I don't believe that I was
8 ever hired. I was never paid. I don't
9 know how to answer your question.
10 BY MS. McNAMARA:
11 **Q. Okay. Why don't you explain to me**
12 **what the unusual circumstances were, how you**
13 **first came to meet Larry Birkhead.**
14 MR. PATTON: Object to form. Go
15 ahead, if you understand the question.
16 THE WITNESS: I understand the
17 question.
18 I got a call from Deborah Opri in
19 middle to late September, I believe, of
20 2006. She said that she had just
21 retained a new client by the name of
22 Larry Birkhead, which meant nothing to
23 me. She went on to state that he said
24 he was the father of Anna Nicole
25 Smith's baby. And of course I knew the
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1 MARK SPEER
 2 name Anna Nicole Smith.
 3 She said that he had some serious
 4 concerns about his safety and some
 5 other related security issues and could
 6 she give Larry my phone number.
 7 And I don't allow that. I said no.
 8 But I got his number and I called him.
 9 We arranged to meet at a local
 10 Carl's Junior. I say local, local to
 11 Larry, right around the corner from the
 12 place he was living. I don't know if
 13 it was a condo or an apartment, a large
 14 building. And we met there.
 15 And as we met, he discussed the
 16 death of Daniel and that he was in fear
 17 for his safety from Mr. Stern and that
 18 he believed that his demise could occur
 19 and he was very afraid.
 20 He also went on to say that he was
 21 afraid that they would hack into --
 22 they meaning Howard and Anna -- hack
 23 into his cell phone and his personal
 24 phone and computer.
 25 During the conversation I asked him

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1 MARK SPEER
 2 why. He would say because that's what
 3 I'm doing to them. I'm hacking into
 4 their computer. I'm hacking into their
 5 phones and I'm retrieving the messages
 6 that are being sent and I'm listening
 7 to messages that are being sent and
 8 left and reading the e-mails.
 9 So we talked about how to protect
 10 himself from that and also do some
 11 counter-surveillance techniques,
 12 driving techniques and just being
 13 aware.
 14 And at the end of the conversation
 15 he asked how much I was going to charge
 16 him and I said, "As long as you are
 17 with Deborah Opri, I won't charge you.
 18 She's a friend of mine. I'm retired.
 19 I do this kind of thing from time to
 20 time for friends just to use my brain
 21 and get out of the house."
 22 And so when you say retained or
 23 hired, I don't know how you can word
 24 that. I was never paid. There went on
 25 to be an understanding from me to him

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1 MARK SPEER
 2 and Larry understood that if I had any
 3 direct expenses out of my pocket, that
 4 he would reimburse me for that and that
 5 was it. I was not going to make any
 6 money off of it. I was not going to
 7 pay for the measure of helping him
 8 along either.
 9 MR. PATTON: I'm going to move to
 10 strike everything after "Carl's Junior"
 11 as not responsive to the question that
 12 was asked.
 13 BY MS. McNAMARA:
 14 **Q. Mr. Speer, did the understanding**
 15 **that you reached with Mr. Birkhead that you**
 16 **just described, was that ever put into**
 17 **writing?**
 18 A. No.
 19 **Q. So it was a verbal understanding**
 20 **between you and Mr. Birkhead, is that right?**
 21 A. Correct.
 22 **Q. In the course of that answer you**
 23 **indicated that Mr. Birkhead had told you that**
 24 **he was looking at Mr. Stern's and Ms. Smith's**
 25 **e-mails and voice mail messages, is that**

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1 MARK SPEER
 2 **right?**
 3 MR. PATTON: Object to form.
 4 THE WITNESS: Yes.
 5 BY MS. McNAMARA:
 6 **Q. What, if any, conversation did you**
 7 **have with him concerning that?**
 8 MR. PATTON: Object to form.
 9 Answered.
 10 MR. KANE: Objection, asked and
 11 answered.
 12 BY MS. McNAMARA:
 13 **Q. You can answer.**
 14 A. I warned him that I felt like it
 15 was a criminal activity, that he should cease
 16 and desist himself from doing that. I also
 17 encouraged him to change companies as far as
 18 what he was using for his e-mail address. I
 19 encouraged him to change his passwords and add
 20 various characters and letters, upper and
 21 lower case.
 22 I encouraged him to change his cell
 23 phone number and any passwords he may have on
 24 his cell phone or text messaging service.
 25 **Q. During that initial meeting with**

