

1 mean, if -- plus I don't know that that's -- that Mr.  
2 Greenebaum is asking him to ratify something he may not --

3 MR. GREENEBAUM: Well, I'll come back to it.

4 JUDGE SIPPEL: The witness can testify as to what he  
5 knows and doesn't know. Let's see what the witness says. The  
6 witness may be very familiar. This is an S-1 and he's in  
7 there a lot. I think he'd know a bit about it. Let's see  
8 what he can factually do with the question.

9 MR. LEADER: But why can't the -- Mr. Greenebaum ask  
10 him what interests are in the F.C.C. exhibit that are not --  
11 that are represented in the S-1? And then we have a record  
12 that we can refer to. This way, he's asking him very vague  
13 questions. "Is it true that there are interests mentioned in  
14 the S-1 that aren't mentioned in your F.C.C. exhibits?"

15 JUDGE SIPPEL: Well, this is the first -- this is  
16 the first -- depending on his answer, I'm sure there are going  
17 to be follow-ups. Let's see if the witness can answer this  
18 question.

19 MR. D. SMITH: Can you repeat the question, Mr.  
20 Greenebaum?

21 BY MR. GREENEBAUM:

22 Q Are there entities in which you have an ownership  
23 interest that are mentioned in the S.E.C. filing and are not  
24 mentioned in your application or in your direct testimony in  
25 this proceeding at the F.C.C.?

1           A     It's conceivable that there are. I would have to  
2 have the --

3           Q     Conceivable?

4           A     Conceivable that there are. I would have to have  
5 the F.C.C. filings to be absolutely specific. I mean, is  
6 there anything you have in mind in terms of the company  
7 entities?

8                   JUDGE SIPPEL: Now, wait. Let's be sure that the  
9 witness understands the procedure. Answer the question as  
10 best you can. If there's an objection, don't answer until I  
11 rule on the objection and if you don't understand the  
12 question, let Mr. Greenebaum or myself know. Mr. Leader, you  
13 have an objection.

14                   MR. LEADER: I have an objection because we've  
15 indulged Mr. Greenebaum. The F.C.C. -- I think he's confusing  
16 the witness. The F.C.C. application and exhibits require him  
17 to disclose media interests. If he's asking him are there  
18 media interests in the S-1 that are not disclosed in the  
19 F.C.C. application or exhibits, I think that's a fair  
20 question. Mr. Smith owns an apartment building. What does  
21 that have to do with the S.E.C.? With the F.C.C., excuse me.

22                   JUDGE SIPPEL: Well, I --

23                   MR. LEADER: I'm just questioning the relevance of  
24 the -- I mean, we've indulged Mr. Greenebaum in a 20-minute  
25 discourse on the S-1 and we haven't had a question that goes

1 to the issue we're here to do, which is the Commission's  
2 standard comparative --

3 JUDGE SIPPEL: Mr. Leader, now, I'm going to be -- I  
4 would be very careful about this. If you have an objection,  
5 you make the objection. You don't have to lecture us in terms  
6 of what Mr. Greenebaum is doing. Mr. Greenebaum's asking  
7 questions and you can object to them. I see the relevance of  
8 this line of questioning insofar as the witness has made a  
9 commitment to spend full-time on Channel Two business if he  
10 gets the station. So what other business interests he has --  
11 and there's a whole line of cases on this that I'm sure you  
12 and your co-counsel are aware of. As to what he's doing as a  
13 business matter at this present time is relevant to that  
14 issue.

15 MR. LEADER: May I speak?

16 JUDGE SIPPEL: Yes, sir.

17 MR. LEADER: I have no objection to Mr. Greenebaum  
18 asking him those questions. Why don't Mr. Greenebaum ask him  
19 what other businesses he's involved in and how much time it  
20 takes? And then we have a meaningful record.

21 JUDGE SIPPEL: Mr. Leader, this is cross  
22 examination. This is the way Mr. Greenebaum wants to conduct  
23 his cross examination and unless there's an objection to his  
24 questions, I want to proceed with this. Now, I know there is  
25 no present objection for me to rule on, so Mr. Greenebaum, you

1 continue.

