

1 this was -- but it was at Emily's, you know, Emily's  
2 request but that was a much earlier on request and so I  
3 did it for her, a summary of --

4 Q What quarterly summary was this that you were  
5 doing?

6 A I guess it was a quarterly summary -- this  
7 would be coming into the fourth quarter so it was, you  
8 know, from the summer months or a follow-up to that  
9 time.

10 Q Prior to this quarterly summary, had you  
11 prepared any written quarterly summaries?

12 A I had written them in longhand and Helen had  
13 typed them because I did quarterly summaries.

14 Q Did you know -- did Ms. Barr ask you to, to  
15 expand the one page list that you first provided?

16 MS. ABRUTYN: Objection.

17 MR. HOWARD: Objection. She's, she's  
18 answered the question that she didn't recall.

19 MS. ABRUTYN: Where this one --

20 BY MS. SCHMELTZER:

21 Q Was there any discussion with Ms. Barr  
22 between -- well, strike that.

23 A This was a standard operating procedure, you  
24 know, I mean, so that it wouldn't be any different here  
25 than it would have been, you know, sometime before.

1 Q Were these -- was it your function to  
2 determine all of the issues that were important to the  
3 community?

4 A I was one of the people who was involved in  
5 determining issues important to the community. Arnie  
6 was very involved in the community. Emily was very  
7 involved in the community. Maria -- involvement in the  
8 community was the signature of the station, so I was  
9 just one of the people, but -- and this was my report.

10 Q And is it your testimony that these were the  
11 issues for the fourth quarter --

12 A These were the --

13 Q -- issue?

14 A These were issues I ascertained to be  
15 important for future monitoring and programming from my  
16 perspective, from my ascertainment, my contacts in the  
17 community and from my -- and I think it was a pretty  
18 informed perspective. This is what I thought we should  
19 be looking at.

20 Q And that was what you thought that they  
21 should be looking at as of mid-September '91?

22 A To the future.

23 Q To the future, yes. Let's make the one page  
24 document Four Jacks -- excuse me. Let's make it  
25 Covington Deposition Exhibit 1. We can just mark your

1 copies, Ms. Barr (sic), and the -- Ms. Covington, if we  
2 could mark your copy?

3 A You want these back?

4 Q I was going to have the reporter mark them.

5 A Oh, okay.

6 MS. SCHMELTZER: So that will make the one  
7 page document Covington Deposition Exhibit 1 and he  
8 multi-page document dated September 13, '91 will be  
9 Covington Deposition Exhibit 2.

10 (The documents that were  
11 referred to as Covington  
12 Deposition Exhibits No. 1  
13 and 2 were marked for  
14 identification.)

15 MS. ABRUTYN: Can you clarify something for  
16 me? Where do these numbers that have been copied on  
17 these documents come from? I've never seen them  
18 before.

19 MS. SCHMELTZER: That is just -- those are  
20 our internal numbers.

21 MS. ABRUTYN: Okay.

22 MS. SCHMELTZER: I think we used them during  
23 prior depositions.

24 MR. DZIEDZIC: And the one page document is  
25 the one that says September '91 in the upper left?

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1 MS. SCHMELTZER: Right. That will be  
2 Covington Deposition Exhibit 1.

3 BY MS. SCHMELTZER:

4 Q Am I correct, Ms. Covington, you don't have  
5 any documents similar to this -- to what's been, what's  
6 been marked as Covington Deposition Exhibit 1 or  
7 Covington Deposition Exhibit 2 in your files, do you?

8 A No. I live in a two bedroom condominium.

9 Q Now, did there come a time -- I believe you  
10 testified previously that you retired from WMAR-TV in  
11 approximately 1991, the end of 1991?

12 A The end of '91.

13 Q And are you currently on a pension from the  
14 station?

15 A My pension -- yes, I am, but my pension is  
16 from George Gillette and that company. It's not from  
17 the current, it's not from the current owners because I  
18 think part of that deal was that they and George  
19 Gillette and I think Allstate or something they put  
20 money in that and so those of us which -- when we  
21 retired got our pension from there. There was a small  
22 pension that had accumulated for me from Scripps from  
23 the time they took over, but you could either take that  
24 in a monthly infinitesimal amount or a buy-out and so I  
25 took some -- the money in a -- all in one lump sum.

