

1 studio could remotely control the Monticello transmitter?

2 A Yes.

3 Q Yes.

4 JUDGE STEINBERG: Do you know as a fact that the
5 Dumont studio could not control the Monticello transmitter?

6 THE WITNESS: Not as a fact. Just, you know, what
7 I heard.

8 JUDGE STEINBERG: So there was nothing in Dumont
9 that would allow somebody in Dumont to turn the Monticello
10 transmitter on and off, to the best of your knowledge?

11 THE WITNESS: I know they were always tinkering
12 with it. You know, Jerry was and a few other people, as far
13 as, you know, whether they can get it on or off or this or
14 that. But the exact extent of it --

15 JUDGE STEINBERG: Okay, you don't know?

16 THE WITNESS: No.

17 BY MR. NAFTALIN:

18 Q Let me turn to, I think, is my last question on
19 this statement, Mr. Gaghan. The last page where your
20 signature occurs, if you would take a quick look at the
21 right at the top of that page there is a sentence about,
22 "When I later learned"?

23 A Yes.

24 Q And you say you wrote your August 10, 1995,
25 statement to protect yourself in the event that activities

1 at Jukebox Radio were eventually to come out?

2 A Sure.

3 Q You stand --

4 A Sure. Sure.

5 Q Okay, now, I want to ask you some questions about
6 how you came to write your August 10, 1995, statement.

7 A Sure.

8 Q I have very few questions about what it says, but
9 would you generally -- never mind.

10 And you can have it in front of you, it's the
11 pages following the October 22, 1997, statement.

12 A Okay.

13 Q I don't know if you will have to look at it all,
14 but if you want to, just say so.

15 Now, with reference to your August 10, 1995,
16 statement, let me just go through some very specific details
17 with you, Mr. Gaghan.

18 Your August 10, 1995, statement was actually typed
19 by Edith Zecca; is that correct?

20 A Yes.

21 Q Okay. And Edith Zecca was an employee at WVNJ at
22 the time she typed it; is that right?

23 A Yes.

24 Q And she was Mr. Warshaw's secretary; is that
25 right?

1 A Yes.

2 Q Okay. And Ms. Zecca is also the one who notarized
3 your statement; isn't that right?

4 A Yes.

5 Q Okay. And the contents, the meaning, the
6 substance of your August 10, 1995, statement is completely
7 your own; isn't that right?

8 A Yes.

9 Q Okay. Ms. Zecca didn't change it in any way
10 except for maybe a spelling mistake --

11 A Yes.

12 Q -- or something inconsequential of that nature?

13 A Yes, cause after she typed it she made me look at
14 it to make sure it was exactly, you know, what I had said.

15 Q So she didn't change the -- by typing your August
16 10, 1995, statement, she didn't change any of the meaning of
17 it at all?

18 A No.

19 Q Okay.

20 JUDGE STEINBERG: Did you handwrite it first and
21 then give --

22 THE WITNESS: Yes.

23 JUDGE STEINBERG: And then --

24 MR. NAFTALIN: I was just getting to that.

25 BY MR. NAFTALIN:

1 Q She typed it from -- you handwrote the statement,
2 she typed it up. Other than, you know, something like a
3 spelling correction or something trivial of that nature,
4 what we see in the August 10, 1995, statement is entirely
5 your own work?

6 A Yes.

7 Q Okay. And is it correct that you wrote out your
8 draft of this statement say August 9 or August 10, 1995? It
9 didn't wait --

10 A No, it was all done -- it was all done on the
11 10th.

12 Q All done on the 10th?

13 A Sure.

14 Q Okay. And at the time you were writing your
15 August 10, 1995, statement, you weren't discussing the
16 contents of it with anyone -- I don't want to include your
17 wife or something like that. You weren't discussing the
18 contents with anyone at WVNJ; is that right?

19 A No.

20 Q Okay. And it's true that no one asked you to
21 write this statement; isn't that right?

22 A Ron Lustberg, the general manager, had, you know,
23 asked me if I could give a deposition and I had said, you
24 know, no. A few different times I had said no because I had
25 friends who still worked over there. I hate to, you know,

1 do anything that would put their job in jeopardy or see them
2 lose their jobs.

