1 August, 1997?

2 A October?

3 Q I apologize. The 21st day of October, 1997.

4 A Okay, I have it.

5 Q The first page of the statement, Mr. Loginow,

6 which is page 250 in the Mass Media Bureau's direct case,

7 you'll see paragraph three is there.

8 A Yes.

9 Q Maybe you can help me clear something up. In the

10 middle of that paragraph, there's a sentence which states,

11 "These investigations occurred on April 14 and 15 and May

12 15, 1995." Do you see that, sir?

13 A Yes.

14 Q Is that a mistake?

15 A I don't believe so.

16 Q Isn't it true the April inspections were April 13

17 and 14, 1995?

18 A That's correct.

19 Q You performed no investigations with respect to

20 these investigations on April 15, did you sir?

21 A April 15, no. You are correct, that is a mistake.

22 Q So, at least with respect to that, your October

23 21, 1997 statement is incorrect, isn't it?

24 A That would be.

25 Q Mr. Loginow, I'd like you to turn to Turro Exhibit

1 19. It's in the big black binder.

2 A Okay.

3 Q Turro Exhibit 19 is entitled Mass Media Bureau's

4 Answers to Interrogatories of Gerard A. Turro. Do you have

5 that in front of you, sir?

6 A Yes, I do.

7 Q I had you take a look at these interrogatory

8 answers one week ago today during your deposition, didn't I,

9 Mr. Loginow?

10 A I believe so.

11 Q Let me ask you to turn to page ten of Turro

12 Exhibit 19, which is the interrogatory answers. Mr.

13 Loginow, you understand interrogatories, that's a fancy word

14 for questions?

15 A Yeah, okay.

16 Q Interrogatory answers are answers to questions,

17 right?

18 A Yes.

19 Q If you look on page ten, you see Interrogatory 31

20 and the question was, "Describe the investigation conducted

21 by the inspector referred to in the HDO and all information

22 obtained." Mr. Loginow, by HDO, do you understand that to

23 mean the Hearing Designation Order in this case?

24 A Yes, yes, I do.

25 Q Now, you'll see the first sentence to the answer

1 immediately below the question was, "The investigation
2 conducted by the FCC field engineer is described as
3 paragraphs seven and eight of the HDO." Let me provide you
4 with a copy of the HDO, sir. I'd like you to take as much
5 time as you need to read paragraphs seven and eight.
6 (Pause.)
7 A Okay, proceed.
8 Q You've had a chance to read paragraphs seven and
9 eight of the HDO, sir?
10 A Yes.
11 Q As we've noted, the interrogatory answers from the
12 Mass Media Bureau state that the investigation conducted by
13 the FCC field engineer as described in paragraphs seven and
14 eight of the HDO. Now, you are the FCC field engineer that
15 conducted these investigations, aren't you, Mr. Loginow?
16 A That's correct.
17 Q Turning to paragraph seven of the HDO, you will
18 see the second sentence states, "As part of the
19 investigation of these matters, an FCC field engineer
20 inspected MMBI's, Monticello station and Turro's Dumont, New
21 Jersey studios on April 13 and 14, 1995." Isn't that
22 correct?
23 A That's correct.
24 Q Do you see anywhere in paragraph seven and eight,
25 Mr. Loginow, that describes the testing you conducted on

1 April 14, 1995 of the Fort Lee translator and the Pomona
2 translator?
3 A A description of that testing?
4 Q Yes, sir.
5 A On April 14? No, I do not.
6 Q Did you conduct that testing from Mr. Turro's
7 Dumont studio?
8 A No, I did not.
9 Q Do you see any discussion of --
10 MR. ARONOWITZ: Your Honor --
11 JUDGE STEINBERG: There's no pending question.
12 Wait for the question and then you can make your objection.
13 BY MR. NAFTALIN:
14 Q Do you think that so far your investigation of
15 April 14, 1995 is described in Hearing Designation Order,
16 paragraphs seven and eight?
17 MR. ARONOWITZ: Objection, Your Honor. All the
18 information in this matter has been disclosed. The
19 documents speak for themselves. We've been through this in
20 prehearing motions. The stuff has been disclosed.
21 I mean, unless there's something that hasn't been
22 disclosed, I think these documents speak for themselves, but
23 all the information has been disclosed.
24 MR. NAFTALIN: Your Honor, the Mass Media Bureau
25 has contended repeatedly that Mr. Loginow is the only person

