

IN THE CHANCERY COURT OF RUTHERFORD COUNTY, TENNESSEE  
 AT MURFREESBORO

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DR. VICTOR W. HORADAM, )  
 )  
 PETITIONER, )  
 )  
 vs. ) No. 05-1205 MI  
 )  
 SUE STEWART, EXECUTOR OF THE )  
 ESTATE OF ANDRE ALICE NORTON, )  
 AND THE ESTATE OF ANDRE ALICE )  
 NORTON. )  
 )  
 RESPONDENTS. )

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TELEPHONE DEPOSITION OF:  
**JEAN E. RABE**  
 AUGUST 3, 2006

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APPEARANCES:  
 For the Petitioner: William Kennerly Burger, Esq.  
 Burger, Siskin, Scott & McFarlin  
 12 Public Square  
 Murfreesboro, Tennessee 37130  
 Also Present: Steve Shaver, Esq.  
 For the Respondent: Dicken E. Kidwell, Esq.  
 Kidwell, South & Beasley  
 300 E. Vine Street  
 Murfreesboro, Tennessee 37130-4248  
 Reported by Debra R. Linder

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Blocker & Martin Court Reporting Services  
 Post Office Box 455  
 Woodbury, TN 37190  
 (931) 815-8841

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S T I P U L A T I O N

1  
2  
3 The deposition of Jean Rabe taken pursuant to  
4 agreement and/or notice at 12 Public Square,  
5 Murfreesboro, Tennessee, on August 3, 2006, at 11:29  
6 a.m. at the instance of the Petitioner pursuant to  
7 the Tennessee Rules of Civil Procedure and/or  
8 Federal Rules of Civil Procedure, whichever is  
9 applicable, before Debra R. Linder, Court Reporter  
10 and Notary Public in the State of Tennessee.  
11  
12 All formalities as to caption, notice, statement of  
13 appearance, et cetera, are waived. Reading and  
14 signing of the deposition by the deponent is waived.  
15 All objections, except as to the form of the  
16 question, are reserved for the hearing, and that  
17 said deposition may be read and used in evidence in  
18 said cause of action in any trial hereon or any  
19 proceeding therein.  
20  
21  
22  
23 Note: All proper names, unless provided by counsel to the  
24 reporter, represent the best phonetic approximation of that  
25 name.

**Jean Rabe**

1  
2 having been duly sworn, was examined and testified as  
3 follows:  
4  
5 style="text-align: center;">EXAMINATION

6 BY MR. KIDWELL:  
7 Q. Will you state your full name, please?  
8 A. Jean Erlene Rabe.  
9 Q. And where do you live?  
10 A. I live in Kenosha, Wisconsin.  
11 Q. All right. And don't be offended, but I believe I  
12 need to ask your age.  
13 A. I am 49.  
14 Q. All right. And you are married; is that correct?  
15 A. Yes, I am.  
16 Q. And tell me a little bit, please, about your  
17 present occupation or employment.  
18 A. Well, I'm freelance writer. I write fantasy and  
19 science fiction, and I do some historical and mystery stuff  
20 on the side. I also edit anthologies, which is how my  
21 association with Andre started. And I write articles from  
22 time to time.  
23 Q. And how long have you been involved in that sort  
24 of work?  
25 A. Oh, I've written, on and off, since college, but  
I've been a freelancer on my own since '95.

1 Q. Okay. Will you please tell us how you are  
2 acquainted -- or were acquainted with Andre Norton.  
3 A. Well, as I mentioned, I was editing some  
4 anthologies and Techno Books, who packaged them, suggested  
5 that I get a couple of big-name people and suggested Andre  
6 Norton. So I pulled up my Science Fiction Writers  
7 Association book and found her phone number in there and  
8 gave a call and expected I would get a secretary, but  
9 instead I got her.

10 And we chatted for quite a while and she wrote me  
11 a story. And then later when I needed a bio from her, I  
12 called her back, not wanting to use one of the stock ones  
13 from the company, and we started corresponding and calling.  
14 Ever since had been friends from that point on.