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1 MARK SPEER
 2 THE WITNESS: Yes. No, it wasn't
 3 on that trip but yes.
 4 BY MS. McNAMARA:
 5 **Q. What do you recall about that**
 6 **conversation?**
 7 A. I believe it was after our trip to
 8 Nassau, the trip that he and I took to Nassau.
 9 He got into my car and, like I said, I have a
 10 large SUV and the windows, you cannot see in
 11 except for the windshield.
 12 And he asked me why the windows
 13 were tinted so dark and how did I get away
 14 with it. First I said, "Sometimes I don't get
 15 away with it. They give me tickets, like
 16 anybody else."
 17 And then I told him I started
 18 tinting my windows darker after I had an
 19 incident with the Russian Mafia car theft
 20 ring.
 21 **Q. Did you explain to him what that**
 22 **incident was with the Russian Mafia car theft**
 23 **ring?**
 24 A. Briefly I explained that it
 25 involved a stolen car issue that turned into a
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1 MARK SPEER
 2 violent shootout and a CHP officer that had
 3 been run over on the freeway and luckily I
 4 happened to come back up on the freeway and
 5 find him in the bushes and saved his life.
 6 I didn't personally administer
 7 anything to save his life but I saw him and
 8 got help there.
 9 And that after that, I had been
 10 warned by the LAPD organized crime unit that
 11 the Russian Mafia had put out a hit on me and
 12 to step up my personal security and personal
 13 awareness.
 14 **Q. When did these events occur that**
 15 **you just described?**
 16 A. That would have been in about 1995.
 17 **Q. So it was after you left the**
 18 **sheriff's office?**
 19 A. Yes, I was no longer a sheriff.
 20 **Q. So back in Florida when you were**
 21 **staying at the Walker's house, where was your**
 22 **bedroom in relation to Larry's bedroom that he**
 23 **was sleeping in?**
 24 A. Larry was upstairs in the back and
 25 I was downstairs probably close to underneath
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1 MARK SPEER
 2 the bedroom that he is staying in was located.
 3 **Q. During that trip did you become**
 4 **aware that Larry testified at the hearing that**
 5 **was going on?**
 6 A. Yes.
 7 **Q. Did you witness his testimony?**
 8 A. Yes.
 9 **Q. So you were in the courtroom?**
 10 A. Yes. I was allowed in the
 11 courtroom because of my retired status. The
 12 liaison there, they were not going to allow me
 13 in and the liaison said, "Let him in, let him
 14 stay," so I did.
 15 **Q. When you witnessed Larry's**
 16 **testimony, did you believe it to be accurate?**
 17 A. Yeah.
 18 MR. PATTON: Object the form.
 19 BY MS. McNAMARA:
 20 **Q. Had you had any conversations with**
 21 **Larry about his testimony prior to the time he**
 22 **gave it?**
 23 MR. PATTON: Object to form.
 24 THE WITNESS: No.
 25 BY MS. McNAMARA:
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1 MARK SPEER
 2 **Q. Did you see any interviews that**
 3 **Larry gave with journalists while he was in**
 4 **Florida on that trip?**
 5 A. Well, I was probably standing very
 6 close to him when he was giving interviews, so
 7 yeah, I saw them.
 8 **Q. And do you recall who those**
 9 **interviews were with?**
 10 A. Oh, I believe he gave an interview
 11 with Rita for sure. Not Mark Steins.
 12 Although maybe Mark is another guy. Tall guy.
 13 Tony Potts. I believe he gave an interview
 14 with Tony Potts or more than one interview
 15 with Tony.
 16 And then the local media, both
 17 print and video.
 18 **Q. Do you know whether he gave an**
 19 **interview with Greta van Sustern during that**
 20 **trip?**
 21 A. I don't know.
 22 **Q. During these interviews, was it**
 23 **your perception that Larry was cooperative?**
 24 A. Cooperative with who?
 25 **Q. The journalists?**
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1 **MARK SPEER**
 2 **the stuff to Anna and Anna also told Larry**
 3 **that this was going on."**
 4 **Do you see the sentence?**
 5 A. Yes.
 6 **Q. Do you recall that as information**
 7 **that you told Ms. Cosby in the course of your**
 8 **discussions with her?**
 9 A. Well, I'd say yes but it's more of
 10 a generality. I don't think I ever said
 11 that -- to me reading this statement, it's
 12 like Larry was there every time and Larry
 13 never indicated to me he was there every time
 14 that Alex Goen was there.
 15 **Q. But this is, in sum and substance,**
 16 **what you understood Larry to have said, is**
 17 **that right?**
 18 MR. PATTON: Object to form.
 19 THE WITNESS: Yes.
 20 BY MS. McNAMARA:
 21 **Q. If you turn the page to page 166,**
 22 **Mr. Speer, the description about the needle**
 23 **and the vial would have Anna's DNA and maybe**
 24 **Alex Goen's fingerprints. "A few weeks later**
 25 **after Larry had met privately with Howard,**

