

*Rec Received August 26, 1994 @ 1:45 p.m.
Diana A. Brodshaw*

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TRANSCRIPT OF PROCEEDINGS

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

RECEIVED

SEP 15 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

IN THE MATTER OF:)
)
SCRIPPS HOWARD BROADCASTING COMPANY)
For Renewal of License of Station)
WMAR-TV, Baltimore, Maryland)
)
and)
)
FOUR JACKS BROADCASTING, INC.)
For a Construction Permit for a New)
Television Facility on Channel 2 at)
Baltimore, Maryland)

MM DOCKET NO. 93-94

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I N D E X

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24	Conference began: 9:30 a.m.	Conference Ended: 10:13 a.m.
25	Lunch Break Began:	Lunch Break Ended:

P R O C E E D I N G S

1
2 JUDGE SIPPEL: We're on the record. This is a
3 conference that was called at my order at the request of
4 counsel, really for counsel for both applicant parties,
5 although I understand that -- I'm going to note from your,
6 from your letter, Mr. Howard, that you were requesting a
7 telephone conference call, but that's -- in any event, we are
8 here. Counsel for the Bureau is present, Mr. Zauner. Counsel
9 for both parties are here.

10 I think -- it's clear from what -- from your letter,
11 Mr. Howard, that the relief that you're suggesting, let me put
12 it in the form of a suggestion for, for Ms. Covington, is a
13 situation that I take, I take very, very seriously. I've been
14 through a similar situation in my own family, not somebody as
15 close as a spouse, but I -- so I can empathize with, with what
16 Ms. Covington may be going through at this time. However,
17 having said that, I'm going to have to be very specific in
18 terms of the facts that you're giving and that's really all I
19 can do right now.

20 You've -- I think you've laid your position out in
21 your letter of August 15th and everybody has a copy of that.
22 I'm going to ask Ms. Schmeltzer if she -- you requested this
23 on-the-record conference so I want to begin by addressing what
24 your concerns are.

25 MS. SCHMELTZER: Well, our concerns are that we have

1 not been able to depose Ms. Covington this entire summer and
2 my other concern is that the letter says Ms. Covington has
3 stated that she could make herself physically available to
4 attend a deposition on Wednesday. What we have is the
5 assertion of Scripps Howard's counsel that in their view she
6 would not be able to respond to questions. We don't have
7 anything from Ms. Covington saying this.

8 JUDGE SIPPEL: All right. So you're not, you're not
9 satisfied that there's been a sufficient showing to postpone
10 the deposition tomorrow? I mean we're talking about
11 tomorrow's deposition.

12 MS. SCHMELTZER: That's correct, Your Honor. And I
13 noted the date that we had given Scripps Howard as a possible
14 date was Monday, the 22nd, and I haven't been told why she
15 couldn't make it on the 22nd. That's before her husband is
16 released from the hospital.

17 JUDGE SIPPEL: This is August the 22nd.

18 MS. SCHMELTZER: August the 22nd, that's right.

19 JUDGE SIPPEL: All right. And I do -- I want the
20 record to be clear that you have, you have arranged to have a
21 place in Baltimore to take the deposition in order --

22 MS. SCHMELTZER: And a court reporter.

23 JUDGE SIPPEL: -- to accommodate her.

24 MS. SCHMELTZER: In fact, the court reporter is
25 waiting to hear from me about tomorrow.

1 JUDGE SIPPEL: Okay.

2 MS. SCHMELTZER: We've gone through this twice where
3 we've arranged for a court reporter and at the last minute had
4 to cancel.

5 JUDGE SIPPEL: All right. Mr. Zauner, do you have
6 anything you want to say at this time?

7 MR. ZAUNER: No, Your Honor.

8 JUDGE SIPPEL: Mr. Howard?

9 MR. HOWARD: Yes, Your Honor. First, we only got
10 the subpoena from Four Jacks for Ms. Covington not at the
11 start of the summer, but well into the summer in my
12 recollection and we've done everything that we could to, to
13 move this case forward. And the, the fact that these
14 unfortunate events occurred, of course, are not anybody's
15 fault and they're certainly not serving anyone's interest.