3 But when it got to the point when I was just being
4 badmouthed so much, hearing it from them, hearing it from
5 other sources, mutual friends that Jerry and I had, you
6 know, then I thought about it, and then I said, you know, I
7 would do it.

8 In fact, I did it on August 10th because that's my
9 birthday.

10 Q Okay. The state, your August 10, 1995, statement,
11 though, represents your own words completely; is that right?

12 A Yes.

13 Q Okay. And no one suggested any part of the
14 statement to you? You just wrote it the way you wanted it,
15 without any help from anybody; is that right?

16 A No, no help.

17 Q Okay. And specifically with reference to the --
18 let me get at this again.

19 Did anyone, and by anyone, it's anyone at WVNJ,
20 Mr. Warshaw, Mr. Luna, did they come to you and ask you to
21 write a statement about your experiences at Jukebox Radio
22 which resulted in this August 10, 1995, statement?

23 A No. Just Ron Lustberg, he had asked on a few
24 different occasions if I would do a statement.

25 Q Okay. Did you -- give me one second.

1 At the time you were writing this statement, did
2 you discuss any aspect of it with Mr. Luna?

3 A Not that contents.

4 Q Okay.

5 A That, you know, I'm going to do a statement, but
6 not the contents or anything like that.

7 Q He didn't help you with the meaning, any of the
8 knowledge in there at all?

9 A No.

10 Q Okay. And the same question, did either Mr. or
11 Mrs. Warshaw ask you or help you with any of the contents,
12 ask you to put anything in there?

13 A No.

14 Q And the diagram that's on the first page, the one
15 we've been talking about repeatedly, the TC-8 remote control
16 unit --

17 A Yeah.

18 Q -- no one helped you with that diagram, did they?

19 A No.

20 Q Okay. That came right out of your memory?

21 A Yes.

22 Q Okay. Did you -- isn't it true you tried to keep,
23 at least for awhile you tried to keep your statement secret?
24 You didn't want it known all around the station?

25 A No, I didn't want it known at all.

1 Q Okay. Now, I know from the deposition I took with
2 you, you are aware that Mr. Luna wrote a statement dated
3 August 9, 1995.

4 A Yes.

5 Q Because I showed it to you, is that right?

6 A I remember we spent a long time on that.

7 Q We certainly did.

8 At the time you were writing -- well, at the time
9 you were working on your August 10, 1995, statement, did you
10 know Mr. Luna was writing a statement or had written a
11 statement?

12 A No.

13 Q So you had no knowledge of the contents -- okay,
14 you didn't know Mr. Luna was writing a statement, right?

15 A Right.

16 Q And so obviously you had no knowledge of the
17 contents of Mr. Luna's statement when you were working on
18 your statement, right?

19 A Right.

20 Q Okay. And so is it true that the fact that Mr.
21 Luna wrote a statement dated August 9, 1995, and you wrote a
22 statement dated August 10, 1995 that's just a coincidence?

23 A That's right.

24 Q I'm sorry?

25 A Yes.

1 Q Okay.

2 A Like I said, I did it for my birthday present.

3 Q So it's your testimony that Mr. Luna --

4 A If my birthday was September 8th, I probably would
5 have wrote it September 8th.

6 Q Okay. So Mr. Luna's August 9, 1995, statement and
7 your August 10, 1995, statement, they are completely
8 independent from each other; is that right?

9 A I guess. I don't know

10 Q You guess?

11 A I mean, as far as --

12 Q Well, in terms of the production of them.

13 A Oh, yeah, sure.

14 Q You agree they discuss the same incident, for
15 instance, is that --

16 A Yes, I remember from the last time we was down.

17 Q Did you show Mr. Luna a copy of your -- say the
18 handwritten copy of your August 10, 1995, statement?

19 A No.

20 Q Okay. Do you know if he ever saw the handwritten
21 copy of your August 10, 1995 statement?

22 A I don't think so.

23 Q Okay. Mr. Gaghan, let's assume that Mr. Warshaw,
24 Mr. Howard Warshaw, has testified that he asked you to write
25 a statement and that what he asked you to write resulted in

1 the August 10, 1995, statement.

2 Now, would that be truthful if he said that?

3 A Well, overtures were made to me through is general
4 manager about it. I mean, I never recall Howard saying to
5 me, "Bill, do a statement," or anything like that. I don't
6 recall anything like that. I recall his general manager
7 asking me a few different times.