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1 **MARK SPEER**
 2 **Larry asked Mark Speer for the envelope back,"**
 3 **is that correct?**
 4 A. No.
 5 MR. PATTON: Object to form.
 6 BY MS. McNAMARA:
 7 **Q. What is incorrect about that?**
 8 A. I never said to Rita that after
 9 Larry had met privately with Howard, Larry
 10 asked Mark Speer for the envelope back. I
 11 never said that.
 12 **Q. Okay.**
 13 A. It was after I had talked with the
 14 DEA and they didn't want it, then I told them,
 15 and Larry wanted it back then. I never said a
 16 meeting with Howard.
 17 **Q. Okay. In the next paragraph where**
 18 **it says, "I asked Mark Speer why he thought**
 19 **Larry never did anything with this evidence.**
 20 **Very frankly he said, 'I believe Larry**
 21 **Birkhead was bought off.'"**
 22 **Do you recall saying words to that**
 23 **effect to Ms. Cosby?**
 24 MR. PATTON: Object to form.
 25 MR. KANE: Objection, vague.

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1 **MARK SPEER**
 2 BY MS. McNAMARA:
 3 **Q. You can answer.**
 4 A. Something to that effect but I
 5 think I said I believe that Larry made an
 6 arrangement with Alex. I don't believe I
 7 would use the words "was bought off". That's
 8 too Mafiaesque to me.
 9 **Q. Okay. Then in the next paragraph**
 10 **where it says, "Birkhead had also told**
 11 **Bahamian police that he often saw Howard**
 12 **injecting Anna and that Howard was stealing**
 13 **money from Anna, sending money to his parents**
 14 **in offshore banks in the amount of \$15,000**
 15 **every two or three weeks."**
 16 **Is this information that you**
 17 **communicated to Rita Cosby in your**
 18 **conversations?**
 19 MR. PATTON: Object to form.
 20 THE WITNESS: Similar, with the
 21 exception of "often." I don't believe
 22 that Larry said "often" and I don't
 23 believe that I repeated to Rita that it
 24 was often. But that Larry did say that
 25 he saw that occur.

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1 **MARK SPEER**
 2 BY MS. McNAMARA:
 3 **Q. So other than the word "often" --**
 4 MR. KANE: I need to talk to him
 5 for a second but you can finish.
 6 BY MS. McNAMARA:
 7 **Q. Other than the word "often," do you**
 8 **understand this to be information that you**
 9 **communicated to Ms. Cosby in the course of**
 10 **your conversations?**
 11 MR. PATTON: Object to form.
 12 THE WITNESS: Yes.
 13 MR. KANE: I need to talk to him
 14 for a second.
 15 MR. PATTON: Off the record.
 16 MS. McNAMARA: Off the record.
 17 THE VIDEOGRAPHER: We're going off
 18 the record at 2:40 p.m. This marks the
 19 end of tape No. 2.
 20 (Break taken.)
 21 THE VIDEOGRAPHER: We're back on
 22 the record at 2:44 p.m. This marks the
 23 beginning of tape No. 3.
 24 BY MS. McNAMARA:
 25 **Q. Mr. Speer, the paragraph that**

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1 **MARK SPEER**
2 **begins, "Speer told me that Larry's mission at**
3 **the time was to get Howard arrested and**
4 **convicted for the death of Daniel and the**
5 **continued drugging of Anna Nicole. After his**
6 **meeting, Bahamian police told Larry that this**
7 **information would be very helpful with the**
8 **inquest into Daniel's death, which was in**
9 **their jurisdiction. 'We'll need you to**
10 **testify at the inquest,' he was told, 'as you**
11 **will be important to this case.'**
12 **"Speer said by the way the officers**
13 **were acting you could tell they felt the**
14 **information was big."**
15 **In sum and substance, Mr. Speer, is**
16 **this information that you communicated to Rita**
17 **Cosby in your conversations with her?**
18 MR. PATTON: Object to form.
19 MR. KANE: Objection, overbroad.
20 THE WITNESS: Except for the words
21 arrested and convicted, I believe that
22 Larry wanted to tell the authorities
23 what he knew and what Anna knew or had
24 told him but I don't believe he ever
25 used the words arrested and convicted.