2 BY MR. GREENEBAUM:

3 Q Mr. Smith, you have an interest in a company called  
4 Keyser Communications, do you not?

5 A Yes, sir.

6 Q And that's reflected on Page 16 of the S.E.C.  
7 filing, is it not?

8 A We're on Page 16. Down at the bottom? I see a  
9 reference there, yes.

10 Q Bottom paragraph.

11 A Yeah.

12 Q And that has some communication connection based on  
13 that language, does it not, sir?

14 A Not in terms of licenses or things of that nature,  
15 no.

16 Q In any event, it's not in your F.C.C. filings in any  
17 respect, is it?

18 A Not that I'm aware of.

19 Q And you also have a company called Cunningham  
20 Communications, do you not, sir?

21 A Yes.

22 Q And that has connections with broadcasting entities,  
23 does it not?

24 A It owns no broadcast licenses, it owns no stock in  
25 companies that own broadcast licenses.

1 Q That's referred to in your S.E.C. filing on Page 58,  
2 is it not?

3 A Let me find Page 58.

4 Q First paragraph under Affiliated Leases.

5 A Yes. I see the page.

6 Q And that's not referred to in your F.C.C. filings in  
7 this matter in any way, is it, sir?

8 A Not that I'm aware of. It has no reason to be as  
9 far as I know.

10 Q Now, you also own a company called Keyser Investment  
11 Group, do you not? That's on Page 61 of the S.E.C. filing --  
12 58, I'm sorry.

13 A 58 again? Where's it referenced?

14 Q The next to the last paragraph on Page -- from the  
15 bottom of 58, "In January 1991..."

16 MR. LEADER: I have an objection, Your Honor.  
17 There's not requirement that it be listed in the application.

18 JUDGE SIPPEL: Well, I'm taking that question and  
19 answer from the standpoint of myself knowing as to what is and  
20 isn't in the record as it's thus been established. But I'm  
21 not taking this from the standpoint of a failure to disclose  
22 or a misleading -- some kind of a misrepresentation. Now, if  
23 they're going to, you know, want to try to figure findings on  
24 that, they're going to get a lot more than this. Do you  
25 understand?

1 MR. LEADER: I'm satisfied with your ruling.

2 MR. D. SMITH: Where are we, Mr. Greenebaum?

3 BY MR. GREENEBAUM:

4 Q Keyser Investment Group is on Page 58.

5 A Yes.

6 Q And then the one just below that, Gerstell  
7 Development Limited Partnership. That's not in the F.C.C.  
8 filing either, is it, sir?

9 A No, sir. It has no reason to be.

10 Q And as you look through the S.E.C. filing, the only  
11 reference to this proceeding or anything having to do with it  
12 would be on Pages 56 and 16 as we reviewed them previously.  
13 Is that correct?

14 MR. LEADER: I have an objection and that is that  
15 the document speaks for itself as to references to whatever  
16 this proceeding is.

17 JUDGE SIPPEL: Well, these are the only two  
18 apparently that Mr. Greenebaum --

19 MR. LEADER: But there may be more.

20 JUDGE SIPPEL: I understand that.

21 MR. GREENEBAUM: I just have one follow-up question  
22 and then I'll move it in.

23 JUDGE SIPPEL: I understand that. Do you know of  
24 any other places where it might be mentioned?

25 MR. D. SMITH: Not off-hand, no. I'd have to read

1 the document to refresh my memory.

2 JUDGE SIPPEL: All right. That's his answer.

3 BY MR. GREENEBAUM:

4 Q Would you agree with me, sir, that nowhere in the  
5 S.E.C. filing, Exhibit 26 of Scripps Howard for  
6 identification, is there any reference or hint even that you  
7 may resign, terminate, or otherwise limit your then-current  
8 employment or other activities if you're successful in your  
9 challenge for Channel Two?

10 A In which document?

11 Q In the S.E.C. document.

12 A S.E.C.?

13 Q Exhibit 26, the S-1.

14 A S-1. And your question is again?

15 Q There is no reference to your commitment to  
16 terminate or otherwise cease any employment or activities that  
17 in any way would keep you from being a fully-integrated  
18 principle at Channel Two.

