

High Court Has a Date with Former Playmate

By PATTY REINERT

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WASHINGTON, D.C. -- "If you don't know who I am by now ... Let's see, I was born near Houston, Texas," begins the official biography in the "All About Me" section of Anna Nicole Smith's official Web site.

"I'm an international model and have been on numerous magazine covers worldwide ... I am an Actress, I have had my own show, you know, 'The Anna Nicole Show' ... I have my own column in the new *National Enquirer* ..."

Well, the former Playboy Playmate of the Year may appear, especially judging by the photos she has posted at www.annanicole.com, to have it all.

But she wants so much more.

On Tuesday, Smith, also known as Vickie Lynn Marshall, the waitress-turned-stripper from Mexia, Texas, who dreamed of becoming the next Marilyn Monroe, heads to the U.S. Supreme Court.

Her goal is to eventually collect tens of millions of dollars that she claims her late octogenarian billionaire Houston husband promised her after they tied the knot in 1994.

Standing in the widow's way, as he has been for more than a decade, will be E. Pierce Marshall, son and principal heir of the late J. Howard Marshall II, the oil tycoon who married Smith, his third wife, when she was 26 and he was 89.

Smith and the younger Marshall, who has a less titillating Web site, www.factweb.net, would not comment on the litigation, preferring instead to allow *Marshall v. Marshall* to be argued in court — and in cyberspace.

Both, however, said through their attorneys and spokesmen that they plan to attend the arguments Tuesday. Who knows what might be said on the Supreme Court steps afterward?

And talk about strange bedfellows. The Bush administration also is weighing in on the Playmate's side.

David Margulies, Pierce Marshall's Houston-based spokesman and keeper of his Web site chronicling the litigation saga that bounced between a Houston probate court handling J. Howard Marshall's estate and a California bankruptcy court trying to resolve Smith's financial woes, said the younger Marshall is as determined as ever. In the end, Margulies said, Pierce Marshall will give Smith nothing beyond the \$6.6 million his father gave her in cash and gifts while alive.

These gifts are catalogued on Marshall's Web site, illustrated with '70s-era clip-art icons: \$699,000 in modeling/acting clothes, \$2.8 million in jewelry, a \$597,000 home in Los Angeles, an \$82,000 Mercedes, a \$693,000 ranch and \$230,000 to furnish it, \$439,000 in miscellaneous disbursements (no icon for that one).

"If you want to pick the one person in America you don't want to sue, it's Pierce Marshall," Margulies said. "He's absolutely adamant they don't have a case. They made it up. He is not going to give her a penny, because his father didn't want him to."

Smith's lawyer, Kent Richland, of Los Angeles, said Smith is eager to get her day before the high court. "She feels the outcome will be favorable to her," Richland said. He added that, in his role as an appellate lawyer, he has had limited interaction with Smith.

Richland said he and his opposing counsel, G. Eric Brunstad Jr., as well as the justices, will focus on the law. It may be boring, by comparison to the circumstances, but it's their job.

"At this stage, we're not talking about the facts of the case," he said. "From my point of view, it's an important legal issue, both for my client and for the justice system, and I'm extremely pleased the United States Supreme Court will be deciding it."

For the record, the serious legal issue to be decided by the justices is: May federal courts hear claims that also are involved in state probate proceedings? If so, when? In plainer words that won't necessarily be made this plain in the eventual ruling: Which court decision should stand — the California bankruptcy court ruling that awarded Smith \$475 million (later reduced to \$88.5 million) or the Harris County, Texas, probate court ruling that gave her nothing?

Assistant U.S. Solicitor General Deanne Maynard will share Richland's argument time to try to convince the justices that federal courts do have the power to decide some issues involved in state probate courts.

OK, back to Anna Nicole and the Texas-sized soap opera that likely will pack the Supreme Court gallery with folks who care almost nothing about what the lawyers may wish this story were about.

Smith met Marshall in 1991 at a Houston gentlemen's club where she was working as a topless dancer. By some accounts, he proposed within a week, but the couple courted for three years before sealing the deal in June 1994. The marriage ended with Marshall's death from pneumonia 14 months later.

As Marshall's heirs began probate proceedings in Harris County, Smith contested, saying her late husband, though he apparently failed to mention her in his will, had intended to take care of her financially for the rest of her life. Pierce Marshall was trying to deprive her of her rightful inheritance — half of her late husband's estate — she said, accusing the son of document tampering, forgery and other illegal acts.

Smith had filed for bankruptcy in a California court that took it upon itself to decide some matters relating to Marshall's estate. That court awarded Smith \$475 million.

The Texas court said she should get zero.

To resolve the conflict, Smith and Pierce Marshall turned to a federal district court in California. The court reduced Smith's California award to \$88.5 million, which satisfied no one.

A three-judge panel of the U.S. 9th Circuit Court of Appeals in San Francisco eventually threw out the entire award to Smith, ruling that the estate battle was best settled in Texas.

Smith then appealed to the U.S. Supreme Court, which will decide the case by July.

If Smith loses, the chances of ever recovering what she deems her hard-earned fortune are virtually nil. If she wins, the court action returns to California, where Pierce Marshall has filed several other appeals.

If that happens, prepare for a sequel.

First published in the Houston Chronicle February 27, 2006