15 Q. And approximately when did you make your first  
16 acquaintance with her?

17 A. Oh, '99. I'm thinking 1999.

18 Q. Okay. Now, it is a fact that she died at the  
19 first part of 2005.

20 A. Yeah. That tore me up.

21 Q. Okay. And you had worked with her, from what you  
22 say, about 1999 up until what time?

23 A. Oh, my gosh. I'd say until, literally, days  
24 before she died. Because I was working on -- well, I was  
25 working on a couple of projects. I got to finish her final

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1 manuscript, one that she had started and couldn't finish.  
2 And so I would check with her for things she wanted to do  
3 with the characters. I tried to, you know, finish the book  
4 the way that she had intended.

5 Q. And when you say finish the book that she would  
6 have intended, did you finish it after her death?

7 A. Oh, yeah.

8 Q. Okay. Has it been given to a publisher for any  
9 reason?

10 A. Oh, my goodness, yes. It comes out in October of  
11 this year. It's called A Taste of Magic.

12 Q. All right.

13 A. And the last I spoke to her was two or three days  
14 before she died.

15 Q. From 1999 until approximately the time of her  
16 death, can you give us some idea about how many times you  
17 would have, say, spoken with her by telephone?

18 A. Oh, a bunch.

19 Q. Okay. A bunch, okay. Quantitatively, was that  
20 more than once --

21 A. And, you know, she wrote me at least once a month.

22 Q. How much?

23 A. I have a folder with a bunch of her letters in it.

24 Q. All right. And a bunch, is that once a week or  
25 twice a week?

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1 A. I'd say once a week or once every other week.  
2 Probably once every other week. And then sometimes when I  
3 was real busy in the summer I wouldn't talk to her, you  
4 know, maybe for over a month because I do some workshops and  
5 go to conventions and stuff like that.

6 Q. Now, you've spoken about these conversations by  
7 telephone. Did you ever have any person-to-person meeting  
8 with her?

9 A. No. Just on the phone.

10 Q. All right.

11 A. There were times when I was going to go down, but  
12 she was sick and I was glad I didn't go. And then as it  
13 turned out somebody who was sick went to visit her and that  
14 started the whole downfall.

15 Q. I assume, from what you've said, you knew  
16 something about Andre Norton and her works, but I'm going to  
17 ask, is that actually true? Did you know about the various  
18 things she had written and how she'd done them?

19 A. Oh, my gosh. I've got a bunch of her books, yeah.  
20 When I first started reading her -- I'm going to date myself  
21 here, I was a kid -- and I thought she was she was a he.  
22 But then, as it turned out, she picked up the name Andre so  
23 that people would actually think that.

24 Q. Okay.

25 A. She told me once that her publisher thought that

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1 she would have much more success with a different name than  
2 Alice. It really wasn't the type of name that would sell  
3 science fiction to young boys. She didn't like it when  
4 people called her Alice, either.

5 Q. Okay. Now, at any time did you discuss with her  
6 her estate?

7 A. Actually, she is the one who discussed it with me.  
8 I didn't bring it up.

9 Q. Could you relate what that discussion was?

10 A. Okay. That was in October of 2004, and while I  
11 can't tell you what she said on a lot of conversations, the  
12 reason that I remember this particular conversation was I  
13 was sitting on the couch with my dogs and my husband brought  
14 me the phone and he said, It's Andre. And he was kind of  
15 mimicking her voice.

16 Andre has this thin, musical voice, so you knew  
17 when she called that it was her. And I had sent her a  
18 manuscript for a book that I had worked on based on an  
19 outline she and I had worked out. And the first thing she  
20 said to me was, Jean, you are an amazing writer. And I was  
21 just, like, Oh, my God. Andre Norton called me an amazing  
22 writing.

23 And she went on to praise this book. So I truly  
24 remember the conversation just because she had me so  
25 excited. And when I was done talking to her, I called my

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1 editor right away because I had to repeat the conversation.

2 Then he said, Well, can --

3 Q. Well, don't tell us what the editor said. But  
4 please tell us about what Andre said.

5 A. Oh. Well, Andre went on and on about this book  
6 and what she liked and what she wanted me to change. She  
7 hated it when characters died, and I killed one fairly early  
8 in the book. I was, like, Andre, there's too many  
9 characters in here, one of them's got to go. Actually, I  
10 ended up getting rid of two of them, but I only killed one.