19 JUDGE SIPPEL: Is there an objection?

20 MR. LEADER: Yes.

21 JUDGE SIPPEL: What is it, Counsel?

22 MR. LEADER: I think the objection is that that's a  
23 mischaracterization of what's in the book and once again, the  
24 book speaks for itself.

25 JUDGE SIPPEL: Well, this is cross examination.

1 It's certainly -- it's a very legitimate question. If the  
2 witness can't answer it, the witness can tell us. I overrule  
3 the objection. Do you understand that question, Mr. Smith?

4 MR. D. SMITH: Can you repeat the question, Mr.  
5 Greenebaum?

6 BY MR. GREENEBAUM:

7 Q I'm afraid it's going to be the third version of it,  
8 but I'll do the best I can. Isn't it a fact that nowhere in  
9 Exhibit 26, the S.E.C. filing they distribute to the public  
10 for investment purposes, is there any reference to your pledge  
11 to divest yourself -- to terminate your then-current  
12 employment or divest yourself of any activities that might  
13 interfere with your integration commitment in this proceeding?

14 A If there is a reference, I think the reference is as  
15 required on Page 17 of the document and it's a reference that  
16 you've already referenced which is Control by Stockholders;  
17 Dependence Upon Key Personnel. I think the document fairly,  
18 clearly says that the company may be dependent. That's why  
19 it's disclosed. In the event that I leave the company as a  
20 result of being successful with Four Jacks, the public has  
21 been advised.

22 Q What language do you see that says the public has  
23 been advised that you're going to leave if Four Jacks is  
24 successful?

25 A I read that document to suggest and make clear to

1 the public that in the event that I am not there as a key  
2 personnel or that other people as key personnel aren't there,  
3 they're so advised and the success or failure of the company  
4 may or may not happen.

5 MR. GREENEBAUM: Your Honor, I would move this  
6 document into evidence at this time.

7 JUDGE SIPPEL: Is there an objection?

8 MR. LEADER: No.

9 JUDGE SIPPEL: It's in as Scripps Howard 26.

10 (Whereupon, the document referred  
11 to as Scripps Howard Exhibit No. 26  
12 was received into evidence.)

13 MR. GREENEBAUM: The purpose of the convenience to  
14 -- in order to aid the Court and to maybe have a clearer  
15 record, we have made this chart of what we understand the  
16 Smith brothers' business holdings to be and there's no  
17 creativity in this chart. It comes from the various  
18 documents. To the extent there is any creativity, it's to get  
19 everything on one page and I think it might be easier in going  
20 through his titles, commitments, and the like to have a chart  
21 like this for purposes of the record and I would offer it as  
22 Exhibit 27 for that purpose.

23 JUDGE SIPPEL: Well, before we mark it, I understand  
24 this is in the nature of demonstrative evidence.

25 MR. GREENEBAUM: It's really a summary chart more or

1 less.

2 JUDGE SIPPEL: Or a summary chart. We'll state it

3 --

4 MR. GREENEBAUM: And Gerstell is the only one that's  
5 not on that came out today.

6 JUDGE SIPPEL: Well, that's the question I have. Is  
7 it -- if it's going to be of use, the usage you've indicated,  
8 and I agree with that in principle, its currency and its  
9 precision is going to be an important ingredient.

10 MR. GREENEBAUM: I believe I could establish that  
11 with this witness, Your Honor.

12 JUDGE SIPPEL: All right. And I -- well, I say all  
13 right in terms of my concerns. I'm going to hear from Mr.  
14 Leader on this. There should be a way of identifying which  
15 information is F.C.C. information and which information is  
16 S.E.C. information, again if it's going to be used as a useful  
17 reference tool. And again, that also can be clarified, I  
18 believe. Mr. Leader, are you going to have any objection to  
19 this?

20 MR. LEADER: I have an objection to the caption,  
21 Business Holdings, because as they note, WCGV and WTTO are not  
22 business holdings. I believe that we've had applications that  
23 have been granted to eliminate Commercial Radio Institute as  
24 an intermediate subsidiary here and I think that the three  
25 referenced on the far right of the page relating to Keyser

1 Communications, while business -- while our business holdings  
2 don't have anything to do with the issues that we're here to  
3 -- the cross examination.