8 Q To write a statement?

9 A If you, you know, would you like to do a statement
10 as far as this whole case.

11 Q But if Mr. Warshaw said that he ask you to write a
12 statement, would that be correct or not?

13 A I don't remember. I don't remember Howard asking
14 me. if you mean Howard Warshaw

15 Q Howard Warshaw.

16 A Yeah, I don't remember him asking me.

17 Q If, and if Mr. Warshaw said that -- Mr. Howard
18 Warshaw -- said that he suggested language to you to appear
19 in your August 10, 1995, statement, would that be correct?

20 A What do you mean "to appear"?

21 Q To be written into your statement, to show up in
22 your statement. Let me ask it again so we're clear.

23 If Mr. Howard Warshaw stated that he asked you to
24 include certain matters in your August 10, 1995, statement,
25 would he be correct in saying that?

1 A No, I don't remember him ever saying anything to
2 me about it.

3 Q Well, you've testified that the statement is
4 entirely your own language.

5 A Yes.

6 Q No one suggested anything; no one helped you,
7 right?

8 A Right.

9 Q So --

10 A So then it's no. No, he didn't --

11 Q So the answer is no?

12 A -- tell me what to write down or anything like
13 that.

14 Q So if Mr. Warshaw testified that he suggested that
15 you include in your August 10, 1995, statement a discussion
16 of the switch business or the two-line business, he would be
17 wrong in saying that; is that correct?

18 A Yeah, I remember Ron, but not Mr. Warshaw.

19 Q Ron told you to include the business about two
20 lines and the business about the switch?

21 A No, about just overall. you know, your knowledge
22 which basically that was, you know, my knowledge, the
23 switch.

24 Q Well, did anyone suggest to you specifically that
25 you include a discussion of the two-line business and the

1 switch business, yes or no?

2 A Just what you know; just what you know.

3 Q What do I know?

4 A No, what I know.

5 Q Okay. But no specific suggestion about any part
6 of it?

7 A No.

8 Q Okay.

9 JUDGE STEINBERG: When you said "just what you
10 know," that's what Mr. Lustberg said to you, write down just
11 what you know?

12 THE WITNESS: Yeah, if you do the statement, you
13 know, just write down what you know, why you wanted to leave
14 there.

15 JUDGE STEINBERG: Well, this statement, the August
16 10th statement, doesn't -- well, does it say why you wanted
17 to leave there?

18 THE WITNESS: I wanted to -- I think in the end
19 because I was just nervous with doing what we did, plus
20 knowing -- plus knowing that it wasn't on the up and up
21 there. I mean, I didn't want to be associated with a
22 station like that, and that's why some of the others left.
23 The gentleman who is like a father to me, Mike Prelee, I
24 mean, that's why Mike left, for the same reason.

25 JUDGE STEINBERG: What did -- did you say Mr.

1 Lustberg?

2 THE WITNESS: Yes, Ron Lustberg.

3 JUDGE STEINBERG: What did he ask you to do
4 specifically? You know, you mentioned that he asked you
5 several times to do -- one time you said to do a deposition,
6 and I think you really meant statement.

7 THE WITNESS: Yeah, statement on the --

8 JUDGE STEINBERG: And then he asked you a couple
9 times and you said no?

10 THE WITNESS: Yeah

11 JUDGE STEINBERG: What did he specifically ask you
12 to do?

13 THE WITNESS: Just to do a statement on why you
14 had left over there.

15 JUDGE STEINBERG: Did he ask you to do -- did he
16 ask you whether you knew that -- whether the Dumont studio
17 was feeing programming directly to the translator, Fort Lee
18 translator?

19 THE WITNESS: Jesus. I just -- I'm sorry. I just
20 don't remember on that.

21 JUDGE STEINBERG: Did you tell somebody at WWNJR,
22 is that it?

23 MR. ARONOWITZ: WVNJ.

24 JUDGE STEINBERG: WVNJ. I'm not -- I have only
25 heard it 8,000 times.

1 Did you ever volunteer to somebody at WVNJ that
2 you knew that the Dumont studio was feeding programming
3 directly to the Fort Lee translator?

