

# Tradition for Your Modern Family

Site 

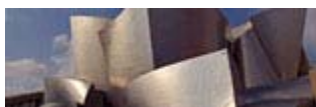

LAmag.com  
NEWSLETTER

Sign  
Up!

Follow us on:



**Best of LA**



**LA to Z Guide**

### Popular Shortcuts

**Home**

**Best of LA**

**The Guide**

**My LA to Z**

**CityThink**

**Ask Chris**

**Current Issue**

**Promotions**

### Blogs

**The Digest**

**The Chic Leak**

**The Spyglass**

**Buzzcut**

### Services

**Newsletter Sign-up**

**RSS Feeds**

Feature

## HIGH TIMES WITH ANNA NICOLE SMITH

Multiple lovers, piles of pills, paternity tests. Take a courtside seat in the eye-popping trial that followed the former Playmate's fatal overdose

By Steven Mikulan



Los Angeles *magazine*, December 2010

There'd always been something outsize and outlandish about Anna Nicole Smith.

She stood nearly six feet tall and at the time of her death in 2007 weighed nearly 300 pounds. Her surgically inflated voluptuousness and ditzy sexuality transgressed everything she touched into parody, especially her impersonations of her idol, Marilyn Monroe. Christened Vickie Lynn Hogan, Smith was born in Houston, Texas, but may as well have been created in Andy Warhol's Factory. Her periparturient life was a pop fable about the meteoric rise of a mediocre talent: During her career she'd been a stripper, a *Playboy* centerfold, a Guess Jeans model, and the star of her own reality-TV show. In 1994, Smith married Texas oil baron J. Howard Marshall, 63 years her senior, and after he died the next year, she became embroiled in a vicious court fight with his son over the will.

Anna did achieve a genuine homage of sorts to Monroe, though, by dying of a prescription drug overdose in Hollywood—even if it was Hollywood, Florida. The dozen drugs identified in her system was chloral hydrate, a potent sedative that had been discovered in Monroe's blood, too. In the last years of her life she lived on a buffet of prescription opiates (pain suppressants) and benzodiazepines (tranquillizers). Her medicine cabinet included methadone, Dilaudid, Vicodin,



///

## Archives

### Features

### Restaurant Listings

### New Restaurant Reviews

### Store Openings

### Street Smart

### Past Issues

Topamax, Xanax, Ambien, Klonopin, Demerol, Lasix, and Valium. She r them, Smith said, for pains in her back, head, hands, and from her bre implants—just about everywhere—as well as for restless legs syndrome seizures, and migraine headaches. The ingestion of so many opiates lef severely constipated and beset with stomach cramps. Two doctors who Smith found her childlike and distant, uninterested in anything that did her instant pharmaceutical gratification.

In 2009, California attorney general Jerry Brown announced an 11-cour indictment. In an almost stream-of-consciousness speech he decried “p white smocks and pharmacies and with their medical degrees” who “pu and often vulnerable people full of dangerous chemicals.” The *People v. Kapoor, Kristine Eroshevich & Howard K. Stern* case began last Augus downtown L.A.’s gloomy Criminal Courts Building, whose architecture n described as Brezhnev Revival. Court watchers called the case the Ann: Smith Trial, although she’d been dead three years and the judge had fc prosecutors from discussing her fatal drug overdose. Instead Anna’s pe physician, a psychiatrist, and her boyfriend/lawyer were accused of illeq supplying her with candy jar amounts of the kinds of painkillers and ser 1,500 pills in one month alone—that eventually took her life.

The indictment covered a three-year period leading up to her 2007 dea its heart lay three allegations that the defendants conspired to prescrib administer, and dispense controlled substances to an addict as well as i fraudulently obtain prescriptions for which there was no legitimate med purpose. Prosecutors produced paper blizzards of multiple and repetitiv prescriptions written for Smith under a variety of names, among them i Marshall, Jane Brown, Michelle Chase, Susie Wong, and Charlene Under doctors were additionally accused of writing prescriptions for Howard S others that were intended for Smith. A typical charge was for the crime occurred on November 24, 2006, when Dr. Eroshevich prescribed Valiu and Xanax for “Charlene Underwood,” even though the drugs were sen the Bahamas. Eroshevich was also accused in this particular charge of t former husband’s birth date, instead of Smith’s, to avoid the chance of prescription being traced to Smith.

