

1 other people at the station working on this exhibit?

2 A The other people who worked on the exhibit were the
3 people I spoke with, these people who, who belong to these
4 calendars, but I was the one who actually put the exhibit
5 together.

6 Q And when you say they worked on the exhibit, what
7 did they do?

8 A Well, I sat down with them and reviewed because I
9 didn't necessarily know what had been discussed in a
10 particular meeting so I sat down with each person and
11 literally went through day by day and said you had a meeting
12 with Norm Taylor from the United Way. Do you recall what that
13 meeting was about and so forth and so on, and we, and we
14 discussed it as such. And then I took notes and transcribed
15 those notes into the format that we have in the ascertainment
16 exhibit.

17 Q Now, did you sit down individually with Mr. Kleiner
18 and Ms. Velleggia and Ms. Covington or did you gather them all
19 together?

20 A No. I sat with them individually.

21 Q And what period of time -- over what period of time
22 did this occur?

23 A It was -- I don't recall exactly. Several weeks.

24 Q Did you have a format to use when you started this
25 process?

1 A Yes. I had the general format that's in Exhibit E.

2 Q Attachment E?

3 A Attachment E.

4 Q And, and you typed out Attachment E or did you write
5 it?

6 A No. My secretary typed the attachment. What I did
7 was I handwrote -- on this exact form I handwrote the
8 information and then she simply typed what I had written.

9 Q Did Ms. Covington come into your office to discuss
10 her notes or --

11 A Yes, she did.

12 Q And what's the next thing you did? After you
13 finished filling out the sheets what happened?

14 A I filled them out once with information that I
15 thought -- that I understood that counsel was asking for, and
16 then I had my secretary type up that information and I sent it
17 to counsel.

18 MS. SCHMELTZER: Your Honor, we've made copies of
19 the material Mr. Howard circulated this morning so I'd like to
20 now introduce that as Four Jacks Exhibit 18.

21 JUDGE SIPPEL: Let's get it marked for
22 identification as your Exhibit 18.

23 MS. SCHMELTZER: This is the material relating to
24 Ms. Covington that preceded -- it was used to prepare
25 Attachment E to Ms. Barr's testimony.

1 with the calendars what did you do with them?

2 A I think I stacked them up somewhere in my office.

3 Q They were filed?

4 A At that point it wasn't in a file. It was just on
5 the floor.

6 Q And did they remain there until 1993?

7 A No. In fact, at one point I gave them back to the,
8 to the individuals who had lent them to me.

9 Q Approximately when was that?

10 A Sometime in the latter part of 1992.

11 Q Now, when you finished with Ms. Covington's notes
12 where did you place them?

13 A Probably in that same pile.

14 Q And how long did they remain in the same pile?

15 A Well, the pile grew substantially as I worked on the
16 gathering of these documents and because this particular
17 ascertainment exhibit was going through several metamorphoses,
18 I, I would -- as I -- as we made changes to it and updated it
19 I would discard the older versions of it. I didn't -- I was
20 just getting confused by having too many copies of the same
21 thing. So at some point along those -- at some point along
22 that continuum I threw the notes away because it at that point
23 didn't seem to me to be necessary to keep them.

24 Q And do you recall when that was in the continuum?

25 A I really don't recall.

1 Q Now, this -- was this exhibit constantly being
2 revised up until September of 1993?

3 A No. It was, it was really over a period of -- from
4 that summer of 1992 to, as I recall, sometime in the fall of
5 1992 when we were working on -- when I say the fall, I think
6 it was September but it was in -- it was over that summer
7 period when, when I worked on this exhibit with counsel.

8 Q Looking at Attachment E to your testimony, when was
9 that finalized?

10 MR. ZAUNER: Objection. Now, what is the relevancy
11 of when Attachment E was finalized?

12 MS. SCHMELTZER: It goes to this whole line of
13 inquiry, Your Honor. And, Your Honor, I really don't
14 understand why the Bureau is making objections that would
15 really be more properly made by Scripps Howard.