1 with knowledge of the investigation. In fact, he's the only
2 member of the FCC staff with any personal knowledge of any
3 of the matters in this proceeding.
4 They have offered interrogatory answers, sworn
5 answers under penalty of perjury, certified to be true and
6 correct based upon their knowledge and belief. They have
7 not amended or changed those answers that I had planned to
8 ask the witness about, and I think we have every right to
9 examine Mr. Loginow on the substance of these
10 interrogatories.
11 MR. RILEY: May I be heard on this, Your Honor, as
12 well?
13 JUDGE STEINBERG: Yes, of course.
14 MR. RILEY: In view of the responses given by the
15 Bureau to the interrogatories in this case which resisted
16 going beyond paragraph seven and eight as being, in essence,
17 in the Bureau's statements, a revelation of what had
18 transpired and been uncovered during the investigations, and
19 in essence, setting forth that in full as to any essential
20 points.
21 In view of the likelihood that in subsequent
22 rounds in this case, the parties will quarrel over whether
23 the Bureau did or did not give the private parties a fair
24 trial, whether the Bureau did, not Your Honor, I think it's
25 important for Mr. Naftalin to be allowed to pursue this line

1 of questioning.

2 JUDGE STEINBERG: Let me hear from Mr. Helmick, if

3 you want to contribute?

4 MR. HELMICK: Your Honor, I didn't write the HDO.

5 Basically, I think that if they're claiming surprise, I

6 don't know what they're claiming, but they certainly have

7 all the evidence on this matter.

8 If they're going to say that the HDO wasn't given

9 any last little detail that they know now, I think that's

10 kind of a specious argument. If they're saying that the

11 Commission had an obligation to reveal every detail of the

12 inspections in their response to interrogatories, I think

13 they have gotten the answer. They may not have gotten the

14 answer initially, but they have the answers.

15 JUDGE STEINBERG: Is basically the purpose of this

16 line of questioning to show that paragraphs seven and eight

17 of the HDO are not completely and fully complete and

18 accurate?

19 MR. NAFTALIN: Your Honor, there are several

20 purposes here. One is to explore the integrity of the

21 Bureau's interrogatory answers, which have not been amended

22 at any time. Number two is, since we have the only witness

23 with knowledge who could back up those answers to explore

24 Mr. Loginow's understanding of these answers and see if

25 anything else comes from that.

1 MR. HELMICK: Your Honor, is the Commission on
2 trial here or --
3 JUDGE STEINBERG: Wait, wait. It appears to me on
4 the basis of what's already been testified to by Mr. Loginow
5 that Interrogatory 31 or similar interrogatories, or the
6 answer to Interrogatory 31 seems to have left stuff out.
7 Would the Bureau concede that?
8 MR. ARONOWITZ: Yes, Your Honor, however --
9 JUDGE STEINBERG: But, the Bureau, throughout the
10 course of its answers, has provided the MMBI and Mr. Turro
11 with all the information you had in your possession?
12 MR. ARONOWITZ: Yes, in fact, contrary to Mr.
13 Naftalin's assertion, I believe the Bureau has either
14 supplemented or amended a number of its interrogatories
15 based on facts later learned and later developed through
16 discovery.
17 Your Honor, is it possible that paragraph seven
18 and eight of the HDO omit information? Certainly, Your
19 Honor. Certainly we have, since before the issuance of the
20 HDO, and continuing long after the issuance and through
21 discovery, we've repeatedly pressed for information and as
22 memory resurfaces after events of two years previously,
23 human frailty being what it is, things do come up and they
24 have come up. I think it's our position that as they come
25 up, we have disclosed them or addressed them.

