

1 MR. GREENEBAUM: Do you receive regular earnings
2 from Sinclair Broadcast Group, Inc.?

3 MS. SCHMELTZER: Your Honor, we've stipulated to
4 that in Exhibit 39.

5 MR. GREENEBAUM: I think that's correct.

6 JUDGE SIPPEL: I'm going to permit it for cross-
7 examination. I know it's in the record. Go ahead, Mr.
8 Greenebaum.

9 BY MR. GREENEBAUM:

10 Q Do you receive regular earnings from Sinclair
11 Broadcast Group, Inc.?

12 A Earnings -- if we're defining earnings as monies
13 being pulled out of the company, yes.

14 Q Do you receive a salary every 2 weeks?

15 A I -- as I told you before, I can't swear it's on a
16 2-week basis. But I get -- we get monies out of the company,
17 that's correct.

18 Q Is it the same amount every 2 weeks --

19 A I --

20 Q -- or whenever it is you get paid?

21 A I couldn't tell you.

22 Q Do you know what you make there a year?

23 A No.

24 Q You don't have any idea.

25 A Once again, this is the same thing you asked me

1 before. And I think I told you last time I, I don't know the
2 number. And the reason is because it fluctuates. Depending
3 on what we need the money for.

4 Q You don't receive any compensation from WBFF, do
5 you?

6 A Compensation? Compensation? Define compensation.

7 Q You don't know what compensation means?

8 A I, I -- we get -- I money from WBFF which as I said
9 before. Now if you want to define that as compensation --

10 Q You receive regular earnings from WBFF?

11 A Regular earnings? You mean paycheck?

12 Q Yeah.

13 A Or getting money, pulling money out of specifically
14 WBFF?

15 Q Regular earnings.

16 A We don't on a routine basis specifically pull monies
17 out of BFF.

18 Q Now you're physically located at the offices of
19 Sinclair where all of your other entities are housed as well,
20 aren't you, sir?

21 A Well, we're physically located at 2000 West 41st
22 Street which is the physical location of about eight or nine
23 companies.

24 Q But you and your brothers sit in one room in an area
25 designated for Sinclair Broadcasting.

1 A That's correct.

2 Q And what are your, what are your hours there?

3 A Well, they're variable.

4 Q In what way?

5 A Well, historically as I said earlier, Judge,
6 historically it was 40 hours a week. But most recently, and
7 Mr. Greenebaum asked me this in my last deposition, most
8 recently it's roughly 2-1/2 days a week I would say off the
9 top of my head.

10 Q Let me refer you to page 1296 of your testimony when
11 I previously cross-examined you before Judge Sippel.

12 A Where, where might I find that?

13 Q Same -- we'll, we'll show it to you.

14 JUDGE SIPPEL: This is on the November the 16th,
15 1993. This says '92, but it must be '93. Is that --

16 MR. LANE: Yeah, that does --

17 MS. SCHMELTZER: It does say '92. I agree with you.

18 MR. LANE: -- typo.

19 (Asides.)

20 JUDGE SIPPEL: It says something that I have to ask
21 that question, doesn't it?

22 MR. LEADER: Are we on the record?

23 BY MR. GREENEBAUM:

24 Q Start with line 2.

25 A Line 2. "And what are your offices there? I meant

1 | what are your hours there?"

2 | "Generally speaking, 9 to 5-ish type of thing.
3 | Hours 9 to 7, sometimes 9 to 5:30. Usually about 9 o'clock in
4 | the morning or so until 5 on the average."

5 | Question, "What capacity are you employed by
6 | Sinclair Broadcast Group?"

7 | "Employed as vice president, director and assistant
8 | treasurer."

9 | Question --

10 | Q That's far enough for me, but you're free to read
11 | further if you wish.

12 | A Well --

13 | Q Does that refresh --

14 | A -- I'm tired --

15 | Q -- your recollection as to your hours as of the time
16 | you gave in your testimony in this case previously?

17 | A Yes. That was updated by my deposition I gave most
18 | recently.