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1 **MARK SPEER**
2 **Q. Do you recall communicating that**
3 **information to Ms. Cosby, Mr. Speer?**
4 MR. PATTON: Object to form.
5 MR. KANE: Objection, compound.
6 MR. MAYNARD: You can answer. They
7 stated their objections.
8 THE WITNESS: I do not believe that
9 I said that if Larry agreed not to
10 contest Howard remaining as executor of
11 the estate, then Larry could have his
12 baby. I don't believe that Larry could
13 have his baby was a part of the
14 conversation in the vehicle.
15 BY MS. McNAMARA:
16 **Q. Okay. But the statement that Larry**
17 **had said that Howard asked to remain the**
18 **executor was part of the conversation in the**
19 **vehicle, as you related to Ms. Cosby?**
20 A. Yes.
21 MR. PATTON: Object to form.
22 BY MS. McNAMARA:
23 **Q. And at the time you related that**
24 **information to Ms. Cosby, did you believe it**
25 **to be accurate, that you had actually**

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1 **MARK SPEER**
2 BY MS. McNAMARA:
3 **Q. Okay.**
4 A. It was just important for him to
5 tell.
6 **Q. Okay. Other than that, is this**
7 **information that you recall communicating to**
8 **Ms. Cosby in your conversations with her?**
9 MR. PATTON: Object to form.
10 THE WITNESS: Yes.
11 BY MS. McNAMARA:
12 **Q. Turning your attention to page 175**
13 **of the book, please, at the bottom of the page**
14 **it says, "On the drive home from that secret**
15 **meeting, Mark Speer, who was in the car,**
16 **overheard the discussions taking place between**
17 **Larry Birkhead and Ford Shelley. They were**
18 **talking about Howard's offer to Larry behind**
19 **closed doors.**
20 **"The deal was if Larry agreed not**
21 **to contest Howard remaining as executor of**
22 **Anna's estate, then Larry could have his**
23 **baby."**
24 MR. PATTON: Objection.
25 BY MS. McNAMARA:

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1 **MARK SPEER**
2 **overheard this information?**
3 MR. PATTON: Object to form.
4 THE WITNESS: Yes.
5 BY MS. McNAMARA:
6 **Q. Now, the next sentence on page 176,**
7 **"Mark Speer later said" -- strike that.**
8 **"Mark Speer said later that he was**
9 **surprised Larry seemed receptive to the idea."**
10 **Do you remember communicating that**
11 **sentiment to Ms. Cosby?**
12 MR. PATTON: I'm sorry, what page
13 are you on?
14 MS. McNAMARA: 176.
15 MR. PATTON: Okay. Object to form.
16 THE WITNESS: Well, yes and no.
17 BY MS. McNAMARA:
18 **Q. Okay.**
19 A. Yes, at some point I became
20 surprised that Larry was receptive to Howard
21 being executor of the estate but I did not say
22 it in this time frame and it would have been
23 some time much later.
24 **Q. The book reads, "Mark Speers said**
25 **later.," so I don't know that -- Did you**