16 With respect to her question as to whether or not
17 Ms. Covington has taken a position on this, we also represent
18 Ms. Covington personally and Ms. Abrutyn has been talking to
19 Ms. Covington on a regular basis, as we have kept everyone
20 informed, about how this is proceeding and we have expressed
21 these concerns. This is not any surprise. We've expressed
22 concerns about whether she would be available to take
23 deposition since her husband was scheduled for surgery. We
24 knew that this was a very traumatic experience in this woman's
25 life to have her husband of 45 years be going in for surgery

1 for -- they did find pancreatic cancer last week and he's
2 going to be in the hospital for several weeks, and when he
3 comes home she told us Sunday evening that he's going to need
4 round-the-clock care from her.

5 And that's the, that's the new fact that's really
6 presented here, that she is not going to be available for the
7 September hearing which is a very relevant consideration in
8 trying to decide whether we should rush into doing a
9 deposition with Ms. Covington under the very trying
10 circumstances that this woman has been confronting during the
11 past month and particularly during the past week.

12 And with respect to expressively what Ms. Covington
13 has told us, she's told us that she's tried, that she's
14 distracted, that she is under stress. She has asked her
15 attorneys to decide whether she's capable of testifying in
16 this matter. She hasn't been through this process before.
17 She really doesn't know herself exactly what the process would
18 be like and she's asked us for guidance on this. And so her
19 position is asking the attorneys and after considering all the
20 circumstances and doing our best to move this forward we've
21 come to the conclusion that we need to put this matter off.

22 JUDGE SIPPEL: Who is it -- who has -- from your
23 team that has talked to Ms. Covington?

24 MR. HOWARD: Stephanie Abrutyn.

25 JUDGE SIPPEL: Have you talked to her yourself

1 | personally?

2 | MS. ABRUTYN: Yes, I've talked to her several times.

3 | JUDGE SIPPEL: No. I'm asking Mr. Howard. Just a
4 | moment.

5 | MR. HOWARD: Oh, yes. Not in the last week I have
6 | not, but yes, I've talked to her on several occasions.

7 | JUDGE SIPPEL: All right. Now, Ms. Abrutyn, you
8 | have talked to her recently?

9 | MS. ABRUTYN: Yes. I spoke to her last evening and
10 | I spoke to her Sunday evening, most recently, after the
11 | surgery.

12 | JUDGE SIPPEL: Last evening what did she -- what was
13 | the nature of the conversation lasting evening? I'm assuming
14 | that we're not going to get into a lawyer/client privilege on
15 | this. I'm only asking questions about what her -- Ms.
16 | Covington's health situation and Ms. Abrutyn is the one that
17 | knows about it.

18 | MR. HOWARD: I would think that this is relevant to
19 | making the decision and, assuming that it's not going to lead
20 | to any broad waiver of attorney/client privilege, she
21 | communicated with us in the expectation that we would act as
22 | her agents in communicating.

23 | JUDGE SIPPEL: I'm only talking about the
24 | availability of Ms. Covington with respect to the nature of
25 | what's going on, the health issue that's going on in her life.

1 All right. You're -- all right. I'm, I'm asking you now, the
2 last conversation you had with her was last night?

3 MS. ABRUTYN: Correct.

4 JUDGE SIPPEL: All right. And what was the nature
5 of that conversation?

6 MS. ABRUTYN: The nature of that conversation was
7 that she telephoned me after she returned home from the
8 hospital because she is --

9 JUDGE SIPPEL: About what time was that?

10 MS. ABRUTYN: A little before 7:00 p.m. And she
11 asked me what the situation was because I had informed her
12 that we were going to -- at that point we'd anticipated having
13 a decision yesterday -- last evening, and I told her that we
14 had -- based on our conversations with her, that we had
15 decided and sent a letter outlining our position and
16 requesting that the matter be put off. She said that that --
17 that she had no problem with that and that she was in some
18 sense relieved. I asked her how she was doing and she said
19 that she was tired and that she felt like all of the stress of
20 the last month had caught up with her now that the surgery had
21 actually been performed and that they had a, a definite answer
22 as opposed to a possible diagnosis, and that she was tired and
23 that she was -- continued to be a little bit distracted. She
24 has -- in addition to everything else recently due to her
25 husband's condition, had to take on a number of

1 responsibilities for their personal life that previously were
2 taken care of by him including a number of day to day
3 financial things and those were an additional burden on her.