11 And then I talked about dedicating this book and I  
12 asked if she wanted this book dedicated to Sue, and she told  
13 me that Sue was going to get everything and she didn't need  
14 this particular book dedicated to her and that I could  
15 dedicate to whoever I wanted. So I ended up dedicating -- I  
16 told Andre about this -- the last book, the one that's  
17 coming out in October -- to Sue. But I let Andre know that  
18 before she died.

19 Q. Did you ever have any other discussions with  
20 Ms. Norton about her estate?

21 A. Yes.

22 Q. What's the essence, in brief, of those  
23 discussions?

24 A. It was about when she was getting rid of her  
25 library. She operated a library next to her home. The

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1 library was intended for science fiction and fantasy writers  
2 and she was selling off big chunks of the books and stuff  
3 from the library. And she was auctioning some of it and she  
4 was trying to raise money that she was going to put in some  
5 type of a trust for upcoming women writers.

6 And at that time she was boxed up a huge box of  
7 history books -- specifically, like, women in medieval times  
8 and stuff -- and she sent it to me because she wanted me to  
9 have them. So I was just tickled. But she -- I don't know,  
10 is this helping?

11 Q. Well, I said in brief what she might have said  
12 about her estate, as far as, really, Sue Stewart is  
13 concerned.

14 A. Oh, well she just told me that Sue was getting  
15 everything.

16 Q. Okay.

17 A. Andre loved Sue, so I understood where that was  
18 coming from.

19 Q. Prior to the death of Andre Norton, had you ever  
20 heard a mention of a person by the name Dr. Victor Horadam?

21 A. Not from Andre.

22 MR. KIDWELL: That's all I have, Ms. Rabe. And  
23 Mr. Burger would now ask you some questions.

24 **EXAMINATION**

25 BY MR. BURGER:

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1 Q. Ms. Rabe, can you hear me okay?

2 A. I can hear you fine.

3 Q. Good. Did you ever, in any of those telephone  
4 discussions that you described earlier -- did you have  
5 occasion to talk at length with Ms. Stewart about  
6 Ms. Norton's general circumstances?

7 A. When Andre was alive?

8 Q. Yes, ma'am. Uh-huh, yes.

9 A. No. Actually, my only conversations with Sue were  
10 when she was giving the phone to Andre or when she was just,  
11 like, having me on hold, waiting so that Andre could get to  
12 the phone.

13 Q. Have you ever -- since Ms. Norton's death have you  
14 had a --

15 A. I didn't really know Sue.

16 Q. Okay. Since Ms. Norton's death, have you had  
17 occasion to speak with Ms. Stewart?

18 A. Yes. I have several times, mostly all in  
19 discussion about these couple of manuscripts, the one that's  
20 coming out in October, and the one that came out in January  
21 this past year. Oh, and yes, I did talk to Sue, because  
22 Andre and I were being published by the same company, Tor  
23 Books. Sue was frustrated that one of Andre's manuscripts  
24 hadn't -- she hadn't gotten any copies of it. So I kind of  
25 pushed the publisher a little bit and they managed to get

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1 Andre two copies of her book shortly before she died.

2 Q. Okay. When did you last speak with Ms. Stewart  
3 about anything, Ms. Rabe?

4 A. Spring, I'm thinking.

5 Q. This spring of 2006?

6 A. I e-mailed her a couple of times to make sure that  
7 she had got gotten copies of stuff. I've sent her, like,  
8 bound galleys for this last manuscript.

9 Q. Okay. What is the nature of any business  
10 relationship that you have with her now on these matters  
11 that are being discussed?

12 A. Well, none. I'm basically done. I finished --  
13 oh, Sue picked me to finish Andre's last manuscript. Andre  
14 had sold it to her and Sue was trying to decide who to have  
15 finish it and she picked me and Andre said, Wonderful.

16 Q. Sue had sold -- Sue had purchased what manuscript?

17 A. It's called A Taste of Magic.

18 Q. Okay. And your statement is --

19 A. Andre just wanted to give it to her, but to make  
20 it all legal, and everything, Sue gave her a dollar for it.

21 Q. Okay. When did that take place, if you know?

22 A. I believe that was -- I'd say a year ago January.

23 Q. That would have been January of?

24 A. 2005.

25 Q. Okay. Have you seen the paperwork which reflects

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1 that transfer as you described it?