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1 **MARK SPEER**
2 **your discussions with her?**
3 MR. PATTON: Object to form.
4 THE WITNESS: Yes.
5 BY MS. McNAMARA:
6 **Q. And did you believe that**
7 **information to be accurate at the time you**
8 **communicated it to Ms. Cosby?**
9 MR. PATTON: Object to form.
10 THE WITNESS: I was waiting. Yes,
11 I heard it.
12 BY MS. McNAMARA:
13 **Q. Now, in the next paragraph it says,**
14 **"Mark Speer heard firsthand Howard's proposal**
15 **to Larry, 'I will give you your baby if you**
16 **leave me as executor of the estate.'**
17 **"Speer, a retired deputy sheriff,**
18 **later told me, 'I felt like arresting Howard**
19 **then and there for kidnapping and holding the**
20 **baby for ransom, if I could have.' Larry**
21 **responded to Howard, 'I'm not going to leave**
22 **you as executor.'**
23 **"Howard then said to Larry, 'It**
24 **only makes sense if I keep running her**
25 **business. I'll also pay you an ongoing fee.'**
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1 **MARK SPEER**
2 A. I never even considered the idea of
3 arresting him. I didn't know if it was
4 kidnapping. I felt like it could rise to the
5 level of kidnapping. I certainly never said
6 anything about a ransom.
7 **Q. Just a second. Let me stop you**
8 **there on the kidnapping. Did you communicate**
9 **to Ms. Cosby in the course of your**
10 **conversations something about kidnapping to**
11 **her and your reaction to that scene?**
12 A. Yes. In the car I said to her what
13 I'd told Larry, in the car as we were leaving
14 the Horizons house, and I stopped him from
15 talking and I said, "Stop for a second. Look,
16 I heard what Howard said to you about your
17 baby and this brings up some issues which
18 could include kidnapping."
19 I never, never said anything about
20 ransom.
21 MR. PATTON: Hold on, he's not
22 finished with his answer.
23 MS. McNAMARA: Okay. Go on.
24 THE WITNESS: And I never
25 entertained the idea of arresting him
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1 **MARK SPEER**
2 **"'You don't have to pay me a fee,'**
3 **Larry said, 'because whatever is there is mine**
4 **anyway. This is not going to happen.'"**
5 **Now, those quotes of the**
6 **conversation between Larry and Howard, is that**
7 **information that you communicated to Rita**
8 **Cosby in the course of your conversations with**
9 **her?**
10 MR. PATTON: Object to form.
11 THE WITNESS: Very little.
12 BY MS. McNAMARA:
13 **Q. Very little?**
14 A. Yes.
15 **Q. What is inaccurate, if anything?**
16 A. What is inaccurate?
17 **Q. Yes.**
18 A. It would almost be easier if I said
19 it the other way.
20 **Q. Okay.**
21 A. "I felt like arresting Howard then
22 and there," in quotes, "for kidnapping and
23 holding the baby for ransom if I could have,"
24 I never said that.
25 **Q. Okay.**
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1 **MARK SPEER**
2 then and there. I just didn't.
3 BY MS. McNAMARA:
4 **Q. Okay.**
5 A. I was too afraid I'd end up in jail
6 there.
7 And at that point Larry did not
8 say, "I'm not going to leave you as executor."
9 He said, "I don't want to talk about it now.
10 I don't want to hear it now. I don't want to
11 talk about it now."
12 I did hear Howard say, "It only
13 makes sense if I keep running her business or
14 businesses or take care of the stuff that is
15 licensed," or whatever the words he used.
16 I did not hear him say, "I will
17 also pay you an ongoing fee."
18 I heard him say something to the
19 effect of a monthly amount, but those words
20 are not what I said.
21 And Larry certainly didn't say at
22 that point, "You don't have to pay me a fee."
23 But in the car with Ford Shelley he
24 was saying, you know, "Why would I want to
25 take money from Howard when the money is all
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1 MARK SPEER
2 same day or a couple of days later and I said,
3 "I've already spoken with somebody named
4 Wilma," and then he goes, "Oh, okay, she's got
5 all the info?"

6 And I said yes. And that was
7 basically the end of that conversation.

8 So, I spoke with Wilma much more
9 frequently for a period of time and longer
10 than Don.

11 **Q. When is the last time you spoke
12 with Wilma?**

13 A. Four to eight weeks. I think more
14 like six weeks.

15 **Q. Six weeks ago?**

16 A. Yes.

17 **Q. Did you attend Ms.**

18 **Vice Domine's birthday party recently?**

19 MS. McNAMARA: Objection.

20 THE WITNESS: I didn't attend a
21 birthday party, no.

22 BY MR. PATTON:

23 **Q. You never attended a birthday party
24 or just any party for Ms. Vicdomine?**

25 A. I've been at her house at a party

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1 MARK SPEER
2 but I don't think it was a birthday party.

3 **Q. When were you there?**

4 A. I think it was July of this year.

5 **Q. Is that the only time you've been
6 to her house?**

7 A. Yes.

8 **Q. And did you go down there using
9 your own funds and whatnot?**

10 A. Yes, I went to Houston to look for
11 another place to move. I'm looking for
12 another place to move because I'm sick of this
13 frigging traffic here and so I hadn't been to
14 Houston so I flew into Houston and then drove
15 around that whole area.

16 And then the hurricane hit and now
17 it's off the list. Until the hurricane hit,
18 it was at the top of the list.

19 **Q. I don't know that traffic is any
20 better but I don't know.**

21 A. Yeah, it's pretty bad there
22 sometimes.

23 **Q. Well, now, let me ask you about
24 Ms. Cosby. Ms. Cosby, you met for the first
25 time during your security detail for**

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1 MARK SPEER

2 **Mr. Birkhead?**

3 A. Correct.

4 **Q. And did you ever talk with
5 Ms. Cosby about the statement that
6 Mr. Birkhead made to the Bahamian police
7 before Mr. Birkhead and Opri split up?**

8 A. I don't believe so. That's not
9 something I would do, not even slipping a word
10 or something. I certainly wouldn't talk in
11 any detail.