4 She gave me some details about the surgery and said
5 that it was, it was very major surgery and that she wanted me
6 to convey to you that her husband was on the table for eight
7 hours on Thursday, that they had removed half of his pancreas,
8 all of his gallbladder and part of a major vein and that the
9 surgery, in fact, had taken a couple hours longer than
10 anticipated because of some things that they found when they
11 went in. And she reiterated again that right now it was being
12 conveyed to her by the physicians that her husband's schedule
13 would mean that she would be unavailable for the hearing on
14 the scheduled dates in September.

15 JUDGE SIPPEL: All right. Well, let's focus --
16 we've got -- we're on a 24 hour clock with respect to
17 tomorrow. Let me just focus on tomorrow for the time being.
18 Is her husband still in the hospital?

19 MS. ABRUTYN: Yes, he is.

20 JUDGE SIPPEL: And he expects to be in the hospital
21 how long?

22 MS. ABRUTYN: It was two to three weeks from last
23 Thursday so I guess that would be another approximately two
24 weeks.

25 JUDGE SIPPEL: All right. Is, is Ms. Covington

1 | under a doctor's care?

2 | MS. ABRUTYN: I'm not aware of any particular --

3 | JUDGE SIPPEL: Did she tell you whether or not she
4 | was taking any medication?

5 | MS. ABRUTYN: No, she didn't.

6 | JUDGE SIPPEL: Did you ask that question? Did you
7 | discuss that at all?

8 | MS. ABRUTYN: No, I did not.

9 | JUDGE SIPPEL: And when was the -- what was the date
10 | of the operation?

11 | MS. ABRUTYN: That was last Thursday. That would be
12 | five days ago. It would be August 11th.

13 | JUDGE SIPPEL: Okay. And, and what was the last --
14 | what was the contact you had with her before last night about
15 | this? I mean I'm talking about her -- this situation.

16 | MS. ABRUTYN: Prior to the surgery she told me that
17 | the doctors had told her that they would not be able to give
18 | her any evaluation whatsoever as to how it went for between 48
19 | and 72 hours after the surgery, so we arranged for her to
20 | telephone me on Sunday evening at home which was the time
21 | period after the surgery when the doctors would have been able
22 | to tell her something.

23 | She called me on Sunday evening. She told me that
24 | they had found cancer, that the physicians were optimistic
25 | about the future, but that it was going to be somewhat of a

1 | long haul in terms of getting his strength back. That is when
2 | she told me that he would be in the hospital -- at that point
3 | they thought it was one to three weeks and that he would
4 | require her care afterwards, that it would probably be a
5 | gradual improvement. And she said that she has been spending
6 | the days at the hospital and been home in the evenings and
7 | that that was her plan. And she -- I asked her again how she
8 | was -- how she felt about the deposition and she said that she
9 | just didn't know. I asked her if she wanted to go forward
10 | with it and she said that she thought that was a decision that
11 | she could not make right now. She was going to rely on us to
12 | make that decision for her, and that she would make herself
13 | physically available in Baltimore if we -- we, meaning Scripps
14 | Howard, needed her to, but that she really hadn't given any
15 | consideration to her ability to testify fully.

16 | I talked to her a little bit about that and she
17 | reiterated that she was tired and that she felt that her
18 | husband's condition was on her mind all the time and that she
19 | was not confident in her ability to concentrate if we went
20 | forward.

21 | JUDGE SIPPEL: Did she change -- between that
22 | conversation and the conversation last night did she in any
23 | way change her position with respect to relying upon the law
24 | firm or her attorneys for the decision on whether or not go
25 | forward?

1 MS. ABRUTYN: No, she did not.

2 JUDGE SIPPEL: All right. I'm -- unless there's
3 something further that develops, I'm going to require that she
4 appear for the deposition tomorrow in Baltimore unless Scripps
5 Howard -- I mean Four Jacks' counsel understands all the
6 circumstances now under which the witness would be proffered,
7 proffered only under my order. You're not volunteering her.
8 And I will be in a, a reasonable standby position tomorrow to
9 take any further requests by, by telephone. I do have a
10 dental appointment at 12:00 noon, just to alert you to that,
11 but other than between 12:00 and 1:00 I should be generally
12 available.

