



process in Texas; (ii) Defendant does not engage in business in Texas and has not committed any tort, in whole or in part, within the state; (iii) Defendant does not maintain a place of business in Texas and has no employees, servants, or agents within the state; (iv) Defendant has no substantial connection with Texas arising from any action or conduct of Defendant purposefully directed toward Texas; (v) Plaintiff's claims do not arise from and are not related to any activity conducted by Defendant in Texas; and (vi) Defendant has no continuing systematic contacts with Texas.

#### 4. Jurisdiction Deprives Defendant of Due Process

The assumption of jurisdiction by the court over Defendant and his property would offend traditional notions of fair play and substantial justice, depriving Defendant of due process as guaranteed by the Constitution of the United States.

WHEREFORE, for these reasons, Defendant requests that the Court set this Motion for hearing on notice to Plaintiff, and that after hearing, the court grant this Motion and dismiss this cause for want of jurisdiction.

Dated: November 5, 2007.

Respectfully submitted,

POWELL GOLDSTEIN LLP

By: \_\_\_\_\_

Keith Miles Aurzada  
Texas Bar No. 24009880  
L. Lin Wood  
2200 Ross Avenue, Suite 3200  
Dallas, Texas 75201  
(214) 721-8000 Telephone  
(214) 721-8100

Attorneys for Howard K. Stern

VERIFICATION

STATE OF CALIFORNIA:  
COUNTY OF LOS ANGELES

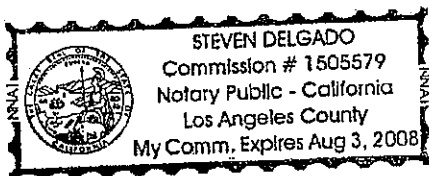
Before me, the undersigned Notary Public, on this day personally appeared Howard K. [redacted], and after being duly sworn, stated under oath that he is the defendant in this cause; that he read the above Special Appearance to Present Motion Objection to Jurisdiction (the "Motion"); and that every statement contained in the Motion is within his personal knowledge and is true and correct.

*[Handwritten signature]*

SUBSCRIBED AND SWORN TO BEFORE ME on November 5, 2007

17

*[Handwritten signature]*  
Name: Steven Delgado  
Notary Public in and for the State of ~~Texas~~ California  
My commission expires: Aug. 3 2008



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CERTIFICATE OF SERVICE

I certify that a true copy of the above Special Appearance Motion has this day been sent by certified mail to:

Neil McCabe  
State Bar No. 13335300  
The O'Quinn Law Firm  
440 Louisiana  
Suite 2300  
Houston, Texas 77002

Dated: November 5, 2007

  
\_\_\_\_\_  
Keith Miles Aurzada

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**EXHIBIT A**

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VIRGIE ARTHUR

§  
§  
§  
§  
§  
§

IN THE DISTRICT COURT OF  
HARRIS COUNTY, TEXAS

v.

HOWARD K. STERN,  
CBS STUDIOS, INC., and  
KPRC HOUSTON,

280<sup>th</sup> JUDICIAL DISTRICT

**AFFIDAVIT OF HOWARD K. STERN**

STATE OF CALIFORNIA:  
COUNTY OF LOS ANGELES

Before me, the undersigned Notary Public, on this day personally appeared Howard K. Stern, and after being duly sworn stated under oath deposed and said the following:

**1. Identification of Affiant**

I am the Defendant in the above-entitled and numbered cause. I am over the age of 21 years and am admitted to the State Bar of California.

**2. Residence of Defendant**

I am a resident of California and have been a resident of California my entire life.

**3. No Connection to Texas**

I have no substantial connections to the state of Texas. I do not own property of any kind in Texas. I have not signed any contracts in the state of Texas. I am not engaged in business in Texas and have not committed any tort within the state of Texas. I do not maintain a place of business in Texas and have no employees, servants, or agents within the state of Texas. I have no continuing contacts with the state of Texas.

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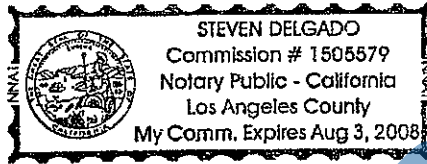
4. Statements are True and of Personal Knowledge

Every statement contained in this affidavit is within my personal knowledge and is true and correct.

USA  
Howard K. Stern

SUBSCRIBED AND SWORN TO BEFORE ME on this 5 day of November, 2007.

Name: Steven Delgado  
Notary Public in and for the State of California  
My commission expires: Aug 3, 2008



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I, Theresa Chang, District Clerk of Harris County, Texas, certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date  
Witness my official hand and seal of office  
this \_\_\_\_\_

Certified Document Number: \_\_\_\_\_

THERESA CHANG, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

**In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail [support@hcdistrictclerk.com](mailto:support@hcdistrictclerk.com)**