

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

In the Matter of:) WT DOCKET No.: 94-147
)
 JAMES A. KAY, JR.)
)
 Licensee of one hundred fifty)
 two Part 90 licenses in the)
 Los Angeles, California area.)

Courtroom 2
 FCC Building
 2000 L Street, N.W.
 Washington, D.C.

Thursday,
 October 9, 1997

The parties met, pursuant to the notice of the
 Judge, at 9:32 a.m.

BEFORE: HON. RICHARD L. SIPPEL
 Administrative Law Judge

APPEARANCES:

On behalf of James A. Kay, Jr.:

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I N D E X

WITNESS

PAGE

None.

Hearing Began: 9:32 a.m.

Hearing Ended: 10:59 a.m.

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JUDGE SIPPEL: We're on the record. Good morning. You've all received notice of this conference, so we know what it's about. I understand I've been notified that there is new counsel for the Bureau in this case?

MR. SCHAUBLE: Yes, Your Honor, good morning. John Schauble, and with me is William Knowles Kellett.

JUDGE SIPPEL: Right. Good morning Mr. Schauble. Mr. Kellett has been on the case before.

And, Mr. Friedman?

MR. FRIEDMAN: Yes, Barry Friedman, Scott Fenske. I guess we're the same old faces.

JUDGE SIPPEL: Well, let me just start with some narrow rulings that I think I can specifically dispose of pretty rapidly. That is, you may know, you probably know that I have ruled on the Bureau's motion for large issues that they filed on March 19.

MR. FRIEDMAN: We didn't receive that order.

JUDGE SIPPEL: Well, it's been released on the 9th of October. That's today, today's release date, but it will be available, and I mean, the long and short of it is, that motion has been denied. So, you have the bottom line report right here.

Their other pending motion to enlarge, having to do with the, well, I think probably you all know what that

1 motion has to do with, seeking to add an issue because of
2 the alleged misrepresentation having to do with the Sobel
3 matter.

4 I'm going to permit a round of pleadings on that
5 and I want to set the dates. The 17th of October for the
6 opposition from Mr. Kay and then the 24th of October for a
7 reply from the Bureau.

8 MR. FRIEDMAN: Your Honor, could I ask for some
9 dispensation there? On the 16th, the replies are due and I
10 guess, as well for the Bureau, the reply briefs in the Sobel
11 matter.

12 JUDGE SIPPEL: Well, you're telling me it is, it
13 is.

14 MR. SCHAUBLE: Your Honor, we filed findings in
15 the Sobel case. Reply findings are due on the 16th.

16 JUDGE SIPPEL: I didn't know that. I knew that
17 the findings were in. Sure, we'll make an adjustment to
18 that. Let me do that right now.

19 Why don't I just change that to a week later, the
20 24th?

21 MR. FRIEDMAN: That's fine, Your Honor.

22 JUDGE SIPPEL: And the 31st. So, the 24th on
23 opposition, the 31st on your reply.

24 MR. SCHAUBLE: Okay, and Your Honor, the Bureau
25 can meet that day. We would ask that the opposition be hand

1 served.

2 JUDGE SIPPEL: Mr. Friedman, you can do that,
3 can't you?

4 MR. FRIEDMAN: As well as we resolve it, hand
5 service means to Washington, not to Gettysburg?

6 MR. SCHAUBLE: That's all the Bureau means.

7 JUDGE SIPPEL: Yes, hand delivery in Washington,
8 D.C. Since there's no response to the opposition, I don't
9 see any need to require hand delivery on the opposition,
10 unless as a courtesy --

11 MR. FRIEDMAN: Well, I think we're going to hand
12 deliver the opposition. The reply, they don't have to hand
13 deliver.

14 JUDGE SIPPEL: I meant the reply. You can go
15 over, maybe, to the Bureau's office and pick it up on that
16 day.

17 MR. FRIEDMAN: That's fine.

18 JUDGE SIPPEL: There's no responsive pleading to
19 that. So, now, there's an outstanding motion to compel that
20 should not take too long to respond to that. You say the
21 16th is the day on the other one in the other case. I was
22 going to set that at the 17th, also. What would be your
23 situation -- do you know the motion I'm referring to?

24 MR. FRIEDMAN: Yes, about the transcripts?

25 JUDGE SIPPEL: The rules have a short turn around

1 time.