16 MR. HOWARD: We're happy to join in, Your Honor, of
17 letting the exploration go. This is an exhibit that obviously
18 is of great importance to Scripps Howard and how it was
19 prepared is an irrelevant line of inquiry, but it certainly
20 pursued it far enough to get an understanding of how the
21 exhibit was prepared.

22 JUDGE SIPPEL: I'll sustain the objection. Let's
23 move on to something more substantive.

24 BY MS. SCHMELTZER:

25 Q Now, do you recall personally discarding the notes?

1 A I, I know that I threw away a lot of paper during
2 that period of time, that a lot of it was handwritten notes
3 and things of that nature and, and I also recall filing a lot
4 of paper. I don't specifically recall throwing away those
5 notes, but I generally recall that I was getting rid of what I
6 thought was unnecessary information.

7 Q Did you ever give Ms. Covington's notes back to her?

8 A No, I did not.

9 MR. HOWARD: Objection, Your Honor. I though we
10 were going to move on to something else.

11 JUDGE SIPPEL: I'll sustain that objection. We've
12 been over that time and time and time again with respect to
13 the Covington documents and I thought we had brought that to a
14 halt when we had received the information that's now in your
15 Exhibit 18 for identification.

16 MS. SCHMELTZER: Well, I just have a few more
17 questions on that.

18 JUDGE SIPPEL: All right. Go head. Well, just --
19 you've got my ruling. I sustain the objection. Go ahead.

20 BY MS. SCHMELTZER:

21 Q Did you ever make any copies of those notes?

22 A No, I did not.

23 Q The judge read into the record the letter of your
24 counsel that's dated July 13, 1993 and that says, "These notes
25 were not retained in any files at WMAR-TV." Were they

1 retained in any other files?

2 MR. HOWARD: Your Honor, let me just state my
3 objection one more time that we're continuing on the same line
4 and I believe the objection was sustained, that this line of
5 inquiry --

6 JUDGE SIPPEL: I'm going to sustain the objection.

7 MS. SCHMELTZER: Can you tell me why when this
8 matter was reported in connection with document production
9 that it was not disclosed that these notes had been destroyed?

10 MR. HOWARD: Objection, Your Honor. It's the same
11 line of inquiry.

12 MS. SCHMELTZER: Well, Your Honor, this letter does
13 not say that.

14 MR. HOWARD: It was disclosed in the letter. In
15 advance of Ms. Barr's deposition it was disclosed.

16 MS. SCHMELTZER: Your Honor, with all due respect,
17 the letter says, "Scripps Howard recently contacted Ms.
18 Covington to ascertain whether she possessed any of these
19 notes and determined that she did not." This letter is very
20 carefully worded. It does not say that the notes were
21 destroyed.

22 JUDGE SIPPEL: Well, I think we explored this
23 sufficiently yesterday and you certainly had an opportunity
24 between July 13th depositions and the admissions session in
25 October to, to raise this as an interlocutory matter if you

1 | felt that you were -- you seem to be feeling that that
2 | evidence is being intentionally withheld from you. I don't
3 | see anything to indicate that and I gave you considerable
4 | leeway yesterday. We're really doing discovery during this
5 | witness' cross-examination.

6 | MS. SCHMELTZER: No. I think this all goes to the
7 | preparation of a very critical exhibit in this case,
8 | Attachment E.

9 | JUDGE SIPPEL: Well, I --

10 | MS. SCHMELTZER: -- and very important evidence that
11 | was used to prepare this exhibit is not available.

12 | JUDGE SIPPEL: Well, you've had the explanation and
13 | over the objection of counsel for the other side I've given
14 | you work product. I've made them produce their work product
15 | which is the second best from what -- as to what's been lost.

16 | MS. SCHMELTZER: Right, and I appreciate that.

17 | JUDGE SIPPEL: And that's where -- this is where the
18 | inquiry ends, so let's move on to substance.

19 | BY MS. SCHMELTZER:

20 | Q Now, I would like you to take a look, Ms. Barr, at
21 | Four Jacks Exhibit 18 which is the materials that you
22 | initially sent your counsel about the Covington interviews.
23 | Is that correct?

24 | A With the latest issue ascertainment? This one?

