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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

Federal Communications Commission
Office of the Secretary

In re Applications of)
Charley Cecil & Dianna Mae White)
d/b/a WHITE BROADCASTING PARTNERSHIP)
et al.)
NORTHEAST FLORIDA BROADCASTING CORP.)
For Construction Permit to Build)
a New FM Station on Channel 289A)
in Baldwin, Florida)

MM Docket No. 91-10

File No. BPH-891213MM

File No. BPH-891214NA

To: The Honorable Edward Luton
Administrative Law Judge

**MOTION TO REOPEN THE
RECORD AND TO ENLARGE ISSUES AGAINST
PEACHES BROADCASTING, LTD.**

Northeast Florida Broadcasting Corp. ("Northeast"), by its attorneys and pursuant to Section 1.229 of the Commission's Rules hereby moves to reopen the record and to enlarge issues against Peaches Broadcasting, Ltd. ("Peaches"). Northeast seeks addition of the following issues:

1. To determine whether Peaches Broadcasting, Ltd. falsely certified as to its financial qualifications to construct and operate its proposed Baldwin FM radio station;
2. To determine whether Peaches was and/or is financially qualified to construct and operate its proposed station; and
3. To determine, in light of the evidence adduced under the foregoing issues, whether Peaches possesses the basic qualifications to be a Commission licensee.

In support of its Motion, Northeast submits the following:

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List A B C D E

I. This Petition is Timely Filed

1. This Petition is timely filed pursuant to Section 1.229(b)(3) of the Commission's Rules. Section 1.229(b)(3) provides:

Any person desiring to file a motion to modify the issues after the expiration of period specified in paragraphs (1), (b) (1), and (b) (2) of this section, shall set forth the reason why it was not possible to file the motion within the prescribed period. Except as provided in paragraph(c) of this section, the motion will be granted only if good cause is shown for the delay in filing. Motions for modifications of issues which are based on new facts or newly discovered facts shall be filed within 15 days after such facts are discovered by the moving party.

2. Northeast received copies of the transcripts in this proceeding on September 4, 1991. The information set forth in the transcripts provides the factual basis for the instant Petition. This Petition is filed within fifteen (15) days of receipt of those transcripts. Therefore, it is timely filed within the requirements of Section 1.229(b)(3).

3. Moreover, even if this Petition is deemed untimely, it raises matters of probable decisional significance and substantial public interest and should be considered on its merits pursuant to Section 1.229(c) of the Commission's Rules.¹ Whether Peaches, or any applicant, is basically financially qualified is a matter which

¹Section 1.229(c) provides:

In the absence of good cause for late filing of a motion to modify the issues, the motion to enlarge will be considered fully on its merits if (and only if) initial examination of the motion demonstrates that it raises a question of probable decisional significance and such substantial public interest importance as to warrant consideration in spite of its untimely filing.

is of such importance that the Review Board has frequently remanded proceedings to address such matters.² Therefore, consideration of this matter at this time is appropriate.

II. Facts

4. Peaches is a limited partnership. The general partner of Peaches is Peaches Productions Group, Inc. ("PPGI"). When Peaches filed its application on December 14, 1989, the limited partner of Peaches was identified as Stephen Weissman. Peaches Form 301 Application, p. 3. Attachment 1 hereto. Peaches indicated that Mr. Weissman would provide Peaches \$65,000 toward prosecution expenses for its application. Form 301 Application, p. 6. Attachment 1 hereto.

5. In discovery, Peaches produced three documents related to Mr. Weissman's purported ability to meet his financial obligations. The first was a redacted statement of net worth for Stephen M. and Carolle Anne Weissman. Attachment 2 hereto. The second was a handwritten letter from Cyril M. Weissman to Steve and Carolle Anne Weissman. Attachment 3 hereto. The copy of this

