

1 DEBRA A. OPRI (State Bar No. 140206)
2 CPRI & ASSOCIATES
3 A Professional Law Corporation
4 8383 Wilshire Boulevard, Suite 830
5 Los Angeles, California 90211-2407
6 Tel. (323)658-8774
7 Fax (323)658-5160

8 Attorney For Petitioner
9 Larry Birkhead

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LOS ANGELES
CLERK OF COURT

10
11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 FOR THE COUNTY OF LOS ANGELES

13 In re Matter of
14 LARRY BIRKHEAD
15
16 Petitioner,
17
18 VICKIE LYNN MARSHALL,
19 Respondent.

CASE NO. BF 030 239
[Re-assigned to Hon. Robert A. Schnider
Dept. 2]

**DECLARATION OF LAURIE PAYNE IN
SUPPORT OF PETITIONER'S
OPPOSITION TO RESPONDENT'S
MOTION TO QUASH AND/OR DISMISS**

Date: November 8, 2006
Time: 8:30 a.
Dept: 2

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28 Declaration of Laurie Payne in Support of Petitioner's Opposition to Respondent's Motion to Quash And/or
Dismiss

1 in December, and two times in January, 2006. Respondent also stated in this email that
2 she was, "high risk again". When I subsequently spoke with Respondent directly by
3 telephone, I asked her why she was considered "high risk", at which time *she admitted to*
4 *me that she was previously pregnant by Larry Birkhead* but had lost the baby due to
5 a miscarriage.

6 6. I have personal knowledge from Respondent herself that Howard K. Stern
7 is not the father of her child, Dannielynn, born September 7, 2006. When Respondent was
8 visiting during Christmas 2005, we were all sitting together in Myrtle Beach, including
9 Howard K. Stern. We all had been drinking and Howard began to tease Respondent's son
10 Daniel about being a 19-year old virgin. Annoyed, Daniel looked at Stern and stated, "I
11 don't know why you're worried about me, you've been around my mother for 12 years and
12 haven't had any p*ssy either." During this same visit, I questioned Respondent regarding
13 the fact Stern was always hanging around and why it was so hard to visit with her alone.
14 *I asked her why she did not just go into a relationship with Stern, to which*
15 *Respondent responded, "EWWW... GROSS!!! No way!! I would never!"*

16 7. *In May, 2006 Respondent specifically informed me during telephone*
17 *calls as well as via computer "instant messages" that Larry Birkhead was, in fact,*
18 *the father of her then unborn child Dannielynn.* Apparently she and Mr. Birkhead had
19 a "love-hate" relationship and she would refer to Mr. Birkhead as, "the asshole" in our
20 discussions about this fact. The Respondent admitted in an "instant message" that she was
21 sick with flu-like symptoms upon returning home from Myrtle Beach the first of January,
22 2006, and that Birkhead had come over to her LA home to care for her at which time they
23 had sexual relations on two different occasions.

24 8. Respondent again visited Myrtle Beach during May 2006, when she was
25 visibly pregnant with Dannielynn. Respondent stayed at a mutual friend's beach house,
26 and I saw her almost every day that she was visiting. Respondent did not like to do
27 anything for herself, and requested my help in taking what she claimed were her
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1 medications that had to be taken around the clock. As a result, at Respondent's direction
2 I personally opened Respondent's pill bottles and handed her pills and a bottle of water.
3 *I was very curious and concerned as to what "medications" Respondent was taking*
4 *while pregnant and viewed the label on the pill bottles which indicated Respondent*
5 *was taking Methadone.* Respondent had pills in 10 mg and 5 mg doses. In addition, I
6 personally observed that Respondent had a different name- not hers- on these methadone
7 pill bottles. *Respondent was also taking other medications during this time while*
8 *pregnant,* one of which I personally observed to be a rather high dose of Xanax.

9 I declare under the penalty of perjury under the laws of the State of California that
10 the foregoing is true and correct.

11 Executed this 1 day of November, 2006 at Myrtle Beach, South Carolina.

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14 Laurie Payne,
15 Declarant
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Subj: Re: Ok!!! Now i get worried!!!!
Date: 5/9/2006 6:53:18 A.M. Eastern Daylight Time
From:
To:

hey i will be ok i talked to gina ford and ben today they were so nice to me!.....i wish i lived there i hate it here!.....tired of being alone!.....and now more than ever i cant leave my house press everywhere!.....just want to be happy and that lil fuck wont leave me alone and treats me like shit in front of his friends it has always been them over me, when hes in kentucky oh im a bitch and hes so damm mean sends me texts so hateful!.....ive changed all my numbers 3 times got a great security system sohe dont get in without the alarm going off!!!!.....but he got in in jan.....when i was very sick do u remember what i told you???.....well one of two people once in dec and twice in jan.....you do the math but i hear someone cant do what has been done!.....so hear i go again alone and at high risk this time no ones happy for me so how can i be and thats so sad cause its all i ever wanted but not alone!.....just got out of the hospital and they were worried about me not the other i said dont even go there!.....i finally got out was so scared of what they might do!.....i cant work now so im pretty much fucked for a bit!.....sure counting on the court to give me my money fast!.....cause all i want to do is move from this house and get a better one and just start over!.....and to boot ive gained 30 pounds im horrified!.....but i want to be excited but how can i when nobody else is!!.....i should of took ben up on his offer of getting me a house and someone to take care of me but bad timing i guess or stupidity!!!!!!.....well ive talked enough cant sleep hope all is well with u and family!.....yall are all so great i love yall much! p.s. i no bens been talking to lily and all will u tell him i heard she was gonna sell pics of me, please ask him to ask her please dont thats why im so weird when it comes to people cause ive always gotten fucked for being nice!.....wish u all the best, and hope to see u soon!.....kias



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PROOF OF SERVICE

I am over the age of 18 years and am employed in the county of Los Angeles, State of California. I am not a party to this action. My business address is 8383 Wilshire Blvd., Suite 830, Beverly Hills, CA 90211.

On November 2, 2008 I served the foregoing document(s) described as:

DECLARATION OF LAURIE PAYNE IN SUPPORT OF PETITIONER'S OPPOSITION TO RESPONDENT'S MOTION TO QUASH AND/OR DISMISS

on the following person(s) whose address(es):

Robert A. Rale, Esq.
Trobe & Trobe
12121 Wilshire Blvd., Suite 801
Los Angeles, CA 90025
Facsimile: (310) 826-1122

by placing a true copy thereof enclosed in a sealed envelope, as follows:

(By Mail) I caused such envelope, with postage thereon fully prepaid, to be placed in the United States mail at Los Angeles, California

(By Personal Service) I caused such envelope to be delivered by hand to the offices of the addressee(s).

(By Overnight Mail) I caused such envelope to be delivered to an overnight mail service, with fees prepaid, with instructions that it be delivered to the addressee(s) not later than 12:00 noon the following business day.

(By Telecopier) I caused the foregoing document to be transmitted by telecopier (Fax transmission) to the addressee(s), at the telecopier number(s) listed on the attached sheet.

Executed on November 2, 2008 at Los Angeles, California.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.



Alex Psalidas