2 MR. FRIEDMAN: Your Honor, why don't we make it
3 simultaneously with the other pleading?

4 JUDGE SIPPEL: All right. We'll do that, that's
5 all right. In all honesty, I wouldn't be able to act on it
6 next week anyway, so we'll do that on the 24th, also.

7 The last item I have of unfinished business in
8 that respect is the answers to the interrogatories or the
9 answers or objections to the outstanding interrogatories.
10 Again, can we do that also on the 24th?

11 MR. FRIEDMAN: Yes, that's fine.

12 JUDGE SIPPEL: So, again, the motion to enlarge
13 will be in opposition filed on the 24th. A reply on the
14 31st, with the opposition to be hand delivered. On the
15 motion to compel, there will be an opposition, also hand
16 delivered on the 24th, and on the answers to
17 interrogatories, those answers or objections will be served
18 on the 24th also, by hand.

19 On my checklist, anyway, that takes care of the
20 pleading cycles that were left hanging. All right, then,
21 moving forward to what I think will be the more difficult
22 things to talk about, I have a checklist of the things I
23 want to cover. I want to cover them as quickly as I can.
24 On the other hand, since we've been away from these matters
25 for four or five months, there may have to be something for

1 purposes of recollection and specificity.

2 Let's start with the inspection of the stations.
3 The last thing that I received on that was a copy of a
4 letter from Mr. Fenske to Mr. Kellett, dated April 18, 1997,
5 indicating that Mr. Kay had spent a week with the inspection
6 team out in Los Angeles.

7 MR. KELLETT: Basically, we haven't received a
8 final report, but they've spent months inspecting the
9 stations. They've gotten good cooperation from Mr. Kay, I
10 believe.

11 JUDGE SIPPEL: Well, let me finish what I want to
12 say. I don't want to get into the report right now, but the
13 inspection has been done, you've seen it --

14 MR. KELLETT: They had a few stations that we
15 thought weren't at issue. Mr. Kay said they were missing,
16 they were just like the others, so they're going back up to
17 inspect them. They may be finished today. That was over
18 the last couple of weeks.

19 JUDGE SIPPEL: So, the inspection is virtually
20 completed.

21 MR. KELLETT: If it's not complete, it's 95 --

22 JUDGE SIPPEL: Ninety-five percent completed?

23 MR. KELLETT: -- 97 percent complete.

24 JUDGE SIPPEL: You're not getting any opposition.

25 MR. KELLETT: Good -- it took him time, because he

1 had pending litigation in California. There were dates
2 missing, but with the long furlough we had, no problem.

3 JUDGE SIPPEL: All right, then as far as that's
4 concerned, that's finished business.

5 The question of the reports, I don't know if
6 there's anything that you're working out with counsel or if
7 you want to raise that with me? The reason I'm putting it
8 that way and I'm not trying to push you for a particular
9 position here.

10 MR. KELLETT: Right.

11 JUDGE SIPPEL: I'm simply saying, the last thing I
12 saw was the April 18 letter and that was an open item. I
13 didn't see your response to that letter. Not that I should
14 have, because the case by that time was shut down.

15 MR. KELLETT: Right.

16 JUDGE SIPPEL: I'm just simply here -- enlighten
17 me.

18 MR. KELLETT: Right, they have a pending FOIA
19 request for the reports. I haven't seen a completed one and
20 we'll cross that bridge with counsel and take whatever is
21 the necessary action at that time. We haven't even
22 formulated a decision, because we haven't seen a final
23 report on it.

24 MR. FRIEDMAN: For the record, we'd like to
25 receive it when it's prepared.

1 JUDGE SIPPEL: Now, if you're going under the FOIA
2 rules, under the FOIA provisions, then, you know, that is
3 first going to have to be resolved, unless there's a showing
4 in this case where there's a consideration under Jencks or
5 something where the witness is taking the stand, and there's
6 a report. Something to that effect. The issue with respect
7 to discovering a Commission report is not for me to decide
8 in the first instance.

9 But, again, anything that's decided between
10 counsel outside of FOIA and you're looking for some
11 acceptance of a stipulation or something, I'll consider
12 that. But, again, I'm just trying to cover the business
13 that was left outstanding. So, that's basically for trial
14 preparation purposes, that's essentially taken care of.

