

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

HOWARD K. STERN,

Plaintiff,

versus

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

Defendants.

Civ. Action No. 07-CV-8536 (DC)

**DEFENDANT RITA COSBY'S AMENDED INITIAL DISCLOSURES PURSUANT TO  
FEDERAL RULE OF CIVIL PROCEDURE 26**

Defendant Rita Cosby, by and through her undersigned counsel, makes the following  
Initial Disclosures pursuant to Rule 26(a) of the Federal Rules of Civil Procedure.

**Reservations**

These initial disclosures are based on the information reasonably available to Cosby at this time. Cosby reserves the right to clarify, amend, or supplement the information contained in these initial disclosures in accordance with the Federal Rules of Civil Procedure and the Local Rules of this Court. Cosby thus reserves her right to make additional disclosures, including the identification of additional documents, as information and documents become available. Cosby also reserves the right to remove from these disclosures any individual in the event she learns that the information known by such individual is not discoverable. These initial disclosures are provided without prejudice to Rita Cosby's right to introduce at a hearing or at trial any evidence that is subsequently discovered.

Cosby objects to the disclosure requirements to the extent they call for the production of information protected by privilege, and all requirements will be read to exclude production of

information so protected. Cosby makes these initial disclosures in order to expedite the discovery process without waiving any of her objections under the Federal Rules of Evidence and/or the Federal Rules of Civil Procedure.

#### INITIAL DISCLOSURES

- A. *Rule 26(a)(1)(A): The name and, if known, the address and telephone number of each individual likely to have discoverable information that the disclosing party may use to support its claims or defenses, unless solely for impeachment, identifying the subjects of the information:*

Based on information known to Cosby as of this date, the following individuals may have discoverable information relating to the subjects listed below, and which she may use to support her claims and defenses in this Action. Addresses and telephone numbers shall be supplied as they become known:

Individual	Identity of Individual	Subject(s) of Information
1. Howard K. Stern	Plaintiff	The truth of statements in <i>Blonde Ambition</i> , facts refuting Mr. Stern's allegations of fault, Mr. Stern's conduct and reputation, the relationship between Mr. Stern and Ms. Smith, the lives and deaths of Ms. Smith and Mr. Smith, the relationship between Mr. Stern and Mr. Birkhead
2. Mitch Hoffman	Executive Editor, Grand Central Publishing	Facts refuting Mr. Stern's allegations of fault
3. Amy Einhorn	Former Vice-President, Editor-in-Chief, Hardcover, Grand Central Publishing	Facts refuting Mr. Stern's allegations of fault
4. Rita Cosby	Defendant	The truth of statements in <i>Blonde Ambition</i> , facts refuting Mr. Stern's allegations of fault, Mr. Stern's conduct and reputation
5. Bruce Littlefield	Co-writer – <i>Blonde Ambition</i>	The truth of statements in <i>Blonde Ambition</i> , facts refuting Mr. Stern's allegations of fault, Mr. Stern's conduct and reputation
6. Larry Birkhead	Father of Dannielynn	The truth of statements in <i>Blonde</i>

		<i>Ambition</i> , facts refuting Mr. Stern's allegations of fault, Mr. Stern's conduct and reputation, the relationship between Mr. Stern and Ms. Smith, the life and death of Ms. Smith, the relationship between Mr. Stern and Mr. Birkhead
7. Jackie Hatten	Friend of Ms. Smith	The truth of statements in <i>Blonde Ambition</i> , facts refuting Mr. Stern's allegations of fault, Mr. Stern's conduct and reputation, the relationship between Mr. Stern and Ms. Smith, the lives and deaths of Ms. Smith and Mr. Smith, the relationship between Mr. Stern and Mr. Birkhead
8. Moe Brighthaupt	Former bodyguard of Ms. Smith	The truth of statements in <i>Blonde Ambition</i> , facts refuting Mr. Stern's allegations of fault, Mr. Stern's conduct and reputation, the relationship between Mr. Stern and Ms. Smith, the life and death of Ms. Smith
9. Tasma Brighthaupt	Wife of Moe Brighthaupt	The truth of statements in <i>Blonde Ambition</i> , facts refuting Mr. Stern's allegations of fault, Mr. Stern's conduct and reputation, the relationship between Mr. Stern and Ms. Smith, the life and death of Ms. Smith
10. Mark Speer	Personal Security Guard	The truth of statements in <i>Blonde Ambition</i> , facts refuting Mr. Stern's allegations of fault, the relationship between Mr. Stern and Mr. Birkhead, Mr. Stern's conduct and reputation
11. Ford Shelley	Friend of Ms. Smith	The truth of statements in <i>Blonde Ambition</i> , facts refuting Mr. Stern's allegations of fault, Mr. Stern's conduct and reputation, the relationship between Mr. Stern and Ms. Smith, the lives and deaths of Ms. Smith and Mr. Smith, the relationship between Mr. Stern and Mr. Birkhead
12. Don Clark	Private Investigator	The truth of statements in <i>Blonde</i>