19 | Q Let's turn to your deposition of July 19th, 1994,
20 | since you want to keep referring to that.

21 | A Where might I find that?

22 | JUDGE SIPPEL: That was handed to you also. Mr.
23 | Lane is going to help you.

24 | MR. LANE: What page are we at?

25 | MR. GREENEBAUM: Page 12.

1 WITNESS: This is the most recent --

2 MS. SCHMELTZER: Well, before we get into the
3 deposition, is there a question for the witness? Was that --

4 MR. GREENEBAUM: Well, Your Honor, if I could, I
5 believe that under the rules you can use a deposition of a --
6 for an officer of a corporation for any purpose. I could read
7 in the deposition. I could read in these questions and
8 answers. I can have him read them. There's no limitation on
9 the use I can make of this deposition with this witness as an
10 officer of --

11 JUDGE SIPPEL: Well, except that it's in -- you're
12 using this in connection with cross-examination. And you're
13 doing it before me, and I'm going to control the rules under
14 which it's going to be used.

15 MR. GREENEBAUM: Right.

16 JUDGE SIPPEL: I'm not going to let this witness be
17 put at an unfair advantage or -- well --

18 MR. GREENEBAUM: I don't see --

19 JUDGE SIPPEL: That's -- but yeah, but yeah, but
20 subject to that, yes, you're absolutely right.

21 UNIDENTIFIED SPEAKER: Asked and answered --

22 MR. GREENEBAUM: And if you take a look at page 12,
23 you recall I asked you what hours if any do you spend at
24 Sinclair at the present time.

25 WITNESS: Right.

1 MR. GREENEBAUM: And how would you answer that
2 question today?

3 MS. SCHMELTZER: He just did --

4 WITNESS: Well, I --

5 MS. SCHMELTZER: -- Your Honor. He answered it
6 previously.

7 MR. GREENEBAUM: No, he's answered as of the hearing
8 date he said that it changed.

9 MS. SCHMELTZER: No, he --

10 MR. LEADER: No, he said it changed at the present
11 time. I heard him say that.

12 JUDGE SIPPEL: Yeah, he did ask -- he did, he did
13 say that. He did say that.

14 MR. GREENEBAUM: All right, when did your hours
15 change?

16 JUDGE SIPPEL: I'll sustain the objection. He asked
17 and answered the question.

18 MR. GREENEBAUM: When did, when did your hours
19 change?

20 WITNESS: Am I supposed to answer that, Judge?

21 JUDGE SIPPEL: Can you -- do you know when it was?

22 WITNESS: No. It's an ongoing metamorphosis.

23 MR. GREENEBAUM: Well, what are your hours at
24 Sinclair at the present time?

25 WITNESS: Well, I, I told you that about a month

1 ago. And that is it's -- I estimate it's roughly 2-1/2 days a
2 week.

3 MR. GREENEBAUM: Mr. -- I don't want to quarrel with
4 you about what's in your deposition.

5 MS. SCHMELTZER: It's page 17, Mr. Greenebaum.

6 MR. LEADER: It's page 17, line 17 -- what he said.

7 MS. SCHMELTZER: Line 17. Lines 17 to 20.

8 MR. LEADER: That's what he said, 2-1/2 days a week.

9 MR. GREENEBAUM: Which line?

10 MR. LEADER: Seventeen.

11 MS. SCHMELTZER: Lines 17 to 20.

12 MR. LEADER: Start with page 17, line 17.

13 BY MR. GREENEBAUM:

14 Q And then is it your testimony that you presently go
15 to Sinclair 2-1/2 days a week?

16 A I'm saying that on average that's, that's a fair
17 estimate, yes.

18 Q And you don't know when that started.

19 A No. It's just progressive --

20 Q Do you know what year it started?

21 A Just recently.

22 Q Was there any factor or circumstance that caused you
23 to change your hours at Sinclair at that time?

24 A Nothing specifically. Everything is very organized,
25 and I'm out doing other things.

1 Q Now when you're talking about Sinclair, are you
2 talking about Sinclair Broadcast Group, Inc.?

3 A Well, you've been referring to Sinclair.

4 Q Well, at your deposition which you referred to,
5 there was some confusion between us as to whether or not I was
6 talking about Sinclair Broadcast Group, Inc., the entity, or
7 all of the, or the subsidiaries.

