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TRANSCRIPT OF PROCEEDINGS

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

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AUG 25 1993

In the matter of:
TRINITY BROADCASTING OF FLORIDA, INC.
and
GLENDALE BROADCASTING COMANY
Miami, Florida

) FEDERAL COMMUNICATIONS COMMISSION
) OFFICE OF THE SECRETARY
) MM DOCKET NO. 93-75

DATE OF CONFERENCE: August 12, 1993

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FREE STATE REPORTING, INC.
Court Reporting Depositions
D.C. Area (301) 261-1902
Balt. & Annap. (410) 974-0947

AUG 25 1993

Before the
FEDERAL COMMUNICATIONS COMMISSION
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OFFICE OF THE SECRETARY

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In the matter of:
TRINITY BROADCASTING OF FLORIDA, INC.
and
GLENDALE BROADCASTING COMANY
Miami, Florida

MM DOCKET NO. 93-75

The above-entitled matter come on for conference pursuant to Notice before Judge Chachkin, Administrative Law Judge, at 2000 L Street, N.W., Washington, D.C., in Courtroom No. 3, on Thursday, August 12, 1993, at 9:05 a.m.

APPEARANCES:

On behalf of Trinity Broadcasting of Florida, Inc., et al:

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Washington, D.C. 20007

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Washington, D.C.

On behalf of Glendale Broadcasting Company:

LEWIS I. COHEN, Esquire
JOHN J. SCHAUBLE, Esquire
Cohen and Berfield, P.C.
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Washington, D.C. 20036

1 On behalf of the Spanish/American League Against
2 Discrimination:

3 DAVID E. HONIG, Esquire
4 1800 N.W. 187th Street
5 Miami, Florida 33056

6 On behalf of the Mass Media Bureau:

7 JAMES W. SHOOK, Esquire
8 Mass Media Bureau
9 Washington, D.C. 20554

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25	Conference Began: 9:05 a.m. Conference Ended: 11:00 a.m.

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P R O C E E D I N G S

(9:05 a.m.)

1 JUDGE CHACHKIN: On the record. The purpose of
2 today's session is to rule on objections to the Motions to
3 Compel and any objections in connection with the non-public
4 affidavit. May I have the appearances on behalf of the
5 parties, on behalf of Trinity Broadcasting of Florida, Inc.,
6 Trinity Broadcasting Network and National Minority T.V., Inc.?

7 MR. MAY: Yes, sir, Your Honor. Colby M. May and
8 Nathaniel Evans.

9 MR. EMMONS: Emmons.

10 JUDGE CHACHKIN: On behalf of Glendale Broadcasting
11 Company?

12 MR. COHEN: Lewis I. Cohen.

13 (Tape Change.)

14 JUDGE CHACHKIN: On behalf of the Chief, Mass Media
15 Bureau?

16 MR. SHOOK: James Shook.

17 JUDGE CHACHKIN: And on behalf of the
18 Spanish/American League Against Discrimination?

19 MR. HONIG: David Honig.

20 JUDGE CHACHKIN: All right. I received this morning
21 a joint request for a Protective Order. Unfortunately,
22 there's nothing for me to sign since the document doesn't list
23 any of the documents you want me to protect, so it's really
24 meaningless. Now, if the parties prepare a draft Protective
25

1 Order listing the documents they want me to protect, I'll be
2 very happy to sign it, but there's nothing here for me to sign
3 now.

4 MR. COHEN: Trinity's the one who prepared it, Your
5 Honor.

6 JUDGE CHACHKIN: Well, obviously I can't enforce
7 something which doesn't say what I have to enforce. So you
8 give me a draft Protective Order and I'll sign it.

9 MR. MAY: Thank you, Your Honor.

10 JUDGE CHACHKIN: The next thing I want to take up is
11 the Motion to Compel. The first one was filed -- that I want
12 to take up is the one filed by Trinity Broadcasting of
13 Florida, Inc. and it's a Motion to Compel Production of
14 Documents Concerning Comparative Issues, Comparative Issues.
15 Mr. Cohen, do you wish to make any comments before I rule on
16 this matter?

