

1 statement when I asked you considering executive -- what
2 executive positions you had with Sinclair. Is it, is it
3 correct that you serve as Chairman of the Board --

4 A Yes.

5 Q -- of Directors of Sinclair?

6 A Yes.

7 Q Is it also correct that you are the Chief Executive
8 Officer of the Sinclair Broadcast Group?

9 A Yes.

10 Q As well as President --

11 A Yes.

12 Q -- just for the purpose of getting the titles?

13 A Yes. That's correct.

14 Q There was some testimony yesterday concerning your
15 having a full-time presence at WBFF-TV.

16 A WBFF what?

17 Q TV.

18 A TV.

19 Q What is your presence at WBFF-TV, if any?

20 A Well, I think there's some confusion on that issue.
21 It's -- Sinclair Broadcast happens to be in the same complex
22 as WBFF-TV. So, to the extent to which I'm physically on the
23 premises, I am on the premises. That's what it's intended to
24 communicate. We happen to be in the same building. It's all
25 encompassed in a 40,000 square foot building.

1 Q It was intended to, to convey a physical presence --
2 A Yes.
3 Q -- at the station?
4 A Yes. I mean, it's, it's -- by virtue of the fact
5 that I'm in the building, this is not intended to suggest that
6 I spend any time walking the hall, walking the halls of the
7 facility, you know, talking to people about well, this is your
8 job and they're supposed to do this. And I'm, I'm not in-
9 volved in that. That's the general manager's job.
10 MR. ZAUNER: I have no further questions.
11 JUDGE SIPPEL: Is there any redirect?
12 MR. LEADER: No, sir.
13 JUDGE SIPPEL: Is there anything that, that was
14 covered by Mr. Zauner that you didn't cover?
15 MR. GREENEBAUM: No, Your Honor.
16 JUDGE SIPPEL: I have no questions. Mr. Smith,
17 you're excused --
18 WITNESS: Thank you.
19 JUDGE SIPPEL: -- as a witness.
20 (Whereupon, the witness was excused.)
21 JUDGE SIPPEL: Who's going to be the next --
22 MS. SCHMELTZER: Robert Smith, sir -- Your Honor.
23 JUDGE SIPPEL: Is he here?
24 MS. SCHMELTZER: Yes.
25 MR. LEADER: He came with us this morning.

1 MS. SCHMELTZER: He came here.

2 MR. LEADER: We all came over together this morning.
3 I assume he's here.

4 JUDGE SIPPEL: Well, let's go off the record. Then
5 you can bring him right on.

6 MR. LEADER: Let's go see if he's here.

7 (Off the record. On the record.)

8 MS. SCHMELTZER: Your Honor, Four Jacks calls Robert
9 Smith to the witness stand.

10 JUDGE SIPPEL: All right. Mr. Smith, will you come
11 forward, please? And if you'd raise your right hand?

12 Thank you. Please be seated. Ms. Schmeltzer?

13 MS. SCHMELTZER: Your Honor, I think we have previ-
14 ously marked for identification the Declaration of Robert E.
15 Smith as Four Jacks Exhibit 27, and that is a five-page
16 Declaration.

17 JUDGE SIPPEL: It is -- that has been marked.
18 That's true.

19 MS. SCHMELTZER: I would then move the receipt of
20 Four Jacks Exhibit 27.

21 JUDGE SIPPEL: Any objections?

22 MR. GREENEBAUM: Yes, Your Honor. We would, for
23 purposes of the record, make the same objections to 27 that we
24 made to 26. I believe the two exhibits are substantially the
25 same. We would object to the same portions. And if Your

1 Honor would make the same ruling, we do not have to go through
2 it point by point.

3 JUDGE SIPPEL: All right. I, I appreciate you
4 raising it that way, Mr. Greenebaum. Yes, my rulings would be
5 the same. So, subject to the objections as previously noted,
6 Exhibit 27, that is Four Jacks Exhibit 27, is received in
7 evidence at this time.