1 In fact, we had a prehearing conference at one
2 point in which information was brought to my attention that
3 I did not disclose earlier personally as Bureau counsel
4 that, upon further investigation and further prompting, I
5 did get information and did promptly amend or supplement.
6 But, to say that the Bureau has A, never
7 supplemented or amended its answers, I think is contrary to
8 what's been here. The issue of whose memory was better on
9 what date certainly bears no relevance insofar as the
10 information was disclosed in as timely a fashion as
11 practicable.
12 Certainly, the Bureau can't be -- we certainly
13 didn't stop thinking and asking questions after the issuance
14 of the HDO. I think if had we done so, Mr. Naftalin would
15 be quite more upset.
16 JUDGE STEINBERG: I don't see how this advances
17 the record. I think that your argument or Mr. Riley's point
18 that the Bureau might have denied you a fair trial or fair
19 notice, I think you'd be better off developing the facts as
20 to who knew what and when.
21 Then, if you want to argue that the Bureau didn't
22 disclose everything to you, well, basically everything is in
23 the record and you can just point to the facts and say the
24 Bureau never told us this fact, the Bureau never told us
25 that fact. So, I don't think that having Mr. Loginow

1 basically going through paragraph seven and eight of the HDO
2 with Mr. Loginow and saying there was more to it than this
3 and then look at the interrogatory, it's not in the answer,
4 I don't think that accomplishes anything. So, I think the
5 objection is sustained.
6 MR. NAFTALIN: May we take a look at the
7 supplemented answer to this response, Your Honor, since
8 Bureau counsel says it's been supplemented?
9 JUDGE STEINBERG: Well, it's in the record, right?
10 MR. NAFTALIN: Okay, it is in the record.
11 JUDGE STEINBERG: If it's not in the record, I'm
12 certain that an appellant body would take official notice of
13 it, if you asked them to.
14 But, I don't really see how this addresses the
15 issue that I'm going to have to decide.
16 MR. NAFTALIN: Okay. Maybe Your Honor will allow
17 this question.
18 BY MR. NAFTALIN:
19 Q Mr. Loginow, we've already looked at the e-mail
20 you sent, which is dated August 1, 1995 and the e-mail which
21 you sent which was dated August 4, 1995, isn't that correct?
22 A Yes, that's correct.
23 Q Isn't it true that you did not personally retain
24 copies of those e-mails or you did not have them in your
25 possession at the time Bureau counsel started seeking

1 information from you after the HDO was issued?

2 A Yes, that's correct.

3 Q But, isn't it also true that prior to June, 1997,

4 I believe that Mr. Barone of the Bureau faxed copies of them

5 to you for your review?

6 A That's correct.

7 Q So, is it your understanding that the Bureau had

8 in its possession copies of the August 1, 1995 e-mail and

9 the August 4, 1995 e-mail in its possession prior to June,

10 1997, because you were able to receive it and review it?

11 MR. ARONOWITZ: Objection, what was the date?

12 MR. NAFTALIN: Prior to June, 1997, the Bureau

13 faxed copies of the two e-mails to Mr. Loginow for his

14 review.

15 MR. ARONOWITZ: Was the date established when

16 these were --

17 MR. NAFTALIN: He testified.

18 MR. ARONOWITZ: I didn't hear it.

19 BY MR. NAFTALIN:

20 Q Do you agree?

21 A Apparently they did have possession of it after --

22 on the date of sending, which would have been August 1 and

23 August 4, yes.

24 Q Well, my question, though, to you, sir, is didn't

25 the Bureau provide copies to you for your review?

1 A Yes, that's correct.

2 Q Prior to June of this year?

3 A Yes, I believe that's correct.

4 Q Thank you. Mr. Loginow, when you inspected or

5 let's use a broader term, when you investigated the Fort Lee

6 translator and the Pomona translator on July 31, 1995, did

7 you consider that investigation to be in connection with any

8 proceeding that the Commission was taking against Mr. Turro?

9 A On July 31? No, I did not.

10 Q You didn't? On July 31, 1995, you went back into

11 New Jersey and you determined that the microwave was turned

12 off, right?

13 A That's correct.

14 Q Didn't you do that because you'd been asked to do

15 so, sir?

16 A Correct.

17 Q Wasn't it your understanding that you were asked

18 to determine that about the microwave station because it was

19 in connection with the Commission's interest in

20 investigating Mr. Turro?