17 MR. COHEN: Your Honor, you will be dealing with the
18 first team. Mr. Schauble has been the respondent on my
19 client's behalf --

20 JUDGE CHACHKIN: All right.

21 MR. COHEN: -- regarding this matter.

22 JUDGE CHACHKIN: All right. Let's just make it
23 brief. I don't think we need to spend too much time on it,
24 but go ahead, Mr. Schauble.

25 MR. SCHAUBLE: Your Honor, in the prior ruling on

1 | depositions, Your Honor has set forth the scope of discovery
2 | on the comparative issues. With respect to Glendale, it
3 | should be limited to diversification. We respectfully submit
4 | that Trinity's document requests go far beyond the permissible
5 | scope of discovery on the comparative issues. A few specific
6 | points I wish to make.

7 | First, when -- Trinity made several suggestions at
8 | some point that there may be some sort undisclosed agreement
9 | concerning transfers of an ownership interest to somebody with
10 | media interest. However, in the stipulations dated May 28,
11 | 1993 Glendale was required and agreed to produce all documents
12 | relating to the rights or plans of any persons or entities to
13 | purchase an interest in the applicant or, if current owners,
14 | to alienate their interests. If there was any such agreement,
15 | Glendale would have already produced such an agreement
16 | pursuant to the stipulation which it voluntarily entered into.
17 | With respect to Request 6 which --

18 | JUDGE CHACKIN: Excuse me. What request is this
19 | now?

20 | MR. SCHAUBLE: This was Request 2 of the stipulation
21 | entered into on May 28, 1993.

22 | JUDGE CHACKIN: No, but I mean insofar as the
23 | Motion for Production of Documents.

24 | MR. COHEN: We generalized it.

25 | JUDGE CHACKIN: I thought there was one particular

1 document request that dealt with --

2 MR. SCHAUBLE: Diversification.

3 JUDGE CHACHKIN: Diversification.

4 MR. SCHAUBLE: I was going to go on to Request 6,
5 Your Honor.

6 JUDGE CHACHKIN: Right here is -- go ahead. Go
7 ahead.

8 MR. SCHAUBLE: With respect to Request 6 of
9 Trinity's motion relating to the divestiture of media
10 interests --

11 JUDGE CHACHKIN: Yes.

12 MR. SCHAUBLE: -- the one divestiture commitment
13 that Glendale has made has already been sold, that is low
14 power station in York/Red Lion, Pennsylvania, and Glendale's
15 already filed an amendment reporting the sale of that
16 interest. TBF now seeks all documents relating to the sale of
17 that media interest including the contract sales price. We
18 respectfully submit that the only matter that's relevant is
19 the fact that the station has been sold.

20 JUDGE CHACHKIN: I also assume, am I wrong, that
21 when the assignment took place documents were filed with the
22 Commission, were they not, pertaining to that assignment?

23 MR. SCHAUBLE: I presume so, Your Honor.

24 JUDGE CHACHKIN: And I assume that if they want to
25 look at it, there's nothing preventing them from looking at

1 Commission files to see what documents were presented, and the
2 rules do require that if there's going to be any -- if you
3 retain any ownership interest or any other interest, that is
4 to be divulged, so I don't know what all this mystery is about
5 when the documents are there to examine.

6 MR. EMMONS: Well, Your Honor, if I may speak to
7 that, that presumes that everything that was required --

8 JUDGE CHACHKIN: Well, we have to presume, we have
9 to presume that they've done something properly and if they
10 haven't, I'm sure you'll file a Motion to Enlarge Issues.

11 MR. EMMONS: I can't file a Motion to Enlarge if I
12 can't --

13 JUDGE CHACHKIN: Well, of course, you can't and the
14 purpose of discovery is not to find a basis for a Motion to
15 Enlarge Issues. That's not the purpose of discovery. You
16 just gave me the answer. You can't -- that's not the purpose
17 of discovery, to attempt to find evidence to give you the
18 basis to file a Motion to Enlarge Issues.

