

1 MR. TILLOTSON: No, Your Honor.

2 JUDGE SIPPEL: How about Exhibit 2 for  
3 management?

4 MR. TILLOTSON: No, Your Honor.

5 JUDGE SIPPEL: Exhibit 4, diversification?

6 MR. TILLOTSON: I would object to the  
7 Exhibit in its entirety, Your Honor.

8 JUDGE SIPPEL: All right.

9 What about Exhibit 5 on auxiliary power?

10 MR. TILLOTSON: I have no objection --  
11 Your Honor.

12 JUDGE SIPPEL: All right. Do you have any  
13 objection, Mr. Schonman, to those -- let me repeat  
14 them, Exhibit 1, Exhibit 2 and Exhibit 5?

15 MR. SCHONMAN: No, not to those.

16 JUDGE SIPPEL: Okay.

17 Let's start with your Exhibit 1, Mr.  
18 Lynch. Now, I want -- Let's go off the record for just  
19 a minute.

20 (Off the record).

21 JUDGE SIPPEL: On the record.

22 It's been explained to Mr. Lynch and it's  
23 -- there's been no objection indicated by either  
24 counsel as to how I propose to handle Mr. Lynch's  
25 representation here this morning.

1                   Mr. Lynch is really in a two-fold  
2                   capacity. Right here this morning, he's representing  
3                   the company, Normandy, pro se, as its Chief Executive  
4                   Officer.

5                   However, in the context of doing that with  
6                   respect to introducing these documents, there may be  
7                   factual questions that will come up that will be  
8                   proposed to him. And in order to facilitate him  
9                   responding to those factual questions so that it can,  
10                  again, facilitate my making a ruling after there has  
11                  been discussion and objections, I have decided that it  
12                  would be -- it would facilitate the case if he would be  
13                  now administered the oath and that he is warned that he  
14                  is -- when he testifies as to substantive matters about  
15                  a document, that he is subject to perjury and all that  
16                  goes along with testifying under oath.

17                  You do understand that, Mr. Lynch?

18                  MR. LYNCH: I do, Your Honor.

19                  JUDGE SIPPEL: All right.

20                  And, again, that may not be -- applied to  
21                  every document that you introduce into evidence. This  
22                  is only going to be in situations when we would  
23                  normally be conducting what would be called a voir  
24                  dire. And it -- conceivably, it may not even happen;  
25                  but with the number of documents that you have and the

1 complexity of some of them, my instincts tell me that  
2 it will. And it's much easier to do it this way,  
3 rather than have you stop, sit up here on the witness  
4 stand, be administered an oath and then go back down  
5 again and participate as your own counsel.

6 All right. We talked about this off the  
7 record. There is no objection to it. Let me say no  
8 more.

9 Please stand while I administer the oath  
10 to you.

11 Whereupon,

12 CHRISTOPHER P. LYNCH

13 having been first duly sworn, was called as a witness  
14 herein and was examined and testified as follows:

15 JUDGE SIPPEL: All right. You may be  
16 seated. And you're seated at counsel table, which is  
17 where you should be this morning, because you've got to  
18 handle documents and you're going to be up and down  
19 with the Reporter, so here we go.

20 The first document that you have is  
21 Exhibit 1. It's entitled "Corporate Structure," and it  
22 is a -- it's a two-page document, the first page being  
23 a cover sheet and the substantive case being -- direct  
24 Exhibit numbers and then it lists -- I take that back.  
25 Let me -- Disregard everything that I've said with

1 respect to Exhibit 1.

2 Your Exhibit 1 is under Tab 1 and it's  
3 called "Corporate Structure." And it's simply a two-  
4 sentence document. Are you offering that into evidence  
5 at this time?

6 MR. LYNCH: I am, Your Honor.

7 JUDGE SIPPEL: All right. The Reporter  
8 will mark that as Normandy Exhibit No. 1 for  
9 identification.

10 (The item referred to  
11 was marked for  
12 identification as  
13 Normandy Exhibit No.  
14 1.)