25 | Q Four Jacks Exhibit 18. It says copy with the number

1 on it.

2 A There's no number on it.

3 Q It says Station Contact Person: Covington at the top
4 and, and there are footnotes at the bottom that says 1, 2, 3,
5 4, 5.

6 A Yes.

7 JUDGE SIPPEL: If you want, you can -- for your own
8 purposes, you can write No. 18 on the top there.

9 WITNESS: Thank you.

10 MS. SCHMELTZER: Now, did you type this up, Ms.
11 Barr?

12 MR. ZAUNER: Objection, Your Honor. This is a
13 document that is not in evidence and she has begun cross-
14 examination on it.

15 JUDGE SIPPEL: Well, I'm going to -- it's still in
16 the nature of a voir dire question, you know, physical
17 preparation.

18 MR. ZAUNER: Okay, Your Honor. I'll withdraw the
19 objection.

20 JUDGE SIPPEL: There may be an appropriate time at
21 which -- it should be in before further questioning is done,
22 but I think for the time being we'll let her do it her way.
23 Go ahead.

24 BY MS. SCHMELTZER:

25 Q Did you type this -- did you type up what's been

1 identified as Four Jacks Exhibit 18, Ms. Barr?

2 A No, I did not.

3 Q Can you tell us who did type it up?

4 A Desiree Pilachowski, my secretary.

5 Q Did you review this exhibit?

6 A Yes, I did.

7 Q Was this exhibit based on Ms. Covington's notes?

8 A Yes, it was.

9 Q And did you -- was it you who forwarded this exhibit

10 to counsel?

11 A Yes, I did.

12 Q Did you forward it to anybody else?

13 A Only to counsel.

14 Q And was this the sum total of what you obtained from

15 Ms. Covington's notes, the material that's in this exhibit?

16 A No, it was not.

17 Q Well, why did you prepare this exhibit then?

18 A I was asked by counsel. Counsel sent me a format

19 which was this format without anything written on it other

20 than the footnotes listed at the bottom and, having never seen

21 this particular format before, I was not completely sure of

22 how to fill it out so I put down what I believed to be the

23 relevant information which was the name of the organization,

24 the contact person, the date that the individual -- that the

25 meeting took place, where the meeting took place and whatever

1 the general tenor of discussion was.

2 Q And how did you determine that a meeting took place
3 on June 3, 1991 with Rebecca Warren?

4 A Because in Ms. Covington's notes she had given me on
5 the yellow legal paper it said, "6/3/91 meeting with Rebecca
6 Warren, Fuel Fund, regarding Humanitarian Award dinner."

7 Q This was a meeting she had about an awards dinner?

8 A This was a meeting with respect to the
9 implementation of the awards dinner on -- yes, that was
10 happening, I believe, on the 10th or 11th of June.

11 Q Now, when you sent this to counsel, why, why didn't
12 you list responsive programming in the last column?

13 A Because at that point in time I was not entirely
14 certain of what counsel was asking from me so I sent them what
15 I believed to be the relevant information and asked them to
16 look it over, and then subsequent to that we had several
17 telephone conversations where we discussed specifically what
18 kind of information they needed and then I provided that
19 information later.

20 Q So in your discussions did you discuss --

21 MR. HOWARD: Your Honor?

22 JUDGE SIPPEL: Yeah. I'm going to -- counsel, I'm
23 going to instruct Ms. Schmeltzer on this. This, this
24 information was required to be turned over to you as surrogate
25 information from Covington. In other words, it would be that

1 you've had the same use of this information as you would have
2 of Exhibits 16 and 17, the calendars of the other two people.
3 To go into the mechanics of the attorney/client conversations
4 and how this was prepared from the lawyer's standpoint is, is
5 not appropriate for questioning. So you have an objection,
6 Mr. Howard. Sustained.