21 MR. ARONOWITZ: Objection.

22 THE WITNESS: No, not at all.

23 JUDGE STEINBERG: Wait --

24 MR. ARONOWITZ: I'll withdraw it.

25 JUDGE STEINBERG: You got your answer.

1 BY MR. NAFTALIN:

2 Q Okay, was it just a random event?

3 A No, we got a request to make a determination

4 whether it was on or off, that's all. There was no --

5 Q So, you had no understanding about why you got

6 that request?

7 A No. Most of the requests we get from Washington

8 have no explanation as to why.

9 Q The request came from Washington?

10 A That's correct, well, I mean, the headquarters.

11 Q The FCC in Washington, D.C.?

12 A Right, well, the Wireless Bureau is in Washington,

13 also.

14 Q But, you reported your finding back to the

15 Wireless Bureau and the Mass Media Bureau, isn't that

16 correct?

17 A That's correct.

18 Q Again, when you returned on August 2, 1995 and you

19 inspected the Fort Lee translator, did you understand that

20 inspection to be in connection with the FCC's interest in

21 investigating Mr. Turro?

22 MR. ARONOWITZ: Excuse me, that's a broad

23 question.

24 MR. NAFTALIN: Is there an objection to it?

25 MR. ARONOWITZ: There's an objection to it. The

1 FCC is a big agency.

2 JUDGE STEINBERG: I don't see that the question is

3 objectionable. Did you understand the question?

4 THE WITNESS: Not exactly.

5 JUDGE STEINBERG: Why don't you say it again?

6 BY MR. NAFTALIN:

7 Q On August 2, 1995, who directed you to return and

8 investigate the Fort Lee translator?

9 A We got a request to go over there and make an

10 additional inspection. Exactly who made the request, I

11 don't remember.

12 Q Do you know if the request came from Washington,

13 D.C.?

14 A Presumably, yes.

15 Q You reported your investigations of August 2, 1995

16 to the Mass Media Bureau and the Wireless Bureau, isn't that

17 right?

18 A Apparently, this one was just the Mass Media

19 Bureau.

20 Q Oh, strictly the Mass Media Bureau?

21 A Yes.

22 Q Okay. Mr. Loginow, it's true that during the

23 course of your investigations, the Fort Lee translator and

24 the Pomona translator and the Dumont studio and the WMG499

25 that we previously discussed this morning, you reported or

1 described your investigations to various members of the FCC
2 staff, isn't that right?
3 A That's correct.
4 Q Those people included your supervisor, Mr. Zimney,
5 is that true?
6 A On a limited basis. Merely that I was making --
7 that's the day's work, is what I was doing.
8 JUDGE STEINBERG: Can I interrupt?
9 MR. NAFTALIN: Sure. I'm almost done with this
10 page.
11 JUDGE STEINBERG: Yes, but there might be more
12 questions on the next page.
13 MR. NAFTALIN: True.
14 (Laughter.)
15 JUDGE STEINBERG: Are you trying to find out who
16 had communications with Mr. Loginow about his inspections,
17 is that correct, who at the FCC?
18 MR. NAFTALIN: Yes, that's right.
19 JUDGE STEINBERG: Is the purpose of this to show
20 that the FCC did not, in their interrogatory answers, tell
21 you everyone that Mr. Loginow may have spoken to about this
22 investigation?
23 MR. NAFTALIN: That's correct.
24 JUDGE STEINBERG: Okay.
25 MR. NAFTALIN: It won't take very long.

1 MR. ARONOWITZ: I would raise a similar objection.
2 JUDGE STEINBERG: There would be a similar ruling.
3 MR. NAFTALIN: Your Honor, isn't it relevant if
4 the Mass Media Bureau has either failed to answer
5 interrogatory answers or misrepresented answers?
6 JUDGE STEINBERG: Well, we're beyond that point.
7 We're in the hearing room and we're here to take testimony,
8 take evidence on the substance of the issues that I have
9 before me. Discovery is past. Unless you can show that
10 there's some kind of prejudice and that we should recess the
11 hearing to allow you to go take more depositions or ask more
12 people questions.
13 I mean, let me just ask you, is there any doubt in
14 your mind that Mr. Loginow, the individual sitting in the
15 witness chair, is the only FCC employee that has personal
16 knowledge of the facts relating to this case?
17 MR. NAFTALIN: No, Your Honor, I have no doubt.
18 JUDGE STEINBERG: Okay, you have no doubt that
19 he's the only one.
20 Mr. Riley does?
21 MR. RILEY: I have some doubt, Your Honor.
22 JUDGE STEINBERG: Okay. Would you want to expand
23 on that?
24 MR. RILEY: Do I want to explain it? You asked a
25 question of me and I gave you my answer, because there are