15 JUDGE SIPPEL: Is there any objection to  
16 the receipt of that into evidence?

17 MR. TILLOTSON: Number 1, Your Honor? No.

18 JUDGE SIPPEL: Number 1. No objection?

19 Mr. Schonman?

20 MR. SCHONMAN: No, sir.

21 JUDGE SIPPEL: Then, there being no  
22 objection, Normandy's Exhibit No. 1 is received in  
23 evidence at this time.

24 (The item referred to,  
25 having been previously

1 marked for  
2 identification as  
3 Normandy Exhibit No.  
4 1, was received in  
5 evidence).

6 JUDGE SIPPEL: Your Exhibit No. 2 is a  
7 document that's a one-page document that's headed,  
8 "Management," and it just contains one paragraph of  
9 narrative.

10 The Reporter will mark that for  
11 identification as Normandy Exhibit No. 2.

12 (The item referred to  
13 was marked for  
14 identification as  
15 Normandy Exhibit No.  
16 2.)

17 JUDGE SIPPEL: Is there any objection to  
18 its receipt into evidence?

19 MR. TILLOTSON: No.

20 MR. SCHONMAN: No, sir.

21 JUDGE SIPPEL: Then, there being no  
22 objection, Normandy's Exhibit 2 is received in evidence  
23 at this time.

24 (The item referred to,  
25 having been previously

1 marked for  
2 identification as  
3 Normandy Exhibit No.  
4 2, was received in  
5 evidence).

6 JUDGE SIPPEL: I'm going to skip to  
7 Exhibit No. 5, "Auxiliary Generators." That also is a  
8 one-page document, which the Reporter will mark for  
9 identification at this time as Normandy's Exhibit No.  
10 5.

11 (The item referred to  
12 was marked for  
13 identification as  
14 Normandy Exhibit No.  
15 5.)

16 JUDGE SIPPEL: And counsel indicating  
17 earlier that they have no objection to its receipt into  
18 evidence, Normandy's Exhibit No. 5 is received in  
19 evidence at this time.

20 (The item referred to,  
21 having been previously  
22 marked for  
23 identification as  
24 Normandy Exhibit No.  
25 5, was received in

1 evidence).

2 SPEAKER: Your Honor -- the Court Reporter  
3 doesn't have the copies in front of her of the  
4 documents you've just received.

5 JUDGE SIPPEL: All right.

6 SPEAKER: I think we might get a little  
7 backlogged -- they're delivered to her consecutively.

8 JUDGE SIPPEL: Mr. Lynch, would you give  
9 two copies to the Reporter of each of those three  
10 Exhibits, 1, 2 and 5?

11 Go off the record.

12 (Off the record).

13 (On the record).

14 JUDGE SIPPEL: The Reporter has these  
15 documents now marked and -- as received.

16 We now move to your Exhibit No. 3, which  
17 is entitled -- it's under Tab 3, and it's entitled  
18 "Christopher P. Lynch Integration." I see you have  
19 numbered documents in that Exhibit, starting with  
20 Exhibit 3, page 1, to Exhibit 3, page 62.

21 I want to first focus on your pages 1  
22 through 6, which is the narrative description of your  
23 integration proposal, as I see it. It includes three  
24 pages. The first three pages are narrative, background  
25 about yourself. Then, the next three pages, including

1 a cover page, entitled "Annex A," goes into further  
2 detail with respect to -- well, it speaks for itself.  
3 But those are the six pages that I would -- that I want  
4 to work with at this time.

5 You've indicated that you have objection  
6 to some or all of this material, Mr. Tillotson. Could  
7 you respond to the portions that I've identified?

8 MR. TILLOTSON: Yes, Your Honor.

9 In paragraph 2, I object to everything  
10 from the -- after the first sentence to -- on the first  
11 page -- to the word -- through the word "college" on  
12 the last line on the first page.