4 THE WITNESS: Well, we -- you know, we joked
5 around it, a few of us like Glen, my good friend, Glen, who
6 was there.

7 JUDGE STEINBERG: Who is Glen?

8 THE WITNESS: Glen Crespo.

9 JUDGE STEINBERG: He used to be at the Dumont
10 studio?

11 THE WITNESS: Yeah. Yeah, that's the reason, you
12 know, why he left too. He didn't want to be associated with
13 this station. I mean, we would, you know, kibitz, joke
14 around a little bit, you know. I mean, we didn't run
15 through the hallway shouting it out.

16 JUDGE STEINBERG: And then somehow did the word --
17 to your knowledge, did the word get to Mr. Lustberg?

18 THE WITNESS: Jesus, I really don't know, Your
19 Honor.

20 JUDGE STEINBERG: I'm just trying to figure out
21 why he asked you to write a statement.

22 THE WITNESS: It could have. Maybe Glen might
23 have said something. I don't know.

24 JUDGE STEINBERG: Did he ask Glen to write a
25 statement?

1 THE WITNESS: No.

2 JUDGE STEINBERG: Do you know?

3 THE WITNESS: No.

4 JUDGE STEINBERG: Who else from -- he had Mr.
5 Luna, he had you, he had Glen. Anybody else at WVNJ work
6 at --

7 THE WITNESS: Yeah.

8 JUDGE STEINBERG: -- the Dumont studios before
9 they came to --

10 THE WITNESS: Bill Owen.

11 JUDGE STEINBERG: Owen worked for WVNJ?

12 THE WITNESS: Yes, for about a year to a year and
13 a half.

14 JUDGE STEINBERG: But then he went to Mr. Turro
15 after you had already left though, is that right, or am I
16 confusing him with somebody else?

17 Do you know if Mr. Owen and you sort of crossed so
18 that you went to WVNJ --

19 THE WITNESS: Yeah. I went first, and then Bill
20 came over.

21 JUDGE STEINBERG: Then Bill came to Mr. Turro?

22 THE WITNESS: Well, Bill came over and then he
23 went back to Mr. Turro.

24 JUDGE STEINBERG: Oh, okay. So at the time in
25 August '95, was Mr. Owen working at WVNJ?

1 THE WITNESS: No.

2 JUDGE STEINBERG: Okay, so --

3 THE WITNESS: No.

4 JUDGE STEINBERG: -- we had you, Mr. Luna and
5 Glen.

6 THE WITNESS: Glen, that's it, and the two girls,
7 Kathy and Karen.

8 JUDGE STEINBERG: And Kathy and Karen worked for
9 Mr. Turro?

10 THE WITNESS: I'm sorry, I was wrong. They worked
11 for Mr. Turro, but they weren't there in August. Now that I
12 think about it, they weren't there in August.

13 JUDGE STEINBERG: So it's just the three of you --

14 THE WITNESS: Yes.

15 JUDGE STEINBERG: -- that were there in August?

16 THE WITNESS: Vince was there only part time.

17 JUDGE STEINBERG: Yes, Mr. Luna.

18 THE WITNESS: Mr. Luna.

19 JUDGE STEINBERG: Okay But you don't know or you
20 don't think -- well, do you know whether Glen was ever asked
21 by Mr. Lansberg --

22 MR. NAFTALIN: Lustberg.

23 JUDGE STEINBERG: Lustberg.

24 THE WITNESS: No, he never mentioned.

25 JUDGE STEINBERG: I've got to write that down too.

1 THE WITNESS: He never mentioned anything like
2 that to me.

3 JUDGE STEINBERG: When you say "he," do you
4 mean --

5 THE WITNESS: Glen. I'm sorry. Glen.

6 JUDGE STEINBERG: Glen, okay.

7 And do you know why you were asked to write a
8 statement?

9 THE WITNESS: Maybe because, you know, from me
10 being program director and possibly me working at the
11 terminal.

12 JUDGE STEINBERG: Okay. Now, why do you have a
13 dislike for Mr. Turro?

14 THE WITNESS: It wasn't always like that. I mean,
15 Jerry -- Jerry was a real nice guy. We used to work
16 together in New York. I worked on WNAWA, and he worked on
17 the FM. He used to talk to me about this whole thing with
18 this station coming about in the beginning. I mean, I
19 helped him out with the music and things like that.