7 MS. SCHMELTZER: Oh, Your Honor, actually I would
8 like to move this exhibit into evidence at this point in time.

9 JUDGE SIPPEL: Is there any objection?

10 MR. HOWARD: Yes, Your Honor. We object that it's
11 irrelevant and it's --

12 JUDGE SIPPEL: Well -- all right.

13 MR. HOWARD: -- work product, attorney/client.

14 JUDGE SIPPEL: Work product and on relevancy
15 grounds?

16 MR. HOWARD: Yes, Your Honor.

17 MR. ZAUNER: We would join on the relevancy grounds.

18 JUDGE SIPPEL: This does reflect the best we can
19 find with respect to this witness. With Ms. Covington the
20 documents are lost would otherwise be -- what would otherwise
21 be relevant.

22 MR. ZAUNER: Correct, Your Honor, but the
23 information that's in Four Jacks Exhibit 18 was used in the
24 preparation of what I believe is tabbed -- is it E?

25 MS. SCHMELTZER: That's correct.

1 MR. ZAUNER: And there's been no showing that
2 there's any information in this exhibit that isn't there or
3 there's -- I cannot see any reason why we should take
4 something that was done in the preparation of the final
5 exhibit and receive that into evidence absent some sort of a
6 showing of error in the final exhibit or some attempt to
7 mislead this court as to the final preparation of the final
8 exhibit. I just don't understand what this would add to the
9 record. I already know the contact people, the organizations
10 and all of this information. It's in Exhibit E, Tab E, and in
11 final form.

12 JUDGE SIPPEL: All right. Well, what does this add
13 then? Why do you want this moved into, into evidence, Ms.
14 Schmeltzer, on relevance?

15 MS. SCHMELTZER: Maybe I can make that clear from a
16 question or two, Your Honor. Okay? If I may?

17 JUDGE SIPPEL: You want more voir dire?

18 MS. SCHMELTZER: Right.

19 JUDGE SIPPEL: All right. I'll reserve ruling. Go
20 ahead.

21 BY MS. SCHMELTZER:

22 Q I'd like you to look at the first page of what's
23 been marked for identification as Four Jacks Exhibit 18, Ms.
24 Barr, and if you would also look at your diary from that day
25 that says Monday, June 3rd, and you don't have any reference

1 to a meeting with Rebecca Warren of the Fuel Fund, do you?

2 MR. ZAUNER: Excuse me. Is that Exhibit 12 that
3 you're talking about, her diary?

4 MS. SCHMELTZER: That's Exhibit 12, right.

5 MR. ZAUNER: And it's what date again, please?

6 MS. SCHMELTZER: June 3rd.

7 MR. ZAUNER: May I have a second --

8 MR. HOWARD: Objection to the question on relevance,
9 Your Honor. There's nothing in the exhibit that indicates
10 that Ms. Barr was --

11 MS. SCHMELTZER: Well, that's right. I just want to
12 establish that she did not attend any -- a meeting with
13 Rebecca Warren on June 3rd.

14 WITNESS: That's correct.

15 MR. HOWARD: That's evident from the exhibit.

16 BY MS. SCHMELTZER:

17 Q Is that correct? Okay. But when you have Station
18 Contact Person at the top of your exhibit, specifically Four
19 Jacks Exhibit 18, does that mean that it was only Ms.
20 Covington that -- whose records reflected a meeting with
21 Rebecca Warren on June 3rd?

22 A Yes. If it was more than one person who had been
23 -- had attended the meeting and that was indicated in either
24 the notes or the calendar, then I would put two names at the
25 top or, or three or whatever. And, in fact, in Exhibit E

1 | there are examples of multiple names at the top.

2 | Q So that where you have exhibits that only have Ms.
3 | Covington's name, that's based on her notes and not anything
4 | else that you had in your records that would establish that an
5 | interview occurred?

6 | A That's what I said before, yes.

7 | Q And those are the notes that are missing?

8 | A That's correct.

9 | Q But they're reflected on this exhibit?

10 | JUDGE SIPPEL: Well, they're reflected to the
11 | extent, as she explained, how they got on this exhibit.

12 | MS. SCHMELTZER: Right. Exactly.