		<i>Ambition</i> , facts refuting Mr. Stern's allegations of fault, Mr. Stern's conduct and reputation
13. Wilma Vicedomine	Private Investigator	The truth of statements in <i>Blonde Ambition</i> , facts refuting Mr. Stern's allegations of fault, Mr. Stern's conduct and reputation
14. Peter Nygard	Friend of Ms. Smith	The truth of statements in <i>Blonde Ambition</i> , facts refuting Mr. Stern's allegations of fault, Mr. Stern's conduct and reputation, the relationship between Mr. Stern and Ms. Smith, the life and death of Ms. Smith
15. Ben Thompson	Friend of Ms. Smith	The truth of statements in <i>Blonde Ambition</i> , facts refuting Mr. Stern's allegations of fault, Mr. Stern's conduct and reputation, the relationship between Mr. Stern and Ms. Smith, the lives and deaths of Ms. Smith and Mr. Smith, the relationship between Mr. Stern and Mr. Birkhead
16. Gaither Thompson	Son of Ben Thompson	The truth of statements in <i>Blonde Ambition</i> , facts refuting Mr. Stern's allegations of fault, Mr. Stern's conduct and reputation, the relationship between Mr. Stern and Ms. Smith, the lives and deaths of Ms. Smith and Mr. Smith, the relationship between Mr. Stern and Mr. Birkhead
17. Debra Opri	Former attorney for Larry Birkhead	The truth of statements in <i>Blonde Ambition</i> , facts refuting Mr. Stern's allegations of fault, Mr. Stern's conduct and reputation, the relationship between Mr. Stern and Mr. Birkhead
18. Mark Dekema	Boat Broker	The truth of statements in <i>Blonde Ambition</i> , facts refuting Mr. Stern's allegations of fault, circumstances related to Ms. Smith's death, Mr. Stern's conduct and reputation
19. Nadine Alexie	Former nanny of Dannielynn	The truth of statements in <i>Blonde Ambition</i> , facts refuting Mr. Stern's allegations of fault, Mr. Stern's

		conduct and reputation, the relationship between Mr. Stern and Ms. Smith, Ms. Smith
20. Quethlie Alexis	Former nanny of Dannielynn	The truth of statements in <i>Blonde Ambition</i> , facts refuting Mr. Stern's allegations of fault, Mr. Stern's conduct and reputation, the relationship between Mr. Stern and Ms. Smith, Ms. Smith
21. Lincoln Bain	Representative of Alexis and Alexie	The truth of statements in <i>Blonde Ambition</i> , facts refuting Mr. Stern's allegations of fault, Mr. Stern's conduct and reputation
22. Michael Scott	Former attorney for Howard K. Stern	The truth of statements in <i>Blonde Ambition</i> , facts refuting Mr. Stern's allegations of fault, Mr. Stern's conduct and reputation, the relationship between Mr. Stern and Ms. Smith
23. Ray Martino	Friend of Ms. Smith	The truth of statements in <i>Blonde Ambition</i> , facts refuting Mr. Stern's allegations of fault, Mr. Stern's conduct and reputation, the relationship between Mr. Stern and Ms. Smith, the lives and deaths of Ms. Smith and Mr. Smith
24. Jack Harding	Private Investigator	The truth of statements in <i>Blonde Ambition</i> , facts refuting Mr. Stern's allegations of fault, Mr. Stern's conduct and reputation
25. Alex Denk	Former bodyguard for Ms. Smith	The truth of statements in <i>Blonde Ambition</i> , facts refuting Mr. Stern's allegations of fault, Mr. Stern's conduct and reputation, Ms. Smith, Mr. Smith, the relationship between Mr. Stern and Ms. Smith
26. David Giancola	Film Producer	The truth of statements in <i>Blonde Ambition</i> , facts refuting Mr. Stern's allegations of fault, Mr. Stern's conduct and reputation, the life of Ms. Smith, the relationship between Mr. Stern and Ms. Smith
27. Mark Steines	Host, <i>Entertainment Tonight</i>	The truth of statements in <i>Blonde Ambition</i> , payments to Mr. Stern relationship with the media, facts refuting Mr. Stern's allegations of