2 A. No.

3 Q. The only thing you know about it is the discussion  
4 you've had with Ms. Stewart, or did Ms. Norton corroborate  
5 that for you?

6 A. Yes.

7 Q. Ms. Norton corroborated it?

8 A. Yes, she did.

9 Q. Okay. So to your knowledge --

10 A. And that was one of the conversations I had with  
11 Andre regarding what she wanted done with the book.

12 Q. In all these discussions that you had with her in  
13 the months preceding her death, did she tell you that she  
14 had any other things that were -- that she had just finished  
15 that were about to be published?

16 A. Just the one book that I helped to get her two  
17 copies of, but she had written that years ago and the editor  
18 sat it on it for like four years.

19 Q. Okay.

20 A. We talked about that one because she was very  
21 frustrated, and that was called Three Hands of Scorpio or  
22 Three Hands for Scorpio. I've got it over on my shelf but I  
23 can't see it.

24 Q. That's okay. In her talks with you as the two of  
25 you confided, as I've understood your description and your

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1 mutual interests in these literary matters, did she say  
2 anything to you about, I've got this work that I've  
3 completed that I'm excited about, that has not yet been  
4 published?

5 A. She -- the only one that she mentioned to me was a  
6 short story that she had written for some anthology that was  
7 supposed to be done in honor of Anne McCaffrey, who was a  
8 friend of Andre's. And something about the anthology wasn't  
9 going to be published after all. That's the only other one  
10 that I'm aware of.

11 Q. Okay. And I don't want to put words in your  
12 mouth, but to make sure I'm clear, in those talks that you  
13 had with her she described nothing that was pending and  
14 active that she was preparing for publication at that stage  
15 in her life?

16 A. That is correct.

17 Q. Okay.

18 A. Just the stuff with me.

19 Q. Have you ever -- Ms. Rabe, have you ever had  
20 occasion to see a copy of her will and read what she has in  
21 her will about Ms. Stewart and about Dr. Horadam?

22 A. Nope.

23 Q. Okay.

24 A. I felt guilty that she even sent me books and  
25 stuff.

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1 Q. Well, obviously, she valued your friendship.

2 A. Yeah. She sent me -- I have an assortment of  
3 things that she'd send me from time to time.

4 Q. If she used the phrase, any of my works, in  
5 describing Dr. Horadam receiving the royalties from  
6 posthumous publication of any of my works -- I understand  
7 that you can't get in her mind, but did she ever say  
8 anything to you or write anything to you in any letters that  
9 would let you know what that might mean?

10 A. No. And you know what, I have twice went through  
11 those letters that I have in my file drawer from her just to  
12 see if there was anything in there about manuscripts or this  
13 and that. And, you know, what she's talked about in her  
14 letters was all the fun stuff; her cats and her necklaces  
15 and trips to the doctor and books.

16 Q. But you're clear in your memory that she  
17 definitely made the statement to you in a very broad way  
18 that Sue was getting everything? Did I follow that correct?

19 A. Yeah, that's what she said. And, you know, I  
20 didn't press her on it or ask her because it wasn't my  
21 business.

22 Q. Okay. Let me read you, if I may, a list of names  
23 and at the end of the mentioning of these names, will you  
24 tell me if you ever heard her mention any of these people,  
25 okay?

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1 A. Okay.

2 Q. Mark Karpinsk, Renae Demone, Janice Shade, Lena  
3 Mae Lanere, David Harris, Sheila Porch, Mercedes Lackey,  
4 Pauline Griffin, Sherwood Smith, Sasha Miller.

5 A. The last four.

6 Q. Okay. You've heard some of those names before?

7 A. Oh, yeah. The last four several times.

8 Q. In discussions with her or just in general?

9 A. Oh, in discussions with her.

10 Q. Okay. They are writers with whom she  
11 collaborated?

12 A. Yes.

13 Q. Did she ever talk to you about how she intended to  
14 benefit them in her will?

15 A. No. She was upset with Mercedes, though.

16 Q. Okay. What did Mercedes do to upset her?

17 A. I got an earful from that.

18 Q. Okay. What happened?

19 A. Andre would call me to gripe. I would always get  
20 the earfuls. Mercedes was supposed to have finished a book  
21 that she and Andre had plotted and Mercedes sat on it for  
22 like seven years, and Andre was supposed to get some sort of  
23 an advance for it, but because Mercedes didn't do anything,  
24 nothing was happening.