8 (Whereupon, the document marked for
9 identification as Four Jacks Exhibit
10 No. 27 was received into evidence
11 subject to the Judge's rulings.)

12 JUDGE SIPPEL: Is the witness now available for
13 cross-examination?

14 MS. SCHMELTZER: Yes.

15 JUDGE SIPPEL: This would be Mr. Greenebaum?

16 MR. GREENEBAUM: Yes.

17 JUDGE SIPPEL: You may proceed.

18 Whereupon,

19 ROBERT E. SMITH

20 having first been duly sworn, was called as a witness herein
21 and was examined and testified as follows:

22 CROSS-EXAMINATION

23 BY MR. GREENEBAUM:

24 Q Good morning, Mr. Smith

25 A Good morning.

1 Q Would you state your full name for the record?

2 A Robert Edward Cunningham Smith.

3 Q Mr. Smith, do you have your direct case written
4 testimony in front of you?

5 A Yes.

6 Q And am I correct that, reading paragraph 6, to
7 understand that you do not consider yourself an employee of
8 Sinclair Broadcasting Group, Inc., at the present time?

9 A That's correct.

10 Q Let me call your attention, if I could, to the
11 Application filed in this matter on your behalf. Let's go off
12 the record for a minute?

13 (Off the record. On the record.)

14 BY MR. GREENEBAUM:

15 Q You see, sir, on page 2 of exhibit 6 a reference to
16 Robert E. Smith in the middle of the page.

17 A Page 2?

18 Q Yes, sir. FCC Form 301, exhibit no. 6, page 2.

19 A What's the question? Do I see my name there?

20 Q Do you see -- I'm just calling your attention to
21 that portion of the page. Do you see that? Just to make sure
22 we're on the same page.

23 A Are you counting the cover sheet as page 1?

24 Q We're looking at exhibit no. 6, page 2. It's
25 numbered at the top right-hand corner, sir.

1 A I don't see where it's numbered.

2 MR. GREENEBAUM: Can we show him, Your Honor?

3 JUDGE SIPPEL: Certainly. You may approach the
4 witness, Mr. Lane.

5 WITNESS: Well, it's more like page 10. Now I'm
6 with you.

7 BY MR. GREENEBAUM:

8 Q And you see at the bottom of the page? Is it
9 correct that you became a full-time employee of Channel 45's
10 parent, Sinclair Broadcasting Group, in mid-1988?

11 A That's what it says.

12 Q Is that correct?

13 A You want to get into semantics? Because that's the
14 way we, we view it.

15 JUDGE SIPPEL: Well, sir, if you -- let's be pre-
16 cise. I mean, he's got a question. What's the precise answer
17 to his question?

18 WITNESS: My precise answer is regardless of what,
19 you know, everything says, I view myself as self-employed.
20 And people ask me what I do, I say I work for myself. I don't
21 have a boss. I don't have a time clock I punch into. I
22 report to myself.

23 MR. GREENEBAUM: I just want to pick up on that, and
24 then we'll come back to the question I asked you. But you
25 testified at your deposition you were self-employed, is that

1 correct?

2 WITNESS: That's the way I view myself, yes.

3 MR. GREENEBAUM: Now, let me refer you to page 100
4 of your Deposition taken July 20, 1994. We'll give you a
5 copy.

6 JUDGE SIPPEL: Let me give you a copy. Let's go off
7 the record.

8 (Off the record. On the record.)

9 MR. GREENEBAUM: Do you see page -- line 5? I asked
10 you this question. And at the bottom of that page is it
11 correct that: "You became a full-time employee of Channel
12 45's parent, Sinclair Broadcasting Group, Inc., in mid-1988?"

13 Answer: "That's what it says. Yes."

14 Question: "Is that correct?"

15 Answer: "Yes."

16 MS. SCHMELTZER: I'm going to -- I don't --
17 objection, Your Honor. That's what the witness just said.

18 MR. GREENEBAUM: No. The witness didn't give me a
19 precise answer, Your Honor.

20 JUDGE SIPPEL: I, I'm let -- I'm letting this cross-
21 examination go forward. Objection overruled. Go ahead.

22 MR. GREENEBAUM: Do you recall giving -- being asked
23 those questions, giving those, those answers on July the 20th,
24 1994?