13 There's no -- the basis for my ruling is, to say it
14 as briefly as I can, but there has been this considerable
15 period of time that's been passing within which to get the
16 discovery, the discovery of these witnesses including Ms.
17 Covington pinned down and I'm not going to ascribe any
18 particular fault to that. There's been a lot of circumstances
19 that have happened and that are beyond people's control and
20 this certainly is one of them. This is the most glaring
21 example of it. But, having said that, the fact remains is
22 that from my experience with cancer situations certainly the
23 situation is not necessarily going to get anymore easier for
24 her as time passes. I don't mean to say -- even if assuming
25 that her husband does go on a recovery pattern, the intensity

1 of her involvement with that procedure is likely to get more
2 and more as time goes on or it could easily happen that way.
3 In other words, by postponing the deposition based on these
4 circumstances I don't have any assurance as to when Ms.
5 Covington would be in a better position to give deposition
6 testimony and I'm certainly -- I'm taking into consideration
7 the fact that she's not under a doctor's care, she's not
8 taking any medication. I recognize the fact that she's under
9 considerable stress and her ability to handle the questions is
10 going to have to be a determination to be made on the scene.
11 There's nothing really -- there's nothing more I can do at
12 this point. I'm certainly -- I don't have to -- I mean I will
13 instruct counsel for Four Jacks to be very delicate in terms
14 of how they're going to handle the questioning and this is
15 going to be -- I want all counsel to work diligently to assist
16 her as much as possible so that there's no request for a, for
17 a second or a follow-up deposition. I mean, in other words,
18 she should come armed with, with the documents that are --
19 have been subpoenaed in connection with her testimony should
20 be made available with no, with no opposition and no
21 questioning with respect to the documents or at least keeping
22 it to a minimum. That's all that I can rule on right now and,
23 as I say, I will stand by for further rulings. Mr. Howard?

24 MR. HOWARD: May I just urge two additional factors
25 that we believe should be taken into account in making this

1 ruling, if, if I may. The first is that Ms. Covington has now
2 advised us that with respect to the September date, which is
3 immediately after or relatively immediately after her
4 husband's hoped for discharge from the hospital, there will be
5 a period of time during which he will be requiring such
6 intensive care or such care by her that she believes she would
7 not be able to attend the hearing to testify, that I think
8 that that is a -- an independent factor that warrants putting
9 off the deposition because there's not a need then. If the
10 hearing is going to be put off, there's not a need to put this
11 witness through the, the difficulties of undergoing a
12 deposition at such -- after such a recent traumatic experience
13 and while her husband's, in fact, still in -- taking her away
14 from her husband's hospital bed to attend a deposition for --
15 so that then -- when the hearing is likely to have to be put
16 off because of her unavailability as a witness. We don't know
17 for a factor she's going to be a witness, but certainly there
18 is a very real possibility. The second factor is that pending
19 the resolution of the comparative freeze on comparative
20 proceedings there's at least a substantial likelihood that
21 this matter is not due for resolution until -- for quite some
22 period. The Commission has not given any indication of when
23 it's going to rule on the changes and it's certainly not going
24 -- likely to be in the next month or two. Given those
25 factors, it seems that there's not the kind of pressure to

1 | move forward on this stage of the hearing that there might
2 | otherwise be.

3 | JUDGE SIPPEL: Well, as I see it, all the more --
4 | the reasons that you're giving, at least the first reason --
5 | the second reason is a little bit too indefinite to, to be
6 | able to address. It's a fact of life, but -- I want to get
7 | back to your first point. As I see it, the reasons that
8 | you're giving are all the more reasons as to why Ms.
9 | Covington's deposition should be taken now. This -- the
10 | discovery of this issue should be completed with some degree
11 | of diligence between now and September. Whether Ms. Covington
12 | can appear as a witness in September is a different
13 | consideration, but at least we will have her testimony. We
14 | will have her sworn testimony with respect to the issue. And
15 | if we don't do it now, come September time if, if the worse
16 | case scenario develops, we may not have Ms. Covington's
17 | testimony neither by deposition nor in person. So I mean I
18 | think the -- I see the urgency here to be to go forward in
19 | light of Ms. Covington's condition as it has been explained to
20 | be by Ms. Abrutyn. I also know, of course, that the fact that
21 | her husband is now in the hospital, he is under medical care,
22 | he is getting treatment around the clock, it does not require
23 | Ms. Covington to be there on a 24 hour basis, plus the fact
24 | that counsel for Four Jacks has arranged for her deposition to
25 | be taken right in Baltimore and the instruction that I've

1 given this morning, I think, is the, is the proper way to
2 resolve this today. Now that's my ruling. Does -- is there
3 anything that -- any question from Four Jacks' side in terms
4 of how you -- do you want any further instruction on how to
5 proceed with this?