13 | JUDGE SIPPEL: I'm going to -- do you have anything
14 | more in terms of --

15 | MS. SCHMELTZER: No. That's what I wanted to
16 | establish, Your Honor, that, that where Attachment E refers to
17 | Covington the only thing that supports what's on that
18 | attachment are her -- well, are the materials that are now
19 | comprised in Four Jacks Exhibit 18.

20 | MR. HOWARD: Your Honor, that hasn't been
21 | established by testimony that that's the only, the only thing
22 | that supports -- the only written --

23 | MS. SCHMELTZER: The only written, the only written
24 | support. I'm sorry.

25 | JUDGE SIPPEL: The only written? That's right.

1 That's why I want to be very careful in terms of how we
2 characterize the status of this evidence. I -- is -- you
3 really haven't even had a chance to analyze your No. 18
4 against Exhibit E to see if there's any substantial
5 inconsistencies.

6 MS. SCHMELTZER: Not -- no, I haven't.

7 JUDGE SIPPEL: No. I, I don't know as you're going
8 to find any, but for the -- my ruling today is that I'm going
9 to reject this as being received into evidence. It's marked
10 for identification and it certainly has been made available to
11 you as promptly I think as possible for discovery purposes.

12 MS. SCHMELTZER: Well --

13 JUDGE SIPPEL: However, if you find, if you find
14 that there is a substantial variance between what's in your 18
15 and what's in E, what's in Exhibit E, you're to bring that to
16 my attention immediately.

17 MS. SCHMELTZER: Well, Your Honor, on that page, on
18 that June 3, '91 page, if you look at the second page of
19 Attachment E, there is additional information on there that
20 apparently was not reflected in Ms. Covington's written notes.

21 JUDGE SIPPEL: Well --

22 MS. SCHMELTZER: And I don't think I can really
23 establish that on the record without having this exhibit
24 marked received in evidence. I mean, clearly, Your Honor, if
25 the calendars are relevant, nobody is saying the calendars are

1 not relevant, then this exhibit is just as relevant because we
2 don't have Ms. Covington's calendar.

3 JUDGE SIPPEL: Now wait just a minute. Now wait
4 just a minute. If there were a situation where on June 3,
5 1991 let's say that the contact person that was reflected on
6 the work product, Exhibit 18, you know, said Harry Smith and
7 then it turns out that on Tab E which is offered into evidence
8 by Scripps Howard that name changes to Rebecca Warren, then
9 you're talking about a significant variance. But the fact
10 that there is more information on E than appears on what was
11 limited to Covington data, Covington source data, on Exhibit
12 18 is -- to me is -- you know, we're talking about worlds of
13 difference here.

14 MS. SCHMELTZER: No. No, we're not because this --
15 on this June 3rd date there is nothing in the Kleiner, Barr or
16 Velleggia calendars that would support the addition of this
17 additional information.

18 JUDGE SIPPEL: Well, I think the witness testified
19 that some of this information was put in based on
20 conversations. I mean, this what -- this is the, this is the
21 story that we're hearing from Scripps Howard. This is how
22 they did it.

23 MS. SCHMELTZER: But I can't probe --

24 JUDGE SIPPEL: They did it with a lot of
25 conversation.

1 MS. SCHMELTZER: I can't probe into that without
2 having Exhibit 18 received into evidence.

3 JUDGE SIPPEL: Well, I don't, I don't think that the
4 probing that would prompt Exhibit 18, I don't see -- except in
5 the limited way that I pointed out to you, I don't see where
6 that's going to advance this record at all and I don't see
7 where you're being prejudiced by my refusing to hear that line
8 of questioning because you don't really, you don't really have
9 -- you don't have an idea as to where that line's going to go.

10 MS. SCHMELTZER: I know where --

11 JUDGE SIPPEL: You're basically in discovery. If
12 you -- well, I told you very clearly. If you can find an
13 inconsistency, a significant inconsistency, in terms of what
14 was written down on Exhibit 18 and what is in E, and I gave
15 you an illustration, you know, then I want to hear about it
16 and, you know, we'll make an appropriate ruling at that time,
17 but for the -- for right now I, I don't see any showing of
18 cause to bring this into the, into the record. This is a
19 discovery document. It's been given over objection because
20 it's work product. It is not a complete document. If
21 anything can cause misleading up the line -- the change of
22 command for review, it would be a document like this it seems
23 to me. So I'm going to handle this with, with the care that I
24 think is appropriate. I'm going to reject it as an exhibit.