13 JUDGE SIPPEL: So the words would start,  
14 "Mr. Lynch attended -- "

15 MR. TILLOTSON: " -- attended -- " right.

16 And the reason for my objection is that  
17 this information has no -- there's nothing contained in  
18 this portion of the Exhibit that relates to integration  
19 or the integration enhancements.

20 Now, I understand to some extent a little  
21 background information may be of some relevance as to  
22 understand who the applicant is; but we get a lot more  
23 of that as we go through the Exhibit as he talks about  
24 his history in radio for 20 years in Glens Falls.

25 The information about service in the

1 military certainly has nothing to do with integration.

2           Insofar as there's references in here to  
3 distinguished service medals and medals for heroism,  
4 that doesn't relate to integration and, insofar as it's  
5 -- and this is -- now we've got this question -- I mean  
6 -- are we now moving to -- is this integration Exhibit  
7 also to be considered for mitigation? I assume that  
8 that's in here to show that Mr. Lynch is somehow  
9 entitled to some sort of mitigation because of his  
10 service in the military and I would object -- I think I  
11 noted earlier when we were talking about his proffer, I  
12 noted I would object to military record as being part  
13 of a mitigation, particularly in absence of some  
14 showing that there was really something above and  
15 beyond military service.

16           Insofar as this reference is to medals and  
17 accommodations, the mere references without the full  
18 citations and the explanations as to what the medal was  
19 far would not reflect anything more than he was at a  
20 particular event or served in a particular area of  
21 combat. More evidence would be necessary to rise that  
22 to the level where somehow you could argue that there  
23 was something here, a war hero, that was entitled to  
24 some mitigation for this alleged wrongdoing.

25           JUDGE SIPPEL: All right. I hear you.

1 Mr. Schonman.

2 MR. SCHONMAN: Your Honor, this deals with  
3 the comparative aspect of the case, which the Bureau is  
4 not participating in. So I take no position on --

5 JUDGE SIPPEL: All right.

6 MR. SCHONMAN: -- that particular  
7 paragraph.

8 JUDGE SIPPEL: Okay.

9 What I'm going to do -- All right. I hear  
10 you now. I mean -- trying to see what the nature of --  
11 I can handle this; but I want to go -- how are we going  
12 to mechanically handle it.

13 Right now, I want the Reporter to mark  
14 this Exhibit as Exhibit 3 in its entirety, that is, all  
15 62 pages. And we will go through it in segments or  
16 portions and exclude those pages which I find not to be  
17 relevant or portions of pages, and those which are  
18 going to stay in will stay in.

19 So we'll go off the record while she does  
20 that.

21 (Off the record).

22 (The item referred to  
23 was marked for  
24 identification as  
25 Normandy Exhibit No.

1 3.)

2 JUDGE SIPPEL: On the record.

3 The Reporter has now marked for  
4 identification the 62-page document.

5 What is your response to the objections  
6 offered by Mr. Tillotson with respect to your paragraph  
7 2?

8 MR. LYNCH: I disagree that I'm trying to  
9 point myself out as a war hero.

10 What I'm trying to point out -- two or  
11 three different things.

12 One, in the Army there was a lot of  
13 training and practice in radios. It's been a life-long  
14 occupation for me.

15 Two, various places in here, the  
16 integration, as far as going to Adirondack Community  
17 College -- which is an area of license -- before and  
18 after the Service, goes to integration.

19 As far as above and beyond, I don't really  
20 want to go above and beyond. I did earn a number of  
21 medals. I was in combat pretty much for a solid year.  
22 And -- you know -- Exhibit 3, page 61, shows the type  
23 of service, honorable, shows -- medal with -- leaf  
24 cluster.

25 That's really all I wanted to show with

1       this. I believe military service, especially  
2       voluntary, and it was in the Vietnam conflict, is  
3       important to my integration and is a part of it.

4               Over and above, it does, I hope, show a  
5       minor, mitigating circumstance.

6               JUDGE SIPPEL: Okay. That's the point.

7               Mr. Tillotson and Mr. Schonman, what are  
8       your views with respect to this being a type of  
9       mitigating evidence? Because I think it's instructive  
10      to debate this point now -- we have a practical  
11      application of it. It might facilitate things as we  
12      down to the other Exhibits.