1 Q Have you received any payments from Scripps  
2 Howard since leaving the station's employ in December  
3 of 1991?

4 A No.

5 Q Have you had any continuing contact of any  
6 kind with WMAR-TV or Scripps Howard since leaving the  
7 station in December 1991?

8 A Yes.

9 Q And what has that contact been?

10 A Oh, one thing, Arnie placed me on the  
11 Community Advisory Board. They had a Community  
12 Advisory Board and -- that, you know, met every month  
13 of something to talk about involvement in the community  
14 and issues, and so I moved from one side of the table  
15 to the other side of the table and then have continued  
16 to sit on that Board and -- reflecting community issues  
17 because I still have an involvement in the community  
18 which -- so I do have that contact.

19 Q When were you placed on the Community  
20 Advisory Board?

21 A When I retired.

22 Q In December?

23 A Well, Arnie placed me there. Before January,  
24 February Arnie placed me there.

25 Q So that was December '91 or January '92?

1           A     It was January. It would be starting into  
2 '92 because I was still on the other side of the table  
3 in '91.

4           Q     Okay. When you -- have you had any other  
5 continuing contacts with WMAR-TV since '91?

6           A     Well, there are -- I was very active -- the  
7 station was very active in starting, for example, Fuel  
8 Fund of Central Maryland. I served as its President,  
9 the station as a corporate sponsor or one of the  
10 corporate sponsors. They hold their meetings, you  
11 know, in the, in the Board room at the station, at  
12 least the Board meetings, every month and now it is  
13 every other month, so I am there to, you know, to  
14 attend those meetings or some other meetings that may  
15 be held at the station from other committees or groups  
16 because the space must be for use, you know, the Board  
17 room, so I have those contacts.

18          Q     And so from the period that you left WMAR-TV  
19 in December 1991 up until let's say June of 1994 did  
20 you go to the station on any kind of a regular basis  
21 for meetings?

22          A     Just the meetings I told you about which were  
23 not station meetings but they were meetings held at the  
24 station, but the station is a corporate sponsor.

25          Q     How frequently were those held?

1           A     Now they're held every other month, the Board  
2 meetings, and then some committee meetings are  
3 sometimes held there and they would be periodic like  
4 for the Humanitarian Dinner or something like that or  
5 the Paddle for People and it's a convenient place for  
6 them to hold them. The other corporate sponsors are  
7 located downtown. You'd have to pay for parking but  
8 there's parking, so it is -- and some of the people on  
9 that are kind of -- people or little people, so it's  
10 convenient to have free parking.

11           Q     When you had such meetings in 1992 or in 1993  
12 would you stop and talk to Arnold Kleiner or Emily  
13 Barr?

14           A     I might pop in but I was very conscious of  
15 not taking time because I -- once you leave there I  
16 think you have to discipline yourself not to take  
17 business time from people in business, but I would pop  
18 in and say Hi, but I occasionally saw them socially  
19 outside of there but that didn't have anything to do  
20 with business.

21           Q     I realize you've been in the hospital with  
22 your husband recently, but are you employed in any  
23 capacity at this present time?

24           A     Am I employed?

25           Q     Um-hum.

1           A     No, except I have done -- the Baltimore  
2 Broadcasters Coalition asked me if I would coordinate  
3 their ascertainment because of the, you know, the  
4 contacts and so I have done that for twice a year  
5 maybe. I've done it three or four times and I may --  
6 you know, depending, but I will probably have to give  
7 that up because there's one that will come up in  
8 November and my husband -- you know, I'll be the chief  
9 caretaker at home and it will be a long recovery, so --  
10 but that's the only other kind of employment that I  
11 have. And there is the Shopping Network and Becker is  
12 head of that and I work with, you know, with him on  
13 that, but that's the only other -- only paid. I  
14 thought I might do some writing and all but I wanted to  
15 be the one person who left television and didn't become  
16 a consultant.

17           Q     That is a paid position, the Baltimore  
18 Broadcasters --

19           A     The Broadcasters is a paid, paid position.

20           Q     -- Coalition.

21           A     It's not an -- it is a paid position.

22           Q     And what is your title there?

23           A     Just -- I just coordinate the meeting in the  
24 spring and the meeting in the fall which means we've  
25 got to try and get, you know, the people who are going

1 to come and then Becker and the broadcasters take care  
2 of, you know, writing the broadcasters an informal  
3 letter, but I just do the identifying and contacting.