²See, e.g., Great Lakes Broadcasting, Inc., 5 FCC Rcd 7003, (Rev. Bd. 1990); Coast TV, 5 FCC Rcd 6720, 68 RR 2d 872 (Rev. Bd. 1990); Breeze Broadcasting Co., Ltd., 5 FCC Rcd 6365, 68 RR 2d 1310 (Rev. Bd. 1990); Opal Chadwell, 4 FCC Rcd 1215, 65 RR 2d 1498 (1989); Radio Associates, Inc., 6 FCC Rcd 2094 (Rev. Bd. 1991), appeal denied FCC 91R-45 (Rev. Bd., June 12, 1991); Shawn Phelan, 5 FCC Rcd 53, 67 RR 2d 518 (Rev. Bd. 1990); Global Information Technologies, Inc., 5 FCC Rcd 3385, 67 RR 2d 1495 (Rev. Bd. 1990); Welch Communications, Inc., 5 FCC Rcd 4850, 68 RR 2d 158 (Rev. Bd. 1990); Mableton Broadcasting Company, Inc., 5 FCC Rcd 6314, 68 RR 2d 750 (Rev. Bd. 1990); Albert E. Gary, 5 FCC Rcd 6235 (Rev. Bd. 1990).

letter provided in discovery by Peaches is very difficult to read. However, the full content of the letter is:

December 1, 1991

Dear Steve and Carolle Anne,

This is to confirm that I will loan you up to \$50,000 to finance your limited partnership in an application for an FM radio station in Baldwin, Florida.

I intend to forgive the loan over two or three years.

Fondly,
Mother

Attachment 3.

6. The third document was a document entitled "Assignment of Interest in Parental Gift." Attachment 4 hereto. These are the only documents produced by Peaches to document Mr. Weissman's financial ability to meet his obligations to Peaches.

7. At the hearing, Frederick Matthews, President of PPGI testified that he did not know for what purposes Mr. Weissman sent the Assignment of Interest in Parental Gift to him. Tr. 163. Similarly, with respect to the letter from Cyril Weissman, Mr. Matthews testified that he did not know specifically for what purpose it was sent to him. Tr. 163-164. Mr. Matthews signed Peaches' Form 301 application certifying its finances. Tr. 164.

III. Peaches was Not Financially Qualified at the Time It Certified Its Finances in Its Application

8. In order to establish its financial qualifications, an applicant must have "reasonable assurance" of sufficient net liquid

assets on hand, or sufficient funds from committed sources, to construct and operate the proposed facility for three months without revenues. See Scioto Broadcasters, Limited Partnership, 5 FCC Rcd 5158, 5160 (Rev. Bd. 1990), rev. denied, 6 FCC Rcd 1893 (1991); JAM Communications Inc., 4 FCC Rcd 3754, 3757 (Rev. Bd. 1989).

9. In Northhampton Media Associates, 4 FCC Rcd 5517, 66 RR 2d 1246 (1989), the Commission set forth the information which an applicant must provide to demonstrate that it is financially qualified:

In order to prove reasonable assurance of financial qualifications at the time of certification, the applicant must adduce probative evidence that, prior to certification, it engaged in serious and reasonable efforts to ascertain predictable construction and operation costs. To establish the availability of funds to meet these estimated expenses, the applicant must provide substantial and reliable evidence showing "sufficient net liquid assets on hand, or committed sources of funds to construct and operate for three months without revenue," as the 1981 version of Form 301 requires.

66 RR 2d at 1249.

10. The Commission provided specific details concerning the type of documentation which should be supplied:

Probative evidence necessarily includes something more than the self-serving uncorroborated statement of the individual responsible for the certification that he had taken steps to secure the needed funds. For example, uncontroverted affidavits or testimony establishing an oral contract to lend money would suffice to demonstrate a committed source of funds. Where the lender is not a financial institution but a person, as in this case, the applicant must show that the person proposing to lend the funds had the necessary financial resources at that time. In such a case, we believe that a balance sheet or other documentary evidence (such as a financial statement) demonstrating that, at the time of certification, that

person had sufficient net liquid assets to meet this financial commitment to the applicant would be clear evidence to support the certification.

11. The documents attached hereto show that the primary person being relied upon to finance Peaches' application at the time Peaches certified its application was Cyril Weissman. Ms. Weissman was being relied upon by Stephan Weissman to provide \$50,000 of his \$65,000 financial commitment to Peaches. However, Peaches has produced no documents demonstrating that Cyril Weissman had net liquid assets to meet this \$50,000 commitment. In fact, Mr. Matthews testified that he did not even know why Mr. Weissman provided him with the information from Ms. Weissman. Thus, it is clear that Peaches made no effort to determine if Ms. Weissman could meet this financial commitment.