13              Before you answer that, let me say that I  
14      know that we've been talking about exculpatory evidence  
15      by virtue of what the Review Board has written and  
16      cross referenced into -- I believe it was Ocean Pines.

17              I find, however, in the Commission's -- in  
18      United Broadcasting Company at 86 FCC 2nd, speaks at  
19      page -- I don't have the page number, but in that --  
20      the case starts at 457, around 458 or -59, that United  
21      was permitted to introduce mitigating evidence as  
22      appropriate.

23              Again, a similar situation -- similar in  
24      the sense that United had had a -- you know -- all of  
25      its problems with other stations and had lost other

1 stations and there were adverse findings as to other  
2 stations that were controlled by Mr. Eaton; and, now,  
3 they're down to WWOK. They lost WWOK-AM, and, now,  
4 they're -- WWOK-FM. And that's the kind of language  
5 that the Commission has used.

6 What -- I mean, what's your position in  
7 terms of where we draw the line on mitigating  
8 class/exculpatory?

9 I know the weight is another factor. I  
10 mean, the weight of the man's Vietnam combat record  
11 vis-a-vis mitigation or exculpation of what transpired  
12 in the Skidelsky case is a vast -- there's a vast range  
13 of considerations there vis-a-vis its relevance. So  
14 let's just stay with relevance.

15 MR. TILLOTSON: People do many things in  
16 their lives that are -- may be commendable. They may  
17 work for a charity. They may do a variety of other  
18 things.

19 And I think the concept, as I would  
20 understand it, of taking someone's character as  
21 mitigation is that there would have to be evidence of  
22 an unusually high level of dedication to society -- you  
23 know -- great character and so on that you may take  
24 into mitigation against a mistake or an error in making  
25 a misrepresentation to an agency.

1           But it would have to be something that  
2           would raise to a level that would make it -- that would  
3           be above and beyond what you would expect of normal  
4           people living in our society. Almost the same way that  
5           your programming and the programming issues has to be -  
6           - radio station puts on some public service  
7           announcements and runs some news; but the Commission  
8           says in order for programming to be given weight and  
9           renewal expectancy has to be beyond what you expect at  
10          a normal radio station.

11                 I would not disagree that if someone were  
12          to come into a Commission proceeding with their license  
13          on the line and character being at issue and were able  
14          to show a truly heroic military record or a truly  
15          heroic record in dealing with problems in their own  
16          community, way above and beyond what you expect of  
17          someone, that that's a factor you could take into  
18          consideration as mitigation. But I don't believe that  
19          a military record of -- basically, an honorable  
20          military record -- rises to that level.

21                 JUDGE SIPPEL: All right. You apparently  
22          -- you do go along with the relevancy of mitigating  
23          evidence as distinguished from exculpatory evidence --

24                 MR. TILLOTSON: I do agree that you can --  
25          that there -- I don't know what it is. I mean, I

1 haven't seen any cases where the Commission tells us  
2 what it is. But I do believe that there are things  
3 that you can look at in an applicant's life, in an  
4 applicant's -- you know -- contribution and weigh that  
5 against whatever the problem is to determine what the  
6 ultimate penalty is.

7 JUDGE SIPPEL: All right.

8 Mr. Schonman, now, this does get into --

9 MR. SCHONMAN: Yes.

10 JUDGE SIPPEL: -- the Bureau's  
11 participation.

12 MR. SCHONMAN: Yes, indeed. And I'd like  
13 to say that the area of mitigating evidence and  
14 exculpatory evidence is a murky one or murky areas.

15 I see no reason to exclude this paragraph  
16 on that basis. I believe it's a nugget of information.  
17 We can afford it -- or Your Honor can afford it the  
18 weight which you think is appropriate, if any.