		fault, Mr. Stern's conduct and reputation
28. Bonnie Tiegel	Producer, <i>Entertainment Tonight</i>	The truth of statements in <i>Blonde Ambition</i> , Mr. Stern's relationship with the media, facts refuting Mr. Stern's allegations of fault, Mr. Stern's conduct and reputation
29. Todd Smith	Handyman	The truth of statements in <i>Blonde Ambition</i> , facts refuting Mr. Stern's allegations of fault, circumstances related to Ms. Smith's death, Mr. Stern's conduct and reputation
30. Wesley Irvine	Husband of Dr. Kristine Ehrosvich	The truth of statements in <i>Blonde Ambition</i> , facts refuting Mr. Stern's allegations of fault, Mr. Stern's conduct and reputation, the relationship between Mr. Stern and Ms. Smith, the life and death of Ms. Smith and Mr. Smith, the relationship between Mr. Stern and Mr. Birkhead
31. Dr. Kristine Ehrosvich	Ms. Smith's doctor	The truth of statements in <i>Blonde Ambition</i> , facts refuting Mr. Stern's allegations of fault, Mr. Stern's conduct and reputation, the relationship between Mr. Stern and Ms. Smith, the lives and deaths of Ms. Smith and Mr. Smith, the relationship between Mr. Stern and Mr. Birkhead
32. Dr. Sandeep Kapoor	Ms. Smith's doctor	The truth of statements in <i>Blonde Ambition</i> , facts refuting Mr. Stern's allegations of fault, Mr. Stern's conduct and reputation, the relationship between Mr. Stern and Ms. Smith, the lives and deaths of Ms. Smith and Mr. Smith, the relationship between Mr. Stern and Mr. Birkhead
33. Virgie Arthur	Ms. Smith's mother	The truth of statements in <i>Blonde Ambition</i> , facts refuting Mr. Stern's allegations of fault, Mr. Stern's conduct and reputation, the relationship between Mr. Stern and Ms. Smith, the lives and deaths of Ms. Smith and Mr. Smith, the

		relationship between Mr. Stern and Mr. Birkhead
34. Krista Barth	Attorney for Howard K. Stern	The truth of statements in <i>Blonde Ambition</i> , facts refuting Mr. Stern's allegations of fault, Mr. Stern's conduct and reputation, Ms. Smith's will
35. Shane Gibson	Former Immigration Minister, Bahamas	The truth of statements in <i>Blonde Ambition</i> , facts refuting Mr. Stern's allegations of fault, the relationship between Mr. Stern and Ms. Smith, Ms. Smith, Mr. Stern's conduct and reputation
36. Lisa Arredondo	Hotel Liaison, Seminole Hard Rock Hotel	The truth of statements in <i>Blonde Ambition</i> , facts refuting Mr. Stern's allegations of fault, Ms. Smith's life and death, Mr. Stern's conduct and reputation, the relationship between Mr. Stern and Ms. Smith
37. Mark Schey	CEO, 22Digital	The truth of statements in <i>Blonde Ambition</i> , facts refuting Mr. Stern's allegations of fault, Mr. Stern's conduct and reputation, the relationship between Mr. Stern and Ms. Smith, Ms. Smith
38. "King" Eric Gibson	Friend of Ms. Smith	The truth of statements in <i>Blonde Ambition</i> , facts refuting Mr. Stern's allegations of fault, Mr. Stern's conduct and reputation, the relationship between Mr. Stern and Ms. Smith, Ms. Smith
39. Brigitte Neven	Friend of Ms. Smith	The truth of statements in <i>Blonde Ambition</i> , facts refuting Mr. Stern's allegations of fault, Mr. Stern's conduct and reputation, the relationship between Mr. Stern and Ms. Smith, Ms. Smith's life and death
40. Mark Hatten	Brother of Jackie Hatten, former boyfriend of Ms. Smith	The truth of statements in <i>Blonde Ambition</i> , facts refuting Mr. Stern's allegations of fault, Mr. Stern's conduct and reputation, the relationship between Mr. Stern and Ms. Smith, Ms. Smith
41. David Granoff	Former publicist for Ms. Smith	The truth of statements in <i>Blonde Ambition</i> , facts refuting Mr. Stern's