19 MR. EMMONS: Your Honor, it's not my purpose to file
20 a Motion to Enlarge. I didn't suggest that we would do that.
21 I'm -- these documents are legally irrelevant under the, under
22 the standard issue.

23 JUDGE CHACHKIN: Well, I have just told you that --
24 here is a situation that solely the property, the broadcast
25 station and any documents in connection with the sale have

1 | been filed with the Commission. Now, this suspicion that
2 | they've retained some interest, I mean, we're not engaging in
3 | some kind of mystery here. If you have any proof that they've
4 | done something wrong, I'm sure you filed already a Petition to
5 | Enlarge Issues asking for about 10 or 12 issues. I'm sure if
6 | you have any evidence of wrongdoing that you'll file another
7 | Petition to Enlarge Issues. Obviously you don't have any
8 | evidence of wrongdoing and you're engaging in a fishing
9 | expedition and I'm not going to be a party to it. Proceed,
10 | counsel.

11 | MR. SCHAUBLE: And, Your Honor, with respect to the
12 | request for financial documents and site documents, as Your
13 | Honor already knows, Trinity has sought misrepresentation
14 | issues with respect to Glendale's financial qualifications and
15 | site availability and, Your Honor, Your Honor has denied that,
16 | that request for issues, and so these documents are not
17 | relevant to the designated issues. Since there's no
18 | integration Glendale would not receive any integration credit
19 | regardless of who obtained the bank letter or who obtained the
20 | transmitter site, and so I respectfully submit that Trinity's
21 | request for these documents is a, is a mere fishing
22 | expedition. And if Glendale were seeking integration credit,
23 | there could conceivably be some relevance as to who took
24 | certain actions, but here where there is no integration credit
25 | being sought there's no findings that Your Honor can make with

1 | respect to those actions that would relate to the comparative
2 | issue.

3 | MR. EMMONS: Your Honor, may I speak to that?

4 | JUDGE CHACHKIN: Well, let Mr. Schauble finish his
5 | response.

6 | MR. EMMONS: I'm sorry.

7 | MR. SCHAUBLE: Your Honor, with respect -- as Your
8 | Honor has already stated, discovery may not be used to hunt
9 | for a basis for a Petition to Enlarge Issues. Finally,
10 | Trinity argues that it has an automatic right separate and
11 | apart from the standard comparative issue to inquire into
12 | Glendale's bona fides. First of all, it's not sure what
13 | sort of bona fides they're talking about. Glendale's
14 | financial certification is clearly not at issue, nor is the
15 | bona fides of the site certification.

16 | They cite the Lorraine Walker-Arms case. However,
17 | that case has nothing to do with this situation. In the
18 | Lorraine Walker-Arms case an applicant is dismissed because it
19 | defied an ALJ's order to make its principles available.
20 | Clearly, when an -- we're not talking about a question about
21 | compliance with Your Honor's order. We're talking about
22 | what's discoverable under the standard comparative issue.

23 | They also cite the Garden State Broadcasting case,
24 | but there the basic qualifications issue had been specified
25 | and, therefore, the bona fidey was clearly relevant to the

1 designated issues in that case.

2 And, finally, with respect to Section 1.325(c) of
3 the Commission's Rules, Your Honor has already recognized that
4 that rule is not applicable to this procedure because this is
5 a comparative renewal proceeding, not a proceeding involving
6 applicants solely for new facilities. Trinity is, in essence,
7 arguing with the Commission that the rule should have been
8 made applicable to applicants for new facilities in
9 comparative renewal cases. However, the Commission in its
10 judgment has decided not to make it applicable and Trinity has
11 provided -- you know, Trinity's argument is, in essence, with
12 the Commission and this is not the proper forum for seeking a
13 change in the Commission's rules. If Your Honor has any
14 specific questions, I'd --

15 JUDGE CHACHKIN: I have no questions. Does the
16 Bureau have any comments?

17 MR. SHOOK: No, Your Honor.

18 JUDGE CHACHKIN: If you have a brief response, you
19 can give it. You're ready to file considerable argument to
20 the Motion to Compel.