19 But I think it may be relevant --

20 JUDGE SIPPEL: All right.

21 MR. SCHONMAN: -- on that basis.

22 JUDGE SIPPEL: I take it then you also --  
23 because I know we've been -- you know -- in some of  
24 these pre-hearing conferences -- I read these  
25 transcripts -- we've been focusing on this concept of

1       exculpatory, which has -- we know was an acceptable  
2       legal definition, in effect, saying that, well, you did  
3       it, but for exculpatory reasons you walk away. There's  
4       no problem. That's --

5               And "mitigation" means that -- well, you  
6       did it and because of certain circumstances or your  
7       background or what not we're not going to hold you to  
8       that standard as much as we would if you didn't have  
9       those mitigating factors.

10              Everybody seems to be nodding generally in  
11       agreement. Okay. So we won't get hung up in that kind  
12       of an objection of relevancy.

13              All right. And I am going to receive both  
14       types of evidence and I'm basing it on, as I said, by  
15       what I have found in -- written by the Commission and  
16       United Broadcasting Company and, of course, more  
17       recently, what the Review Board has instructed with  
18       respect to the relevancy of the evidence in this case  
19       in the Skidelsky appeal.

20              All right. My ruling is that I'm going to  
21       overrule the objection. There are things in there on a  
22       line-by-line basis which might be stricken as not  
23       relevant, but I'm taking it as a grouping of  
24       information with respect to your military activities  
25       for purposes of adding to the accumulation of what the

1 mitigating evidence might be in this case, vis-a-vis  
2 what you did -- what you were found to have done in  
3 Skidelsky by Judge Kuhlman, all right. That's number  
4 one.

5                   Number two, to the extent that you do have  
6 references in there to Radio Relay Telecommunications,  
7 this type of thing, it does show -- again, some  
8 peripheral relevant broadcasting experience. And when  
9 I start talking about the weight to be accorded this, I  
10 don't want any of my comments to be read as thinking  
11 that I think anything negative or less of anybody for  
12 having participated in that effort in Vietnam. I just  
13 have to weigh this from a very legal standpoint in  
14 terms of how it relates to the issues in this case.  
15 All right?

16                   So the objection is overruled. Page 1,  
17 Exhibit 3, is going to be received into evidence.

18                   Is there anything more on page 1, Mr.  
19 Tillotson?

20                   MR. TILLOTSON: No, Your Honor.

21                   JUDGE SIPPEL: Page 2.

22                   MR. TILLOTSON: Beginning at the bottom of  
23 page 2 --

24                   JUDGE SIPPEL: What paragraph?

25                   MR. TILLOTSON: This is in paragraph 5,

1 and -- where it says, "After Mr. Lynch helped get the  
2 Adirondack Balloon Festival started -- " I would move  
3 to strike that down through the " -- broadcast duties."  
4 on the fifth line on page 3.

5 JUDGE SIPPEL: What is the last word of  
6 the sentence on page 3 you're talking about?

7 MR. TILLOTSON: " -- broadcast duties."

8 JUDGE SIPPEL: I see. And your basis for  
9 that objection?

10 MR. TILLOTSON: Well, the Adirondack  
11 Balloon Festival, a large spectator event that Mr.  
12 Lynch joined in as a personal activity does not appear  
13 to be relevant to integration or the civic activities  
14 component, nor the fact that he participates in the  
15 festival and ballooning events.

16 And in the next sentence, which was,  
17 "Throughout the 1980s, in addition to the help that  
18 Normandy gave to various organizations, Mr. Lynch  
19 personally -- became personally involved, independent  
20 of his broadcast duties -- " It doesn't have any --  
21 there's no specifics at all as to what Mr. Lynch did of  
22 his personal time and effort. We need at least  
23 something -- if it's going to claim a civic activity  
24 for being involved or helping organizations, we need  
25 something to know what did he do, how much time did he

1 devote. Without that kind of information, you can't  
2 make any findings at all.