25 WITNESS: Yes.

1 MR. GREENEBAUM: Now, sir, going back to Exhibit no.
2 6 on page 2, the Application, would you turn --

3 JUDGE SIPPEL: I want to just be sure -- I'm sorry,
4 Mr. Greenebaum, to interrupt, but I want to be sure the record
5 is clear on this. What you're making reference to is the
6 document which is Exhibit no. 6 to the FCC Form 301.

7 MR. GREENEBAUM: Yes, Your Honor.

8 JUDGE SIPPEL: It's not a Party exhibit in this
9 case.

10 MR. GREENEBAUM: That's correct.

11 JUDGE SIPPEL: Thank you.

12 MR. GREENEBAUM: And I want to refer you to page 4,
13 the bottom of the page, the last sentence, which is your
14 pledge to resign from your then current employment if, if
15 you're successful in obtaining Channel 2. Is that -- do you
16 recall that -- making that pledge?

17 WITNESS: Yes.

18 MR. GREENEBAUM: And am I correct that the only
19 reference to any employment as of the time -- let me strike
20 that question.

21 What is your present employment?

22 WITNESS: I consider myself self-employed. Do you
23 want to know what I do every day or --

24 MR. GREENEBAUM: Well --

25 WITNESS: -- or who I work for or --

1 JUDGE SIPPEL: Let, let -- let's -- let counsel ask
2 the question. You answered his first question.

3 MR. GREENEBAUM: Let me call your attention to page
4 1239 of your hearing testimony in this proceeding.

5 MR. ZAUNER: I'm going to object. Do we have the
6 witness live on the stand? Let's ask him questions directly.
7 There's no reason to go -- if you want to use prior testimony
8 to impeach --

9 MR. GREENEBAUM: That's what I'm doing.

10 MR. ZAUNER: -- him or to refresh recollection, but
11 there's no question yet to, to --

12 MR. GREENEBAUM: I'm asking the same question I just
13 asked him. I got a different answer.

14 MR. ZAUNER: Okay. I withdraw that.

15 MR. GREENEBAUM: All right?

16 MR. ZAUNER: If that's what you --

17 BY MR. GREENEBAUM:

18 Q 1239, sir. Do you have that page?

19 A Killed a lot of trees to make this one. Yeah, I'm
20 there.

21 Q Will you look at line 5? I asked you the question,
22 "What is your present employment?"

23 Answer: "My present employment? I'm the Vice
24 President and Treasurer of Sinclair Broadcast Group, Inc."

25 Do you recall being asked that question, giving that

1 answer at that time, sir?

2 A Yes.

3 Q Do you have an employer at the present time?

4 A You're looking at him.

5 Q You're self-employed? That's what you're saying?

6 A That's basically what I am, in a nutshell.

7 Q In what business are you self-employed?

8 A A variety of communications businesses.

9 Q Is that the same as the television business?

10 A That's one of them.

11 Q Well, look at your Deposition of July 20, 1994, page

12 6. Do you see that?

13 A Yeah. What line?

14 Q Line 5. "What business are you self-employed?"

15 Answer: "Television business."

16 MS. SCHMELTZER: Objection, Your Honor. That's the

17 same answer.

18 WITNESS: That's what I just said.

19 MR. GREENEBAUM: It's not.

20 MS. SCHMELTZER: Well --

21 JUDGE SIPPEL: I -- the record will reflect what his

22 answer was today and what he testified to --

23 MS. SCHMELTZER: But, Your Honor, there's no real --

24 there's no difference there. This is a difference without a

25 distinction.

1 JUDGE SIPPEL: Well, then you don't have to worry
2 about it if it's -- that's true. But let Mr. Greenebaum con-
3 duct his cross-examination. Go ahead.