20 It's just over a course of time, I got a -- I
21 mean, I got high standards on how you treat people, and I'm
22 a believer in -- there is an old saying, "Treat people the
23 way you want to be treated." You know, don't look down on
24 people, don't do nasty things to people. And that's one of
25 the reasons why.

1 JUDGE STEINBERG: So why do you --

2 THE WITNESS: I needed to fire a girl who was six
3 months pregnant to get her out of there so you don't have to
4 pay her benefits, something like that. That's terrible.

5 With the incident that I think got me in trouble,
6 I stood up for one of the announcers, a gentleman named
7 Peter Van Heist, who was about to move to Virginia Beach,
8 and was working on his closing date for his house. And so
9 they were pressuring him for a date. We got to know, we got
10 to know. Peter said, you know, "I want to give you a 30-day
11 notice, but I can't give you a date for my closing." And
12 they kept pressuring him saying, "Well, we want it now. We
13 want it now." And what Peter had said was, "Well, wait a
14 minute, what happens if my closing falls apart," which
15 happens at times. I mean, most likely you get a closing,
16 it's going to happen, but there are instances where a
17 closing falls apart and it doesn't happen.

18 He said, "Here, I would still have my house. I
19 would have my down payment at Virginia Beach, and I'm out of
20 a job." And they kept arguing with him on the fact that he
21 had to give his, you know, a date. He had to put in his
22 notice.

23 And I said I didn't think that was right. I mean,
24 because say if something does happen and it falls through
25 for him, now he's out of a job. What is he supposed to do

1 for money?

2 JUDGE STEINBERG: Did Mr. Turro do anything to you
3 personally that you --

4 THE WITNESS: Badmouthing me; accusing me of
5 things. We had a mutual friend in -- Buddy Granoff. He
6 would say stuff to me that Jerry was saying. The girls were
7 still working there at the time, Karen and Kathy, and -- I
8 mean, just totally trashed me; that I'm this big, bad
9 monster who turned his whole staff against him. I mean,
10 come on. I mean, I may be big. I'm not a monster. Please.

11 JUDGE STEINBERG: So basically it's --

12 THE WITNESS: Plus, plus these people, I mean,
13 they plans of their own. I mean, in the course of a day's
14 work, I mean, it's only natural. I mean, you moan, you
15 complain a little bit. But to think that I would turn these
16 people around against him, I mean, come on.

17 JUDGE STEINBERG: And so you didn't like Mr. Turro
18 and that's --

19 THE WITNESS: Well, no, no. Jerry -- Jerry was
20 all right, and then he brought -- when this general manager
21 came in, Jerry Epstein, it's just like Jerry became a
22 totally new person. It's like, you know, he didn't care
23 anymore.

24 A good example, I remember when I first started
25 there as music director, there was a guy there named Jerry

1 something, because he used to go out and do remotes, and
2 they called him Jukebox Jerry and everyone thought it was
3 Jerry Turro, but it wasn't. It was another gentleman.

4 And I remember him getting into -- into some kind
5 of financial trouble, and Jerry telling Eddie, who was at
6 that time was our general manager. He said, "Well, give him
7 call. See if there is anything we could do for him. Maybe
8 lend him money, or something like that." And I always
9 thought, boy, you know, what a nice guy, you know, to do
10 something like that.

11 But then over the course of time, I mean, he just
12 totally changed. It was a shame.

13 JUDGE STEINBERG: When did Mr. Epstein come into
14 the picture?

15 THE WITNESS: Oh, God. In fact, it was Christmas
16 time of -- it had to be '96, because I remember doing a
17 remote in Paramus at the time.

18 JUDGE STEINBERG: '96?

19 THE WITNESS: Yeah, when he came into the picture.
20 Because I'll never forget it.

21 JUDGE STEINBERG: Was it before the FCC
22 inspection? Do you remember? It can't be '96.

23 THE WITNESS: I'm sorry. What am I thinking?
24 In '94.

25 JUDGE STEINBERG: Okay.

1 THE WITNESS: '94.

2 JUDGE STEINBERG: Okay.

3 THE WITNESS: Ed was fired before the FCC
4 inspection. I mean, there's another example. I mean, what
5 a nice man he was. To can him right after Christmas, I
6 mean, it's terrible.