In his rambling press conference, Brown asserted that the enabler doct friends of celebrities aided their drug abuse because “there’s a certain p here, part of the glitz and celebrity and power. There’s a lot of money f around. There’s a lot of the high life.” In fact, several Los Angeles phys the past two decades have been censured for assisting in their celebrity narcotic pursuits. Dr. Jules Lusman lost his medical license in 2002 ove that he improperly prescribed painkillers to Courtney Love, Winona Ryc others. Before his death in 2004, Kirk Douglas’s son Eric had settled a l Dr. William O. Leader; the young actor had accused Leader of treating cocaine and alcohol addiction with dangerous combinations of medicati had lost his medical license in 2001 after similar accusations were mad patients.) Then there was the Westside psychiatrist Dr. Nomi Fredrick, up a private drug detoxification clinic in the home of movie producer Dr before Simpson died. Her license was revoked for a period. Michael Jac

personal physician, Dr. Conrad Murray, is only the latest to be accused of overprescribing.

But for all of Brown's sound and fury, and the indictment's sweep, the defendants faced relatively short maximum sentences of five years apiece. The three were looking at less time after the judge tossed out a few of the charges and handed the case to the jury, which would have to read the minds of the three defendants: Were Anna's friends fame moths and manipulative hangers-on? Or was Smith some charismatic goddess who attracted disparate personalities eager to do favors for her—like risking their careers writing out Vicodin scrips? For people who weren't involved in the case, it didn't matter. Anna Nicole Smith was a diversion, a trifle; even in death she managed to be encircled by calamity whose entertainment value obscured the tragedy of it all.

Celebrity trials have been a spectator sport in Los Angeles since the days of silent film. That was the era in which lawyer-to-the-stars Jerry Giesler began his long career. When Charlie Chaplin and Errol Flynn were hit with paternity suits and statutory rape charges, Robert Mitchum was busted for pot, and Lana Turner's daughter was charged with stabbing Johnny Stompanato, Giesler was there to defend them. And the press was ready to record the drama.

Still, back then it was considered bad manners to dwell too much on bad behavior. Such restraint began to unravel with the 1994 prosecution of O.J. Simpson, whose case saw the rise of total "celebrity justice" coverage. This was the dawn of what might be called the Permanent Trial—a media phenomenon that offers, on any given day, a sacrificial celebrity for arrest and trial in Los Angeles. The Permanent Trial doesn't necessarily require young or marquee defendants, only that they have minimal name recognition and that the charges against them contain at least one of the critical ingredients of mass culture that Gore Vidal once identified as sex, death, and money. Smith's trial had all three.

Presiding over it was Judge Robert Perry. The white-haired former federal prosecutor (he'd assisted in John DeLorean's 1984 cocaine-distribution trial) spoke in a folksy, Hal Holbrook-y voice, sometimes sounding like a wise country doctor, other times like a fussy old man. One day he'd quote the Pre-Raphaelite poet Christina Rossetti, the next day he'd charm listeners with the facts of life about how avocado trees growing in his orchard changed sexes according to the time of day.

Each of the defendants sat at separate tables with their attorneys. At 41, Stern, the trial's only "name," was still a young man but no longer youthful. Since Anna's death his face had taken on an angular, hollow-eyed appearance—he'd lost weight, trimmed his bushy hair into a short Roman cut, and said little outside the courtroom. Stern had met Anna when he became her attorney in 1997. He soon became her manager and a rather mysterious figure—people were never sure whether he exerted a Svengali influence over Smith or whether she led him by the nose. In episodes of *The Anna Nicole Show*, Smith's reality-TV program, Stern appears as the stoic, put-upon counselor who offers the only sane advice in Anna's world of crazy relatives, boozy excess, and obsessive weight watching. By then he had become her lover.