4 BY MR. GREENEBAUM:

5 Q Is it a sole proprietorship or a partnership?

6 A What is what?

7 Q Television business you just referred to.

8 A It's a corporation.

9 Q So, you're saying you're self-employed as a
10 corporation? Is that your testimony today?

11 A Self-employed -- legally, I -- I'm not a lawyer, but
12 I believe a corporation holds the name of the Sinclair
13 Broadcast Group and I'm one of the owners of that. And that's
14 who I am, what I am, self-employed thereof.

15 Q Are you self-employed in any other companies?

16 A I have a lot of companies.

17 Q Do you consider yourself self-employed in those
18 companies as well?

19 A Yeah. Yes, I do.

20 Q What companies are they?

21 A There's Cunningham Communications, Kaiser
22 Communications, Kaiser Investment. I own 25 percent of all
23 those companies. And whether I --

24 Q Well, are you paid compensation in some form from
25 any of them?

- 1 A Yes.
- 2 Q Which ones pay you money?
- 3 A All of them, I believe.
- 4 Q Let's take them one at a time. Sinclair Broadcast
5 Group, Inc.: what compensation and in what form are you paid
6 and with what frequency?
- 7 A I'm paid every two weeks.
- 8 Q Is that a salary?
- 9 A I guess that's what the form says.
- 10 Q I'm not asking what the form says. Are you paid a
11 salary every two weeks?
- 12 A Every two weeks I get paid.
- 13 Q A set amount?
- 14 A Yes.
- 15 Q And isn't that a salary?
- 16 A I suppose that's what the form says.
- 17 Q And do you file Federal Income Tax Returns?
- 18 A Yes.
- 19 Q And your personal -- and on your personal Income Tax
20 Returns, how do you reflect the compensation that you receive
21 from Sinclair Broadcast Group?
- 22 A I couldn't tell you.
- 23 Q Do you reflect it as earnings from employment?
- 24 A I don't know how it's reflected.
- 25 Q Do you file any schedules with your tax returns that

1 suggest you receive earnings from self-employment?

2 A I think I said in my deposition I give all that
3 stuff to the accountants and they do whatever they have to do
4 to make sure I'm, you know, paying my taxes or doing whatever
5 I have to do.

6 Q Well, do you file any form with the Federal
7 Government that would suggest you are self-employed in any
8 respect in any way as you've testified here today?

9 A I don't know.

10 Q Have you filled a bank -- have you filled any forms
11 for credit with banks, credit companies, and the like?

12 A Sure.

13 Q And who do you list as your employment on those
14 applications?

15 A I don't remember. It's been a long time.

16 Q Do you have credit cards?

17 A Yes.

18 Q Did you have to fill out any forms in connection
19 with those credit cards?

20 A Yes.

21 Q What kind of -- what credit cards do you have?

22 A I have a Visa and American Express.

23 Q Do you have a corporate credit card?

24 A Yes.

25 Q And who's listed as your employer on that card?

1 MR. LEADER: Objection.

2 MS. SCHMELTZER: Objection, because I don't believe
3 these cards list employers on the card. Credit cards do not
4 list employers. A corporate card just says it's a corporate
5 card.

6 JUDGE SIPPEL: Well, all right. Rephrase the
7 question.

8 BY MR. GREENEBAUM:

9 Q Does your corporate card reflect a corporate name in
10 any way?

11 A I -- tell you the truth, I don't know. I've never
12 used it.

13 Q Did you fill out any application to obtain it?

14 A My secretary probably would have filled that out.

15 Q Didn't you have to sign the application?

16 A I don't remember. It's been a long time.

17 Q Do you know what employer issued you the corporate
18 card?

19 A I think I was asked that in deposition too. I still
20 don't -- I don't know the answer to that.

21 Q Do you receive the benefit of the use of any auto-
22 mobiles made available to you by any corporation or any other
23 entity?

24 A I have a company vehicle --

25 Q Which company makes --

1 A -- but I don't know --

2 Q -- it available to you?

3 A I don't know.

4 Q Now, you said you were paid a set amount every two
5 weeks by Sinclair. Are you also paid a set amount every two
6 weeks from Kaiser Communications?