8 A Right.

9 Q And are you saying that you're only at the offices
10 of Sinclair physically 2-1/2 days a week or are you -- is that
11 what you're saying?

12 A No, I'm -- yeah, I'm saying that so far as the
13 physical facility. I'm in the building that in which Sinclair
14 Broadcast Group is one of the occupants of the building.
15 There are other occupants, Kresiff (phonetic sp.) Enterprises,
16 WBFF-TV, Kaiser Communications, Kaiser Electric, Cunningham
17 Communications, WT -- PGH, the TV, WPTO, etc., etc.

18 Q And when you said 2-1/2 days a week, are, are you
19 suggesting that you may be in the building for reasons other
20 than Sinclair and working on the subsidiaries in addition to
21 those 2-1/2 days a week that you just referred to?

22 A Yes. There are other -- well, other than the
23 specific subsidiaries of SBG?

24 A No, subsidiaries of SBG. When you're working on
25 their business, are you thinking in your mind you're not

1 working for Sinclair at that time?

2 A Yeah, I'm not working for Sinclair potentially.
3 I'm, I'm -- let me give you an example. I know I'm confusing
4 everybody here. But Sinclair Broadcast Group through a
5 subsidiary, Crescent Communications, just purchased a
6 aircraft. And I've been involved with that over the last few
7 months. That's why my time physically in the building has
8 changed. That's an example.

9 Q How much time do you spend at the present time
10 during the course of a week working on the business of
11 Sinclair and also its subsidiaries?

12 MR. LEADER: I'm going to object and ask Mr.
13 Greenebaum to be more precise in defining Sinclair, since he
14 himself earlier suggested that he was confused as to what is
15 Sinclair.

16 JUDGE SIPPEL: Well, let's -- I mean in light of
17 what the witness just -- I mean the example that he gave, I --
18 let me see if -- let me ask the witness, do you understand Mr.
19 Greenebaum's question?

20 WITNESS: I'm a little confused about his question
21 really is to be honest with you.

22 BY MR. GREENEBAUM:

23 Q Well, there's no magic. Would you look at page 13
24 of your deposition of July 19, 1994?

25 A Thirteen. Page thirteen?

1 Q Yes. Starting with line 4. Could you read --

2 A Sure. That's the question, correct?

3 Q Yes, read it to yourself.

4 A Okay, I've got it.

5 Q How far did you read?

6 A I read down to 19, line 19.

7 Q Now you distinguished between being in the building
8 and working physically for Sinclair and working on behalf of
9 the subsidiaries in your mind, did you not?

10 A Objection, Your Honor. That's not what it says.

11 JUDGE SIPPEL: Sustain the objection. I -- you can
12 ask the question. I think you're going to have to lay more of
13 a foundation, Mr. Greenebaum. But this should be able to be
14 brought out. I know exactly where you're going, and I think
15 that the witness knows.

16 MR. GREENEBAUM: You also distinguished, did you
17 not, sir, during the course of your deposition about being in
18 the building physically and being there mentally or
19 emotionally?

20 MS. SCHMELTZER: Objection.

21 MR. GREENEBAUM: And working on Sinclair? Do you
22 recall that?

23 JUDGE SIPPEL: What's the objection?

24 MS. SCHMELTZER: That's not what the witness just
25 read.

1 MR. GREENEBAUM: I'm asking another question. I'm
2 going to go back in time altogether.

3 JUDGE SIPPEL: Yeah, he's, he's dropped that line.
4 He's going to -- he's gone, he's gone to something else.

5 WITNESS: I believe, I believe that we did mention
6 that last time. You did ask me about that.

7 BY MR. GREENEBAUM:

8 Q And what you were trying to do was to be precisely
9 accurate as to when you were in the building working at
10 Sinclair for Sinclair Broadcast Group, Inc. Is that right?