21 MR. EMMONS: Yes, Your Honor. I'll be very brief.
22 On the rule, the rule which goes only to the question --

23 REPORTER: Can you speak up a little bit?

24 MR. EMMONS: I'm sorry. The rule cited by Mr.
25 Schauble on the document production is only a rule of

1 procedure. It is not a rule of substance.

2 JUDGE CHACHKIN: What do you mean by that?

3 MR. EMMONS: What I mean by that is that the -- as a
4 matter of procedure in comparative cases for new facilities
5 only production of these documents is required by rule to
6 occur within 20 days after the Designation Order, I believe.

7 JUDGE CHACHKIN: But what is that making -- why does
8 that make it not a rule of substance?

9 MR. EMMONS: Well, because --

10 JUDGE CHACHKIN: You're confusing me.

11 MR. EMMONS: The substance -- the substantive aspect
12 of the rule is the nature of the documents and in specifying
13 the kinds of documents that would be required to be produced,
14 the Commission was in effect saying those are relevant
15 documents in comparative proceedings. There is no --

16 JUDGE CHACHKIN: But the Commission limited it just
17 to new applicants.

18 MR. EMMONS: But only, but only, Your Honor, because
19 the Commission was concerned about expediting the process in
20 those kinds of proceedings. It was not concerned with
21 expedition in renewal proceedings because there had not been a
22 problem before the Commission of delays in renewal cases. So
23 it was a matter of procedure only, but as a matter of
24 substance, the Commission has stated the relevance of those
25 kinds of documents and it also, Your Honor, states that those

1 are applicable to all applicants, not just applicants that
2 propose integration. So the categories of documents and
3 Trinity's request here are taken verbatim from that rule. The
4 categories of documents are documents that the Commission has
5 said all applicants, integrated and non-integrated, must
6 produce.

7 JUDGE CHACHKIN: Well, I don't agree with the
8 proposition of that. It just feels that the Commission
9 intended it to apply to all applicants. There is nothing
10 indicating in the rule that it was intended to apply to all
11 applicants and it specifically states in the rule that it only
12 applies to new applicants. So obviously if the -- only
13 applies to new applicants there are standards formerly
14 employed as to relevancy applied to cases involving other
15 situations. You can't use the rule provision because it only
16 applies to a certain, certain group of applicants, namely new
17 applicants. So we get back to the question then as of -- with
18 regard to challenges to renewal applicants, namely are the
19 documents relevant? And, therefore, you have to show they're
20 relevant and if the applicant is not proposing integration,
21 then you have to show on what basis they're relevant and I --

22 MR. EMMONS: They're relevant then, I think, Your
23 Honor, also under diversification.

24 JUDGE CHACHKIN: How are they relevant to
25 diversification. If, in fact, as pointed out, the only media

1 interest that was owned has been sold, how could it -- what,
2 what possible question could exist as to them having media
3 interests when the only media interest they had has been
4 disposed of?

5 MR. EMMONS: Well, for example, Your Honor, the
6 Broadcast Comparative Policy Statement of 1965 states that
7 media interests held by significant management personnel who
8 are not owners will also be considered under the
9 diversification criterion and these documents could very well
10 disclosed that the applicant has an intention to retain a
11 manager who has other media interests that would be relevant
12 under diversification.

13 JUDGE CHACHKIN: What are you talking about? It has
14 to be an ownership interest. There's normally a manager. If
15 they, if they went to Chicago and hired a manager and that
16 manager had ownership interest, what bearing would that have
17 on diversification?

18 MR. EMMONS: Well, I'll read you from footnote 5 of
19 the --

20 JUDGE CHACHKIN: Well, in the first place, you have
21 no evidence of that. There's no evidence in the record. If
22 you've developed evidence that -- read this for the record.
23 I've never heard of this. This is something I've never heard
24 of, that if you hire somebody who has ownership interest who
25 is not -- doesn't have an ownership interest in this

1 applicant, that somehow that is a basis for diversification --

2 MR. EMMONS: I'm reading --

3 JUDGE CHACHKIN: -- is something pretty new.

4 MR. EMMONS: I am reading from the Broadcast Police
5 Statement of 1965, 1 FCC.2nd at page 394, footnote 5,
6 "Ownership interests will be considered when held by persons
7 with any ownership or significant managerial interest in an
8 applicant."