7 MS. SCHMELTZER: Objection. Irrelevant.

8 JUDGE SIPPEL: No, he's, he's already asked -- been
9 asked and answered a question with respect to Kaiser.

10 MR. GREENEBAUM: I'm asking now about, you know --

11 JUDGE SIPPEL: About -- I'm sorry, about salaries.

12 MR. GREENEBAUM: I want to ask him now whether or
13 not he receives a salary, in effect, from Kaiser, Kaiser
14 Investment or Cunningham Communications.

15 JUDGE SIPPEL: I'll, I'll overrule the objection.

16 (Off the record. On the record.)

17 JUDGE SIPPEL: I think we're still waiting for an
18 answer from the witness. I overruled the objection.

19 WITNESS: Oh, I'm sorry. Can I hear the question
20 again?

21 BY MR. GREENEBAUM:

22 Q I'm asking whether or not you get a salary from
23 Kaiser Communications as you testified you got from Sinclair?

24 A I get money monthly from Kaiser?

25 Q Is it a salary?

1 A I call it a distribution.

2 Q And how about Kaiser Investment?

3 A Monthly.

4 Q Is that a distribution rather than a salary as well?

5 A Yes.

6 Q And the same with Cunningham Communications?

7 A Yes.

8 Q Now, do you recall in your Declaration in support of
9 the Summary Decision filed February 28, 1994, you talk about a
10 current full-time presence at WBFF-TV in Baltimore?

11 A Could I see a document, please?

12 Q Certainly. Go on and --

13 JUDGE SIPPEL: Go off the record.

14 MR. GREENEBAUM: Go ahead -- oh, well.

15 JUDGE SIPPEL: Go off the record.

16 (Off the record. On the record.)

17 BY MR. GREENEBAUM:

18 Q Do you have in front of you the, the Declaration of
19 Robert E. Smith?

20 A Yes, I do.

21 Q And I'm just referring to paragraph 5, which is on
22 page 2, when you refer four lines up from paragraph 6 to the
23 phrase, "...to my current full-time presence at WBFF(TV)..."
24 Do you see that?

25 A Yes.

1 Q What do you mean by that?

2 A Can I have a second to read the whole sentence?

3 JUDGE SIPPEL: Certainly. Tell us when you're ready
4 to respond.

5 (Off the record. On the record.)

6 BY MR. GREENEBAUM:

7 Q I'm trying to get your understanding, Mr. Smith, of
8 the phrase "...current full-time presence at WBFF(TV)..." as
9 used in that sentence or paragraph.

10 A The only thing I can make of that is physical
11 location of the building. It's the same building. Maybe they
12 should have said, I don't know, 2000 West 41st Street or
13 something like that. I don't know.

14 Q Let me refer you to page 106 of your Deposition of
15 July 20, 1994.

16 JUDGE SIPPEL: What was that page again?

17 MR. GREENEBAUM: 106, Your Honor.

18 BY MR. GREENEBAUM:

19 Q Do you have that?

20 A Yes.

21 Q See on line 16 I asked you: "I'm trying to get your
22 understanding of the phrase 'current full-time presence at
23 WBFF(TV)' as used in that sentence or paragraph."

24 Answer: "Yes, it's just a matter of semantics. I
25 mean full-time. I'm employed full-time."

1 Question: "Are you employed by WBFF-TV?"
2 Answer: Sinclair Broadcasting Group is my employer.
3 Do you recall being asked those questions and
4 answers?
5 A Yes, I do.
6 MR. ZAUNER: What, what's the purpose of that? Is
7 that to impeach --
8 JUDGE SIPPEL: He doesn't have to explain it. I'm
9 -- if it's an objection, it's overruled. Go ahead, Mr.
10 Greenebaum.
11 MR. GREENEBAUM: Now, do you have a full-time --
12 MS. SCHMELTZER: Are you going to read on the rest
13 of it?
14 MR. GREENEBAUM: That's what I was just reading
15 right now, on page 107.
16 WITNESS: Okay.
17 MR. GREENEBAUM: I was asking the same question.
18 You don't have to go to the deposition --
19 BY MR. GREENEBAUM:
20 Q Now, do you have a full-time presence at any other
21 entity or subsidiary of Sinclair?
22 A Are you asking me the same question again? I'm
23 trying --
24 Q Well, let me --
25 A -- to read --