At the trial Stern often smiled sardonically or demonstrably rolled his head back in disbelief at the testimony of prosecution witnesses, whereas Dr. Eroshevich happily

made small talk with reporters in the hallway. At 62, she looked like someone's stylish grandmother, with her smart pantsuits and her blond hair done in a blunt-cut bob. Her elegant appearance chafed against Internet photos of her snorting rails of what Radar Online called "a white powder substance" and other snapshots of her naked in a spa tub with Anna. Afterward she told me that the latter images had been taken on "a beautiful day when Anna was very happy" and that seeing them projected on a screen was her worst day in court. Judge Perry had squelched prosecutors' attempts in the 2009 preliminary hearing to explore a possible romantic relationship between Smith and Eroshevich.

Immaculately attired in dark gray suits, Dr. Kapoor always sat with a frown stenciled on his otherwise handsome face. Kapoor's father, a slight figure who usually wore a windbreaker, attended the trial every day. The son, who's 42, seldom spoke to the older man, warning him once not to talk to me. Kapoor endured a slide show—pictures of him riding shotgun beside Smith in a convertible amid West Hollywood's 2005 Gay Pride Parade, and then nuzzling shirtless with the former Playmate at the Abbey nightclub. "Drinks, booze, orgy," Kapoor had confided to his journal about that day's events. "I was making out with Anna, my patient, blurring the lines." He also wrote: "I gave her Valium and Methadone. Can she ruin me?"

\*\*\*\*\*

Smith may have been a household name and the punch line of shock-radio jokes, but she wasn't so different from every other American who's looking for a better-paying job, a bigger home, a higher high. She'd left school at 15 and married a teenage fry cook at 17. She gave birth to her son, Daniel Smith, when she was 18. Her jobs ranged from diner waitress to Walmart cashier to stripper. Some radical breast augmentation and a few Polaroids landed her photo sessions for *Playboy*. By 1993, she was Playmate of the Year. Small parts in *The Hudsucker Proxy* and *Naked Gun 33½* followed, although it was clear that she was no Marilyn Monroe in front of the camera. Eight years later she would find some comeback fame on the small screen in *The Anna Nicole Show*, starring as the slurring, washed-up actress/model who couldn't control her diet or work her way into Howard Marshall's will.

In 2002, at the height of her show's popularity, Smith and Stern moved into a house in the hills above Studio City. Their next-door neighbor on Avenida del Sol was Kristine Eroshevich, a psychiatrist who lived there with Wesley Irwin, whom she'd divorced the previous year. Eroshevich and Irwin befriended the glamorous new arrival and were soon spending afternoons with Stern and Smith, soaking in their homes' pools or having barbecues and dinners together.

At the bottom of the hill were the Ventura Boulevard offices of Anna's physician, Dr. Victor Kovner, an internal medicine and palliative care specialist. In 2004, Kovner sold his practice to a young internist, Sandeep Kapoor, who continued Kovner's regimen of prescribing methadone, Dilaudid, and other powerful opiates for Smith's many complaints of pain. Kapoor adopted an informal approach by visiting Smith at home for appointments and, once, catching up with her at a hair salon, something his predecessor never did.

Opiates were Smith's religion. She "could become addicted to Jell-O," Kovner told jurors. Smith was needy in the most fundamental ways. She had no license and didn't drive. She liked to pretend she was an infant and sometimes drank out of a baby bottle. Though Smith played the role of a vivacious party girl in public, she spent much of her time cocooned in bed, and in many respects the trial became the story of her beds. Hours were passed at home watching television on her mattress. Anna once dislocated her shoulder after rolling onto the floor in search of the remote. Her neighbor, Wes Irwin—a soft-spoken, balding man in his fifties—told the court how he routinely provided Smith companionship late at night. "She had trouble sleeping," he explained, "and she'd call me at 2:30 in the morning, and I'd go over in my pajamas and hop in bed with her and we'd watch TV."