15 Now, Bureau interrogatories and the answers, we've
16 already covered that. The depositions and the document
17 discovery, you have gotten some of these state depositions,
18 is that right?

19 MR. KELLETT: Yes.

20 JUDGE SIPPEL: You've indicated that. You haven't
21 gotten identification on some or what?

22 MR. KELLETT: Right, well, they've been going on
23 while we were in recess, as well.

24 JUDGE SIPPEL: Well, maybe Mr. Friedman can --

25 MR. FRIEDMAN: I believe we responded to their

1 request and given them everything that's responsive to their
2 request.

3 JUDGE SIPPEL: So, why are we contesting this,
4 then? Why is there a contest over this?

5 MR. KELLETT: We'd like to see a list of the
6 people they deposed, among those things, in lieu of the rest
7 of the depositions, at least, so we can at least contest
8 what they say is relevant and not relevant.

9 JUDGE SIPPEL: Well, Mr. Friedman?

10 MR. FRIEDMAN: I was looking for a list of the
11 people we deposed in the case. I think it's one page.

12 MR. KELLETT: It's more than one page.

13 MR. FRIEDMAN: Well, in the state litigation.

14 Your Honor, I don't want to be repetitive, but I think we
15 have fully responded to their pending discovery request. I
16 guess as an additional point, and I don't want to get too
17 far offbase, and my comment is not otherwise deviating from
18 our previous response. We're also concerned about the fact
19 that the breadth of this, we think it's fair and consistent
20 with the Court's earlier approach, that if they identify a
21 group of witnesses that they intend to use in this FCC
22 proceeding, then of course we'll provide the deposition
23 transcripts for those particular witnesses.

24 But, to request whatever it may be, 25, 30 or so,
25 we have a problem with it. I guess my latter comments

1 pertain to an issue that I think will arise in the future.
2 It's not necessarily present right now.

3 JUDGE SIPPEL: An issue in this case?

4 MR. FRIEDMAN: They just made a kind of formal or
5 informal request for a list of all the depositions. While
6 we can give that to them and grant them that list, we have a
7 problem producing all the depositions, because the Court
8 made note in the previous prehearing conference that there's
9 a lot of irrelevant material, and that if it relates to this
10 FCC proceeding and, more specifically, to witnesses that
11 they intend to call, by all means, they should have the
12 deposition transcript.

13 JUDGE SIPPEL: Okay, well, I'm hearing two things.

14 MR. FRIEDMAN: That's correct.

15 JUDGE SIPPEL: The one thing I do hear is that you
16 specifically made the production on a narrow issue -- and
17 any of these deposition witnesses will testify about the
18 matters in this proceeding, these have been identified and
19 these transcripts have been turned over?

20 MR. FRIEDMAN: No, actually to correct any
21 misunderstanding, we have fully responded to their document
22 request in terms of the deposition transcripts. I guess
23 that's part one.

24 JUDGE SIPPEL: All right.

25 MR. FRIEDMAN: Part two is much broader and gets

1 into a possible issue in the future. That is, if we provide
2 them a list of all the deposition transcripts that we have,
3 irregardless of any dates, we're certainly going to get into
4 some that are totally irrelevant to this proceeding and,
5 again, we don't have a great problem responding to their
6 specific witnesses that they intend to call, but anything
7 other than that is irrelevant.

8 JUDGE SIPPEL: Why don't you responde to that, Mr.
9 Schauble?

10 MR. SCHAUBLE: Your Honor, first of all, I don't
11 think our request was open ended in terms of date. As I
12 recall, going through, I think it was since December 31,
13 1994. I'd have to double check that, but going through --

14 JUDGE SIPPEL: I have seen a couple of pleadings
15 where you're right, there is a time limit.

16 MR. SCHAUBLE: We've had at least some indication
17 that there may have been further depositions since the date
18 of the production relating to this. With the transcripts,
19 we want to make sure that we've had complete production of
20 the deposition transcripts at issue here.

21 JUDGE SIPPEL: I want to make sure that, as I've
22 read the papers on this, and you're only asking for
23 deposition transcripts that have the witness being asked
24 questions about issues that are related to this case.

25 MR. SCHAUBLE: Correct.

1 JUDGE SIPPEL: Then, within the confines of
2 certain time frames, so you're limiting it in two ways.
3 You've got a date certain within which the material is
4 testified to, a date certain for the depositions and also
5 the subject matter.