		allegations of fault, Mr. Stern's conduct and reputation, the relationship between Mr. Stern and Ms. Smith, Ms. Smith
42. Kim Walther	Former assistant of Ms. Smith	The truth of statements in <i>Blonde Ambition</i> , facts refuting Mr. Stern's allegations of fault, Mr. Stern's conduct and reputation, the lives and deaths of Ms. Smith and Mr. Smith, the relationship between Mr. Stern and Ms. Smith
43. Alex Goen	CEO, TrimSpa	The truth of statements in <i>Blonde Ambition</i> , facts refuting Mr. Stern's allegations of fault, Mr. Stern's conduct and reputation, the relationship between Mr. Stern and Ms. Smith, the lives and deaths of Ms. Smith and Mr. Smith, the relationship between Mr. Stern and Mr. Birkhead
44. John O'Quinn	Attorney for Virgie Arthur	The truth of statements in <i>Blonde Ambition</i> , facts refuting Mr. Stern's allegations of fault, Mr. Stern's conduct and reputation
45. Linda Virgill	Coroner, Bahamas	The truth of statements in <i>Blonde Ambition</i> , facts refuting Mr. Stern's allegations of fault, Mr. Stern's conduct and reputation, the investigation into Mr. Smith's death
46. Ron Rale	Friend of Howard K. Stern	The truth of statements in <i>Blonde Ambition</i> , facts refuting Mr. Stern's allegations of fault, Mr. Stern's conduct and reputation, the relationship between Mr. Stern and Ms. Smith, the lives and deaths of Ms. Smith and Mr. Smith, the relationship between Mr. Stern and Mr. Birkhead
47. John Nazarian	Private Investigator	The truth of statements in <i>Blonde Ambition</i> , facts refuting Mr. Stern's allegations of fault, Mr. Stern's conduct and reputation
48. Cyrus Nownejad	Attorney for Alex Denk	The truth of statements in <i>Blonde Ambition</i> , facts refuting Mr. Stern's allegations of fault; Mr. Stern's conduct and reputation



49. Alex Katz	Friend of Dr. Ehrosvich	The truth of statements in <i>Blonde Ambition</i> , facts refuting Mr. Stern's allegations of fault, circumstances relating to Ms. Smith's death, Mr. Stern's conduct and reputation
50. James Khavarian	Friend of Ms. Smith	The truth of statements in <i>Blonde Ambition</i> , facts refuting Mr. Stern's allegations of fault, Mr. Stern's conduct and reputation, Ms. Smith, the relationship between Mr. Stern and Ms. Smith
51. Theresa Larrimore	Friend of Ms. Smith	The truth of statements in <i>Blonde Ambition</i> , facts refuting Mr. Stern's allegations of fault, Mr. Stern's conduct and reputation, the relationship between Mr. Stern and Ms. Smith, the lives and deaths of Ms. Smith and Mr. Smith
52. Dr. Timothy Barrett	Ms. Smith's Doctor	The truth of statements in <i>Blonde Ambition</i> , facts refuting Mr. Stern's allegations of fault, Mr. Stern's conduct and reputation, the relationship between Mr. Stern and Ms. Smith, the life and death of Ms. Smith
53. Scott Rogers	Friend/Advisor of Mr. Stern and Ms. Smith	The truth of statements in <i>Blonde Ambition</i> , facts refuting Mr. Stern's allegations of fault, Mr. Stern's conduct and reputation, the relationship (including financial) between Mr. Stern and Ms. Smith
54. Sandy Serrano	Hairstylist of Ms. Smith	The truth of statements in <i>Blonde Ambition</i> , facts refuting Mr. Stern's allegations of fault, Mr. Stern's conduct and reputation, the relationship between Mr. Stern and Ms. Smith, Ms. Smith
Other individuals that may be named by Plaintiff		