Larry Birkhead was another man who found his way into Smith's bed. The photographer, who is 37, met her at a charity event before the 2003 Kentucky Derby. By 2004, they had become romantically involved, and he moved into the Studio City house that August, sleeping with Anna while Stern spent the nights in a guest room.

Birkhead and Stern maintained a similar sleeping arrangement when Smith checked into Cedars-Sinai Medical Center in April 2006 to detox from Xanax: Birkhead shared her hospital bed, and Stern slept nearby on a cot during a hellish week in which Smith, several months pregnant and dependent on methadone, would restlessly tug at her sheets, tap her IV drips, and deliriously pantomime flossing her teeth.

Like seemingly everything involving Anna, her pregnancy set off a legal frenzy, with Stern, Birkhead, and rather improbably, Zsa Zsa Gabor's husband claiming paternity. In the summer of 2006, Birkhead, who by then had been dismissed by Smith, began pressing his paternity claims on her unborn child, swearing in one affidavit that the expectant Anna "consumed Perrier-Jouët and Cristal and vodka cranberry drinks throughout the day like water." Before DNA tests could establish Birkhead as the father, Smith and Stern decamped to the Bahamas, where the couple, perhaps trying to construct an appearance of familial normalcy, staged a "commitment ceremony" at sea—a wedding-like event held far from the reach of Birkhead's lawyers.

The two moved into Horizons, the Nassau estate loaned to them by Gaither Bengene Thompson, a tan 60-year-old developer from South Carolina and a friend of Birkhead's. Smith had managed to fit Thompson into her life as a sometime lover in late 2005; he would take legal action the next year to evict Anna and Stern once the pair declared that they considered the compound a gift.

In September 2006, Smith gave birth by cesarean section to her daughter, Dannielynn, in Nassau. Three days later, shortly after his arrival from Los Angeles, Smith's 20-year-old son, Daniel, died in her hospital room from a combination of methadone and antidepressants. Daniel's death plunged Smith into a prolonged depression, one that, prosecutors contended, her entourage attempted to alleviate by keeping her in a narcotic bubble. A coordinated airlift of drugs was begun from Los Angeles to Nassau, where Eroshevich administered them to Smith. In the last five months of her life, prosecutors said, Smith spent most of her time in her Bahamian compound's master bedroom. She would lie for days in drug-induced

slumbers, a sleeping beauty who defecated and urinated in her bed, then vomited on the sheets upon awakening.

In the preliminary hearing Smith's bodyguard, Maurice "Mo Mo" Brighthaupt, a six-foot-six paramedic from Miami, described how Stern was always snapping photos of Smith—hundreds of which were entered into evidence—no matter how drugged out she was. "He would take pictures of her that normal people wouldn't," said Brighthaupt before Judge Perry had his words stricken from the record.

Brighthaupt and other witnesses recalled her swigging chloral hydrate from the bottle and trying to crawl into Daniel's casket before his burial. In his deep, soporific voice, Brighthaupt described the day Smith literally hit bottom, when she passed out mounting an inflatable lounge in the house's pool. He had to rescue her by diving through water clouded with her feces.

"She was a hurt lady," Brighthaupt told the court.

On February 5, 2007, Smith, Stern, Eroshevich, Brighthaupt, and his wife, a nurse, checked into the Seminole Hard Rock Hotel & Casino. They were in Florida to purchase a boat, but after their arrival, Smith developed a fever that reached 105 degrees. By then she had become obsessed with the snarkastic media coverage she was receiving and had a Google alert set for her name. Brighthaupt claimed she refused to leave her hotel room for the hospital out of fear of being spotted by paparazzi. Instead she was given an ice bath, and Eroshevich provided her with Tamiflu and ciprofloxacin, along with chloral hydrate to help her sleep. The psychiatrist, despite Smith's pleas, flew back to L.A. two days later.