3 JUDGE SIPPEL: Well, it says -- and I'm  
4 going to -- I'm not trying to take anybody's side on  
5 this, but, I mean -- but let me tell you what I see in  
6 the document, and, then, we can go further with Mr.  
7 Lynch, if anybody cares to. And I'm going to --

8 And before I go into this myself, is there  
9 another area which is strictly comparative? You  
10 wouldn't be interested in, Mr. Schonman?

11 MR. SCHONMAN: That's correct.

12 JUDGE SIPPEL: And when I say, "not  
13 interested in," I mean in the technical sense -- yes, a  
14 participant.

15 It says -- Mr. Tillotson, it says after  
16 that -- after that language about broadcast duties --  
17 I'm on page 3 now -- it goes on to say specifically  
18 that he served as Chairman of the Board of the American  
19 Heart Association.

20 MR. TILLOTSON: Oh, I don't object to  
21 that, Your Honor.

22 JUDGE SIPPEL: Yes, I know, but -- but  
23 doesn't that -- I understand that -- but doesn't that  
24 tie in with -- as supporting evidence to the conclusion  
25 that he was personally involved independently of his

1 broadcast duties --

2 MR. TILLOTSON: In one of the three  
3 organizations. And that statement stands for whatever  
4 it was worth, whatever you could get out of his being  
5 personally involved in the American Heart Association.

6 Let me go back. First, that sentence  
7 refers to something in the '70s, whereas this says,  
8 "throughout the '80s."

9 The one I'm objecting to seems to be  
10 something later than that --

11 JUDGE SIPPEL: All right. I see.

12 MR. TILLOTSON: But the other problem is  
13 insofar as he's claiming activities in the Heart  
14 Association, that's covered in the sentence you're  
15 pointing to beginning --

16 JUDGE SIPPEL: All right.

17 I see what you're saying now.

18 All right. What I'm going to do is --  
19 Now, there's some things that I'm going to just rule  
20 on, Mr. Lynch, without going back and forth on it.  
21 It's clear to me that it's either in or out, I will say  
22 so.

23 Usually, if it's a question of something  
24 that clearly goes out, I'm going to strike it. I'm not  
25 going to get into it. This is not a debating society

1 here. It's only if I'm unclear on something that I'm  
2 going to get -- continue to discuss this.

3 So the one sentence that reads, "Mr. Lynch  
4 also became personally involved independently of his  
5 broadcast duties," that is too broad of a statement;  
6 and I'm going to strike that as being conclusory.  
7 "Conclusory," meaning that it's simply stating a very  
8 broad, general proposition.

9 What I'm looking for in the record, Mr.  
10 Lynch, are specific facts of who did what in what time  
11 period. And, believe me, this is an error -- at least  
12 I -- it's an error that I find in a lot of Exhibits,  
13 not just Exhibits that are put together by lay people.  
14 I'm not being critical of you, but --

15 Anyway, having said that, we have a  
16 question of time here. He served as Chairman of the  
17 Board of American Heart Association from '75 to '78.

18 Now, let me ask you this question, Mr.  
19 Lynch, the relevant -- go back and say -- I meant to  
20 say this up front, but we have a relevant period that  
21 we're dealing with and we've got a lot of information  
22 that's going to be in this record. And the information  
23 that's in this record should only relate to that  
24 relevant period. And that time period is -- the  
25 relevant period is June 1 of 1984 to April 30 of 1991,

1 meaning with the exception of some background --  
2 example, we went outside of that relevant period to  
3 receive information and evidence on your Vietnam  
4 record, your military record -- again, that's more in  
5 the nature of background and it does focus on the  
6 mitigation.

7 But, however, really what you did with  
8 this station is only relevant -- what you did or that  
9 you did in the community, has to do with this period of  
10 June '84 to April of '91. And what you're stating here  
11 is that you served as Chairman of the Board of the  
12 American Heart Association from 1975 to '78.