B. **Rule 26(a)(1)(B):** A copy of, or a description by category and location of, all documents data compilations, and tangible things that are in the possession, custody, or control of the party and that the disclosing party may use to support its claims or defenses, unless solely for impeachment:

Based upon information known to Ms. Cosby as of this date, the following categories of

documents or tangible things are or may be used to support her defenses:

1. *Blonde Ambition: The Untold Story Behind Anna Nicole Smith's Death*, by Rita Cosby (the "Work");
2. Documents and other material, including contracts, interview notes, audio and video files, and public documents, in the possession of Defendants and others relating to the development, writing, and editing of the Work;
3. Publicly available documents and materials discussing or evidencing the lives and deaths of Anna Nicole Smith and Daniel Smith, Plaintiff, and Ms. Smith's relationships with Plaintiff and others, including, but not limited to, articles, interviews, court records and police records;
4. Documents Defendants have requested and/or will request and anticipate receiving from Plaintiff and third parties in discovery in this action relating to the allegations in the Complaint.

Cosby reserves the right to amend and/or supplement the foregoing response with other categories of documents or tangible things which may be revealed during the course of discovery. Cosby has been instructed to retain all such documents and other discoverable material, including digital and electronic documents. All documents and other discoverable material in Cosby's custody or control that she may use to refute Plaintiff's claims, or to support a defense, will be provided to Plaintiff upon receipt of a request from Plaintiff in accordance with the scheduling order to be entered in this case, and upon the execution and entry of a Protective Order as may be applicable.

- C. *Rule 26(a)(1)(C): A computation of any category of damages claims by the disclosing party, making available for inspection and copying as under Rule 34 the documents or other material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered:*

Cosby does not at this time seek damages from Plaintiff and therefore need not state the basis for any claim for damages. Cosby reserves the right to amend and/or supplement the foregoing response should she later seek such damages.

- D. *Rule 26(a)(1)(D): For inspection and copying as under Rule 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part of all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment:*

Ms. Cosby states that for the purposes of this action, she is an additional insured under Hachette's insurance policy. A copy of Hachette's insurance policy will be made available for copying and inspection upon receipt of a request from Plaintiff in accordance with the scheduling order to be entered in this case, and upon the execution and entry of a Protective Order.

Dated: New York, NY  
November 19, 2007

DAVIS WRIGHT TREMAINE LLP

By: /s/ Elizabeth A. McNamara

Elizabeth A. McNamara (EM 1987)  
Elisa L. Miller (EM 1974)  
(212) 489-8230 (telephone)  
(212) 489-8340 (facsimile))  
*Counsel for Defendant Rita Cosby*

To: L. Lin Wood  
Powell Goldstein LLP  
One Atlanta Center, 14th Floor  
1201 West Peachtree St., NW  
Atlanta, GA 30309  
(404) 572-6600  
(404) 572-6999  
*Counsel for Plaintiff*

Douglass Maynard  
Akin Gump Strauss Hauer & Feld LLP  
590 Madison Avenue  
New York, NY 10022  
(212) 872-1000  
*Counsel for Defendant Hachette Book Group USA, Inc.*

desperateexes.com

**CERTIFICATE OF SERVICE**

I, Elisa Miller, hereby certify that on November 19, 2007, a true and correct copy of the foregoing Rule 26 Disclosures was served by e-mail and by regular mail upon:

L. Lin Wood  
Powell Goldstein LLP  
Fourteenth Floor  
201 West Peachtree Street, NW  
Atlanta, Georgia 30309

*Attorney for Plaintiff*

And by e-mail upon:

Douglas Maynard  
Akin Gump Strauss Hauer & Feld  
590 Madison Avenue  
New York, NY 10022

*Attorneys for Defendant Hachette Book Group USA, Inc.*

/s/ Elisa L. Miller

Elisa L. Miller