4 JUDGE SIPPEL: Well, that's your contention and  
5 we've been through that to a degree. But I see what Counsel  
6 is trying -- seeking to do is to present a composite that will  
7 be of easy reference in his cross examination and hopefully  
8 will be an easy reference to all of us at some time down at  
9 findings. He's indicated that he has not -- this was not a  
10 creative document. This is a document which was designed to  
11 simply put on one page a lot of very specific information,  
12 narrow information. I see where it can facilitate matters,  
13 but I don't want to -- you know, if you're not going to agree  
14 to its accuracy --

15 MR. LEADER: Well, I can't agree to its accuracy  
16 because I know it's factually incorrect.

17 JUDGE SIPPEL: In the matters that you pointed out.

18 MR. LEADER: Yeah.

19 JUDGE SIPPEL: But those can be clarified.

20 MR. LEADER: Then the purpose for which it was  
21 submitted is defeated. It's no longer -- it's not going to  
22 facilitate much.

23 JUDGE SIPPEL: Well, unless there can be -- Mr.  
24 Greenebaum, unless there can be an agreement, at least in  
25 principle, to determine the accuracy --

1 MR. GREENEBAUM: I don't mind -- I don't mind doing  
2 it the hard way.

3 JUDGE SIPPEL: That's what I'm afraid of, so I'm  
4 going to hold this for the time being. But I would encourage  
5 -- let me say this. I would encourage, during the break or  
6 during lunch, if there's a way that this can be agreed, that  
7 there's some middle ground that can be reached, I'd appreciate  
8 it. This is a good way to approach it.

9 MR. GREENEBAUM: Your Honor, I really want to move  
10 this thing along.

11 JUDGE SIPPEL: Thank you. Go ahead.

12 MR. GREENEBAUM: And I would like to represent that  
13 we knew there had been an application filed to eliminate  
14 C.R.I. and maybe my colleagues knew, but I didn't realize that  
15 we didn't know when we made this chart that that had been  
16 granted. Now, that's just a matter of striking this act and  
17 we could call these three on the right, Keyser, Keyser, and  
18 Cunningham, anything Mr. Leader wanted to call them and all  
19 we'd have to add was Gerstell Development and it would be easy  
20 to go through it and I think the record's going to be confused  
21 otherwise and it's going to require much more precision and  
22 time. So it was an offer to assist the Court and the process.

23 JUDGE SIPPEL: Well, I'm going to permit it. I'm  
24 going to permit it to be used. I understand the  
25 qualifications. I understand the objections. The objections

1 are very narrow ones and I agree. I think that it is going to  
2 substantially move the speed of this cross examination and so  
3 let's have this marked then -- you've got two copies, the  
4 reporter has two copies -- as Scripps Howard No. 27 for  
5 identification and I'm going to see how your use of it goes  
6 along before I receive it into evidence.

7 (Whereupon, the document referred  
8 to as Scripps Howard Exhibit No. 27  
9 was marked for identification.)

10 BY MR. GREENEBAUM:

11 Q Mr. Smith, do you have a copy of this chart in front  
12 of you that I have prepared for use in this proceeding?

13 A Yes.

14 Q It's entitled Smith Brothers' Business Holdings. Is  
15 there some other title that you would prefer?

16 A You can call it what you like.

17 Q You're not offended by that title.

18 A No.

19 Q And on the right under Keyser -- where the Keyser  
20 Communications, Keyser Investments, and Cunningham  
21 Communications are, do you see that?

22 A Yes.

23 Q To complete that aspect of the chart and for  
24 purposes of this discussion, we could almost call that non-  
25 communication enterprises, if you want, based on Mr. Leader's

1 earlier objections. But to be complete, you would have to add  
2 in Gerstell Development Limited Partnership. Is that correct?

3 A That would be correct.

4 Q Well, let's put a fourth block underneath Cunningham  
5 Communications and call that Gerstell, G-E-R-S-T-E-L-L,  
6 Development Limited Partnership and -- for purposes of  
7 completeness.

8 A Bay Television interests are incorrect.

9 Q That's the percentage change?

10 A That's correct.

11 Q And that should be what, sir?

12 A 18.75.

13 Q And the other correction, I suppose, based on Mr.  
14 Leader's comments, would be to take out Commercial Radio  
15 Institute. Is that correct?