6 MR. SCHAUBLE: Right, so it's --

7 MR. KELLETT: No, Mr. Fenske clearly said that he
8 gave those as to the people we had discussed. We're asking
9 for all documents in Kay's possession relevant to these
10 issues, you know, and that's to say, we've identified the
11 documents. He's asked, in California litigation, about the
12 issues at issue in this proceeding, and we're entitled to
13 all relevant documents in his possession relevant to this
14 proceeding.

15 JUDGE SIPPEL: Well, did he see the complaint in
16 those cases?

17 MR. KELLETT: No, but I've seen sample
18 depositions, where they say, what did you tell Mr.
19 Hollingsworth about, you know, and that's relevant to this.

20 MR. FENSKE: Your Honor, maybe we can clarify this
21 a little bit. I don't want to, again, beat this to death.
22 Right now, prior to five minutes ago, there was a document
23 request for a specific time frame. I think we can all agree
24 on that.

25 MR. KELLETT: I think it was continuing in nature,

1 though.

2 MR. FENSKE: Yes, but the commencement date was
3 date X, and we have fully responded to that. That's end of
4 part one.

5 Part two is the most recent request and perhaps we
6 can agree, they can formalize this in document request or a
7 letter, is that they want a list --

8 JUDGE SIPPEL: That's correct.

9 MR. FENSKE: -- of all --

10 JUDGE SIPPEL: All depositions.

11 MR. FENSKE: -- depositions. Then what I'm
12 suggesting, in order to put everything on the table and to
13 avoid any argument on this point is that we'll provide that
14 list without a problem, but they will undoubtedly request
15 all of the deposition transcripts on the list that we'll
16 provide to them. That's where we get into the relevancy
17 issue.

18 MR. FRIEDMAN: I want to add something so nobody
19 ever says there's confusion here. There are other
20 litigation matters pending in California that do not get
21 encompassed by that request because they limited the date.
22 They may be looking for stuff that is outside their date,
23 and that exists. There are other lawsuits there.

24 So, I don't want the Bureau to say we held
25 anything back. We complied with what they asked for.

1 JUDGE SIPPEL: All right, I hear that. But, I'm
2 trying to get to, for me, what is the more significant
3 question, and that is, what is the Bureau going to do with
4 that list? Now, you can have a list of names and that's all
5 you're going to have is a list of names, maybe the dates on
6 which the depositions were taken. That's all you're going
7 to have. What are you going to do with that list of names?

8 MR. KELLETT: I think at that point, Your Honor,
9 we could discuss with Mr. Friedman his relevance calls. You
10 know, if we see that the particular people that we know are
11 involved in these matters we could ask them, were you asking
12 about questions in this proceeding?

13 You know, in lieu of getting all the depositions,
14 which I think would be a very reasonable request -- it's not
15 that far ranging to say that if he's having depositions on
16 the operation of his radio stations and battles with his
17 competitors in the radio business, this is a broad enough
18 hearing that that's not an outrageous request.

19 JUDGE SIPPEL: Well, let's not try to categorize.
20 I'm trying to find out what's going on here. They've
21 already told you, they've given you all the depositions that
22 are relevant to the request you've made, is that correct?

23 MR. FRIEDMAN: That's correct, Your Honor.

24 JUDGE SIPPEL: You told me --

25 MR. FRIEDMAN: Responsive.

1 JUDGE SIPPEL: That are responsive. Now, you say,
2 well, okay, we've gotten that. We're not sure whether or
3 not there might be something else there, so give us the
4 list.

5 MR. KELLETT: I'm convinced, Your Honor, that we
6 do not have those to date, that there were depositions that
7 went on during the recess that we do not have that fit
8 squarely within this.

9 JUDGE SIPPEL: Well, what about --

10 MR. KELLETT: You're asking me to trust them --

11 JUDGE SIPPEL: No, no, no, I'm not getting into
12 subjective. What is the basis for you saying that? How do
13 you know --

14 MR. KELLETT: I've talked to people who have been
15 deposed since then who say that we don't have the -- and
16 they say, I had my deposition taken.