Brighthaupt had begged Smith to go to a hospital. "Baby girl, I'm about to call 911," he told her but did nothing. Days later, on the afternoon of Thursday, February 8, Brighthaupt's wife summoned him to the suite. In a panic over Anna's condition, she tried CPR; so did Brighthaupt and then the paramedics who arrived soon after. But Smith was already gone. She had died in her bed. Her autopsy report concluded the cause was "acute combined drug intoxication."

\*\*\*\*\*

Smith used to describe herself to doctors as a drug addict. She had done a stint at the Betty Ford Center after suffering a severe overdose in 1995. But legally speaking, there is a difference between being addicted and being dependent on drugs. Was Smith really an addict as defined by law, or a person who was dependent on the drugs she legitimately needed to cope with her chronic pain? The trial's outcome hinged on whose answer to that question jurors believed; in California it's generally illegal to prescribe controlled substances to an addict.

From the beginning the defense team, unofficially led by Stern's attorney, Steven Sadow, maintained that its clients were being made examples of to further the political fortunes of Jerry Brown, on his way to the governorship, and of Los Angeles district attorney Steve Cooley, who was running for state attorney general. The defense didn't dispute that the two doctors had written the prescriptions, nor did any of the defendants take the witness stand on their own behalf. The defense summoned only one witness, a medical doctor, to rebut the prosecution's expert witness on pain and addiction. The physicians' lawyers claimed their clients were

acting in good faith to treat Smith for her pain, while Stern's attorney said that his client was a caring friend who merely had followed the doctors' professional advice.

The prosecution had a difficult case—it's almost impossible to prove in a criminal court that a physician is guilty of malpractice. Renee Rose, a 45-year-old woman who wears horn-rimmed glasses, was the lead prosecutor and played off David Barkhurst, her younger cocounsel in gold-wire spectacles. She is a veteran prosecutor, but her meandering interrogations of witnesses often angered Judge Perry. There were times when the defense lawyers raised objections to almost every question that came out of her mouth, with Judge Perry sustaining them. Sometimes Perry himself would interrupt.

"I know he's your witness," he told Rose during her direct examination of Birkhead, "but I object to the way you're handling the questioning."

Some ascribed Rose's klutzy examinations to a wily strategy of pulling in extra information through drift-net questioning. Others were not so sure. "Renee's not used to prosecuting celebrity cases and coming up against attorneys who will raise technical questions," Ronald Richards, a well-known Los Angeles drug-case attorney who has faced Rose in the past, told me.

Rose and Barkhurst also had to navigate a swamp of vague statutes regarding the use of aliases and a doctor's responsibilities to patients who are in pain. Not helping their case were their own witnesses, several of whom had been close to Smith and proclaimed their friendships with the defendants. Others, like Brighthaupt, had been paid by tabloid-TV programs for their interviews and private photographs.

On the second day of trial, Judge Perry dropped his head onto the bench in a theatrical gesture signaling his displeasure with the glacial pace of Rose's questioning of a minor witness. "I'm dying here, and this is only the first witness!" cried Perry. The judge had a reputation for keeping the trains running on time, yet this trial had slipped beyond his usual tight control, and he knew it. Perry also knew part of the reason why: "I feel sometimes," he said toward the end, "that the attorneys just want to fight."

Rose labored for two days to pry the same kind of damning answers she'd obtained in the preliminary hearing from Larry Birkhead. The photographer was obviously in a bind. As strained as relations between him and Stern had been, Stern is the executor of Smith's estate. Birkhead, who said he has made \$2 million off the photographs he took of Smith, lives with Dannielynn in the Studio City home Anna had shared with Stern. Replying in a languid Kentucky drawl, Birkhead often ended his replies with question marks or shrugs. Rose retaliated by trying to introduce into evidence a photograph that showed Birkhead on an escalator with Stern's Florida lawyer, Krista Barth. The picture was an attempt to impeach Birkhead, suggesting a possible romance and conflict of interest.