1 Q Let me refer you to page 107, since your counsel
2 wanted me to read on.

3 Question: "That's what I thought. Now, do you have
4 a full-time presence at any other entity or subsidiary of
5 Sinclair?"

6 Answer: "Well, you could say I'm full-time by
7 virtue I'm with SBG. Those are wholly-owned subsidiaries, so
8 yes and no."

9 So -- Question: "So, you exercise your presence by
10 virtue of your employment with Sinclair Broadcasting Group,
11 Inc.? Is that correct?"

12 Answer: "That's correct."

13 Do you recall being asked those questions, giving
14 those answers?

15 A Yes.

16 MS. SCHMELTZER: Now, would you read the next two
17 lines, Mr. Greenebaum?

18 MR. GREENEBAUM: "Now, do you have any title at
19 WBFF-TV?" Answer: "Not anymore."

20 MR. GREENEBAUM: Anything else you want me to read?

21 MS. SCHMELTZER: No. No, that's fine.

22 JUDGE SIPPEL: Mr. Greenebaum?

23 BY MR. GREENEBAUM:

24 Q Do you recall giving those -- being asked those
25 questions and answers?

1 A All of them.

2 Q They were true at the time?

3 A True at the time.

4 Q And true today?

5 A True today.

6 Q Thank you.

7 MS. SCHMELTZER: Would you also -- Mr. Greenebaum, I
8 think for the sake of the record, the rest of the page should
9 be -- through line 20 should be read in as well.

10 JUDGE SIPPEL: For ease of reference, do you have
11 any objection to doing that now, Mr. Greenebaum, or will you
12 have Ms. Schmeltzer do it?

13 MS. SCHMELTZER: Beginning with line 11 through line
14 20.

15 MR. GREENEBAUM: I don't believe it's the same
16 subject matter.

17 MS. SCHMELTZER: It's, it's relevant to a question
18 that led up to this one.

19 JUDGE SIPPEL: Then I'll, I'll leave it for
20 redirect.

21 BY MR. GREENEBAUM:

22 Q Now, Mr. Smith, Sinclair Broadcasting --

23 A Broadcast.

24 Q -- Broadcast Group, Inc., is a corporation, is it
25 not?

- 1 A Yes, it is.
- 2 Q And you an equity owner by, by virtue of your
3 shares?
- 4 A Yes, sir.
- 5 Q And the shareholders elect a Board of Directors?
- 6 A Yes, they do.
- 7 Q And you're on that Board?
- 8 A Yes.
- 9 Q And the Board elects Officers, do they not?
- 10 A I believe that's the way it works.
- 11 Q All right. And you're an Officer at the present
12 time as well as a Director?
- 13 A Yes.
- 14 Q And in Sinclair are the Officers responsible to the
15 Board?
- 16 A Officers responsible to the Board -- it's the same
17 body.
- 18 Q Well, can -- could your brothers as Directors fire
19 you as an employee if they elected to do so?
- 20 MS. SCHMELTZER: Objection, Your Honor.
- 21 WITNESS: I don't know the answer to that.
- 22 MS. SCHMELTZER: He said could your brothers fire
23 you as an employee.
- 24 MR. LEADER: As an employee.
- 25 JUDGE SIPPEL: Well, he said he doesn't know the

1 answer.

2 MR. LEADER: No, but, but the predicate for the
3 question was --

4 JUDGE SIPPEL: I, I --

5 MR. LEADER: -- an Officer and you're a Director,
6 and now he's switched --

7 JUDGE SIPPEL: All right. I sustain the objection.
8 He's answered the question. Do you want to rephrase the
9 question, Mr. Greenebaum?