11 A No.

12 Q In what way am I wrong?

13 A I think what I'm, I'm trying to differentiate and
14 what you're trying to differentiate is doing work specifically
15 for Sinclair Broadcast Group as opposed to being in the
16 facility that Sinclair Broadcast Group owns.

17 Q And you know that the business of Sinclair is the
18 magnate supervision of its subsidiaries, is it not, sir?

19 A Right.

20 Q And --

21 A We didn't, we didn't -- that was not -- go ahead.

22 Q And are you saying today that when you're in the
23 building and you're working on station in Columbus, you don't
24 consider yourself working at Sinclair Broadcast Group, Inc. at
25 that time?

1 A Well, I'm working for the subsidiary. That's
2 correct.

3 Q Right. But not for the corporation, the parent.

4 A I've never looked at it that way. It looks like I'm
5 doing something for Columbus or Pittsburgh. But it is a
6 subsidiary of Sinclair Broadcast Group, that is correct.

7 Q How many days a week at the present time do you
8 actually go into that building where Sinclair Broadcast Group
9 is housed and from where --

10 A How many, how many days a week physically actually
11 walk in the building?

12 Q Yeah.

13 A Six days a week.

14 Q Okay. And during those 6 days a week, on the
15 average how long do you spend there each day, Dr. Smith?

16 A I could spend 10 hours one day, 3 hours the next, 4
17 hours the next. Varies.

18 Q And while you're in the building, you are working on
19 the business of Sinclair and its subsidiaries. Is that
20 correct?

21 A I may be taking the trash out one day. I may be
22 fixing a leak in the wall. That may be the business of BFF,
23 and in that sense, that would be a subsidiary of Sinclair
24 Broadcast Group. And in that sense, that would be correct.

25 Q And I believe some days you cut the grass. Is that

1 right?

2 A I have historically done that. That's correct.

3 Q But that's all on behalf of Sinclair, is it not, and
4 its subsidiaries if you wish.

5 A That -- it -- that's correct.

6 (Asides.)

7 Q You also on occasion visit the subsidiaries, do you
8 not?

9 A That's correct.

10 Q And when you visit the subsidiaries, you enter the
11 building by working on the business of Sinclair and its
12 subsidiaries.

13 A That's correct.

14 Q You go to conventions and professional meetings and
15 the like from time to time as well, do you not?

16 A Not in the last couple of years, but historically
17 yes.

18 (Pause.)

19 JUDGE SIPPEL: Dr. Smith is waiting for a question.

20 MR. GREENEBAUM: Yes, Your Honor. I'd like to turn
21 to the application, exhibit to the application, FCC Form 301,
22 Exhibit No. 6, page 3.

23 JUDGE SIPPEL: That's been given a number here.

24 That's our -- that's No. 46, Scripps Howard's 46?

25 MR. GREENEBAUM: Yes, Your Honor. If you'll turn to

1 | page 3 and Frederick G. Smith, same section we talked about
2 | previously.

3 | WITNESS: Sure.

4 | MR. GREENEBAUM: On page 3, you stated that --
5 | excuse me. I'm sorry. I have to hand him another exhibit.
6 | Let me hand you Four Jacks Exhibit 4 under broadcast
7 | experience, page 3.

8 | JUDGE SIPPEL: Is this Four Jacks, is this their
9 | hearing exhibit in their case in chief?

10 | MR. GREENEBAUM: Yes, Your Honor. You see in the --
11 | it's also page 3, paragraph 2, broadcast experience. See the
12 | second paragraph starting in mid-1990?

13 | WITNESS: Are you, are you talking now looking at
14 | Exhibit 4 or the --

15 | MR. GREENEBAUM: Exhibit 4.

16 | JUDGE SIPPEL: This was your direct written
17 | testimony in 1993, Dr. Smith.

18 | WITNESS: Okay. Thank you. So page 3 --

19 | BY MR. GREENEBAUM:

20 | Q Second paragraph, second line. Where it says on
21 | July 1, 1990, I assumed a full-time executive position with
22 | the family television business.

