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TRANSCRIPT OF PROCEEDINGS

SEP 26 1994

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

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IN THE MATTER OF:

SCRIPPS HOWARD BROADCASTING CO.
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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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)
-----)

The above-entitled matter came on for hearing pursuant to notice before Judge Richard L. Sippel, Administrative Law Judge, at 2000 L Street, N.W., Court Room 1, Washington, D.C. on Wednesday, September 7, 1994 at 1:01 p.m.

APPEARANCES:

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I N D E X

1					
2	<u>Examination of:</u>	<u>Direct</u>	<u>Cross</u>	<u>Redirect</u>	<u>Recross</u>
3	Brett Warner Kilbourne				
4	by Mr. Masters		1512		
5	by Mr. Howard			1551	
6					
7					
8	<u>Four Jacks</u>	<u>Marked</u>	<u>Received</u>	<u>Rejected</u>	<u>Withdrawn</u>
9	Exhibit No. 29	1537	1538		
10					
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25	Hearing Began: 1:01 p.m.			Hearing Ended: 2:01 p.m.	

P R O C E E D I N G S

1
2 JUDGE SIPPEL: Okay, we're on the record. I'm
3 assuming everybody here has given their name to the court
4 reporter, so we can proceed right with the business at hand.
5 Mr. Greenebaum?

6 MR. GREENEBAUM: We have an observer. And the lady
7 in the rear is a, is here in connection with cost assignment
8 and is not connected with our party. She has not given her
9 name to the reporter.

10 JUDGE SIPPEL: All right. That's fine. Thank you,
11 Mr. Greenebaum. This is a public hearing. Observers are
12 welcome.

13 The business at hand is the, is, is to complete the,
14 the testimony session. Witnesses on behalf of -- I take that
15 back. It will not be a witness on behalf of Scripps Howard.
16 Rather it is a witness that is being called for cross-
17 examination by Four Jacks.

18 Before we proceed -- that will be Mr. Brett
19 Kilbourne's testimony by way of cross-examination. Before we
20 proceed on that, I don't really have anything of a preliminary
21 nature. I would just like to say so that everybody can be
22 thinking of tomorrow's schedule that I would anticipate
23 tomorrow receiving the deposition testimony of Ms. Covington
24 in connection with the testimony of Ms. Barr. And in light of
25 that, we could start at 9:30 with the preliminaries. And Ms.

1 Barr would be on notice to be here by 10 o'clock for her
2 testimony if anybody, unless anybody has any objection to that
3 schedule.

4 I mean she can certainly is welcome to come earlier.
5 But I'm saying that by 10 o'clock I would expect that she
6 would be on the stand ready to go. And that again assumes
7 that we get our preliminary matters completed by 10 o'clock.

8 That's all that I have. Ms. Schmeltzer, do you want
9 to proceed?

10 MS. SCHMELTZER: I just have -- regarding your
11 preliminary matters, I just have two very minor points. The
12 first is I would assume that the actual testimony of Ms.
13 Covington that Mr. Howard is going to offer will be one-sided
14 instead of double-sided? His motion was, had double sided
15 pages.

16 JUDGE SIPPEL: I don't know. Does that really make
17 a difference? The number of pages will be the same.

18 MS. SCHMELTZER: I --

19 MR. HOWARD: The copy of the deposition offered into
20 testimony, is that your question? Yes, it will be one-sided.

21 MS. SCHMELTZER: Okay. And secondly, it seems to me
22 that the original Covington notes should come into evidence,
23 and Your Honor should have a chance to review them. They
24 should go with the original copy of the doc. The original
25 notes --

1 JUDGE SIPPEL: I understand what you're saying.

2 MS. SCHMELTZER: -- are the most legible version.

3 Because they were done in pencil, so they don't reproduce as
4 well as they could.

5 JUDGE SIPPEL: All right. I understand what you're
6 saying. Is there any objection to that?

7 MR. HOWARD: No, Your Honor.

8 JUDGE SIPPEL: All right. Then we'll proceed --
9 that's how we will proceed in the morning. Anything else?
10 Mr. Zauner?

11 MR. ZAUNER: Nothing, Your Honor.

12 JUDGE SIPPEL: Ms. Schmeltzer?

13 MS. SCHMELTZER: No.

14 JUDGE SIPPEL: You may proceed. Or Mr. Masters.

15 MS. SCHMELTZER: Mr. Masters is proceeding.

16 JUDGE SIPPEL: Mr. Masters.

17 MR. MASTERS: I will be doing the cross-examining.
18 And at this point, we would call Mr. Brett Kilbourne to the
19 stand for cross-examination.