4 MS. SCHMELTZER: Are you picking up  
5 Ms. Covington?

6 REPORTER: She needs to keep her hands away  
7 from her face.

8 BY MS. SCHMELTZER:

9 Q I think you will have to speak up.

10 A No. I haven't done that in 70 years, but  
11 I'll try.

12 Q Ms. Covington, how long have you worked with  
13 the Baltimore Broadcasters Coalition?

14 A About three or four ascertainment and I  
15 think this would be the fourth ascertainment which  
16 would mean two years, I guess, year-and-a-half.

17 Q Were you still working at WMAR-TV when WMAR-  
18 TV joined the Baltimore Broadcasters Coalition?

19 A I think but I am not sure. I think they --  
20 they joined before I had anything to do with it, I  
21 think. You know, they joined -- they were -- I think  
22 they were in those fall ascertainment the last year I  
23 was there and I didn't have anything to do with working  
24 for the Coalition until after I left the, after I left  
25 the station and was approached by Becker, you know, and

1 | recommended to do it.

2 |       Q     Your recollection is the station participated  
3 | in the November --

4 |       A     I think the station -- the station I think --

5 |       Q     -- '91 ascertainment?

6 |       A     I think the station got, the station got back  
7 | in it. The station had been involved in the  
8 | ascertainment a number of years earlier, but I think it  
9 | was not during the, you know, period when they changed,  
10 | when they changed management there and then it was not  
11 | Gillette's period. Then the ascertainment feeling was  
12 | the same kind of philosophy that Westinghouse has which  
13 | they've done for this years where they do their  
14 | individual ascertaining and they do ongoing  
15 | ascertaining and that was what -- that was the way we  
16 | ascertained during those years, to do, you know,  
17 | individual and just an ongoing constant ascertainment  
18 | and not the Coalition.

19 |       Q     Did the station join the Coalition sometime  
20 | shortly before that November 1991 --

21 |       A     I can't answer that. I was not, I was not  
22 | involved in their joining the Coalition at that time.

23 |       Q     You were not involved in the decision to  
24 | join?

25 |       A     No.

1 Q Did you have any discussion with anyone about  
2 joining the Coalition?

3 A Not that I recall.

4 MR. HOWARD: Objection. She's just answered  
5 it. She didn't have anything to do with this.

6 MS. SCHMELTZER: It was a different question.  
7 I was asking a different question.

8 MR. HOWARD: It's the same --

9 WITNESS: Oh, I --

10 MR. HOWARD: -- preface for the other. If  
11 she didn't have anything to do with it, she could not  
12 have participated in the discussions.

13 WITNESS: Don't you all fuss. It makes me  
14 nervous.

15 MS. SCHMELTZER: Were -- after you left WMAR-  
16 TV, while working at the Baltimore Broadcasters  
17 Coalition, were you ever requested by Scripps Howard to  
18 check --

19 MS. ABRUTYN: Objection. What she did after  
20 she left WMAR-TV is not related to the specific issues  
21 that are in force now and has nothing to do with this  
22 proceeding.

23 MS. SCHMELTZER: There was testimony at the  
24 hearing about when the station joined the Baltimore  
25 Broadcasters Coalition. This was a fairly critical

1 matter at the hearing. Ms. Covington is in a unique  
2 position to know when the station joined the Baltimore  
3 Broadcasters Coalition.

4 MS. ABRUTYN: She testified that they joined  
5 before she became involved with the Coalition and you  
6 just asked her a question about what happened after she  
7 left and got involved.

8 MS. SCHMELTZER: I'm going to -- you didn't  
9 let me finish the question.

10 BY MS. SCHMELTZER:

11 Q The question was were you ever asked by  
12 Scripps Howard to check on the date when they joined  
13 the Baltimore Broadcasters Coalition?

14 A No.

15 Q Do you recall receiving a call from a woman  
16 named Sharon Christopher Wiley inquiring as to when  
17 Scripps Howard had joined the Baltimore Broadcasters  
18 Coalition?

19 MR. HOWARD: Objection. This has nothing to  
20 do with the issue that was handed by the deciding  
21 judge --

22 MS. SCHMELTZER: It has to do with --

23 MR. HOWARD: -- and is the subject of this  
24 deposition.

25 MS. SCHMELTZER: It has to do with the --

1 MR. HOWARD: We'll permit the witness to  
2 answer it, but I'm getting that objection on the  
3 record.

4 WITNESS: I, I was never contacted by her.  
5 I, however, was told that she contacted Ken Becker's  
6 television station and asked them and I didn't know but  
7 the woman who was coordinating for that said that she  
8 had a call asking when WMAR had joined them, but I --  
9 Sharon never called me on that. She called me on a lot  
10 of other things, but she never called me on that.