16 A That's correct.

17 Q When was the -- that granted, the petition to  
18 eliminate that entity?

19 A I received notification just several days ago, I  
20 believe.

21 Q That notification obviously then came since your  
22 deposition in this proceeding.

23 A That's correct.

24 Q Now, with the addition of Gerstell, the correction  
25 to the Bay Television percentage, and the strike of Commercial

1 Radio Institute (C.R.I.), is there anything else on this chart  
2 that you see as inaccurate?

3 MR. LEADER: (Raises hand.)

4 JUDGE SIPPEL: Let the witness answer first, Mr.  
5 Leader.

6 MR. D. SMITH: I want to make sure there's no  
7 confusion as to the WTTO and WCGV.

8 BY MR. GREENEBAUM:

9 Q They're called proposed assignees.

10 A Okay. They are not currently licenses or properties  
11 owned by us.

12 Q But you have applications in the works with the  
13 F.C.C., do you not?

14 A That's correct.

15 Q And that's why we've listed them as proposed  
16 assignees. Do you see that?

17 A Yes.

18 MR. LEADER: That's irrelevant, Your Honor.

19 JUDGE SIPPEL: Well, it's --

20 MR. LEADER: When they -- if they become licensed  
21 two entities owned by them, we'll amend the application and  
22 it'll be part of the record. The Commission -- Scripps Howard  
23 itself is trying to keep us from -- trying to prevent us from  
24 acquiring them on the one hand and the other hand, they're  
25 here, you know, trying to stick us with them. They can't have

1 | it both ways.

2 |           JUDGE SIPPEL: Well, it depends on what reason  
3 | they're trying to acknowledge these, in what context and I  
4 | mean, I can -- I'll just put it very briefly and that is, as  
5 | based on my initial -- my earlier ruling, that the scope of  
6 | this witness' involvement in other business transactions is  
7 | relevant for purposes and integration and I'm going to  
8 | overrule the objection.

9 |           MR. HOWARD: Your Honor, could I set the record  
10 | straight, that Scripps Howard has no pending petition against  
11 | either of these assignment applications? Mr. Leader is  
12 | mischaracterizing our position.

13 |           MR. LEADER: Well, that's not correct, Mr. Howard,  
14 | because you, in a subsequent filing with the F.C.C., indicated  
15 | that the -- all these transactions were tied together because  
16 | we couldn't close any of them if we didn't close the one you  
17 | protested. So you shouldn't -- you know, you should know the  
18 | facts a little better than that.

19 |           MR. GREENEBAUM: Your Honor, I don't want to get  
20 | into debate.

21 |           JUDGE SIPPEL: I appreciate that, Mr. Greenebaum.  
22 | Let's put that aside.

23 |           MR. LEADER: Well, they started it.

24 |           JUDGE SIPPEL: Mr. Leader, let's put it aside. Mr.  
25 | Greenebaum's got business to do here. Go ahead.

1 BY MR. GREENEBAUM:

2 Q Now, is there anything else that concerns you in the  
3 slightest about this chart?

4 A Not immediately. Other than it's not four-color.

5 MR. GREENEBAUM: I'm sorry?

6 JUDGE SIPPEL: Other than it's what?

7 MR. D. SMITH: It's not four-color.

8 MR. GREENEBAUM: I'm sorry. I didn't hear you.

9 Other than four-column?

10 MR. D. SMITH: Four-color.

11 MR. GREENEBAUM: I don't understand that answer.

12 MR. D. SMITH: I was simply making a reference to

13 the blandness of the --

14 MR. GREENEBAUM: Oh, you would like it technicolor?

15 MR. D. SMITH: Technicolor would be nice.

16 MR. GREENEBAUM: What color would you like?

17 MR. D. SMITH: We're in a visual medium.

18 JUDGE SIPPEL: That's a different kind of an answer,

19 but it's responsive. Mr. Leader, before Mr. Greenebaum

20 embarks on this now, is there any other factual inaccuracy or

21 supposed inaccuracy that you see about this document?