25 MS. SCHMELTZER: For the record, we disagree that

1 this is work product since it was Ms. Barr that prepared this
2 material.

3 JUDGE SIPPEL: Well, it was being prepared by, by an
4 agent of the, of the party under the direction and instruction
5 of a -- of counsel for purposes and use at a hearing. It --
6 to me it's classic work product but, be that as it may, we
7 disagree on that, too. My ruling is that this is rejected and
8 I want you to move on to the next question.

9 (The document that was previously
10 marked for identification as Four
11 Jacks Exhibit No. 18 was rejected.)

12 BY MS. SCHMELTZER

13 Q Ms. Barr, you indicated that you put those notes
14 aside in a, in a pile of material after the discussions with
15 Ms. Covington in August of '92?

16 A I -- it was sometime in the summer.

17 MR. HOWARD: Your Honor, could we establish where
18 this is headed because it certainly sounds like we're on the
19 same topic that has been objected to repeatedly and repeatedly
20 sustained.

21 BY MS. SCHMELTZER:

22 Q Well, let me direct the witness to footnote 6 of
23 your testimony, SH3-16.

24 A I'm sorry. Where are you?

25 Q Scripps Howard Exhibit 3, page 16, footnote 6.

1 JUDGE SIPPEL: Is this footnote 6 of her testimony?

2 MS. SCHMELTZER: Right.

3 WITNESS: What page? I'm sorry.

4 BY MS. SCHMELTZER: Page 16. If you look at the
5 last sentence of that it says, "It did not occur to me to
6 preserve Ms. Covington's handwritten notes after our
7 discussions?

8 MR. HOWARD: Your Honor, it's the same --

9 MS. SCHMELTZER: Am I correct that you --

10 MR. HOWARD: -- exact same matter.

11 JUDGE SIPPEL: Let me hear this. Let me hear the
12 question --

13 MS. SCHMELTZER: I haven't asked the question.

14 JUDGE SIPPEL: -- and then you can make the
15 objection.

16 MS. SCHMELTZER: Am I correct that you did preserve
17 Ms. Covington's handwritten notes for a period of time after
18 your discussions?

19 MR. HOWARD: Your Honor, that's asked and answered
20 repeatedly.

21 JUDGE SIPPEL: I'm going to sustain the objection.

22 MS. SCHMELTZER: She has not answered that question.

23 JUDGE SIPPEL: Well, you had your chance yesterday.
24 She was on this stand for -- in excess of 30 minutes going
25 down this whole line of questioning and I'm, I'm not going to

1 permit you to keep coming back to it at later times. That was
2 the time that you had your opportunity and you had many more
3 opportunities starting with July 13th. This lady's got to
4 finish her testimony.

5 BY MS. SCHMELTZER:

6 Q Ms. Barr, turning to page 2 of Attachment E -- do
7 you have Attachment E in front of you?

8 A Yes.

9 Q Now, I take that all of this material -- all of the
10 information that's imparted on this page was given to you by
11 Ms. Covington?

12 A Yes.

13 Q Was Ms. Covington the president of the Fuel Board?

14 MR. HOWARD: I'm sorry, counsel. What page are you
15 on?

16 MS. SCHMELTZER: Page 2 of Attachment E.

17 MR. HOWARD: Oh, I'm sorry.

18 MS. SCHMELTZER: SH3-0226.

19 MR. HOWARD: Thank you.

20 BY MS. SCHMELTZER:

21 Q Was Ms. Covington the president of the Fuel Fund of
22 Central Maryland?

23 A At that time I believe she was.

24 Q So she had a meeting with Rebecca Warren concerning
25 an organization of which she was the president? Is that

1 correct?