13 SPEAKER: Your Honor, could I come to Mr.  
14 Lynch's defense?

15 JUDGE SIPPEL: Sure. Go right ahead.

16 SPEAKER: We have to focus -- this is his  
17 integration proposal his civic activities. And if we  
18 treated him as someone who was a totally new applicant,  
19 he'd be able to say that, "I was Chairman of the Board  
20 of the Heart Association," even in 1958, although the  
21 Commission case -- civic activities that are remote in  
22 time aren't worth very much.

23 So I really think this is different from  
24 what we're going to be doing later with the programming  
25 material and accolades that relate to the time frame of

1 the renewal expectancy.

2 JUDGE SIPPEL: You're absolutely correct.  
3 I stand corrected on that and that's a big help.

4 All right. It's a big help to you, Mr.  
5 Lynch, too, particularly.

6 Okay. Let's go back to, then -- I'm going  
7 to ask you to respond to that which has given me  
8 concern.

9 What about this statement on the bottom of  
10 page 2 of Exhibit 3, "After Mr. Lynch helped get the  
11 Adirondack Balloon Festival," etc. " -- joined in a  
12 personal activity." You now own a balloon and  
13 participate in the festival.

14 "Throughout the '80s, Normandy gave," etc.  
15 I'm sorry.

16 What's your problem on that again, Mr.  
17 Tillotson?

18 MR. TILLOTSON: My problem with the  
19 balloon -- and it's probably not worth wasting a lot of  
20 time on -- but it's not -- We're here for civic  
21 activities. What specific things did -- The only way  
22 it could be relevant is if -- owning a balloon and  
23 going up in a hot-air balloon were a civic activity.

24 There may be a balloon festival in Glens  
25 Falls, but I don't see what that relates to civic

1 activities of the community of these personal balloons.

2 JUDGE SIPPEL: Well, I used to think that,  
3 too. I used to take that approach; and I did it in a  
4 case once and I said that somebody taking their son on  
5 a skiing expedition through the community didn't seem  
6 to me -- it seemed like more that that was taking a son  
7 skiing and it wasn't really doing something that  
8 involved him the community.

9 But I think the Commission said -- this  
10 was Colonial Broadcasting -- I think they said it's a  
11 broader concept. As long as you're out there in the  
12 community doing something, you're learning something  
13 about the community.

14 MR. TILLOTSON: Well, that was my  
15 objection.

16 JUDGE SIPPEL: All right. It's overruled.

17 MR. TILLOTSON: On the third page, the  
18 last sentence of the first paragraph -- the paragraph  
19 that carries over to that page right before paragraph -  
20 - 6 I object to, "Mr. Lynch personally has also been a  
21 friend who supported the Taxpayers Association  
22 throughout the 1980s," on the same ground earlier --  
23 any specificity of what he did, too vague.

24 JUDGE SIPPEL: I'll sustain that  
25 objection. I'm going to strike that sentence.

1                   Now, Mr. Lynch, let me explain to you --  
2                   you'll get used to this procedure, but there's no sense  
3                   in my asking you to respond to that because if you  
4                   start testifying as to what you personally did, then  
5                   what you're doing is you're materially altering the  
6                   document which had been exchanged on a particularly  
7                   given date. So you're really, you're frozen, you're  
8                   locked into by what you've written. And you look  
9                   quizzical when I say that.

10                   MR. LYNCH: I -- "frozen" was supposedly  
11                   frozen with the Brandt discovery and it was modified  
12                   and extended. And I just don't understand the  
13                   difference between the two -- I understand the --

14                   JUDGE SIPPEL: You mean Exhibit --

15                   MR. LYNCH: -- idea of "frozen."

16                   JUDGE SIPPEL: You mean Exhibit 1? You're  
17                   talking about my ruling on Exhibit 1 for Brandt?

18                   MR. LYNCH: Yes, Your Honor.

19                   JUDGE SIPPEL: Is that what you're talking  
20                   about?

21                   MR. LYNCH: Yes, Your Honor.

22                   JUDGE SIPPEL: But that -- All right.  
23                   Well, let me make a distinction. The distinction I  
24                   made there was is that it was really -- it was a  
25                   ministerial act that hadn't been completed. He hadn't