1 statements that the Bureau has provided. The Commission
2 adopted in the HDO that a direct variance with what Mr.
3 Loginow has said. Because they are either, the Commission
4 was given, I assume by the Bureau, a draft of the HDO, which
5 is adopted and which was an inaccurate reflection of Mr.
6 Loginow's reports, or there was a second source of reports
7 to the Commission.
8 MR. HELMICK: Your Honor, I happened to be
9 watching last night on Turner Classic Movies an old rerun of
10 the Caine Mutiny and it reminds me, this is a trial. The
11 Commission is not on trial here. It seems to me we're
12 arguing appellate points in the hearing case.
13 JUDGE STEINBERG: Yes.
14 MR. RILEY: Well, that's not my intention,
15 although I earlier addressed that. But, Your Honor, in
16 answering your question, I said I doubt that he is. I'm not
17 sure that he is not the sole source, but I have doubt of it,
18 simply because of language in the HDO.
19 When I asked Mr. Loginow questions, I'll have a
20 greater degree of certainty on that. But, if, in asking him
21 questions, it becomes clear that some other person claiming
22 personal knowledge must have contributed to what's in the
23 HDO, that would be important to the private parties to
24 determine whether there's another Commission staff person --
25 JUDGE STEINBERG: You're limiting it to Commission

1 staff people, not the Universal people?

2 MR. RILEY: No, not Universal's people nor the

3 private parties.

4 JUDGE STEINBERG: Why don't you continue with this

5 line? Let's see where it gets us and I'll give Mr. Riley

6 leeway to get into this, but I really think that we're

7 spending time on this that we could be spending on something

8 else, because what Mr. Riley says, you know, if it proves

9 out, would be disturbing and would be something that the

10 Commission, I'm sure, would want to know about.

11 MR. ARONOWITZ: Your Honor, hasn't this been

12 addressed in one of the prehearing motions over this very

13 issue that ultimately resulted in the September '97 letter,

14 I don't know the specific date, from me to Mr. Naftalin,

15 where the Bureau said absolutely, we've gone through the

16 issue of who had knowledge versus personal knowledge, versus

17 second hand, third hand, fourth hand knowledge. Haven't we

18 been through all of this before?

19 JUDGE STEINBERG: Well, let's just finish up and

20 then move onto some new subject. When I see you turn the

21 page, then I'll know you're finished with this.

22 MR. NAFTALIN: Well, Your Honor, since we've been

23 pushed off of the interrogatories, I'd like to -- what I

24 have in front of me left that I'd like to examine the

25 witness on are the admissions.

1 JUDGE STEINBERG: Go on.

2 MR. NAFTALIN: That's what I'd like to do, because
3 briefly, there are great inconsistencies in this record.
4 I'm very concerned that in two months or four months or
5 whatever, that some period of time, we will have
6 inconsistencies in the record and someone will cite to an
7 admission, which is directly contrary --

8 JUDGE STEINBERG: That's fair game. If the
9 admission says one thing and the witness says another thing,
10 then we need an explanation.

11 MR. NAFTALIN: We have the same problem with the
12 interrogatories, Your Honor.

13 JUDGE STEINBERG: Well --

14 MR. ARONOWITZ: Your Honor, could we have a moment
15 here?

16 JUDGE STEINBERG: Yes, you can have a moment.

17 MR. ARONOWITZ: Do you know what exhibit we're
18 talking about?

19 MR. NAFTALIN: The admissions were, Mr. Turro's
20 Request for Admissions, Turro 23 and Mass Media Bureau had
21 its first response, which is under Turro 26 and its
22 supplemental response under Turro 27. We're going to get to
23 that.