25 Q. Uh-huh.

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1 A. And the book was tentatively -- was supposed to be  
2 titled Bead Magic. And the reason I know this is because  
3 the Taste of Magic book that I finished for Andre, the  
4 packager initially thought this book was called Bead Magic  
5 and I was like, no, no, no. That's the one Mercedes is  
6 still sitting on.

7 Q. Well, in summary, if I understand that correctly,  
8 you've never actually met Ms. Norton, but became fast, good  
9 friends with her on the telephone and in your  
10 correspondence; am I right about that?

11 A. Yeah. I was closer to her than I am --

12 Q. I understand. But you never actually met her in  
13 person; did I follow that correctly?

14 A. No. My husband and I were planning a trip when  
15 she got sick. And we were kind of crushed about it. But,  
16 you know, life kind of throws you cruel curves.

17 Q. Right. And to be sure I'm clear, she never  
18 discussed with you her friendship with Dr. Victor Horadam,  
19 who has an interest in these science fiction matters?

20 A. You know, never. I never heard her mention his  
21 name. There was a doctor that she mentioned, but he was a  
22 doctor that lived in Tennessee and he was young man who she  
23 was trying mentor in short stories and books, and he had a  
24 foreign-sounding name.

25 Q. Okay.

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1 A. Does that help you?

2 Q. Well, maybe. Let's see here.

3 A. Because I looked at one of his short stories once,  
4 it just didn't fit an anthology I was --

5 Q. Well, again, I don't think I can ask you to  
6 interpret her words, but I want to read something to you,  
7 here, and just let me ask you for your comment, okay?

8 A. Okay.

9 Q. If you have a comment; you may not. To Victor  
10 Horadam, MD, 6054 Aberdeen, Dallas, Texas, I give my blue  
11 notebook containing the listing of all of my books, comma,  
12 the royalties from all posthumous publications of any of my  
13 works, comma, and all of the trophies, plaques, et cetera,  
14 which I have received during my writing career.

15 In the broadest sense, do you have any comment  
16 about that, one way or the other, based on your relationship  
17 with her that would help us sort out what she was up to?

18 A. Oh, boy.

19 MR. KIDWELL: I'm going to tender an objection to  
20 the form of that question.

21 A. No, I don't. I am surprised that she would give  
22 up her trophies and stuff. I thought that she was going to  
23 give those to some university.

24 BY MR. BURGER:

25 Q. But in broadest sense of those words, you would

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1 agree that that is pretty much inconsistent with what she  
2 told you on the phone about everything going to Sue Stewart,  
3 isn't it?

4 A. Yeah, that goes against that.

5 MR. BURGER: Okay. I don't have any further  
6 questions. Thank you, Ms. Rabe. And I'll be watching  
7 for your books.

8 THE WITNESS: Oh, I hope so.

9 MR. KIDWELL: Ms. Rabe, thank you. We're  
10 finished.

11 (Concluded at 11:50.)

12 (Signature waived.)

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1 REPORTER'S CERTIFICATE

2

3 STATE OF TENNESSEE )

4 COUNTY OF GRUNDY )

5

6 I, DEBRA R. LINDER, Certified Court Reporter and  
7 Notary Public in and for the State of Tennessee,

8

9 DO HEREBY CERTIFY that the foregoing transcript of  
10 proceedings were taken at the time and place set  
11 forth in the caption thereof; the proceedings were  
12 stenographically reported by me in shorthand; and  
13 the foregoing transcript of proceedings constitutes  
14 a true and correct transcript of said proceedings to  
15 the best of my ability.

16

17 I FURTHER CERTIFY I am not a relative or employee or  
18 attorney or counsel of any of the parties hereto,  
19 nor a relative or employee of such attorney or  
20 counsel, nor do I have any interest, financial or  
21 otherwise, in the outcome of events of this action.

22

23 IN WITNESS WHEREOF, I have hereunto affixed my  
24 official seal and signature this 25th day of August,  
25 2006, at Grundy County, Tennessee.

26

27

28

29 \_\_\_\_\_  
30 Debra R. Linder

31 Notary Public

32 State of Tennessee

33

34

35 My Commission Expires: October 14, 2006

36

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