11 BY MS. SCHMELTZER:

12 Q All right. Did you --

13 A She's one of those I trained.

14 Q Did you ever check any records to determine  
15 when --

16 A No.

17 Q -- Scripps Howard joined the Coalition?

18 A No.

19 Q Are there records that would demonstrate when  
20 Scripps Howard joined the Coalition?

21 A I would not know that.

22 Q Who would know that?

23 MR. HOWARD: Objection.

24 WITNESS: I don't know. I'm trying to answer  
25 your questions but then you keep asking the same

1 question. Okay.

2 BY MS. SCHMELTZER:

3 Q Now, when you left WMAR-TV, Ms. Covington,  
4 did you take any documents with you, any -- anything  
5 related to your work at the station?

6 A Oh, I took some things. I left a great deal  
7 but I took some things that were more perhaps of a  
8 personal nature or more of a reference, you know,  
9 reference nature, primarily things that would be long  
10 -- you know, that would be my things or some things  
11 that would be source material but available source  
12 material to be updated for anybody else who would want  
13 to get it, you know, things from -- something from the  
14 State or from the Chamber of Commerce or businesses  
15 and, you know, material like that and then I took some  
16 awards and certificates, but they were awards and  
17 certificates that were made out to me, not to the, you  
18 know, to the television station itself. So I took  
19 practically, you know, what was my stuff. I took a lot  
20 of that and I ended up, you know, I took it to sift  
21 through and --

22 Q Did you take your calendars?

23 A Yeah.

24 Q Did you take your 1991 calendar?

25 A Yeah. I took all my calendars that I still

1 have.

2 Q Did you take any kind of personal notes with  
3 you concerning ascertainment efforts of the station?

4 A No, not specifically. I took -- no.

5 Q When you say not specifically, did you  
6 take --

7 A Well, I did not keep the greatest files and  
8 I'm, I'm kind of messy, you know, with stuff and I was  
9 at the station and I took some files may have something  
10 like contacts on it and in that contact file I would  
11 have names and a lot of those names went way back of  
12 things that, you know, I would need and often, often  
13 used in putting together audiences and things, so I  
14 took some of that. As I went through that I did find  
15 some little pieces of paper and stuff that I'd written  
16 notes on and I just, you know, threw out because it was  
17 not necessarily in the right place.

18 Q Now, I take it you kept your '91 calendar for  
19 awhile, for a period of time? Is that correct?

20 A Yes, and my '90 and my '89.

21 Q Do you still have those calendars?

22 A I don't have --

23 MS. ABRUTYN: Could you clarify which ones?

24 MS. SCHMELTZER: The '91, the '90 and the  
25 '89.

1 WITNESS: I don't have the '91.

2 BY MS. SCHMELTZER:

3 Q You don't have the '91?

4 A Uh-uh.

5 Q You have the '90 and the '89?

6 A I have some others. I have about three or  
7 four of the others because -- I kept them primarily  
8 because in the back is the directory and I have names  
9 and phone numbers and things like that of people I  
10 would put in there, that I would have some phone  
11 numbers that, you know, could be useful to me later.

12 Q And did there come a time in approximately  
13 the summer of 1992 when Emily Barr asked you to  
14 retrieve your 1991 calendar?

15 A Yes.

16 Q And do you recall what the discussion was at  
17 that time?

18 A She said that you all wanted it for, you  
19 know, the challenge. You wanted the ascertainment  
20 information. She had gotten the calendar so she could  
21 compile that from the other people at the station. Did  
22 I still have mine? And I went and looked and, you  
23 know, I thought I had it and I had my calendar.

24 Q You had your calendar?

25 A Um-hum, because that's where I got the

1 information to give her, you know, in notes of what was  
2 in it.

3 Q Was this the summer of '92 or was this in  
4 1993?

5 A No. It was, it was '92. It was -- yeah,  
6 that's six or seven months or something after I left  
7 the station.

8 Q All right. Lets' -- now, I'm focusing on the  
9 summer of 1992.

10 A Yeah. I left in -- I left at the end of '91.

11 Q Okay. And what exactly did Emily Barr  
12 explain to you about why she wanted the '91 calendar?

13 A Because it was -- to compile what the  
14 ascertainments that those of us who were involved in  
15 all of that community, what we had had, you know,  
16 during that period of time.