22 MR. LEADER: I haven't really -- you know --

23 MR. GREENEBAUM: Why don't we take a two-minute

24 break or something and let him look at it?

25 JUDGE SIPPEL: We'll take a break until -- we'll

1 take our morning --

2 MR. LEADER: Your Honor, we don't have to take a  
3 break. I mean, let him ask the questions.

4 JUDGE SIPPEL: Well, are you satisfied with the  
5 document? I know you don't want it being used, but are you  
6 satisfied with its accuracy?

7 MR. LEADER: I don't know. I mean, I just -- I know  
8 what's up here.

9 MR. GREENEBAUM: I would request a five-minute break  
10 to let him get satisfied.

11 JUDGE SIPPEL: We're going to take a break until  
12 10:30 by that clock in the back of the courtroom. It's about  
13 eight minutes.

14 (Off the record at 10:22 a.m. to reconvene at 10:30  
15 a.m.)

16 JUDGE SIPPEL: We're back on the record. Mr.  
17 Leader, have you and your trial team had an opportunity now to  
18 assess this document further?

19 MR. LEADER: Well, we've -- I've -- we've assessed  
20 it. As long as it's used for purposes -- I think I believe  
21 what Mr. -- how Mr. Greenebaum's going to use it and as long  
22 as it's not being submitted to show the actual chain of  
23 ownership of these companies, but rather to show integration  
24 and the time that each takes, I don't have any objection to  
25 his using it. But if it's intended to be a legal description

1 of how these entities are owned, I don't think that that's  
2 most accurate. I think our exhibits are.

3 JUDGE SIPPEL: Well, it's factually -- I'm taking it  
4 as being factually -- based on what you've said plus my other  
5 exposure to this document. I'm taking it as the factual  
6 representation of what Mr. Greenebaum proffered it to be and  
7 it's being used for that purpose to cross examine this  
8 witness.

9 MR. LEADER: Well, let me just -- I'd just pointed  
10 out a couple of nitty things and that's not -- I don't mean to  
11 be, but you asked me. For example, just look at Bay  
12 Television.

13 JUDGE SIPPEL: Well, I've given you enough time to  
14 examine this.

15 MR. LEADER: Well, I just --

16 JUDGE SIPPEL: We're going to go --

17 MR. LEADER: Our exhibits speak for themselves.

18 JUDGE SIPPEL: We're going to go forward with it and  
19 I'm taking it as an accurate representation based upon how  
20 it's been proffered to this Court by Mr. Greenebaum and I'm  
21 going to permit cross examination. If you have a specific  
22 objection to any particular question, we'll take it up at that  
23 time. You may proceed, Mr. Greenebaum.

24 MR. GREENEBAUM: Thank you, Your Honor.

25 BY MR. GREENEBAUM:

1 Q Mr. Smith, if you would -- if we could start with  
2 the left-hand side of the page, with Sinclair, I believe  
3 you've already told us you're the president, chief executive  
4 officer, and chairman of the board of that company. Is that  
5 correct?

6 A Yes.

7 Q And are you involved at all in the process of  
8 winding down or wiping out C.R.I.?

9 A Am I involved in the process?

10 Q Yes.

11 A The lawyers handle it.

12 Q What was your title or is your title at C.R.I.?

13 A It was the same.

14 Q President, chief executive officer, and chairman of  
15 the board?

16 A (No response.)

17 Q Now --

18 JUDGE SIPPEL: Was there an answer to that?

19 MR. GREENEBAUM: He said it was the same, president

20 --

21 MR. D. SMITH: It was the same.

22 BY MR. GREENEBAUM:

23 Q Do you have a title at WTTO, Inc. for the proposed  
24 assignee?

25 A President.

1 Q Anything else? How about WCGV?  
2 A President.  
3 Q How about WPGH?  
4 A President.  
5 Q How about WTTE?  
6 A President.  
7 Q And how about at Chesapeake Television, Inc.?  
8 A President.  
9 Q And those are -- each of those stations are  
10 corporations?  
11 A Yes.  
12 Q And they have corporate meetings?  
13 A Periodically.  
14 Q Now, what is your title with Channel 63?  
15 A I believe it's president.  
16 Q How about Bay Television?  
17 A I believe it's president.  
18 Q How about Four Jacks?  
19 A President.  
20 Q How about Keyser Communications?  
21 A President.  
22 Q Keyser Investments?  
23 A I don't recall who the president is.  
24 Q Do you know what your title is?  
25 A I don't recall off-hand.