9 JUDGE CHACHKIN: What does that have to do with it?
10 We're talking about, we're talking about a situation where an
11 owner has a management -- has a managerial interest in another
12 facility and if he doesn't timely divest, that means that he
13 suffers a demerit. That's what we're talking about.

14 MR. EMMONS: Well, I think, Your Honor, it means --

15 JUDGE CHACHKIN: Look, I don't want to even argue
16 with you. It's so obvious. I mean, there have been dozens of
17 cases of situations where A is an owner of an applicant, has a
18 broadcast -- in other words, you have an applicant and A is --
19 proposes to be integrated in the application and he has an
20 ownership interest. Also he happens to have -- be a General
21 Manager of station Y and he fails to timely advise the
22 Commission that he intends to divest his interest as a General
23 Manager. Therefore, that management interest can be
24 considered for diversification purposes. That's all it says.
25 If you can show me one case that supports your proposition --

1 | it's laughable what you're telling me. I mean, it's so
2 | obvious, all the years there have been hearings -- law about
3 | this, what that means, where an owner is also a General
4 | Manager of another broadcast station and if he fails to divest
5 | his interest, then he could be also -- he could suffer a
6 | diversification demerit for that fact. That's what it means.
7 | That's what all the cases hold. I don't understand. Where is
8 | there anything that says that if I bring in a General Manager
9 | from the public and he happens to have ownership interest,
10 | that somehow that has a bearing on diversification?

11 | MR. EMMONS: I think that's exactly what it says,
12 | Your Honor.

13 | JUDGE CHACKIN: Well, you're have to find me a case
14 | that supports that proposition, and I'm sure you won't, so
15 | let's move on to something else. That's the first time I've
16 | ever heard it interpreted in that fashion and I've never seen
17 | one single case where it's ever been interpreted that if I
18 | hire a General Manager who has no ownership interest in my, in
19 | my application, that I suffer a diversification demerit
20 | because he has ownership elsewhere. I've never heard that
21 | mentioned -- interpreted in that fashion. It's something
22 | brand new after all these years.

23 | MR. EMMONS: Your Honor, Mr. Schauble referred to a
24 | stipulation and my response to that is that I don't see how
25 | Glendale could have an objection to documents -- the

1 production of documents under this document request if they've
2 already agreed to produce those kinds of documents under a
3 stipulation.

4 JUDGE CHACHKIN: Well, if they produce the documents
5 in the stipulation which the parties voluntarily agreed to,
6 it's none of my concern. If I'm asked to rule on something,
7 I'll rule on whether they're required to, but the parties can
8 voluntarily agree to anything. That's outside of my
9 bailiwick.

10 MR. EMMONS: That's all I have, Your Honor.

11 JUDGE CHACHKIN: All right. Well, it's obvious that
12 there is no basis for me to grant the Motion to Compel since
13 this case does not involve a situation involving new
14 applicants and, and since Glendale does not propose
15 integration and since they've divested themselves of their
16 only media interest, and all the document requests go to a
17 situation where a party seeks integration credit and we don't
18 have that case here, then obviously there's no basis for me to
19 grant this Motion to Compel and the Motion to Compel will be
20 denied. Let's move on to Motion to Compel Production of
21 Documents filed by Glendale against Trinity. Now the shoe is
22 on the other foot and if you have any comments, Mr. Emmons,
23 about that, you can.

24 MR. EMMONS: Your Honor, Mr. May was going to handle
25 that.

1 JUDGE CHACHKIN: All right. Mr. May?

2 MR. MAY: Yes, Your Honor. Glendale has filed a
3 Motion to Compel. It's Request 11. This was a companion
4 request to its Request 7 and 7 had sought documents on the
5 amount of money TBF had expended promoting its non-
6 entertainment programming. This Request 11 seeks the
7 promotional and advertising material regarding the station's
8 non-entertainment programming and Glendale supports this
9 request by saying it goes to the station's reputation. Your
10 Honor, this is almost a verbatim request as was previously
11 submitted to the Commission in rule -- television rule case in
12 Longmont, Colorado which was denied and which we cited in our
13 opposition.