12. Moreover, Peaches has not established that Mr. Weissman had any funds other than this undocumented \$50,000 commitment from Cyril Weissman to meet his \$65,000 commitment to Peaches. The net worth statement produced by Peaches is a combined net worth statement for Stephan and Carolle Anne Weissman. The statement does not identify any assets listed thereon as being solely the assets of Mr. Weissman. Therefore, as presented, the net worth statement represents the joint assets of Stephan and Carolle Ann Weissman. However, Carolle Anne Weissman was never a party to Peaches application and there is no document showing that she ever agreed to allow Stephan Weissman to commit her share of their joint assets to Peaches.

13. Carolle Anne Weissman signed a document dated December 12, 1989 assigning to Stephen Weissman her interest in a "pledge of gift" to be received from Cyril Weissman. However, it is not clear to what this document refers. Although it refers to a "gift" made to Stephan and Carolle Anne Weissman by Cyril Weissman on December 1, 1989, there is no document evidencing such a "gift." The document produced by Peaches reflects a "loan" to be forgiven over two or three years. That is not a gift, at least not until it has been forgiven. It was not a gift on December 1, 1989. In any event, the assignment of her interest in the "gift" from Cyril Weissman is the only asset which Carolle Ann Weissman made available to Stephan Weissman according to the documents supplied by Peaches.

14. Moreover, the need for Mr. Weissman to obtain an additional \$50,000 commitment from Cyril Weissman clearly demonstrates that the net worth shown on the joint net worth statement of Stephen and Carolle Anne Weissman was inadequate or unavailable to meet Mr. Weissman's \$65,000 commitment to Peaches.

15. Thus, it is clear that Peaches has failed to produce documents demonstrating that it was financially qualified at the time it certified its finances, and Mr. Matthews testified that he did not even know why Mr. Weissman had provided the documents Peaches produced. This is far from a demonstration of the "substantial and reliable evidence" required by the Commission. Northhampton, supra, 66 RR 2d at 1249.

16. Mr. Matthews' failure to even determine the purpose of the documents from Cyril Weissman and Carolle Ann Weissman shows that Peaches had no basis for believing it was financially qualified at the time it certified its finances. Therefore, both a financial qualification and a financial misrepresentation issue must be designated against Peaches. Rebecca L. Boedker, 5 FCC Rcd 2855, 67 RR 2d 1210, 1215-1216 (Rev. Bd. 1990). Moreover, if Peaches was not financially qualified at the time it certified its finances, it could not become financially qualified by later bringing in a new limited partner. Therefore, Peaches' current financial qualifications also must be examined. Aspen FM, Inc., 5 FCC Rcd 1602 (1991); Shawn Phelan, 6 FCC Rcd 4669 (1990).

IV. Documents Requested for Production

17. Pursuant to Rule 1.229(e), in the event that the issues requested are enlarged against Peaches, Northeast requests production of the following documents by Peaches:

(1) All documents that reflect or relate to any determination by Peaches of the cost of constructing and operating the proposed station, including but not limited to the estimated cost of:

- a. Acquiring or renting land;
- b. Acquiring, remodeling, constructing or leasing buildings;
- c. Acquiring, constructing or leasing an antenna system;
- d. Acquiring or leasing transmission related equipment;
- e. Acquiring or leasing monitor and test equipment;
- f. Construction and installation of such equipment;

- g. Furnishing the studios and any other buildings relating to the proposed operation;
- h. Staffing and hiring of personnel;
- i. Programming;
- j. Engineering, legal and other professional fees;
- k. Acquiring or leasing of studio technical equipment;
- l. Operational costs and expenses for the proposed station, for the period up to the time operation commences, and for the three months after operation commences; and
- m. All documents identifying who has received and/or paid bills, invoices, statements, and/or charges/expenses incurred on behalf of Peaches. In connection with Peaches' application.

(2) All documents evidencing payments or contributions of funds by each partner of Peaches or for the benefit of Peaches, or for the benefit of any other partner of Peaches in connection with Peaches' application.

(3) All documents reflecting or relating to Peaches' determination that it had on December 13, 1989 and/or presently has sufficient net liquid assets on hand or available from committed sources to construct and operate the proposed station for three months without revenue.

(4) All documents that list or otherwise reflect the assets and liabilities of Peaches and/or any of its partners including, but not limited to balance sheets, financial statements, statements of interest earned, and documents identifying any marketable securities and indicating the number held, the present market value and, for publicly traded securities, bonds, or certificates of deposit the maturity dates.