12 **Q. Why not?**

13 MR. MAYNARD: Objection.

14 THE WITNESS: It just wasn't
15 relevant. There was no reason to talk
16 about it to her.

17 BY MR. PATTON:

18 **Q. When you have a relationship with a
19 client like Mr. Birkhead, do you try to
20 maintain the confidentiality of the
21 information he shares with you?**

22 MR. KANE: Objection, assumes facts
23 not in evidence.

24 THE WITNESS: It's like this
25 e-mail. I sent this e-mail to the

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1 MARK SPEER

2 O'Quinn lawfirm and I didn't tell
3 Deborah Opri about it until sometime
4 that summer, or I should say this past
5 summer. No, this is in '07. So the
6 summer of '07, because I was afraid
7 that she would be upset and it would
8 hamper our friendship.

9 So yes, you are correct. I keep
10 things very close to the vest. This is
11 the first time I've ever talked about a
12 client, ever, in 22 years of doing
13 bodyguard work or security work.

14 BY MR. PATTON:

15 **Q. The first time you've talked about
16 what your client has shared with you, ever, in
17 20 years, is that right?**

18 A. Yes.

19 **Q. And so you didn't tell Ms. Cosby
20 and you wouldn't have told anybody at the
21 O'Quinn lawfirm or Ms. Arthur about this
22 information -- that's a terrible question.**

23 **We've already established you
24 didn't tell Ms. Cosby about this until after
25 the termination of the relationship between**

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1 **MARK SPEER**
2 **Mr. Birkhead and Ms. Opri? You didn't tell**
3 **anybody at the O'Quinn lawfirm or Don and**
4 **Wilma this until after that relationship had**
5 **ended as well?**

6 A. Yes.

7 **Q. And you didn't tell Ms. Opri about**
8 **any of this until after her relationship had**
9 **terminated with Mr. Birkhead as well?**

10 MR. MAYNARD: Objection to form.

11 THE WITNESS: Which information are
12 you talking about?

13 BY MR. PATTON:

14 **Q. The information about what Larry**
15 **said at the station.**

16 A. No. I told her that night.

17 **Q. Oh, you did tell her that night?**

18 A. Yes, and she tried to get a copy of
19 the police report from Larry that night. She
20 wanted to know what was on it and Larry told
21 her and I told her what had been said at the
22 station. And she wanted a copy of that and
23 Larry says, "I'll go get it later" and "I'll
24 go get it later" and "I'll go get it later."

25 And so much was going on that I

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1 **MARK SPEER**
2 guess everybody forgot about it.

3 **Q. So you hold your communications**
4 **with your clients in confidence as just kind**
5 **of a general matter?**

6 MR. MAYNARD: Objection.

7 BY MR. PATTON:

8 **Q. But in this particular situation**
9 **you talked about it after your relationship**
10 **ended. Why did you talk about it to these**
11 **people, Ms. Cosby, the O'Quinn lawfirm and**
12 **Ms. Opri after the relationship ended?**

13 MR. MAYNARD: Objection to form.

14 MS. McNAMARA: Same objection.

15 MR. KANE: Joined.

16 THE WITNESS: I asked myself a lot
17 lately.

18 BY MR. PATTON:

19 **Q. Do you know why?**

20 A. I was really in fear for the safety
21 of that baby. I didn't know what was going to
22 happen to that child. I felt like there were
23 some sort of agreements or deals being made
24 and I'm not the investigator, I'm not close to
25 it and I wanted people to know what I knew in

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1 **MARK SPEER**
2 case something happened to me and then it
3 would be lost forever. So now it's not lost
4 forever.