17 Q To compile the ascertainments?

18 A Yeah. To get the information, you know, the  
19 ascertainment information.

20 Q Do you know why she needed your calendar to  
21 compile the ascertainment information?

22 A Well, she just said she had gotten calendars  
23 from the other people and she asked me if I had my  
24 calendar, but I didn't, I didn't give her my calendar  
25 because she couldn't have ferreted it out, you know, my

1 kind of shorthand, but I went through the calendar and  
2 with a yellow or white legal pad I wrote down, you  
3 know, the information and the date and then I, you  
4 know, got that to her.

5 Q Did you write in shorthand in your calendar?

6 A I didn't write much in my calendar. It would  
7 depend. I wrote all that I would need to write.

8 Q What did Emily -- did Emily explain to you  
9 why she needed this information?

10 A Because you wanted --

11 Q Well, when you say you --

12 A Well, I mean those challenging the license  
13 wanted to know what ascertainments had been done and so  
14 she wanted -- you know, and since I was, you know,  
15 deeply involved in community and even though I no  
16 longer worked there she wanted to know if I had the  
17 information of what I had done and I had, you know, my  
18 dates and names and enough to be able to know what had  
19 transpired so I -- but I didn't want -- I wanted to  
20 keep my calendar because I had the glossary, you know,  
21 the stuff in the back, the directory.

22 Q Did Emily Barr ask you for any other  
23 information apart from your calendar or did she  
24 specifically ask for your calendar or did she ask for  
25 any information?

1           A     She wanted -- she asked for the calendar.  
2 Then she asked for the information that would be  
3 contained in that, in that time period, you know,  
4 between the time Scripps had taken over and the license  
5 renewal date.

6           Q     Right.

7           A     And what I gave her was the -- you know, I  
8 just wrote out from what was in my calendar with the  
9 dates and then got it to her.

10          Q     Did you have any information apart from your  
11 calendar that you were able to provide Ms. Barr and  
12 apart from recollection? I'm talking about written  
13 information.

14          A     No.

15          Q     No?

16          A     No.

17          Q     I'm sorry. You'll have to answer yes or no.

18          A     Oh, no. I'm sorry.

19          Q     So the only thing -- no. I'm sorry. Did you  
20 ever give Ms. Barr your 1991 calendar?

21          A     No.

22          Q     Okay. And we're talking now about the summer  
23 of 1992? Correct? I'm focusing now on the summer --

24                MR. HOWARD: You're going back? You're not  
25 now focusing, right? You just asked her if she ever --

1 now you're going back to the summer of --

2 MS. SCHMELTZER: Yeah. Now I'm going back to  
3 the summer of 1992.

4 BY MS. SCHMELTZER:

5 Q In the summer of 1992 you never gave Ms. Barr  
6 your calendar?

7 A No. I never gave her the calendar.

8 Q Never gave her the calendar. Okay. Was it  
9 your suggestion to write down notes from your calendar?

10 A Well, as for the calendar, I assume that I  
11 said I'd, you know, write down what was in there. She  
12 wanted the information but she couldn't have translated  
13 most of it anyway and I also wanted the calendar  
14 because it had the directory in there so I wrote down  
15 the stuff and gave it to her.

16 Q Can you explain for me why Ms. Barr would not  
17 be able to translate the information?

18 A Because I might just have -- my calendar, if  
19 I knew from previous knowledge what this was today, I  
20 might just have it in my calendar the time and this  
21 place and the name and that would be all, and that  
22 wouldn't mean anything to anybody. They wouldn't know  
23 what had transpired or what I was doing here. I just  
24 needed enough to know where I was going and that's what  
25 was in my calendar.

1 Q So ---

2 A What transpired then afterwards wouldn't be  
3 in that calendar, at the meeting.

4 Q So when you said that it would have been  
5 difficult for Ms. Barr to understand your calendar, you  
6 mean because your notes were rather cryptic? They  
7 weren't complete?

8 A Yeah, that's right.

9 Q Not because your handwriting was, was poor?

10 A Oh, that's poor too but that wasn't the real  
11 reason.

12 Q And so when you wrote down a meeting you knew  
13 what the meeting was about but it might not be evident  
14 in your calendar?