"Let's assume," Judge Perry said of the photo, "they went to a hotel and had sex. What does that mean?... By golly, if you're going to make such accusations, please have more evidence to back them up than this."

Outside the jurors' presence, Rose said Smith represented a potential jackpot for Stern, who had a mercenary interest in keeping her in a compliant state in order to have access to "the Marshall millions"—the \$300 million over which Smith was in

years-long litigation following the death of her nonagenarian husband, Howard Marshall. Again and again Rose tried to elicit testimony showing that the farther away Stern was from Smith, the more clearheaded she was, while she sank into a narcotic trance whenever he was present.

"So the prosecution had a dead celebrity and a lot of low-level misdemeanors," Judge Perry would dryly observe after testimony concluded. "Is that what's going on here?"

\*\*\*\*\*

Early in the trial the loud crinkling of hard candy being unwrapped announced the presence in the gallery of Smith's mother, Virgie Arthur. After about two weeks, she stopped showing up. By then the courtroom had become an over-air-conditioned, nearly empty space. The court clerk's sotto voce phone conversations, carried on during testimony, sounded like the distant recitation of prayers and lent a churchlike, almost sepulchral atmosphere to the place. The causes of the media's defection were no mystery: Lindsay Lohan's drug rehab and Frank and Jamie McCourt's high-decibel divorce proceedings had sucked away reporters, who knew that the juiciest details of Smith's case had already been laid out.

For nearly a week the court heard testimony from two key witnesses, a pair of Haitian nannies who'd worked for Smith in the Bahamas during the months after Daniel Smith's death. So much of the prosecution's case rested on Quethlie Alexis and Nadine Alexie, who had regaled police investigators from California with accounts of how they had seen Smith receiving injections of unknown substances in her posterior and being given enemas by the psychiatrist. The two described flame-blackened spoons and bloody syringes in Smith's bathroom. One of them said she heard Smith blame Stern for her son's death and recalled how Stern and Eroshevich would lead a zombielike Smith from her fetid bed to the bathroom, where they allegedly administered more medications.

The coroner's report cited a deep abscess in Smith's left buttock, which showed signs of a recent injection, as a contributing factor in her death. During five days of testimony, the nannies' recollections, however, had been hazy, contradictory, or elliptical at best. Now Quethlie was stating she had not seen Smith get injected. Then things rolled decidedly south as Nadine appeared to commit perjury. Quethlie presented herself as being illiterate, but she also claimed to be able to read various names that appeared on the medication bottles in Smith's home. Under Rose's prodding, Nadine testified that she had taught her coworker to read those names. Yet only four days before, Sadow, the defense attorney, had shown Quethlie the names "Howard K. Stern" and "Khristine Eroshevich" on a projection screen, and the nanny had said she could not read them.

The nanny testimony was a disaster—and that was before it was revealed that the county had spent almost \$41,000 flying them and seven family members to L.A., where they were put up at a hotel, fed, and guarded. In addition, the D.A. had agreed to pay relocation costs for the nannies, who said they feared retribution at home: first and last months' rent, security deposits, first month's utilities, and moving expenses for new places to live in the Bahamas.

"In my whole career I've never seen a prosecutor pull a stunt like this!" Sadow shouted at Rose. "You ought to take a look in the mirror and figure out what you're



doing—it's outrageous!" Stern's attorney, a highly regarded if dour Atlanta lawyer whose recent clients included the troubled rapper T.I., had waited for the judge and jurors to leave for the lunch recess before exploding at what he called Rose's suborning of perjury. A trim fiftysomething who favors cowboy boots in court, Sadow struggled mightily throughout the trial to smile at jurors but never quite got the hang of it.

When the evidence stage had concluded but just before negotiations began over jury instructions, the judge started musing about his 18 years on the bench. "I've sat on about 622 felony jury trials," Perry began, as if talking to himself. "And only three of those had overzealous prosecutors who appeared to put winning above justice." The judge's heavy tone provoked an uneasy feeling in the room, as though a boom were about to be lowered. But Perry said nothing more. Instead he stripped the indictment of a few of the charges against Stern and Kapoor and sent the case to the jury.