5 **Q. What benefit, in your mind's eye,**
6 **did you see in telling Ms. Cosby when she**
7 **calls you up and tells you that she's working**
8 **on a big, yet undisclosed, project?**

9 MR. MAYNARD: Objection to form.

10 THE WITNESS: Why not? I mean
11 there was a lot of very interesting
12 occurrences. That's all I can say.

13 BY MR. PATTON:

14 **Q. Now, when you spoke with Ms. Cosby,**
15 **you told her, in fact, that you thought that**
16 **Anna Nicole getting pregnant with this child**
17 **may have been kind of a master plan conjured**
18 **up by Mr. Birkhead and Mr. Stern, did you not?**

19 A. I did?

20 **Q. I guess the answer to my question**
21 **is no, you didn't tell her that.**

22 A. Well, I need a different kind of
23 question. You said did you not and I'm
24 saying --

25 **Q. Fair. Fair.**

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1 **MARK SPEER**
2 **Did you tell her that you believed**
3 **there to be a grand master plan conjured up by**
4 **Mr. Stern and Mr. Birkhead to get Ms. Smith**
5 **pregnant?**

6 A. No.

7 MR. KANE: Let the record reflect
8 that earlier on it appears to be
9 Mr. Spears saying "I did" but that's
10 actually a question in response to
11 Mr. Patton's comment.

12 BY MR. PATTON:

13 **Q. Did you ever mention anything to**
14 **Rita Cosby about there being a master plan as**
15 **it related to Mr. Birkhead and Mr. Stern?**

16 A. I just can't believe I'd ever say
17 anything like that. That's not something I
18 believe today.

19 **Q. Now Ms. Cosby called you -- you**
20 **testified earlier Ms. Cosby called you up at**
21 **some point in time concerned that you may have**
22 **a criminal record?**

23 A. Yeah.

24 **Q. And did she explain to you why she**
25 **was so concerned about that?**

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1 **MARK SPEER**
 2 A. No, not really. She was very
 3 concerned. I have my own suspicions but she
 4 just wanted it clarified. It was very
 5 important to her that I not have a criminal
 6 record.
 7 **Q. And I'm going to draw an objection**
 8 **here. What were your suspicions?**
 9 MR. MAYNARD: Objection.
 10 MS. McNAMARA: Objection.
 11 BY MR. PATTON:
 12 **Q. What were your suspicions?**
 13 MS. McNAMARA: Same objection.
 14 MR. KANE: Objection, vague and
 15 ambiguous. I don't understand that
 16 question. Calls for speculation.
 17 MR. MAYNARD: Calls for
 18 speculation.
 19 MR. KANE: Do you understand the
 20 question?
 21 THE WITNESS: I think I understand
 22 the question.
 23 MR. KANE: If you understand it,
 24 you can answer it.
 25 THE WITNESS: I think that she

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1 **MARK SPEER**
 2 didn't want any problems with her
 3 sources to whatever it was she was
 4 working on.
 5 BY MR. PATTON:
 6 **Q. Now, as an investigator, as a**
 7 **former investigator, can you identify with**
 8 **that sort of sentiment in terms of not wanting**
 9 **a source of information to be a criminal?**
 10 MR. MAYNARD: Objection to form.
 11 MS. McNAMARA: Same objection.
 12 MR. KANE: Incomplete hypothetical,
 13 calls for speculation.
 14 THE WITNESS: Well, I know it's
 15 surprising but a lot of crimes are
 16 solved by the words of other criminals.
 17 BY MR. PATTON:
 18 **Q. I understand that but would it**
 19 **cause you some pause initially that somebody**
 20 **might be involved in criminal activity in**
 21 **determining whether or not they were a**
 22 **credible source?**
 23 MR. MAYNARD: Objection to form.
 24 MS. McNAMARA: Objection to form.
 25 MR. KANE: Calls for speculation,

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1 **MARK SPEER**
 2 incomplete hypothetical.
 3 THE WITNESS: We go back to that
 4 motive issue. Does a person have a
 5 motive to say this story? Does the
 6 person have other information that
 7 would make them more credible, more
 8 reasonable.
 9 BY MR. PATTON:
 10 **Q. It's a factor that you consider,**
 11 **sir?**
 12 MR. MAYNARD: Objection to form.
 13 MS. McNAMARA: Same objection.
 14 MR. KANE: Incomplete hypothetical
 15 and calls for speculation.
 16 THE WITNESS: In the best of all
 17 worlds, to have a lack of sources you
 18 would want somebody out of the womb
 19 that was fresh and clean that could
 20 talk.
 21 BY MR. PATTON:
 22 **Q. Little baby Jesus?**
 23 A. Very similar.
 24 **Q. But I guess the answer to my**
 25 **question -- I'm going to draw objections. I'm**