14 In addition, Your Honor, with regard to the support
15 that this goes to reputation, reputation is something that is
16 asked in a third party state of mind. It is not something
17 that is put forward by the proponent or by the individual to
18 whom reputation is questioned and, on those grounds, Your
19 Honor, we oppose any production under Request 7 and would also
20 note that they have provided no authority whatsoever to
21 support the request.

22 JUDGE CHACHKIN: I will deny the request for the
23 documents under 11. I agree with you that it's no showing
24 that the documents will lead to inducement of admissible
25 evidence. Request 11 is denied. Want to deal with the

1 Requests 4B and C now?

2 MR. MAY: Yes, sir, Your Honor. In Glendale's
3 Requests 4B and C they are seeking information with regard to
4 personnel policies and practices and the hiring and firing of
5 employees. They basically concede that the way their first
6 request was put forward was overbroad and our relevance
7 objection, therefore, has been partially agreed to by them.

8 They've now presented for the very first time that
9 the -- they would narrow the request to only be the officers
10 and directors of National Minority and to Trinity. However,
11 it's still overbroad because they are seeking the employment
12 files which do contain information on medical records and
13 family histories.

14 We indicated that we would provide the material as
15 long as those portions of personnel files were not to be
16 provided, and we do believe that there are significant privacy
17 questions there and certainly the medical records and family
18 histories and other personal matters in personnel files, even
19 of the officer and directors, are not something that are
20 germane to this -- in this proceeding or under the issues that
21 we had here.

22 We have already agreed to provide the salary
23 histories of the officers and directors and, in some sense,
24 Your Honor, I wish that they had proposed this limitation to
25 us before because we think we could have worked out but,

1 nevertheless, to the extent that they want records that
2 involve private personnel matters like family histories and
3 medical histories, we still think it's overbroad, but to the
4 extent it's only salary history as to the officers and
5 directors of TBN and NMTV, we're committed to provide that.

6 MR. SCHAUBLE: Your Honor, may I respond briefly?

7 JUDGE CHACKIN: Yes. Yes. This is something that seems to
8 me that the parties can agree to.

9 MR. SCHAUBLE: Well, we had discussions with --
10 after, after Trinity filed its objections we met with Trinity
11 and sat down and we were able to work out disagreements and
12 work out resolutions on several of the agreements. Here, I
13 think we're dealing -- my understanding is, is that Trinity
14 has agreed to produce documents except to the extent of the
15 employment and salary histories. The request was originally
16 --

17 JUDGE CHACKIN: No. As I understand, Trinity has
18 no objection to the salary history. What they have objection
19 to is any personal material like medical material concerning
20 employees and family history, but as I understand you have no
21 objection to the salary history of directors and officers. Is
22 that correct?

23 MR. MAY: As a -- we have no problem with the
24 officers' and directors' salaries

25 JUDGE CHACKIN: Just -- as I understand, the only

1 objection is to medical information, family information. Is
2 that what your objection is to?

3 MR. MAY: Yes, sir, the private material in the
4 personnel files.

5 MR. SCHAUBLE: Your Honor, we're not interested in
6 things like medical histories and -- we are interested in
7 things like information concerning the duties of the officers
8 and directors, how Trinity evaluated the ability of the
9 officers and directors in compensation and material which
10 would lead to, you know, that would give information on
11 relationships between TBN and NMTV. For instance, the fact
12 that Jane Duff is not only an officer and director of NMTV,
13 but she's also an employee of TBN.

14 JUDGE CHACHKIN: Well, then apparently there's no
15 problem with producing those documents, is that correct, as
16 described by counsel?