20 JUDGE SIPPEL: All right. Would you come forward,
21 please, Mr. Kilbourne? And before you take your seat, would
22 you raise your right hand?

23 Whereupon,

24 BRETT WARNER KILBOURNE

25 was called as a witness, and after having been first duly

1 sworn testified through as follows:

2 JUDGE SIPPEL: Please be seated. I want to go off
3 the record for just a moment.

4 (Off the record at 1:05 p.m. Back on the record at
5 1:06 p.m.)

6 JUDGE SIPPEL: Mr. Masters, you may proceed.

7 MR. MASTERS: Thank you, Your Honor.

8 CROSS-EXAMINATION

9 BY MR. MASTERS:

10 Q Mr. Kilbourne, good afternoon. My name is Greg
11 Masters, and we've spoken before a few weeks ago. What is
12 your current employment, sir?

13 A I'm employed by Baker & Hostetler as a legal
14 assistant.

15 Q How long have you been employed as a legal assistant
16 at Baker & Hostetler?

17 A Almost 3 years.

18 Q And you have a Bachelor of Arts Degree I understand
19 from University of the South?

20 A Correct.

21 Q And you have a paralegal certificate from Georgetown
22 University. Is that correct?

23 A That's correct.

24 Q And so is it fair to say that in your employment
25 with Baker & Hostetler maintaining files and retrieving

1 documents are things that you do frequently.

2 A That's correct.

3 Q Have you done work for Baker & Hostetler in
4 connection with this hearing, that is the WMAR-TV renewal
5 hearing?

6 A Yes, I have.

7 Q When did you first do work in connection with this
8 case?

9 A Pretty much from the day I started.

10 Q Which would have been when, sometime in 1991?

11 A Yes, September of '91.

12 Q And were you aware or are you aware that in 1992
13 efforts were commenced to collect information relevant to the
14 renewal expectancy being claimed by WMAR in this case?

15 MR. ZAUNER: I'm going to object on the grounds of
16 relevancy. It seems to me the only issue that this gentleman
17 is here to testify about concerns the discovery of the
18 Covington notes. What he did in response to other things
19 concerning this case are irrelevant.

20 JUDGE SIPPEL: Oh, I'm going to permit these as
21 preliminary questions just to, to determine the scope, the
22 general scope of what his responsibilities were in the case.
23 It's not delaying anything, Mr. Zauner.

24 MR. GREENEBAUM: Your Honor, I would, I would ask we
25 give some sensitivity to the time period of the question.

1 Because what he knows now may be different than what he knew
2 then. When a question says did you know or do you know,
3 that's two different time periods.

4 JUDGE SIPPEL: That's correct. Be very careful how
5 you frame those questions, Mr. Masters.

6 MR. GREENEBAUM: Thank you, Your Honor.

7 MR. MASTERS: Okay. Very good.

8 BY MR. MASTERS:

9 Q Okay, remember the question, Mr. Kilbourne?

10 A Yes, I do.

11 Q Okay.

12 A And the answer is I, I don't recall that as early as
13 1992 efforts were made to assemble documents at that point.

14 Q You do not recall efforts made in 1992.

15 A No.

16 Q Okay. Did there come a time in 1993 when efforts
17 were made to produce documents on behalf of Scripps Howard
18 Broadcasting Company in response to a motion for production of
19 documents filed by Four Jacks?

20 A Yes, I do recall that.

21 Q Were you involved in that effort?

22 A Yes, I was.

23 Q And what was your involvement in that effort?

24 A My involvement was limited to, you know, taking the
25 documents that David Roberts forwarded to me which he had

1 received from WMAR --

2 Q Okay.

3 A -- and --

4 JUDGE SIPPEL: I'm not sure, is he finished? Did
5 you finish --

6 MR. MASTERS: I'm sorry. Did I interrupt you?

7 WITNESS: Yeah. Well, I was just going to say and
8 to, you know, label those documents and make copies of those
9 labeled documents.

10 BY MR. MASTERS:

11 Q Okay. So you were pretty much a maintainer of the
12 files of documents forwarded to your law firm by WMAR-TV. Is
13 that correct?

