

ORIGINAL FILED  
JUL 06 2007  
LOS ANGELES  
SUPERIOR COURT

1 Bruce S. Ross, State Bar No. 51468  
John Vaughn, State Bar No. 171801  
2 Vivian L. Thorsen, State Bar No. 224162  
LUCE, FORWARD, HAMILTON & SCRIPPS LLP  
3 601 South Figueroa Street, Suite 3900  
Los Angeles, CA 90017  
4 Tele.: 213.892.4992  
Fax: 213.892.7731

5 Attorneys for Howard K. Stern, Executor  
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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT  
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11 In re the Matter of the Estate of

Case No. BP 104575

12 VICKIE LYNN MARSHALL, also  
known as VICKIE LYNN SMITH,  
13 also known as VICKIE LYNN  
HOGAN, also known as ANNA  
14 NICOLE SMITH

**DECLARATION OF LARRY BIRKHEAD  
IN SUPPORT OF EX PARTE  
APPLICATION FOR TEMPORARY  
RESTRAINING ORDER AND ORDER  
TO SHOW CAUSE RE: PRELIMINARY  
INJUNCTION**

15 Deceased.

16  
17 HOWARD K. STERN, as Executor of the  
Estate of Vickie Lynn Marshall,

Date: July 6, 2007  
Time: 8:30 a.m.  
Judge: Hon. Mitchell L. Beckloff  
Dept: 5; Room 258

18 Petitioner,  
19

20 v.

21 THOMAS RICCIO, and individual;  
UNIVERSAL RARITIES LLC, a California  
Limited Liability Company; GERALD  
22 WAYNE JOHNSON, M.D., an individual; and  
DOES 1 through 100, inclusive,  
23

24 Respondents.

25 I, Larry Birkhead, declare as follows:

26 1. I respectfully submit this Declaration in support of Howard K. Stern's, as Executor of  
27 the Estate of Vickie Lynn Marshall, aka Vickie Lynn Smith, aka Vickie Lynn Hogan, aka Anna  
28 Nicole Smith (the "Estate") *Ex Parte* Application for Temporary Restraining Order and Order to

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P. 2

1 Show Cause re Preliminary Injunction.

2 2. I have known Anna Nicole since May, 2003. We have one child together, our daughter  
3 Dannielynn Hope Marshall Birkhead.

4 3. In late June, 2007, a Mr. Thomas Riccio telephoned me stating that he was a partner  
5 with a company called Universal Rarities and that he wanted to meet with me regarding various  
6 items related to Anna Nicole. On June 26, 2007, I met with Mr. Riccio at the Sportsmen's Lodge  
7 Hotel, a local hotel.

8 4. During our meeting, Mr. Riccio explained that he (and his company Universal Rarities)  
9 were in possession of at least one videotape depicting a surgical procedure performed on Anna  
10 Nicole by a Gerald Johnson, M.D., in Houston, Texas in or about 1994. Mr. Riccio stated that he  
11 had obtained the videotape directly from Dr. Johnson. I do not know why Dr. Johnson videotaped  
12 the procedure in the first instance, or pursuant to what or whose authority.

13 5. Mr. Riccio told me that the original videotape is about two hours in length, but that his  
14 daughter had edited the videotape down to approximately five minutes in length..

15 6. Mr. Riccio then played the edited version of the videotape for me. I thought that it was  
16 truly disgusting. It was clear that Anna Nicole was unconscious during the videotaping, and even  
17 more disturbing the videotape focused on areas of her nude body that were unrelated to the  
18 location of the surgery. It was also scored with music similar to the theme from the film "Jaws"  
19 and, at other points, it was scored with Anna Nicole's own voice saying "Do you like my body?" -  
20 - a catchphrase that she made famous through TrimSpa, a weight-loss product that she endorsed.


21 7. I told Mr. Riccio that the videotape was extremely disturbing. Mr. Riccio stated that  
22 while watching the videotape might be emotional for me because of my relationship with Anna  
23 Nicole, "it is just business" for him.

24 8. Mr. Riccio told me that he had two media outlets currently interested in airing the  
25 edited videotape, and that he had secured sponsors willing to pay money if their names were  
26 mentioned in conjunction with the airing. He also informed me that airing the edited videotape  
27 would peak the interest of prospective buyers for an upcoming auction during which Universal  
28 Rarities would sell the full, unedited version of the videotape.

1           9. Mr. Riccio also told me that Dr. Johnson has videotapes of at least one other surgical  
 2 procedure that he had performed on Ms. Smith in the mid 1990's, as well as videotapes of other  
 3 celebrities undergoing surgical procedures.

4           10. Later that day, I contacted Howard K. Stern, Exocutor of Ms. Smith's Will, in order to  
 5 alert him of these matters so that he could take appropriate actions on behalf of the Estate.

6           I declare under penalty of perjury under the laws of the State of California that the  
 7 foregoing is true and correct and that this declaration is executed this 6<sup>th</sup> day of July 2007 at  
 8 Studio City, California.

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 10 Larry Birkhead

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