(5) All documents that reflect the yearly net income, after federal income tax, for each of the years 1989-1991 received by any partner of Peaches from the various types of activities in which they were engaged or from any other source, including, but not limited to their federal and state income tax returns.

(6) All documents that subject any of the assets of Peaches and/or any of its shareholders to any option, restriction, lien, mortgage, pledge or other encumbrance and all documents reflecting or relating to such encumbrances.

(7) All documents that identify each person (whether or not connected with Peaches, including both of its partners), who on or before December 13, 1989 or thereafter has furnished, or will furnish, funds, property, service, credit, loans, donations, assurances, or other things of value to Peaches, or will assist in any manner in financing prosecution of the application or construction and operation of the proposed station.

(8) All documents reflecting or relating to agreements on or before December 13, 1989 or thereafter, with any person to assist in financing the proposed station by furnishing funds or extending credit, that show the amount, terms of payment, if any, and securities, if any.

(9) All documents concerning or reflecting a present or anticipated pledge, hypothecation of other encumbrance by Peaches or any of its partners of any stocks, certificates of deposits, notes or other instruments for the purpose of providing Peaches funds for construction of the proposed station.

(10) All documents relating to or reflecting agreements with financial institutions or equipment manufacturers to make loans or extend credit to Peaches that show the amount of the loan, or credit, terms of payment, if any, and security, if any.

(11) All documents that reflect or relate to any default under a note or other financial instrument by, or any foreclosure action or repossession by a lender against Peaches or any of its partners.

(12) All documents that list or otherwise relate to any lawsuits in which Peaches or any of its partners is or was a party, in which judgments are sought or have been awarded and not yet satisfied.

(13) All documents reflecting, referring to or discussing any intention, assurance, proposal, plan or commitment to finance or pay the cost of (a) the prosecution of Peaches' application in this proceeding and/or (b) the construction and/or operation of Peaches' proposed FM station.

(14) For the period from ninety days before December 13, 1989 through the present, all statements for bank accounts, brokerage accounts or other accounts with a financial institution in the name of Peaches.

(15) All financial statements and balance sheets prepared for Peaches, or its partners, dated as of ninety days before December 13, 1989 or thereafter.

(16) All documents relating or identifying any indebtedness or liability (including any contingent liability) of Peaches from December 13, 1989, through the present.

(17) All documents reflecting any efforts by Peaches, or any agent or representative, to secure funding for the prosecution of Peaches' application in this proceeding or for the construction or operation of the station, including, but not limited to, any documents reflecting rejection of such a request for funding.

(18) All documents provided to any financial institution or other entity, to secure funds -- or a reasonable assurance of funding -- for the prosecution of Peaches' application or the construction or operation of the station.

(19) If Peaches is relying upon the assets of any person or entity other than a financial institution to establish its financial qualifications, (a) all financial statements and balance sheets prepared for any such source, dated as of ninety days before December 13, 1989, or thereafter; (b) representative documents which identify each liquid asset owned by any such source, at any time during the period from ninety days before December 13, 1989, through the present; and (c) representative documents identifying any indebtedness or liability (including any contingent liability) of any such source from ninety days before December 13, 1989, through the present; (d) all documents pertaining to any lien or judgment against any such source in existence as of ninety days before December 13, 1989 or any time thereafter; and (e) any complaint, action or suit presently pending against such source before any court.

(20) To the extent not already produced, any document which reflects or relates in any way to the demonstration or establishment of Peaches' financial qualifications.

(21) To the extent not already produced, all documents upon which Peaches relied, or is relying, in certifying to its financial qualifications.

V. Depositions

18. Pursuant to Rule 1.229(e), in the event the requested issues are enlarged against Peaches, Northeast will seek to depose Frederick Matthews, Anna Matthews, Stephan Weissman, Carolle Anne Weissman and Cyril Weissman on the enlarged issues.

VI. Conclusion

WHEREFORE, Northeast Florida Broadcasting Corp. requests enlargement of the above-stated financial qualification and financial misrepresentation issues against Peaches.

Respectfully Submitted,

NORTHEAST FLORIDA BROADCASTING CORP.