1 Q Do you know if you are an officer in any respect or  
2 capacity of Keyser Investments?

3 A I'm sure I'm an officer.

4 Q But you don't know which one.

5 A Not specifically, no.

6 Q Do you know -- am I correct that the other officers  
7 would be your brothers?

8 A Yes.

9 Q And do you know which office any one of your other  
10 brothers holds in Keyser Investments?

11 A One of my brothers, Duncan, generally is the  
12 secretary.

13 Q But you're not sure.

14 A I'm not positive, no.

15 Q How about Cunningham Communications? What office do  
16 you hold?

17 A President.

18 Q How about Gerstell Development Limited Partnership?  
19 What office do you hold if any?

20 A I'm not sure whether I'm the managing general  
21 partner or the president or exactly what my title is.

22 Q If that's a limited partnership, as indicated, there  
23 would have to be a general partner, would there not?

24 A I would presume so.

25 Q And if there was a general partner, am I correct in

1 assuming that it would be you?

2 A More than likely.

3 Q And sticking for a moment with Keyser  
4 Communications, Keyser Investments, and Cunningham  
5 Communications, and Gerstell Development Limited Partnership,  
6 how much of your time do those entities take on a day by day  
7 basis?

8 A I think it would be more appropriate to characterize  
9 them as month to month as opposed to day to day.

10 Q They do take some of your time, do they not?

11 A Yes.

12 Q And what is it that Keyser Communications does?

13 A Keyser Communications manages inventory.

14 Q Well, as president, what are your duties and  
15 responsibilities?

16 A On a specific basis, there are no day to day  
17 practical responsibilities of the company that I'm involved  
18 in.

19 Q Well, what do you mean by inventory?

20 A We manage -- or actually we acquire through a  
21 program services agreement in Pittsburgh some inventory on a  
22 local television station that we in then turn provide to WPGH  
23 in the marketplace.

24 Q So that's -- I'm sorry, I don't -- that's Keyser  
25 Communications?

1 A That's correct. It's effectively a passive company.

2 Q And that's located -- that manages real estate in  
3 Pittsburgh?

4 A It manages television inventory. It buys television  
5 inventory.

6 Q It manages assets of yours, does it not?

7 A Theoretically, yes.

8 Q Not theoretically. That's what it does, isn't it?

9 A Theoretically that's correct.

10 Q Well, do you recall in your deposition on Page 62 --

11 A I don't have my deposition here, do I? Yes, I do.  
12 What page?

13 Q Page 62, Line 15.

14 "Q How about Keyser Communications? What does  
15 that do?

16 A Keyser Communications is essentially a  
17 management company.

18 Q Again, does that manage your own properties?

19 A It manages assets of ours, yes.

20 Q So when you say assets, what types of assets  
21 generally?

22 A Basically paper assets.

23 Q Is that a portfolio management?

24 A You could characterize it like that, I guess.

25 Q Second trusts, things of that nature?

1 A Not necessarily. We are not involved in any  
2 outside trusts.

3 Q I'm not trying to pry. I'm just trying to  
4 get an idea what types of investments it  
5 handles or assets.

6 A It handles the management of inventory."

7 JUDGE SIPPEL: That's your answer. Your answer is,  
8 "It handles the management of inventory."

9 MR. D. SMITH: That's correct. It manages one  
10 contract.

11 BY MR. GREENEBAUM:

12 Q And that's in Pittsburgh.

13 A That's correct. The sale of inventory.

14 Q That's not mentioned in here at all, is it, sir?

15 A It wasn't asked.

16 Q I thought I asked you the same question at your  
17 deposition that I asked you here today.

18 A Do you want to repeat your question?

19 Q No.

20 JUDGE SIPPEL: Well, the record will reflect one way  
21 or the other.

22 BY MR. GREENEBAUM:

23 Q In any event, the fact is it manages one property in  
24 Pittsburgh. Is that right?

25 A It does not manage property, per se. It manages a