14 A That's correct.

15 Q Approximately when in 1993 did this effort in
16 producing documents occur?

17 A I believe it took place as early as July of '93.

18 Q Um-hum. And how long did the effort last to the
19 best of your recollection?

20 A Probably through August I guess.

21 Q Okay. So a couple of months --

22 A Right.

23 Q -- July and August.

24 A Right.

25 Q I take it in your participation in these efforts you

1 were supervised by attorneys at Baker & Hostetler?

2 A Yes, I was.

3 Q And which attorneys at Baker & Hostetler supervised
4 you in these efforts?

5 A I was supervised primarily by David Roberts.

6 Q Any other attorneys at Baker & Hostetler?

7 A In, in a document gathering effort?

8 Q That's correct.

9 A Only, only one other attorney assisted me in
10 producing documents. And that would have been Jenny Baker.

11 Q Okay. Is Ms. Baker still with --

12 A No.

13 Q -- Baker & Hostetler?

14 A No, she's not.

15 Q Did Ms. Baker supervise you in this effort?

16 A She's -- she was actually assisting and supervising
17 at the same time.

18 Q She was an associate at the law firm?

19 A Right.

20 Q And she was helping out Mr. Roberts, correct?

21 A Correct.

22 Q Now you said I believe a moment ago that during this
23 1993 effort documents were forwarded by WMAR-TV to Baker &
24 Hostetler. Is that correct?

25 A Yes.

1 Q To what particular attorney would these documents be
2 forwarded?

3 A They were forwarded to David Roberts.

4 Q Did the documents come in pretty much by mail or
5 overnight delivery?

6 A I think they were probably sent by --

7 MR. HOWARD: Objection, Your Honor. How would, how
8 would the, the witness know how the documents arrived to Dave
9 Roberts?

10 MR. ZAUNER: Not only that, it's irrelevant. What
11 difference does it make whether they came overnight or regular
12 delivery?

13 JUDGE SIPPEL: Well, Mr. Zauner, this is not going
14 to take very long if we just let the questions get asked and
15 answered.

16 MR. ZAUNER: I don't care how long it takes. My
17 objection is on basis of relevancy.

18 JUDGE SIPPEL: Well, I --

19 MR. ZAUNER: It just isn't relevant. It's
20 immaterial.

21 JUDGE SIPPEL: I, I find it close enough to
22 developing with the, the scope of what is transpiring at the
23 law firm vis-à-vis these documents to be permissible. I'm
24 going to overrule the objection.

25 Now Mr. Howard, what was your point again?

1 MR. HOWARD: That Mr. Kilbourne -- in, in your order
2 directing Mr. Kilbourne's deposition be taken, you stated that
3 his would be, he could be asked fact questions as to his
4 knowledge about the whereabouts of the Covington notes. You
5 have since expanded that to include some background
6 information as to how the law firm handled these matters. But
7 Mr. Master's question goes to how did the documents arrive at
8 Baker & Hostetler. And Mr. Kilbourne had just testified that
9 they were not sent to him. They were sent to, to Mr. Roberts.
10 Thus there's no predicate for suggesting that he has that
11 knowledge.

12 This is a very sensitive area that I'm concerned
13 about letting the, the questions go beyond the, the narrowest
14 interpretation of what you've deemed relevant because we're --
15 I've got to protect my client's interests and expectation that
16 their communications with, with counsel are going to be
17 privileged and treated with confidentiality.

18 JUDGE SIPPEL: Well --

19 MR. HOWARD: So it's just -- there's no, there's no
20 basis for suggesting that Mr. Kilbourne had such knowledge as
21 to how the documents arrived. And again it's -- and, and I
22 would second Mr. Zauner's objection that really how they
23 arrived is not relevant to, to this line of inquiry and that
24 we should try to keep the focus of this inquiry into Baker &
25 Hostetler's processes narrow on to, narrow as to what is

1 relevant.

2 JUDGE SIPPEL: All right. Mr. Masters, why are you
3 asking this, these questions about this kind of information?

4 MR. MASTERS: Well, I think we're, we're, the, the
5 issues before us right now are the whereabouts of documents
6 that testimony has shown were turned over by WMAR-TV at some
7 point. I think I'm entitled to develop some background on the
8 mechanism by which these documents were transferred. And as
9 to the objection does Mr. Kilbourne have personal knowledge,
10 I, we haven't established on this record yet whether or not he
11 did have personal knowledge of how the documents were
12 transmitted whether or not they were forwarded to him
13 directly. We just don't know that yet.