By: 

James L. Winston
Desmond P. Brown
RUBIN, WINSTON, DIERCKS & HARRIS
1730 M Street, N.W.
Suite 412
Washington, D.C. 210036
(202) 861-0870

Its Attorneys

Dated: September 19, 1991

ATTACHMENT 1

APPLICATION FOR CONSTRUCTION PERMIT FOR COMMERCIAL BROADCASTING

For COMMISSION Fee Use Only RECEIVED 891214 FEE STATION	FEE NO: <u>60000000</u>	For APPLICANT Fee Use Only Is a fee submitted with this application? <input type="checkbox"/> Yes <input type="checkbox"/> No
	FEE TYPE: <u>NEW</u>	If fee exempt (see 47 C.F.R. Section 1.1112). Indicate reason therefor (check one box): <input type="checkbox"/> Noncommercial educational licensee <input type="checkbox"/> Governmental entity
	FEE AMT: <u>150.00</u>	FOR COMMISSION USE ONLY FILE NO. <u>BPH-891214 MN</u>
	ID SEQ: <u>1</u>	

Section I - GENERAL INFORMATION

1 Name of Applicant Peaches Broadcasting, Ltd. [Peaches Productions Group, Inc., General Partner]			Send notices and communications to the following person at the address below: Name David Honig, Esq.		
Street Address or P.O. Box 330 W. State Street			Street Address or P.O. Box 1800 N.W. 187th Street		
City Jacksonville	State FL	ZIP Code 32202	City Miami	State FL	ZIP Code 33056
Telephone No. (Include Area Code) 904-353-1947			Telephone No. (Include Area Code) 305-628-3600		

2 This application is for: AM FM TV

(a) Channel No. or Frequency <u>289A</u>	(b) Principal Community <u>Baldwin</u>	City <u>Baldwin</u>	State <u>FL</u>
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- (c) Check one of the following boxes:
- Application for NEW station
 - MAJOR change in licensed facilities call sign: _____
 - MINOR change in licensed facilities call sign: _____
 - MAJOR modification of construction permit call sign: _____
File No. of construction permit: _____
 - MINOR modification of construction permit call sign: _____
File No. of construction permit: _____
 - AMENDMENT to pending application; Application file number: _____

NOTE: It is not necessary to use this form to amend a previously filed application. Should you do so, however, please submit only Section I and those other portions of the form that contain the amended information.

3 Is this application mutually exclusive with a renewal application? Yes No

If Yes, state:

Call letters <u>N/A</u>	Community of License	
	City	State

SECTION III - FINANCIAL QUALIFICATIONS

NOTE: If this application is for a change in an operating facility do not fill out this section.

1. The applicant certifies that sufficient net liquid assets are on hand or that sufficient funds are available from committed sources to construct and operate the requested facilities for three months without revenue.

Yes No

2. State the total funds you estimate are necessary to construct and operate the requested facility for three months without revenue. (includes estimated prosecution costs)

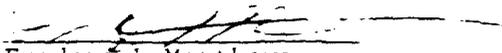
\$ 542,526

3. Identify each source of funds including the name, address, and telephone number of the source (and a contact person if the source is an entity), the relationship (if any) of the source to the applicant, and the amount of funds to be supplied by each source.

Source of Funds (Name and Address)	Telephone Number	Relationship	Amount
CVC Capital Corp. 131 E. 62nd Street New York, N.Y. 10021 Joerg Klebe, President	212-319-7210	None	\$600,000 loan for construction and initial operation
Peaches Productions Group, Inc. 330 W. State Street Jacksonville, FL 32202 Fred & Anna Matthews, Owners	904-353-1947	General Partner	\$2000 toward prosecution expenses
Stephan Weissman 355 Boca Ciega Drive Madeira Beach, FL 33708	813-392-5295	Limited	\$65,000 toward prosecution expenses

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT.
U.S. CODE, TITLE 18, SECTION 1001.

I certify that the statements in this application are true and correct to the best of my knowledge and belief, and are made in good faith.

Name of Applicant Peaches Broadcasting, Ltd.	Signature  Frederick Matthews
Date December 13, 1989	Title President of Peaches Productions Group, Inc., General Partner

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT
AND THE PAPERWORK REDUCTION ACT

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended. The principal purpose for which the information will be used is to determine if the benefit requested is consistent with the public interest. The staff, consisting variously of attorneys, analysts, engineers and applications examiners, will use the information to determine whether the application should be granted, denied, dismissed, or designated for hearing. If all the information is not provided, the application may be returned without action having been taken upon it or its processing may be delayed while a request is made to provide the missing information. Accordingly, every effort should be made to provide all necessary information. Your response is required to obtain the requested authority.