24 MR. ARONOWITZ: All right, hold on.

25 MR. NAFTALIN: Sure.

1 MR. RILEY: Your Honor, we're on the record here
2 right now?
3 JUDGE STEINBERG: Right.
4 MR. RILEY: Part of the problem that I think Mr.
5 Naftalin has right now in cross-examination is that we have
6 what ordinarily would be useable to inform parties and
7 perhaps to test the witness' recollection of credibility,
8 which would be answers to interrogatories, actually in this
9 record as exhibits that are citable. They were used and
10 that's because the Bureau chose to make them exhibits.
11 I recognize your comments at the admission session
12 that you recognized what they are and the way in which
13 they'd be entitled. But, they now know the less exhibits
14 that are in the record rather than documents Mr. Naftalin or
15 I could use or Mr. Helmick or --
16 JUDGE STEINBERG: Well, let's take the example of
17 Interrogatory 31 and the answer to 31. It says -- no,
18 that's not in this stuff, that's not in the admissions.
19 We're talking about interrogatories. Admissions are in a
20 quite different category from interrogatory answers,
21 although both are sworn.
22 Answer 31 says see paragraph 7A, HDO. Do you
23 think the Bureau is going to cite paragraph 7A to the HDO
24 and say, these are the facts of the investigation? If they
25 do cite that, do you think for a minute that those facts are

1 going to show up in an initial decision that I have to write
2 when the witness here's testimony was that he wasn't here,
3 he wasn't there. I'm going to take what he says. I'm not
4 going to worry about the answers. Like I said, I'm still
5 waiting for all these wonderful stipulations that were going
6 to result from all these interrogatory answers and admission
7 answers, and again, let the reflect extreme sarcasm. The
8 only reason I allowed certain things was because I thought
9 it was going to lead to stipulations.
10 But, let's see where we're going. If there's a
11 factual statement in the admissions or in the interrogatory
12 answers such as I was, I inspected Dumont on such and such a
13 date and the witness says I didn't inspect Dumont on such
14 and such a date, I go by what the witness says in the
15 courtroom, not by what might appear on a piece of paper.
16 If somebody cites the piece of paper, it's not
17 going to wind up in an ID. It might wind up in a footnote,
18 saying I reject it for cause.
19 Did you have a chance to look at whatever you
20 wanted to look at?
21 MR. ARONOWITZ: Yes, and do I understand that Mr.
22 Naftalin's next set of questions to go to Mr. Turro's
23 request for admissions?
24 JUDGE STEINBERG: Right.
25 MR. NAFTALIN: Well, the responses to it.

1 MR. ARONOWITZ: Or the responses. Then, I would
2 make an objection along the lines that the request for
3 admissions was directed to the Mass Media Bureau and was
4 responded by the Mass Media Bureau. It was directed to the
5 Bureau and not to Mr. Loginow, and I see that Mr. Loginow
6 did not necessarily attest to the truth of the matters. I
7 think I did and I think it might be the attestation.
8 I mean, I have no objections certainly to asking
9 Mr. Loginow what he might know about information contained
10 within the admissions, but to ask him about the admissions -
11 -
12 JUDGE STEINBERG: Okay, I understand your point.
13 Formulate your questions in that vein.
14 MR. NAFTALIN: Okay, Your Honor. I think Mr.
15 Aronowitz put his finger exactly on what's been the problem
16 all the way through. He's the only person with knowledge --
17 MR. ARONOWITZ: We've gone through this --
18 JUDGE STEINBERG: Yes, you've pointed that out
19 before.
20 MR. ARONOWITZ: Your Honor, we worked the issue of
21 the attestations in a prehearing conference to death, and I
22 think we're beyond that.
23 JUDGE STEINBERG: Why don't you continue, then?
24 BY MR. NAFTALIN:
25 Q Mr. Loginow, this may be over quickly, but I'm

1 going to ask you about, if you look at Turro Exhibit 23,
2 those are the requests for admissions, asking the Bureau to
3 admit or deny certain facts.
4 A Okay.
5 Q I am looking at Admission Request 6, which is page
6 three of that document. The response to it --
7 JUDGE STEINBERG: Let Mr. Loginow get to the page.
8 THE WITNESS: Okay.
9 JUDGE STEINBERG: You have --
10 BY MR. NAFTALIN:
11 Q The Bureau's response to it --
12 MR. ARONOWITZ: Objection, Your Honor. I'll let
13 you finish the question and then I'll object to it.
14 BY MR. NAFTALIN:
15 Q Sure. The response to that is on page two of
16 Turro Exhibit 26.
17 JUDGE STEINBERG: So, we've got Exhibit 23, page
18 three, Request 6.
19 THE WITNESS: Right.
20 JUDGE STEINBERG: Then, the where's the answer?
21 MR. NAFTALIN: Page two of Turro Exhibit 26.
22 JUDGE STEINBERG: Okay, Exhibit 26, page two. Why
23 don't we have Mr. Loginow read the question and then read
24 the answer?
25 THE WITNESS: The question is on --