14 JUDGE SIPPEL: Well, why don't you just ask the
15 witness right up front if he knows how the documents were
16 transmitted?

17 MR. MASTERS: Okay. Do you know, Mr. Kilbourne, how
18 the documents turned over by WMAR-TV were forwarded to the
19 firm?

20 WITNESS: I'm, I'm not certain.

21 JUDGE SIPPEL: Okay. Next question.

22 BY MR. MASTERS:

23 Q So once these document -- oh, let me back up and ask
24 one more question. Were you the only legal assistant at
25 Baker & Hostetler maintaining these files of documents or were

1 | there others?

2 | A I would be the only one maintaining the documents.

3 | Q Okay. So once these documents were forwarded from
4 | WMAR-TV to the law firm, is it correct to say that Mr. Roberts
5 | would then review the documents and determine whether they
6 | would be responsive to Four Jacks' document production
7 | request?

8 | A That's correct.

9 | Q And then as to the documents that Mr. Roberts deemed
10 | responsive, these documents were then forwarded to you. Is
11 | that correct?

12 | A That's correct.

13 | Q And then what did you do with these documents?

14 | A Stated before, my job was to label these documents
15 | and, you know, make copies and then file them.

16 | Q Okay. So you made copies of the documents.

17 | A Um-hum.

18 | Q About how many copies, sets of copies did you make/

19 | A Three copies.

20 | Q Three copies. One then to be turned over to Four
21 | Jacks, and the others were retained in-house?

22 | A Right.

23 | Q And you said that you labeled these documents. How
24 | did you label these documents?

25 | A Sequentially. I mean --

1 Q Sequentially in terms of Bates stamped numbers?

2 A Right.

3 Q Any other descriptive labels on the documents?

4 A No.

5 Q Were they arranged in categorical files?

6 A At that time, no.

7 Q To your knowledge, did anyone other than Mr. Roberts
8 review documents forwarded by WMAR-TV?

9 A I don't have knowledge of who reviewed all the
10 documents.

11 Q My question was to your knowledge did any one other
12 than Mr. Roberts review these documents?

13 A Not to my knowledge.

14 Q To your knowledge, did anyone other than Mr. Roberts
15 make a determination as to whether these documents should be
16 produced to Four Jacks?

17 A Not to my knowledge.

18 Q And just for the record, we've been talking a lot
19 about Mr. Roberts. We're talking about Mr. David Roberts. Is
20 that correct?

21 A That's correct.

22 Q And at the time, Mr. Roberts was an associate of
23 Baker & Hostetler? Is that correct?

24 A That's correct.

25 Q And Mr. Roberts is no longer an associate at Baker &

1 Hostetler. Is that correct?

2 A That's correct.

3 Q Are you aware of any documents provided to Baker &
4 Hostetler by WMAR-TV during these months in 1993 that were not
5 eventually forwarded to you?

6 A Only by discovery of those documents on
7 February 10th.

8 Q Okay. So again to recap, Mr. Roberts reviewed the
9 documents, forwarded them to you if he found them responsive
10 to Four Jacks' document request.

11 A Um-hum.

12 Q Am I right so far?

13 A That's correct.

14 Q You made three copies of these documents, labeled
15 the documents with numbers on each page and put them in order.
16 Is that correct?

17 JUDGE SIPPEL: I got four copies in my notes.

18 MR. MASTERS: Oh, really? I had thought he said
19 three.

20 JUDGE SIPPEL: What was it, three or four?

21 WITNESS: Three.

22 JUDGE SIPPEL: I'm wrong.

23 WITNESS: Counting the original you'd have four.

24 JUDGE SIPPEL: I'm sorry. Go ahead, Mr. Masters.

25 BY MR. MASTERS:

1 Q Okay. I believe you stated in your deposition that
2 these documents were indexed as well. Is that correct?

3 A Well, yes.

4 Q How were they indexed?

5 A Just numerically. I mean there wasn't any --
6 initially there wasn't any index that said, you know, 1
7 through 100 is X document. That didn't come until much later.

8 Q Okay. So much later meaning when?

9 A Recently. I don't -- I can't recall.

10 Q Let's talk a little bit about the originals of the
11 documents that were produced to Four Jacks.

12 A Um-hum.

13 Q Were these original documents labeled?

14 A Some were. Some weren't. You -- were you -- you're
15 asking whether we actually labeled -- did they arrive labeled?
16 Is that -- no.

17 Q No, no. We, we were talking about the documents
18 that Mr. Roberts had deemed responsive to the production
19 request.