17 JUDGE SIPPEL: Are these competitors of Mr. Kay?

18 MR. KELLETT: I don't think that was a competitor.
19 This was somebody I'd never talked to, talked to them a
20 couple of days ago. It's somebody we knew had information,
21 we revealed in interrogatories had information and who said,
22 you know, he had been deposed. I talked to him for the
23 first time within the last week.

24 JUDGE SIPPEL: Why don't you just write a letter
25 to Mr. Friedman, giving him the list --

1 MR. KELLETT: The trouble is, when I see holes,
2 Your Honor --

3 JUDGE SIPPEL: Let me finish.

4 MR. KELLETT: Pardon me.

5 JUDGE SIPPEL: The transcript can't be done this
6 way. We have to speak one at a time. Let me just say my
7 piece. You have probable cause, you have specific
8 information with respect to one, maybe more, witnesses that
9 have told you that they've been deposed, that are over and
10 above the list of people that you already have been given by
11 Mr. Friedman.

12 Why not write him a letter and say that in
13 addition to the ones you've given me, we have information
14 that others, this, this, this, this person have also given
15 depositions and why don't we reply to that, as opposed to
16 asking for a list of every person that's been deposed in
17 their proceedings?

18 MR. KELLETT: Your Honor, at the point where I
19 know that he has not, he's representing this morning that
20 he's fully responded and I know that he hasn't fully
21 responded, then I would like to have the opportunity to
22 check his determination as to what's relevant, what's not
23 relevant.

24 JUDGE SIPPEL: Well, if that's your approach, then
25 the only way, and this is basically it, the only way you're

1 going to be satisfied is if you sit down and look at every
2 deposition at the table.

3 MR. KELLETT: If I go through with a number of
4 people and I ask people that we know who know Kay, who is
5 this person? Well, that's somebody who sells some radio
6 equipment. Well, I don't care about anybody who sells radio
7 equipment, okay? Then I ask him, who is this? That's
8 somebody who claimed Kay was interfering with him. Well,
9 that's somebody whose deposition I'm at least going to ask
10 Mr. Friedman about.

11 JUDGE SIPPEL: Let me hear from the other side.
12 Mr. Friedman?

13 MR. FRIEDMAN: Your Honor, I want to repeat what I
14 said the last time I spoke is that the Bureau has given us a
15 request. We've followed the request exactly as they made
16 it. I'm telling the Bureau, I'll tell you. There are other
17 cases out there. He may be inquiring of a case that doesn't
18 fit within his request and that's, I think, his problem.

19 JUDGE SIPPEL: Well, I think the only way to sort
20 of clarify is for him to write to you and when he's
21 representing, Mr. Kellett, you have some specifics that
22 you're referring to, and let Mr. Friedman respond to that.
23 I'll have to reconsider the matter at another time.

24 But, I'm not going to, on the basis of what's
25 being told to me this morning, give you carte blanche to go

1 into all the depositions and I don't know how you're going
2 to ferret out, what standard you're using to say, to set
3 yourself the representation that you're getting -- I don't
4 know where does this begin and where does this stop.

5 MR. KELLETT: I think, Your Honor, a reasonable
6 approach would be to take Mr. Fenske offered to give the
7 list. His problem is giving the deposition transcripts. If
8 we can't come up with a good reason after we get the list
9 for getting the deposition transcript, then we don't get it.

10 If we can come up with good reason that this
11 person is such and such, you know, he was involved in these
12 matters and these matters are going to be at issue here and
13 it's totally relevant to this proceeding, then we're
14 entitled to the transcript. Without that kind of showing
15 afterwards, the Bureau would be denied that deposition
16 transcript.

17 JUDGE SIPPEL: What's so unusual about that?

18 MR. FENSKE: Providing a list?

19 JUDGE SIPPEL: Right.

20 MR. FENSKE: I want to make it clear on the record
21 that this list will be much greater than is responsive to
22 this request, because you're talking apples and oranges
23 here.

24 JUDGE SIPPEL: Right, I see what he's saying, but
25 he's saying he wants to see the names and then he feels that

1 I might put a time limit on it. But, he feels that he would
2 be able to, by virtual identity of names and other sources
3 that he has, be able to make an initial determination as to
4 the probability that this particular person was deposed in
5 areas that are relevant to this case. So, he's got to make
6 some kind of showing.