The D.A.'s office had predicted the prosecution would rest September 1. It didn't do so until the 27th. By then the latest installment of the Permanent Trial seemed more like the Neverending Trial. On October 28, after 13 days of deliberations, the jury delivered its verdicts to a courtroom full of reporters and senior members of the D.A.'s staff. Kapoor was cleared of all charges. Eroshevich and Stern were both convicted on two conspiracy counts apiece for obtaining a controlled substance by false name or address and issuing a prescription that is false or fictitious; Eroshevich was also found guilty on two separate charges that she unlawfully prescribed Vicodin to Smith. The jury deadlocked on two other counts as well as on a few charges attached to the conspiracies.

Kapoor and his father exchanged thumbs-up signs after his not-guilty verdict was read, while Stern lowered his head to his hands and Eroshevich sat motionless as their verdicts were delivered. Judge Perry declared a mistrial for the hung decisions and set sentencing for January 6, 2011, by which point an impatient public could be turning its attention to new episodes featuring Mel Gibson, Conrad Murray, and a conga line of yet-to-be-named starlets, rappers, and reality-TV show contestants.

Anna Nicole Smith's own journey to B-list stardom didn't end in death. After her overdose, her mother and Stern waged a court fight over Smith's final resting place, delaying her burial beside Daniel in the Bahamas for several weeks. In the 18-month prosecution and trial of Kapoor, Eroshevich, and Stern, every blemish of Smith's life and death was laid bare. From the most embarrassing reports of her bodily functions to descriptions of her churlish indolence, all the mystery that is essential to maintaining the glamour myth was stripped away.

Anna may have been a Texas twister who upended the lives and careers of those she drew in, but the mess she left behind wasn't something that could be tidied up by any single trial. "Two people are dead, and no one knows how they ended up that way," John Nazarian, a Los Angeles private investigator who was briefly associated with the defense team, told me. He was lamenting the lack of official curiosity about Smith's Florida death and her son's fatal overdose. "If Daniel's death had taken place in Beverly Hills," Nazarian said, "they wouldn't have let it go so easily."

Not that Smith will be out of the legal system anytime soon. On September 28, the U.S. Supreme Court announced it would hear the claims of Smith's estate against the estate of J. Howard Marshall. A case in which the dead might well sue the dead, it could be Smith's most noteworthy role yet.

*Steven Mikulan is a contributing writer for Los Angeles magazine. His article on UCLA professor David Jentsch, a target of animal rights activists, appeared in the July issue.*

---

## The Social Network

### **J. Howard Marshall**

*Husband*

The billionaire died shortly after marrying Smith at 89. Denied an inheritance, she sued his estate

### **Larry Birkhead**

*Lover*

Smith's ex-lover lives in her house and is raising their daughter, Dannielynn

### **Dannielynn Birkhead**

*Daughter*

She was born in 2006

### **Wesley Irwin**

*Neighbor*

Eroshevich's housemate and ex-husband was Smith's platonic bed companion

### **Khristine Eroshevich**

*Neighbor*

The psychiatrist next door to Smith prescribed her pills and cuddled in the tub

### **Sandeep Kapoor**

*Doctor*

The physician treated Smith for pain and nuzzled with her

### **Daniel Smith**

*Son*

He died in 2006

### **Howard K. Stern**

*Lover*

Smith's ex-lover—he lived with her and Birkhead—is executor of her estate

---

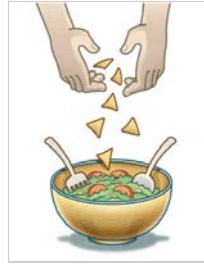
New Features



*Dancing in the Dark*



*Numbers Game*



*Retro Mexico*



*Eveleigh*

[Us](#) | [Contact](#) | [Advertise](#) | [Employment](#) | [Privacy Policy](#) | [Newsletter](#) | [Su](#)