20 A Um-hum.

21 Q And we had talked about you making copies of these
22 documents and labeling them.

23 A Right.

24 Q Now I'm asking about the originals of these
25 documents. Were they -- and my question is were they labeled

1 as well?

2 MR. ZAUNER: Your Honor, could, could I object
3 again? I, I don't want to be intrusive here. But as, as I
4 understand it, the Covington notes were not among the
5 documents were turned over. So the examination is going now
6 to concerning the labeling a group of documents that were
7 turned over pursuant to discovery which don't include the
8 Covington notes. And I think that this line is irrelevant.
9 What we want to find out is what happened to the Covington
10 notes and I still haven't -- we're off on a tangent someplace
11 talking about labeling documents that were turned over in
12 discovery that really aren't the subject of this hearing.

13 JUDGE SIPPEL: Mr. Masters?

14 MR. MASTERS: Well, I think, Your Honor, we haven't
15 gotten to the point -- we haven't gotten to talking about in
16 which group these Covington notes were. And I think I'm
17 entitled to establish somewhat of a record on the general
18 mechanism by which these documents were dealt with.

19 MR. ZAUNER: Your Honor, maybe we should find that
20 out first and then go to the, the relevant group. But right
21 now it seems to me we're in the irrelevant group.

22 JUDGE SIPPEL: Mr. Howard?

23 MR. HOWARD: I certainly would, would add to that
24 objection. I thought that Mr. Masters had just made it
25 perfectly clear that he was talking about the documents that

1 | were produced to the Four Jacks. And if there's any
2 | uncertainty about that, it certainly should be cleared up at
3 | the earliest possible --

4 | JUDGE SIPPEL: Well, you're, you're at the point in
5 | your questioning where you're asking about the, the labeling
6 | procedures for the documents as they're coming in to, to
7 | Baker & Hostetler. That's what I understand --

8 | MR. MASTERS: That's correct.

9 | MR. HOWARD: No, Your Honor. I don't think that's
10 | it at all.

11 | MS. SCHMELTZER: That is it.

12 | MR. ZAUNER: No, he's saying what happened after
13 | the -- not when they come in but the -- we're talking now only
14 | about the documents that were produced. We're not talking
15 | about all documents as they come in. Only those that were
16 | produced pursuant to the discovery request. And those
17 | documents are not at issue in this proceeding. What is issue,
18 | at issue in this proceeding are the Covington notes which were
19 | not provided pursuant to the discovery request.

20 | JUDGE SIPPEL: And --

21 | MR. ZAUNER: We're off on a tangent someplace
22 | discussing how a law firm labels documents that they're
23 | producing. I don't care how -- I don't see why you care or
24 | the record here cares concerning those document, the labeling
25 | of those documents that were produced. We're concerned with

1 | documents that were not produced. And let's get to them.

2 | JUDGE SIPPEL: Well, if -- I'm listening to what
3 | you're saying. And I'm trying to follow it, Mr. Zauner. But
4 | if the, the ultimate or the penultimate question is as it's
5 | been in the affidavits, there were documents relating to Ms.
6 | Covington that were not discovered in the firm until February
7 | '94.

8 | MR. ZAUNER: Right. But we're not --

9 | JUDGE SIPPEL: You're not interested. I'd be
10 | interested in hearing the flow of events to the extent that
11 | this witness knows about it in terms of how that happened.

12 | MR. ZAUNER: Yeah, I would too. But how they
13 | labeled documents that were provided in discovery is not part
14 | of that flow of events that I can see. I don't really care
15 | about those documents. I want to know what happened to the
16 | Covington notes. And I still have no idea.

17 | JUDGE SIPPEL: Well, you're -- I, I think you're
18 | anticipating an awful lot of what Mr. Masters is trying to
19 | accomplish here. I, I mean if you have something else in
20 | mind, I wish you'd let me know. Because --

21 | MR. ZAUNER: I --

22 | JUDGE SIPPEL: -- he's going down -- I can
23 | understand the path that he's taking. And it -- sometimes it
24 | requires opening two or three preliminary doors before you get
25 | to the door that you're looking for.

1 MR. ZAUNER: But to explore in depth a preliminary
2 door, how they labeled them with numbers, documents that were
3 produced -- well, I won't say anymore. I've made the argument
4 as clear as I think I can make it.