2 A That's correct.

3 Q And no one else at the station participated in that
4 meeting?

5 A Not in that particular meeting.

6 Q Now, Ms. Warren, was she a volunteer for the Fuel
7 Fund of Central Maryland?

8 A Yes, she -- yes, she is.

9 Q So she is not a leader of that organization, is she?

10 A She's on the Board, I believe.

11 Q Well, does it say that here?

12 A I, I believe Rebecca Warren was on the Board or on
13 one of the committees for the Fuel Fund of Central Maryland.
14 When you said volunteer I think of anyone who volunteers for a
15 non-profit board, whether they're on the board or they're, or
16 they're a committee member, I think of them as a volunteer.

17 Q Well, the reason I ask is that the exhibit says,
18 "Hearing Office for Department of Motor Vehicles," and "FFCM
19 Volunteer."

20 A Um-hum.

21 Q What was Ms. Warren's position with the Department
22 of Motor Vehicles, do you know?

23 A I don't know.

24 Q Now, the issue that's identified here -- well, there
25 are two things. There's humanitarian award. Was that a

1 | community issue in June of 1991?

2 | A The Fuel Fund of Central Maryland is an organization
3 | that helps --

4 | Q No. My question is was that one of your lists of
5 | ascertained issues on June 1st of 1991?

6 | A I was --

7 | MR. ZAUNER: That wasn't your question. Your
8 | question was whether or not the humanitarian award was an
9 | issue in the community. That was your question and I thought
10 | she should be given an opportunity to answer it.

11 | JUDGE SIPPEL: All right. Well, we have an
12 | objection that you didn't give the witness a chance to answer
13 | the question.

14 | MS. SCHMELTZER: I said was that an ascertainment
15 | --

16 | MR. ZAUNER: And also I -- and also an objection
17 | that she mischaracterized her prior question in re-asking the
18 | question of the witness.

19 | JUDGE SIPPEL: Well, let's -- I'll sustain the
20 | objection without going back into the transcript and having
21 | the question re-recorded. You -- just phrase the question as
22 | you intend it to be phrased and we have an objection. Let's
23 | have the objection.

24 | BY MS. SCHMELTZER:

25 | Q Was humanitarian award an ascertained community

1 issue in June of 1991?

2 A No, it was not.

3 Q Now, the next thing that's identified under Issue is
4 "Worked on script for Congressman Kweisi Mfume and Benjamin
5 Cardin for awards dinner." Was that an ascertained community
6 issue in June of 1991?

7 A That -- working on a script was not an issue.

8 Q I'd like you to turn to the next page which is --
9 this is SH3-0227. Again, I take it this was -- the material
10 that's contained on this page, was that supported only by Ms.
11 Covington's notes?

12 A And conversations I had with her, yes.

13 Q And conversations you had with her?

14 A Yes.

15 Q And you can feel free to look at your diary or Mr.
16 Kleiner's or Mr. -- Ms. Velleggia's. We can't find anything
17 in those, in those calendars for this date.

18 A You wouldn't because the only contact person was
19 Janet Covington.

20 Q Okay. The issue identified is Services for the
21 Elderly Population. Was that an ascertained issue by WMAR-TV
22 in June 1991?

23 A It was certainly one of the --

24 MR. HOWARD: Objection, Your Honor. I'd ask the
25 counsel to identify -- if she's going to read from the, from

1 the exhibit, that she read the entire issue identified into
2 the record.

3 JUDGE SIPPEL: I'll sustain the objection.

4 BY MS. SCHMELTZER:

5 Q The issue identified is Services for Elderly
6 Population in Maryland. Was that an ascertained community
7 issue in June of 1991?

8 A It certainly had -- yes, it certainly was an ongoing
9 issue.

10 Q Was that listed on your second quarter issues
11 programs list?

12 A I need to look at my second quarter issues programs
13 list.

14 Q It's Attachment F.

15 A F?

16 Q F.

17 JUDGE SIPPEL: Go off the record so the witness can
18 find it.

19 (Off the record.)

20 BY MS. SCHMELTZER:

21 Q Were Services for the Elderly Population in Maryland
22 listed as an issue on the second quarter issues programs list?

23 A No, it was not.

24 Q Was it listed on the third quarter issues programs
25 list? That's also Attachment F.