6 MS. SCHMELTZER: No, that's fine, Your Honor.

7 JUDGE SIPPEL: All right. Mr. Zauner?

8 MR. ZAUNER: No.

9 JUDGE SIPPEL: All right. That's it then.

10 MR. HOWARD: Could I make another request given that
11 the deposition is going to go forward, that there be some time
12 limit imposed on how long Ms. Covington has to be exposed so
13 she can predict as to when she'll be able to return to her
14 husband's bedside?

15 JUDGE SIPPEL: Well, that's going to -- I -- that's
16 a tough one to call. I mean I've given a broad instruction to
17 counsel of Four Jacks to, to be very careful and delicate in
18 terms -- and that certainly would involve, you know, repeating
19 questions and I'm hoping this doesn't get into anything like
20 that but, on the other hand, it is a deposition and a
21 deposition is a deposition. I mean there's no way of getting
22 around it. Now that's why I'm making myself available for
23 rulings. If you feel you need relief I'll be available, but I
24 would -- what I'm urging both sides, and since you've raised
25 this I'm urging you, Mr. Howard, is get the thing over with.

1 Get her on the record and get it over with, and the easiest
2 way to do that is to give Four Jacks all the information they
3 can reasonably ask for and then she's out of there. That's --
4 that would be my best advice right now, but other -- I can't
5 anticipate anything other than that. Do you -- let me ask,
6 Mr. Leader or Ms. Schmeltzer, do you have a -- any kind of a
7 ballpark estimate assuming everything went right how long this
8 might take?

9 MS. SCHMELTZER: You know, Your Honor, it's hard to
10 say because --

11 JUDGE SIPPEL: I know.

12 MS. SCHMELTZER: -- I don't know if I have to repeat
13 questions. She may want a break. I mean she's certainly
14 entitled to a lunch break. I don't know how many objections
15 I'm going to get, so it's --

16 MR. LEADER: We have made arrangements for breakfast
17 and lunch to be at the locus of the deposition to facilitate
18 Ms. Covington so all she has to do is appear there.

19 JUDGE SIPPEL: All right. All right. This is, this
20 is all I can do.

21 MR. LEADER: There won't be an inconvenience, in
22 other words.

23 JUDGE SIPPEL: This is all I can do. I mean
24 everybody is very -- has been sensitized to the situation.
25 Everybody knows this is not a run of the mill deposition and

1 everybody's going to move very cautiously on this but, as I
2 say, my bottom line advice is get it over with. And I -- you
3 know, unless there's a medical statement from a doctor, I'm
4 not expecting to hear tomorrow that she's under some kind of
5 medication. I mean I'm asking you to, to -- in other words, I
6 want to be sure that she has indicated that she has -- with
7 the limitations she's indicated she's prepared to go forward
8 with the deposition and that's what I'm expecting is going to
9 take place.

10 MR. HOWARD: I'd like the record to show we have not
11 asked her whether she's under medication so we don't, we don't
12 have any idea.

13 JUDGE SIPPPEL: Well, all right. You know, as I say,
14 I've made my statement. I've tried to cover as many of the
15 bases as I possibly can because it's very important to -- I
16 feel it's very important to this case that this go forward
17 tomorrow for the reasons that I've stated. Now, with respect
18 to September, I think it's just too premature to get into that
19 right now. Let's get -- has all the other discovery been
20 completed and all the depositions? I think I had a schedule
21 here. There was going to be several taken on -- or at least
22 two taken on the 28th of July. Those have been completed, Ms.
23 Barr, Mr. Kilborn?

24 MS. SCHMELTZER: Those have been completed, Your
25 Honor.

1 JUDGE SIPPEL: And what about the depositions of the
2 Four Jacks principals?

3 MS. SCHMELTZER: Those have all been completed as
4 well, so it's just this one deposition that's outstanding.

5 MR. ZAUNER: Well, that's not quite true. There was
6 also a request for David Roberts.

7 MS. SCHMELTZER: That's correct. That's correct.
8 There is that request.

9 MR. HOWARD: Scripps Howard has also requested
10 additional information from Four Jacks informally that we
11 intend to pursue, obtain informally.