23 | A Right. I got you. Okay. Go ahead.

24 | Q By television business, are you referring to the
25 | business of Sinclair Broadcast Group?

1 A In this case, well, not necessarily, no. Because it
2 says here BFF-TV, TTE and PGH. And then it also says IIB and
3 TTA which are not under the umbrella, Sinclair Broadcast Group
4 umbrella.

5 Q So you were talking about Sinclair Broadcast Group
6 and its subsidiaries and your other businesses as well. Is
7 that correct?

8 A Right. That's what it says here.

9 Q Do you still have a full-time executive position
10 with the family television business?

11 A Yes. You say do I still have a full-time what?

12 Q Executive position with the family television
13 business.

14 A I'm always a director and always a vice president.
15 That's correct.

16 Q And is that a full-time responsibility?

17 A In the sense that I'm available all the time, that
18 is correct.

19 Q And if you'll look now at Exhibit 46, page 3 under
20 Frederick G. Smith.

21 WITNESS: Help me out here. Okay.

22 MS. SCHMELTZER: I'm sorry. What are you asking him
23 to look at now?

24 JUDGE SIPPEL: We're back to Exhibit --

25 MR. GREENEBAUM: Exhibit No. 6, page 3 where it says

1 Frederick G. Smith.

2 MS. SCHMELTZER: Um-hum.

3 MR. GREENEBAUM: That's Exhibit 46.

4 BY MR. GREENEBAUM:

5 Q At that time when this was filed, your principal
6 task -- it says, "His principal task has been to supervise the
7 various department managers at the Baltimore, Pittsburgh and
8 Columbus stations. Additionally, he reviews film contracts,
9 reviews the hiring and firing of all personnel." Do you see
10 that, sir?

11 A Um-hum.

12 Q Do you still have all of those duties at the present
13 time?

14 A I'm available for those duties. I, I don't
15 routinely perform them.

16 Q When did you stop performing them?

17 A No specific time.

18 Q Just tapered off? You have to speak up for the --

19 A Yes.

20 Q And does that mean that at that time at least you
21 were also involved in the hiring and firing of station
22 personnel?

23 A Yes.

24 Q Has that tapered off?

25 A Yes.

1 Q When did that taper off?

2 A Gradual process.

3 Q And do you still participate with your brothers in
4 the discussions with the general managers of the stations from
5 time to time?

6 A From time to time, yes.

7 Q Still participate in discussions with the sales
8 managers at these stations from time to time?

9 A Not with my brothers individually I usually do. And
10 that's usually with the general manager, not the sales
11 manager.

12 Q Are you involved in the evaluation of the company's
13 health plan?

14 A Yes.

15 Q Still doing that?

16 A Yes.

17 Q And are you also involved in the evaluation of the
18 company's retirement plan?

19 A Yes.

20 Q Now -- and do you, do you perform those duties with
21 the retirement plan and the health insurance plan as part of
22 your duties as a vice president of Sinclair?

23 A You could say that.

24 Q I don't want to say it. Do you say it?

25 A That's, that's a reasonable thing, yes, as a

1 | director and --

2 | Q Is that what you do?

3 | A Yes.

4 | Q And it is fair to say that at the present time
5 | you're working approximately -- let me rephrase it. Is it --
6 | would you agree that at the time of the hearing before Judge
7 | Sippel on November 16, 1993, you were working approximately 40
8 | hours a week at SBG and 6 to 8 hours a week at your private
9 | dental practice?

10 | A That's roughly in the ballpark.

11 | Q If you'll look at Exhibit 40, tab 30, I'm sure
12 | that's in volume 2.

13 | A In volume 2. This must be volume 2, right? Tab 30?

14 | Q Tab 30. Yes, sir.

15 | A Thank you.

16 | Q This is the Sinclair Broadcast Group, Inc. employee
17 | benefits plan which I assume you had in mind when you said you
18 | worked on the company's health benefit plan, is that correct?

19 | A Right.