5 JUDGE SIPPEL: Well, maybe I'm missing something.
6 But we're not dwelling on this. All we're doing is just
7 trying --

8 MR. ZAUNER: We shouldn't be spending 1 minute on
9 it. It doesn't matter whether we're dwelling on it or not.

10 MS. SCHMELTZER: I disagree with the fact that we
11 shouldn't be spending 1 minute on it, Your Honor. How the,
12 how the documents were kept, the procedures that were used is
13 relevant. And I think Mr. Zauner's wasting more time with the
14 objections than with questions.

15 JUDGE SIPPEL: But, but I'm getting such
16 intensity --

17 MR. ZAUNER: No --

18 JUDGE SIPPEL: -- from the Bureau's side that I'm
19 trying to see -- maybe there's something here that I'm
20 missing. Is there -- do you -- is there an agenda here that
21 I'm not focused on?

22 MR. ZAUNER: No, I -- I'm not going to argue it any
23 further. I've made my argument and, and I understand.

24 JUDGE SIPPEL: Mr. Howard?

25 MR. HOWARD: I agree with Mr. Zauner entirely, Your

1 Honor. Just because it's there, there -- I don't see how it
2 is at all relevant to any matter in this case how -- in fact,
3 Four Jacks knows quite well how the documents were labeled,
4 because they were produced to Four Jacks with labels on them.
5 And they were labeled exactly in accord with your instructions
6 as to how documents should be produced to the other side. But
7 if they want to pursue it, then I will not -- I have nothing
8 further to add to the matter.

9 JUDGE SIPPEL: Well, I don't think that Mr. Masters
10 is out of line in terms of any instructions that I have given
11 or with the issues here. And he wants to develop -- he's --
12 this is cross-examination. And I know that you're going to be
13 looking for a lot of leeway on cross-examination next week. I
14 mean I think in fairness to Mr. Masters unless there's
15 something that I'm missing here of a prejudicial nature or of
16 a waiver of a privilege or something that he should be
17 permitted to go forward and ask, and answer these questions.
18 The witness seems to be doing, able to handle the questions
19 and respond to them.

20 MR. ZAUNER: I agree with everything you just said.
21 But my objection is on the grounds of relevancy.

22 JUDGE SIPPEL: Well, on relevancy grounds I'll
23 overrule you at this point.

24 MR. ZAUNER: All right.

25 JUDGE SIPPEL: You may renew it at a later point.

1 Mr. Masters, you may proceed.

2 MR. MASTERS: I now forget whether I had a
3 question -- okay. Let's go back, talk just a little bit about
4 the originals of the documents that were produced to Four
5 Jacks. Were these documents labeled?

6 WITNESS: By me?

7 MR. ZAUNER: Objection. We've -- now that's been
8 asked and answered two or three times. We know that they were
9 labeled.

10 MR. MASTERS: Well, Your Honor, I'm not sure I've
11 got an answer to that question or not. I mean that's where
12 Mr. Zauner --

13 JUDGE SIPPEL: I, I can't recall --

14 MR. MASTERS: -- broke in. I can't recall an answer
15 to that.

16 JUDGE SIPPEL: We spent so much time -- well, I
17 shouldn't say arguing. But there's been a lot of time spent
18 away from the witness. And again, if Mr. Masters wants to ask
19 a question to get the witness back on so that he and the
20 witness are in the same wavelength, I don't have any problem
21 with that. I'm going to overrule that objection. Mr.
22 Masters.

23 BY MR. MASTERS:

24 Q Okay. The originals of the documents produced to
25 Four Jacks, were they labeled?

1 A In most cases what, what we would do was make copies
2 of the originals and then label those copies. However, I can
3 think of one set of documents that we received where we
4 actually labeled the originals out of --

5 Q And what set of documents is that?

6 A Huh?

7 Q What set of documents is that?

8 A Had to do with programs, Contact 2.

9 Q Okay. Now still talking about the originals of the
10 documents produced to Four Jacks, am I correct that these were
11 initially put by you in boxes?

12 A You, you mean after I had labeled them?

13 Q Well, I believe you just told me that except for
14 these Contact 2 documents what were labeled were not the
15 original documents.

16 A Okay.

17 Q But copies of the documents. My question is after
18 you received the original documents, did you then put them in
19 boxes?

20 A Yes.

21 Q And then am I correct that you put these boxes in a
22 copy room on the 12th floor of your building?

23 A Yes.

24 Q And the main offices of your law firm are on, are on
25 the 11th floor. Is that correct?