1 JUDGE STEINBERG: You don't have to read it out
2 loud. Read it to yourself.
3 THE WITNESS: Oh, okay.
4 BY MR. NAFTALIN:
5 Q Let me ask the question and see if you can help.
6 MR. ARONOWITZ: Your Honor, if I might object.
7 Now we've been going through what we just determined not to
8 do. Why doesn't he just ask Mr. Loginow the question?
9 BY MR. NAFTALIN:
10 Q Mr. Loginow, actually, on April 14, 1995, you
11 observed that the microwave station was in operation, didn't
12 you, sir?
13 A Yes, I did.
14 Q So, when the Bureau said you made no observation,
15 that was wrong, wasn't it?
16 MR. ARONOWITZ: Objection, Your Honor.
17 JUDGE STEINBERG: The document speaks for itself.
18 MR. NAFTALIN: Okay.
19 JUDGE STEINBERG: No, that's fair. I think that
20 might be the way to ask the questions.
21 MR. ARONOWITZ: Again, we're on trial here. Why
22 don't we just ask Mr. Loginow what he knows?
23 JUDGE STEINBERG: Well, that's what he's doing.
24 MR. NAFTALIN: That's what I'm doing.
25

1 BY MR. NAFTALIN:

2 Q Mr. Loginow, if Admission 12, which is on the next
3 page, page four of Mr. Turro's admission request, the Bureau
4 answered that it was unable to respond concerning operations
5 of the Monticello station. Now, isn't it true that if the
6 Monticello station had, in fact, been operating and produced
7 power the way the meter indicated when you saw it --

8 MR. ARONOWITZ: Objection.

9 JUDGE STEINBERG: Let him finish.

10 BY MR. NAFTALIN:

11 Q -- that it could affect the quality of the
12 transmissions from the Fort Lee translator at that time?

13 MR. ARONOWITZ: Objection. It assumes that Mr.
14 Loginow determined that it was operating at reduced power.
15 He has not testified to that.

16 MR. NAFTALIN: I said if.

17 JUDGE STEINBERG: I asked this question, the
18 question was answered. Didn't I ask substantially the same
19 question?

20 MR. NAFTALIN: Okay.

21 JUDGE STEINBERG: So, the objection is sustained
22 for a different reason.

23 You're a party, you can object?

24 MR. HELMICK: While I was talking here, I missed
25 it. What was Your Honor's ruling?

1 JUDGE STEINBERG: The objection was sustained
2 because the question was asked and answered earlier. I
3 asked that question about the operation of the transmitter
4 that reduced power and the effect it might have at Fort Lee.
5 So, it's sustained. If you want to redirect on that point.
6 MR. HELMICK: I'll redirect.
7 JUDGE STEINBERG: Yes.
8 (Pause.)
9 MR. NAFTALIN: Actually, Your Honor, I think we're
10 there, thank you.
11 JUDGE STEINBERG: Mr. Riley, do you want to start?
12 MR. RILEY: Yes, Your Honor.
13 JUDGE STEINBERG: Does anybody need a break before
14 we start with Mr. Riley or I'd prefer to just go straight
15 through?
16 MR. ARONOWITZ: We can go straight through, but
17 would this be a good time to take a break? Does Your Honor
18 want to set a time?
19 JUDGE STEINBERG: Let me ask Mr. Riley if he knows
20 about how long he'll go?
21 MR. RILEY: Your Honor, again, it may be brief or
22 longer than brief, depending on two things. Your rulings
23 and objections and Mr. Loginow's responses to my questions.
24 MR. ARONOWITZ: Is there anything else?
25 MR. RILEY: It could go for two hours.