20 | Q Can you tell us your understanding of what it takes
21 | to be eligible to be a participant in this plan?

22 | A I think you have to have worked so many hours at, at
23 | not only SBG subsidiaries but some of our other businesses
24 | which would be TTO and IIB in order to qualify to be in the --
25 | are you talking retirement or just health care?

1 Q I'm talking about tab 30.

2 A Tab 30. Health care, yeah. You have to have been
3 there I think -- I, I don't know what the exact -- I know
4 there's a time frame prior to which you can be qualified for
5 health care benefits.

6 Q Time frame in which you have to have been a full-
7 time employee. Is that correct?

8 A That's correct. I believe it's full-time employee.
9 Have to be employee of some sort obviously, or obviously an
10 officer or director of one of the corporations.

11 Q Would you turn to FJS0095?

12 A 0095.

13 Q It's about 10 pages down in tab 30 more or less.

14 A Um-hum.

15 Q Do you --

16 A It's 90 consecutive days.

17 Q Do you see where it says who is eligible?

18 A Right.

19 Q And does that refresh your recollection that you
20 have to be a full-time employee of Sinclair Broadcast, Inc.
21 for at least 90 consecutive days?

22 A Well, that's -- I'm not too sure this is really that
23 accurate. Because we have other companies that are not under
24 the SBG umbrella that are also in this same plan. I think.
25 Such as IIB and, and TTA.

1 JUDGE SIPPEL: Well, would you identify what those
2 are for the record? What is IID please?

3 WITNESS: IIB.

4 JUDGE SIPPEL: IIB?

5 WITNESS: It's Indianapolis, Indianapolis, Indiana.
6 And TTO is Tampa, Florida.

7 JUDGE SIPPEL: Are, are -- these are broadcast
8 stations?

9 WITNESS: Yeah, they're home shopping and I'm --
10 unless I'm mistaken, those employees also work for or
11 participate in this plan.

12 MR. GREENEBAUM: But they are all full-time
13 employees of one entity or another. They're not --

14 WITNESS: That's correct.

15 JUDGE SIPPEL: And those are, those are entities
16 that are wholly-owned subsidiaries --

17 WITNESS: Yes.

18 JUDGE SIPPEL: -- of Sinclair?

19 WITNESS: No. They are not wholly-owned
20 subsidiaries of Sinclair.

21 JUDGE SIPPEL: What's their relationship to
22 Sinclair?

23 WITNESS: They're not related to Sinclair.

24 JUDGE SIPPEL: But yet they're under Sinclair's
25 health plan.

1 WITNESS: I think so.

2 MR. GREENEBAUM: So you're --

3 WITNESS: Let's put it this way. I know when
4 this -- let me help, help things out here maybe. When this
5 contract is negotiated, I'm pretty sure that it's negotiated
6 with Sinclair Broadcast employees plus the other entities'
7 employees in mind. And that may not be under the Sinclair
8 Broadcast Group, but it's the same benefit plan. And it may
9 not be -- to the Sinclair Broadcast Group plan. But it's the
10 exact same scenario with respect to what you get for your
11 benefits.

12 JUDGE SIPPEL: All right. So they might not be
13 covered under --

14 WITNESS: It might not say SBG, but it's the exact
15 same plan.

16 JUDGE SIPPEL: Yeah, it's substantively the same
17 plan. But it is not --

18 WITNESS: Exactly.

19 JUDGE SIPPEL: -- it is not entitled for employees
20 enrolled in the Sinclair Broadcast Group, Inc. employee
21 benefit plan as tab 30 states.

22 WITNESS: Like I said, I'm thinking that that makes
23 sense to me. But in fact, I couldn't testify to that. They
24 in fact may be in this plan, but it says Sinclair Broadcast
25 Group. But it makes more logical sense -- I know it's the

1 exact same plan, as you said substantively the same. And it
2 doesn't make sense to have those people in the Sinclair
3 Broadcast Group plan, but in fact they may be in that plan.

4 I, I don't recall seeing the TTA plan or the IIB
5 plan. That's what I'm saying. But I know for a fact that
6 they get the same coverage.