17 MR. MAY: With the limitation with regard to the
18 private matters in the personnel files.

19 JUDGE CHACHKIN: And they're not interested in the
20 private matters? Is that correct?

21 Mr. SCHAUBLE: Correct, Your Honor.

22 JUDGE CHACHKIN: All right. So we could -- as far
23 as -- with that understanding, I'll grant 4B and 4C with the
24 caveat that the parties have now agreed to.

25 MR. MAY: Thank you, Your Honor.

1 JUDGE CHACHKIN: Let's go to the next one.

2 MR. MAY: The next request is Glendale's Requests
3 5A, B and D and here, Your Honor, I think it's getting a
4 little confusing and we need to sort out really what's in
5 dispute.

6 JUDGE CHACHKIN: All right.

7 MR. MAY: I believe that really only 5A is the
8 matter that remains in dispute which is the donor list. 5B
9 requested donations by National Minority or TBN of over \$100,
10 and D was the donation practices and policies. Now, we have
11 agreed to provide them with material on donation practices and
12 policies, but with regard to the request for gifts and loans
13 exceeding \$100 to National Minority and Trinity for the period
14 in excess of 13 years to virtually over hundreds of television
15 stations, low power, full power, throughout the country, we
16 think that that is clearly overbroad.

17 We believe it's irrelevant and we do believe that
18 there is a public policy balancing test to be done under the
19 First Amendment once we get there but, frankly, we believe
20 that under the relevancy grounds and under the overbroad and
21 burdensome grounds that the request should be denied.

22 JUDGE CHACHKIN: Well, let me see what I understand.
23 When I read Request 11 as to the reasons why they want this
24 material and I've looked at the request itself, it seems to be
25 -- the request is much more overbroad than what they actually

1 want. Now, you don't want a listing of documents showing
2 gifts or loans exceeding \$100 from any entity or person.
3 You're -- I thought you were only interested in principles or
4 officers, directors or employees. You don't want public --
5 the whole -- well, any donations made by members of the
6 public, do you? Is that what you're looking for? I don't
7 understand what that has to do with the question of transfer
8 control or anything else.

9 MR. SCHAUBLE: Your Honor, what we're looking --
10 we're looking at a licensee who raises fund, you know, who
11 raises funds over the air.

12 JUDGE CHACHKIN: I understand that.

13 MR. SCHAUBLE: What we're looking for, what we're
14 looking for is --

15 JUDGE CHACHKIN: I know. You want a check from Mary
16 Jones for \$100 to the station? Mary Jones is just a member of
17 the public. What do you need that check for? For what
18 purpose? What do you want all these checks for? I mean, what
19 would you -- what information would you get out of that?

20 MR. SCHAUBLE: We want documents that would not,
21 that would not only set forth the donation practices and
22 policies, but who implements those policies --

23 JUDGE CHACHKIN: I understand.

24 MR. SCHAUBLE: -- and who handles the money.

25 JUDGE CHACHKIN: I understand, but what does that

1 have to do with seeing all the checks from members of the
2 public?

3 MR. SCHAUBLE: I don't think we need to see the
4 actual checks, Your Honor, but --

5 JUDGE CHACHKIN: But that's what you've asked for.
6 You've asked for --

7 MR. SCHAUBLE: Right.

8 JUDGE CHACHKIN: Well, that's what I don't
9 understand. I mean, your, your document request is very
10 broad. It seems to go far -- it's far more extensive than
11 what you seem to want on the basis of what you, you request in
12 your Motion to Compel, so what exactly documents do you want?

13 MR. SCHAUBLE: Your Honor, it's hard to specify
14 exactly because we're working looking somewhat into documents,
15 but we're pleased to hear that they're willing to, to produce
16 documents relating to donation practice and policies, but
17 we're also interested in --

18 MR. MAY: We told you that when we met. We
19 specifically informed you that we were prepared to provide
20 that material and felt you were getting it under one or
21 another of other requests.

22 JUDGE CHACHKIN: All right. That's 5D. What we're
23 concentrating is now -- there's no problem with 5D. We're
24 talking about 5A and B. Now, what do you want? What
25 documents do you want?