10 BY MR. GREENEBAUM:

11 Q Could you be removed as an Officer by the Board?

12 A I don't know the answer to that.

13 Q Would it -- I'm sorry. Your -- what is your office
14 again?

15 A Treasurer.

16 Q And is there a President?

17 A Yes.

18 Q And that's your brother David?

19 A That's correct.

20 Q And as the Treasurer are you responsible to the
21 President?

22 A No.

23 Q Could the President fire you as the Treasurer?

24 A That's the same question before. I don't know the
25 answer to that.

1 Q You don't have an employment contract of any kind,
2 do you?

3 A No.

4 Q Now, does Sinclair as a corporate entity have any
5 employee benefit plans or programs that are available to its
6 employees?

7 A Yes.

8 Q And have you taken advantage of any of those plans
9 or programs as a participant?

10 MS. SCHMELTZER: I'm going to object to the, I'm
11 going to object to the form of the question, Your Honor.

12 MR. LEADER: That's not -- well, he's asked him, he
13 said you -- have you taken advantage of, which implies some-
14 thing different than I think the --

15 JUDGE SIPPEL: I'll, I'll sustain --

16 MR. LEADER: -- wants to --

17 JUDGE SIPPEL: I'll, I'll sustain the objection.

18 MR. LEADER: -- he wants to reflect.

19 JUDGE SIPPEL: I -- I'll sustain the objection.

20 Will you rephrase the question?

21 BY MR. GREENEBAUM:

22 Q Are you a participant in any of Sinclair's employee
23 benefit plans or programs?

24 A Yes.

25 Q Which ones?

1 A I guess the insurance -- there's an -- there's a
2 Director's plan of some sort which I talked about at the
3 deposition. 401(k), that kind of stuff.

4 Q Is there any benefit plan or program that Sinclair
5 makes available to its employees that you have not participat-
6 ed in?

7 MS. SCHMELTZER: Objection. Your Honor, we have the
8 documents in the record.

9 MR. LEADER: The names.

10 MS. SCHMELTZER: If, if Mr. Greenebaum wants to show
11 him the document, fine. We've been all through this with Mr.
12 David Smith. I, I really don't understand where we're going
13 here.

14 JUDGE SIPPEL: Well, Mr. Greenebaum told us -- he
15 told me. He told every -- I -- everybody was here when he
16 said it -- that he would spend most of the time with Mr. David
17 Smith at the management go -- that he would try not to go into
18 great detail with the subsequent witnesses, even though the
19 same subject was going to be covered. At least, that was the
20 gist of what I understood you --

21 MR. GREENEBAUM: Right.

22 JUDGE SIPPEL: -- told me, and this is exactly what
23 he's trying to do.

24 MR. LEADER: Well --

25 JUDGE SIPPEL: If we have to go into documents --

1 MS. SCHMELTZER: Well --

2 JUDGE SIPPEL: -- when the witness doesn't --

3 MR. LEADER: I think --

4 MS. SCHMELTZER: But that's fine. I mean, if he
5 wants to show him a specific document, fine. But he's saying
6 are, are there any plans that you're not a participant in.

7 MR. LEADER: He can make Findings on, on Robert's
8 participation in these plans based on the tortuous exercise we
9 went through from 9:15 to 10:30 this morning. He can say he
10 participated in the following items. He can say he -- I mean,
11 it's there. That's what -- I thought that's why we did that.

12 MR. ZAUNER: It's the same as asked and answered.

13 MR. LEADER: Right.

14 JUDGE SIPPEL: Well, it's been asked and answered by
15 another witness.

16 MR. LEADER: No.

17 MR. ZAUNER: No, it's in documents.

18 MR. LEADER: No. --

19 MR. ZAUNER: We know it. This is a fact. It's,
20 it's established --

21 MR. GREENEBAUM: No --

22 MR. ZAUNER: -- in the record and we're asking
23 him --

24 MR. GREENEBAUM: The question I had -- would ask
25 hasn't been asked, nor is it established by the documents.