7 BY MR. GREENEBAUM:

8 Q Now you're a trustee of this plan, are you not?

9 A I'm definitely director. If that makes me a
10 trustee, I guess I am.

11 Q Let me find that for you.

12 A I'm certainly one of the people that was involved
13 with it.

14 Q Let me turn your attention to page FJS0164.

15 A 0164.

16 Q Right.

17 A Right. I am a trustee. That's correct. Dave, Amy
18 and Fred Smith. That's correct.

19 Q And if you'd turn to page FJS0153.

20 A 0153. General anesthesia. That's the state I'm in
21 now. Go ahead.

22 Q Do you need help?

23 A I need help. I need oxygen actually.

24 Q And --

25 JUDGE SIPPEL: I'm going to note for the record that

1 the witness is being facetious --

2 WITNESS: Don't bring in the EMTs. Yes, sir.

3 BY MR. GREENEBAUM:

4 Q On page FJS0153 which is -- you look in the middle
5 of the page, you see where the word employer is --

6 A Yes, sir.

7 Q -- employer is Sinclair Broadcast --

8 A -- yes, I do.

9 Q Does that refresh your recollection or clarify your
10 thinking --

11 A No.

12 Q -- as to who's covered?

13 A No.

14 Q So it's your belief that full-time employees of
15 subsidiaries may be covered by this plan or may have a similar
16 plan --

17 A That is correct. That is correct.

18 Q But you don't quarrel with the obligation that it's,
19 that you have to be a regular full-time employee of Sinclair
20 Broadcasting --

21 A Well, whatever the --

22 Q -- to be eligible --

23 A As I said --

24 Q -- is that correct?

25 JUDGE SIPPEL: Let him finish the, the question, Dr.

1 Smith.

2 WITNESS: Whatever I said -- whatever it says -- in
3 the beginning I don't quarrel with. In the beginning of this
4 document oral health -- or your health care benefits, I don't
5 quarrel with that, what the qualifications are. Whatever it
6 says, you know.

7 MR. GREENEBAUM: So you don't quarrel with the
8 language in FJS0095 as to eligibility.

9 MS. SCHMELTZER: Objection. Asked and answered.

10 JUDGE SIPPEL: Going to sustain it.

11 MR. GREENEBAUM: Now if you take a look at tab 31.

12 WITNESS: Tab 31. That's 0168, correct?

13 JUDGE SIPPEL: That's correct.

14 BY MR. GREENEBAUM:

15 Q Are you familiar with this document as well?

16 A Yes. I've seen this document before.

17 Q And --

18 A Or I've seen the front, front thing here before
19 anyway.

20 Q And is, is it your understanding that this is a
21 benefit package for the benefit of employees?

22 A Employees, that's correct.

23 Q And take a look if you would, please, sir, at tab
24 29.

25 A Tab twenty-nine? Twenty-nine. Tab twenty-nine.

1 Twenty-nine. Same thing you asked me in the deposition. The
2 answer is this is part of the SBG long-term disability income
3 plan. And as I -- as we just discovered, I mentioned to the
4 judge there may be other individuals in this. I can't
5 specifically say if they absolutely are or not. But I suspect
6 that there's definitely something going on here with respect
7 to duplication of effort.

8 Q Do you recognize this long-term disability income
9 plan as being a benefit made available for officers?

10 A It says right on the front of it officers.

11 Q Okay. And --

12 A I'm glad you pointed that out because I didn't
13 remember --

14 Q Well, it would be more helpful if you would wait for
15 a question rather than making a speech with all due respect.

16 A I'll try not to be vociferous.

17 JUDGE SIPPEL: All right, yeah. It will, it will go
18 easier for everybody, including yourself I think doctor.
19 Go -- let him --

20 BY MR. GREENEBAUM:

21 Q And is it your recollection that even though this is
22 for officers only, to be eligible you had to be involved in
23 active employment which meant permanent full-time basis and
24 paid regular earnings?

25 A Whatever it says.