7 MR. FENSKE: For the third and hopefully last
8 time, I want to emphasize that, assuming that their threat
9 that there were depositions taken during the hiatus, to the
10 best of our information, knowledge and belief, that
11 deposition or depositions are not responsive to this
12 request.

13 JUDGE SIPPEL: Well, I'm not going to let this
14 become an issue in and of itself, but what I've heard you
15 say, Mr. Kellett, is that you're concerned about depositions
16 that were taken during the hiatus in this case, in other
17 words, in --

18 MR. KELLETT: I would like to see the list he's
19 offering that covers everybody during the time period that
20 was asked for in our request.

21 JUDGE SIPPEL: Wait just a minute. Wait just a
22 minute.

23 MR. KELLETT: Okay.

24 JUDGE SIPPEL: The only thing I heard you say is
25 that the ones you really wanted, the ones that was missing,

1 if you could get the ones that were taken after we shut down
2 last spring in this case.

3 MR. KELLETT: No, that's not what I said.

4 JUDGE SIPPEL: No?

5 MR. KELLETT: No, I said, Your Honor, I know that
6 there are holes, because I've heard that there were such.
7 We have a motion to compel because we're concerned that
8 there were documents responsive to this request that we
9 didn't get.

10 However, I think that this list would go a long
11 way toward solving all of our concerns, and we just cross
12 this bridge afterwards. I agree with Mr. Fenske that the
13 list might include things that are totally irrelevant and he
14 says that down the road he wants it clear for the record
15 that if it's totally irrelevant, we don't get it. We're not
16 in dispute about that. He's just trying to clarify.

17 He's willing to provide the list and he's trying
18 to clarify that the list -- he doesn't want to say that the
19 list of depositions is a list of depositions responsive to
20 our request, because he says it's much broader. I'll accept
21 that representation. I'd like to see the list and then if
22 it's not a problem, we just never will deal with it again.
23 If it is a problem, we can clarify it and we'll have
24 specific for you or we shouldn't be here talking to you
25 about it.

1 JUDGE SIPPEL: Well, how many depositions are we
2 talking about, roughly?

3 MR. FENSKE: There are separate counsel in the
4 California state actions, more than one. Somewhere between
5 30 and 45, that's fair.

6 JUDGE SIPPEL: Between 30 and 50? You've got
7 about ten of them so far.

8 MR. KELLETT: Maybe fewer. About ten, that's
9 fair.

10 JUDGE SIPPEL: So, assembling the list would not
11 be a burdensome task, right?

12 MR. FENSKE: No, I think we would concur with
13 that. But, I want to make sure before we leave here today
14 what list we're talking about.

15 JUDGE SIPPEL: Well, from my understanding, he
16 wants the universe. He wants to see a list of everybody
17 that's been deposed in all the state litigation, involvement
18 that relates to any of them. That, of course, is different
19 from his document request.

20 MR. FENSKE: Yes, it is. I mean, there may be
21 some lawsuit about somebody that delivered him baling wire
22 or something like that in Small Claims Court.

23 MR. KELLETT: I think if we're talking 45 or 50,
24 it's not burdensome and they can tell me that this is not,
25 you know -- we've been very cooperative with them in terms

1 of working these things out. I have no interest in reading
2 depositions that have nothing to do with this action.

3 JUDGE SIPPEL: I'm sure you don't, Mr. Kellett.
4 Well, it's gotten this far. I will require that the list be
5 provided and I figure it might be helpful if you gave the
6 name of the case and the date of the deposition and a
7 statement just for the purposes of keeping track of things.

8 I'm going to tell you right up front, Mr. Kellett,
9 if you're going to ask to get copies of depositions on the
10 basis of that list that you've been furnished, you're going
11 to have to make a very specific showing. In other words,
12 Mr. Friedman, this side is now going to give them to you.
13 You can start with a letter request that this is what you'd
14 like, or if you want to do it with a motion to compel,
15 that's fine, too. Anyway you want to do it. The point is
16 that the first go around is, you try to get these
17 depositions in a cooperative spirit. Lay out the reasons,
18 because I'm going to be looking for reasons before I'm going
19 to give you any relief on this.

20 I've said this before and I'm going to say it
21 again. I don't want this case to turn into an
22 investigation, and this business, this back and forth
23 business of getting information for this period of time is
24 getting to be really bothersome, not only for me but for the
25 case.