15 A It might not be evident to some other people,  
16 that's correct.

17 Q It might not be evident to some other people?

18 A That's true.

19 Q Now, you said you wrote down the notes on a  
20 pad of paper?

21 A Um-hum.

22 Q Where did you do that?

23 MR. HOWARD: Objection. Would you explain  
24 what notes you're talking about?

25 BY MS. SCHMELTZER:

1 Q You wrote down notes from the calendar?

2 A Yes. She means when I took the calendar --

3 Q For the period May 30, '91 to what period of  
4 time, to December 30, '91?

5 A Yeah.

6 Q And where did you do that? Where did you  
7 write down the notes?

8 A In a big chair in the bedroom.

9 Q And did you write all these notes at one  
10 point in time?

11 A I don't know whether I took a break in  
12 between or not, but I did them basically at one point  
13 in time. I got it, you know, got it together and got  
14 it to her because she wanted it.

15 Q And when did you give those to Ms. Barr? Do  
16 you recall?

17 A I guess shortly after her request. My  
18 husband probably dropped them off by the station. I  
19 don't drive and so he was out and he would drop them by  
20 the desk for me or other places. Sometimes he did  
21 things for me.

22 Q What happened after the notes were provided  
23 to Ms. Barr? Were you contacted again?

24 A Well --

25 MS. ABRUTYN: Objection. Can you like narrow

1 that a little bit? I mean, you could have -- she gave  
2 the notes to Ms. Barr, what happened --

3 MS. SCHMELTZER: I said were you contacted  
4 again.

5 BY MS. SCHMELTZER:

6 Q Were you contacted again about the notes?

7 A I was contacted subsequently about -- again  
8 about the calendar, wanting the calendar sometime  
9 later.

10 Q Was -- but I'm talking now about the summer  
11 of 1992 after you provided Ms. Barr with the notes.

12 A The notes were fairly -- I don't know whether  
13 or not I was called with any question. I don't recall  
14 that I was because I think I wrote in the notes what  
15 the, you know, what the contact was about, what the  
16 ascertainment -- you know, what the meetings were  
17 about, but I was contacted later about -- with a second  
18 request for the calendar by Ms. Barr.

19 Q Was that in the summer of '92 or was that  
20 sometime later?

21 A I can't exactly recall.

22 Q Okay. Again, still focusing on the summer of  
23 1992, you gave Ms. Barr your notes. I take it you did  
24 not give her anything else. Is that correct?

25 A Not to my recall.

1 Q Did you ever sit down with Ms. Barr to  
2 discuss your notes?

3 A No, not that I recall.

4 Q You don't recall sitting down at all to  
5 discuss the notes?

6 A Uh-uh.

7 Q So -- on any subsequent occasion in 1992?

8 A I do not recall.

9 Q Would you have sat down in a group meeting  
10 with other people at the station to discuss your notes?

11 A No.

12 Q Do you recall approximately when you wrote  
13 the notes, focusing again on 1992? Can you -- or if it  
14 was --

15 A I wrote the notes after I got the request  
16 from Emily to give her the information and so I would  
17 assume it was within a day or two or three that I did  
18 that.

19 Q And you got -- and in relation to when you  
20 left the station which was the end of December '91, how  
21 soon or how long after that did Ms. Barr ask you for  
22 this information?

23 A I think it was probably about six months.

24 Q So approximately June or July of '92?

25 A That's six months, isn't it?

1 Q Approximately June or July of '92?

2 A Excuse me. I'm sorry I was short.

3 Q Was it approximately June or July of 1992?

4 A I would think so.

5 Q Did you have any assistance at all in  
6 drafting these notes?

7 A No.

8 Q It was just your calendar and --

9 A And my, and my familiarity with what it all  
10 meant and my recall.

11 Q And your --

12 A I was only out six months.

13 Q Right. Did Emily --

14 A My recall was better then than it is more  
15 than two-and-a-half years later.

16 Q Now, you said you did not meet with Ms. Barr  
17 to discuss the notes? Is that correct?

18 MR. HOWARD: She said she didn't recall.

19 MS. SCHMELTZER: You don't recall meeting  
20 with Ms. Barr to discuss the notes?

21 WITNESS: No, specifically I don't.

22 MS. ABRUTYN: Excuse me. When you say  
23 meeting to discuss the notes, do you mean met with the  
24 specific purpose for discussing the notes or attended  
25 or talked to Ms. Barr and the subject of the notes may