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1 **MARK SPEER**
 2 **really trying to move through this and I**
 3 **apologize to everybody.**
 4 **It would be something that you**
 5 **would consider in determining whether your**
 6 **source was credible, certainly, right?**
 7 MR. MAYNARD: Same objection.
 8 MS. McNAMARA: Same objection.
 9 MR. KANE: Same objection, calls
 10 for speculation, incomplete
 11 hypothetical, vague and ambiguous.
 12 THE WITNESS: You consider
 13 everything about everything that is
 14 said from every source.
 15 BY MR. PATTON:
 16 **Q. You testified earlier -- and if you**
 17 **didn't, I apologize.**
 18 A. I'll let you know.
 19 **Q. I know you will.**
 20 **-- that Mr. Birkhead initially told**
 21 **you when you first met him about how he was**
 22 **hacking into Howard and Anna's computers, did**
 23 **I get that right?**
 24 A. Computers and cell phones and their
 25 texts, T-E-X-T-S, computers meaning the

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1 MARK SPEER
 2 allegation in the complaint.
 3 **Q. Do you recall making that**
 4 **allegation in the lawsuit at all?**
 5 MR. KANE: I'll object that the
 6 complaint speaks for itself. This was
 7 many years ago.
 8 THE WITNESS: Is there a question?
 9 MR. KANE: And the complaint is
 10 usually drafted by an attorney.
 11 MR. PATTON: I'm trying to ask him.
 12 If I go get the complaint, it speaks
 13 for itself. I'm just trying to
 14 understand what was going on.
 15 BY MR. PATTON:
 16 **Q. And did she -- shit-- pardon my**
 17 **French -- did she try to embarrass you by**
 18 **asking for sex in front of Playboy employees?**
 19 MR. KANE: Objection, it's
 20 irrelevant.
 21 MR. MAYNARD: Objection to form.
 22 MR. KANE: It seems irrelevant to
 23 me.
 24 BY MR. PATTON:
 25 **Q. Yes or no and I'll move on.**

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1 MARK SPEER
 2 A. Yes.
 3 **Q. Now, you mentioned earlier a**
 4 **lawsuit that you filed --**
 5 MR. MAYNARD: I'm sorry. Are you
 6 going to fix the record about the
 7 source list?
 8 MR. PATTON: Oh yes. Why don't we
 9 go ahead and fix the record. The
 10 article that I was referring to was not
 11 from People magazine, it was from the
 12 People magazine as indicated by this
 13 document.
 14 MS. McNAMARA: Objection, I don't
 15 know that this is a magazine.
 16 MR. MAYNARD: Is that an English
 17 publication from England?
 18 MR. PATTON: I don't know.
 19 MR. MAYNARD: It talks about
 20 millions of pounds. That's why I
 21 asked. I don't know.
 22 BY MR. PATTON:
 23 **Q. You earlier indicated that you had**
 24 **a lawsuit against Liberty Mutual?**
 25 A. That is a question?

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1 MARK SPEER
 2 **Q. Yes.**
 3 A. Yes.
 4 **Q. Do you recall when that lawsuit was**
 5 **filed?**
 6 A. Somewhere around 1999 or the year
 7 2000. I think my last day there was in
 8 November of '99.
 9 I'm sorry, I've got to stand up.
 10 I'm not trying to do anything. It won't be
 11 long.
 12 **Q. Was it a lawsuit that was filed by**
 13 **you or filed against you?**
 14 A. It was filed by me.
 15 **Q. Were there other plaintiffs in the**
 16 **lawsuit besides yourself?**
 17 A. No.
 18 **Q. Did you tell Rita Cosby about this**
 19 **lawsuit?**
 20 A. I told her that I had several
 21 lawsuits. I don't know that I told her any
 22 specifics about any one of them other than the
 23 how I met Deborah Opri.
 24 **Q. Do you recall, was this lawsuit a**
 25 **harassment lawsuit against Liberty Mutual?**

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1 MARK SPEER
 2 A. Harassment and work comp.
 3 **Q. And what did the harassment derive**
 4 **from?**
 5 A. We had a management change in the
 6 Boston office of Liberty Mutual and the
 7 manager that was a high-level manager, I can't
 8 remember what his title was. I want to say
 9 his name was Rick Rotters, didn't like police
 10 officers. And our unit was comprised probably
 11 eight out of ten or nine out of ten or 11 that
 12 were police officers.
 13 **Q. Right.**
 14 A. And in our unit I was the go-to
 15 guy. I was the superstar of our unit in
 16 numbers of cases that I was able to
 17 investigate, complete, settle, file criminal
 18 charges or whatever. I filed dozens more than
 19 the next person.
 20 And so, as you may know, when
 21 people outperform others at work, sometimes
 22 there is jealousy.
 23 But anyway, this particular officer
 24 came in and said, "You police officers are
 25 done. You might as well find other work."

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