12 JUDGE SIPPEL: Are those the tax returns?

13 MR. HOWARD: Yes, Your Honor.

14 JUDGE SIPPEL: All right. I don't want to get into
15 that this morning, but if you -- you'll have to go by motion
16 and be sure you give me copies of the transcripts, the
17 deposition transcripts, on which you're basing that request.

18 MR. HOWARD: Yes, Your Honor.

19 JUDGE SIPPEL: And I will -- well, okay. That's --
20 I think that's all that I have. That's all that I can -- Mr.
21 Leader?

22 MR. LEADER: Can we go off the record?

23 JUDGE SIPPEL: For what purpose?

24 MR. LEADER: We'd like to talk about the September
25 dates.

1 JUDGE SIPPEL: Surely. We'll go off the record.

2 (Off the record. On the record.)

3 JUDGE SIPPEL: This is off the record discussions
4 with respect to scheduling. On September 7th we will begin at
5 10:00 a.m. subject to hearing further from Mr. Greenbaum, but
6 we will start at 10:00 a.m. with the testimony of Mr. Kilborn
7 and that's, that's a conditional time. An absolute time is
8 1:00 p.m. on September 7th. It will depend upon Mr.
9 Greenbaum's availability and that availability is going to be
10 based on religious observance reasons. Is that correct, Mr.
11 Howard?

12 MR. HOWARD: I didn't --

13 JUDGE SIPPEL: That's what you said. That's what I
14 heard you say.

15 MR. HOWARD: That would be -- well, that's one
16 factor that I can see from here without having discussed that
17 with him because I understood that the afternoon date was
18 satisfactory to everyone and having discussed Ms. Abrutyn's
19 unavailability. Thus, I --

20 JUDGE SIPPEL: All right. Well, I'm just saying if
21 he's got a, if he's got -- if he can't be in court because of
22 religious observance on, on the 7th it would seem to me that
23 he couldn't be conducting any other business at that time
24 either. There wouldn't be a conflict on a business basis, if
25 I'm hearing you right.

1 MR. HOWARD: I'm just saying I don't know for
2 certain that the religious observance would be the basis of
3 his not being there.

4 JUDGE SIPPEL: Oh, I see. Okay. All right. Well,
5 we've got, we've got a conditional 10:00 a.m. starting time.
6 We've got an absolute 1:00 p.m. starting time on September the
7 7th. Then on September the 8th, Thursday, we'll start at 9:30
8 a.m. with Ms. Barr or Ms. Covington, and then on Friday,
9 September 9th we will continue with either again Ms. Barr or
10 Ms. Covington depending on how things are going. I don't
11 expect to be going beyond 5:00 p.m. on either of those days.
12 I wouldn't expect it. We're going to then pick up on
13 September 12th at 9:30 with the -- with one of the -- one of
14 the principals of Four Jacks. We'll continue on September
15 13th at 9:30 and September 14th, if necessary, we'll go from
16 9:30 until 12:00 noon if that's necessary. The stipulations,
17 the counsel and particularly Mr. Zauner has pursued again or
18 has raised once more the possibility of some stipulations
19 which might facilitate the testimony of the Four Jacks
20 principals. The parties are very encouraged to continue that
21 -- those efforts. Any stipulations agree that -- agreed to in
22 writing must be submitted to me by 12:00 noon on the 2nd of
23 September which is the Friday before the hearing. That's all
24 I have for now. We're in recess until the 7th of September.
25 Thank you.

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(Whereupon, the conference was recessed at 10:13
a.m.).

CERTIFICATE OF REPORTER, TRANSCRIBER, AND PROOFREADER

IN RE APPLICATIONS OF SCRIPPS HOWARD

Name

MM DOCKET NO. 93-94

Docket No.

WASHINGTON, D.C.

Place

AUGUST 16, 1994

Date

We, the undersigned, do hereby certify that the foregoing pages, numbers 1465 through 1487, inclusive, are the true, accurate and complete transcript prepared from the reporting by Alice Wehner in attendance at the above identified proceeding, in accordance with applicable provisions of the current Federal Communications Commission's professional verbatim reporting and transcription Statement of Work and have verified the accuracy of the transcript by (1) comparing the typewritten transcript against the reporting or recording accomplished at the proceeding and (2) comparing the final proofed typewritten transcript against the reporting or recording accomplished at the proceeding.

8/25/94

Date

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Free State Reporting, Inc.

8/26/94

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