Public reporting burden for this collection of information is estimated to vary from 71 hours 45 minutes to 301 hours 50 minutes with an average of 118 hours 28 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, can be sent to the Federal Communications Commission, Office of Managing Director, Washington, D.C. 20554, and to the Office of Management and Budget, Paperwork Reduction Project (3080-0027), Washington, D.C. 20503.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552(a)(3), AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.

ATTACHMENT 2

Steve Weissman

STEPHAN M. & CAROLLE ANNE WEISSMAN

STATEMENT OF NET WORTH

November 30, 1989

ASSETS

Bank Accounts

Orland-Orange County Expressway Authority
Revenue Bond 7.625% July 1, 2018

United States Treasury Notes
8.750% Due 01/31/1991

Limited Partner Roswell Communications, Ltd.

Short Term Note - Grecian Isles Restaurant

Personal Loans Outstanding

Real Estate

Automobile

Sailboat

Computer Equipment

Total

LIABILITIES

Mortgage on Real Estate

Unpaid taxes

Total

NET WORTH

ATTACHMENT 3

North Florida

Ex. 6

18133982945 Dec 12 89 12:51 P.02

TEL No.

Coral M. Williams
5704 Marion Street, Apt. 304
Tampa, Florida 33608

Dear Mr. Williams
I am writing to you
well known for your
to find your heart
step in our application
FM radio station in
Florida.

I intend to forgive the loan
over two or three years.
Sincerely
Mother

ATTACHMENT 4

ASSIGNMENT OF INTEREST IN
PARENTAL GIFT

*Northeast Florida
Ex. 5*

WHEREAS, on December / , 1989, CYRIL WEISSMAN has made a pledge of gift jointly to STEPHAN M. WEISSMAN and CAROLLE ANNE WEISSMAN, and

WHEREAS, CAROLLE ANNE WEISSMAN wishes to assign her interest in said pledge of gift to STEPHAN M. WEISSMAN,

I, CAROLLE ANNE WEISSMAN, irrevocably assign to STEPHAN M. WEISSMAN all of my right, title and interest in the pledge of gift made by CYRIL WEISSMAN on December / , 1989. This assignment is done freely and without duress, and is intended as a gift from me to STEPHAN M. WEISSMAN.

IN WITNESS WHEREOF, I have set my hand this 12th day of December, 1989.

Witnesses:

[Signature]
[Signature]

Carolle Anne Weissman
CAROLLE ANNE WEISSMAN

STATE OF FLORIDA
COUNTY OF PINELLAS

BEFORE ME, the undersigned authority, personally appeared CAROLLE ANNE WEISSMAN who, upon being first duly sworn, deposes and says that she has signed the foregoing Assignment freely and voluntarily for the purposes stated therein.

SWORN TO AND SUBSCRIBED before me this 12th day of December, 1989.

Kathryn J. Corduro
NOTARY PUBLIC

Notary Public, State of Florida at L
My Commission Expires: My Commission Expires APR 22

ATTACHMENT 5

1 MR. WINSTON: I guess I should have it
2 marked, Your Honor. This would be Northeast Florida
3 Exhibit No. 5, which would be the Assignment of
4 Interest in Parental Gift, a one-page document.

5 And then, Northeast Florida Broadcasting
6 Exhibit No. 6, a one-page document, which is a note on
7 the letterhead of Ciro -- Ciro Weissman and I can't
8 make out the exact middle initial.

9 These two documents --

10 JUDGE LUTON: I don't need to see them. I
11 need to have copies of them, though, if you're going to
12 introduce them.

13 (The documents referred to
14 above were marked Northeast
15 Exhibit Nos. 5 and 6 for
16 identification.)

17 BY MR. WINSTON:

18 Q All right, let me put those two documents in
19 front of you, Mr. Mathews. Do you recall seeing those
20 documents before?

21 A Yes, sir.

22 Q The document that's previously been marked as
23 Northeast Florida Exhibit No. 5, entitled Assignment of
24 Interest in Parental Gift, could you tell me when you
25 first saw that document?