7 JUDGE STEINBERG: So basically, you didn't care
8 for Mr. Turro and that's one of the reasons you left?

9 THE WITNESS: Yeah, I mean, I did my work, but I
10 knew it was time to go. Plus I found out he was about to
11 fire me too, get rid of me.

12 JUDGE STEINBERG: And what would make you, in the
13 summer of '96, Mr. Turro and another gentleman were sitting
14 in the Beehive Restaurant eating lunch, what would -- did
15 you just go up to him and say, "I hope you choke on the
16 food"?

17 THE WITNESS: Well, you know --

18 JUDGE STEINBERG: I'm just saying what would make
19 you do that after you had already left --

20 THE WITNESS: You know, saying --

21 JUDGE STEINBERG: -- you had another job and
22 you're presumably happy in the other job?

23 THE WITNESS: Say, for example, I mean, someone is
24 badmouthing you to other people and whatever. I mean,
25 you're upset inside, but, I mean, you're not going to do

1 anything physical to a person or anything like that. I
2 mean, I even went out of my way to call him up and ask him,
3 you know, "Please stop. When I had left there, you had said
4 to me, 'I know we have a lot of the same mutual friends and
5 I would hate to see, you know, you badmouth me on the
6 streets, and I hate to see this left as, you know, we're not
7 friends or anything like that.'"

8 So, I mean, I only complained to a few people, but
9 not to the extent Jerry was. And it just upset me so much
10 because radio is a word-of-mouth business, and word of mouth
11 could make you or break you in this business. And i was
12 just so tired and fed up from everything and hearing all
13 this stuff, you know, when you just want to get something
14 off your chest and then that's it. You wipe your hands
15 clean of it. You just move on and forget about it.

16 And that's all I did. And I went back to him,
17 and, you know, what they failed to say was the fact that I
18 did say to him before I said that was, "For all -- for all
19 the lying you do to people, for the way you mislead people,
20 you know, the way you treat people," that's when I said. I
21 mean, I just didn't walk up and say, "I hope you choke on
22 that food." As for the way you mistreat people and lie to
23 people and things like that, and then he asked me to sit
24 down, and I said no. I told him I wouldn't want to be
25 sitting next to you.

1 And then I walked away, but I did turn around and
2 I said, "And remember, we're gonna get you." Not that, you
3 know, we're going to hide out in the bushes and attack him
4 or anything like that. That one day WVNJ will be a better
5 station than Jukebox Radio; have better ratings; have more
6 listeners; and that's what I mean by that.

7 And, Your Honor, I mean, since then there has been
8 at least five different occasions where I have been in the
9 same place with Mr. Turro. In fact, less than a week ago,
10 last Tuesday, I was at the Meadowlands Arena where Mr. Turro
11 sat two rows -- I couldn't have sat 10 feet behind him, two
12 rows behind him. I didn't cause any trouble.

13 That's what I mean. I don't look to do any, you
14 know, like physical harm or whatever. I mean, when I did
15 that thing in the restaurant. I wiped my hands clean of it,
16 and I moved on. I mean, I don't even think of Mr. Turro
17 until these things come up like this now and I have to come
18 to a hearing.

19 I went to a funeral Mr. Turro was at; caused no
20 problem. A week later I went to a Shiva at the person's
21 house, and even went up to Mr. Turro and shook his hand and
22 asked him how he was doing. I mean, if I was this mean
23 monster that they are trying to portray, I don't think I
24 would go up to him and shake his hand and say hi and say
25 hello to his wife, Jean.

1 Then there was another occasion at a cemetery that
2 we were there. We knew the person. I didn't cause any
3 trouble or anything like that. I mean, I didn't say hi to
4 him or shake his hand, but I didn't cause any trouble.

5 JUDGE STEINBERG: This is all after the Beehive?

6 THE WITNESS: Oh, yeah, sure.

7 JUDGE STEINBERG: Now, you said, "One day we're
8 going to get you" or words like that.

9 THE WITNESS: "We're gonna get you. We're gonna
10 get you."

11 JUDGE STEINBERG: Does that -- is one way of
12 getting Mr. Turro represented in what you have in front of
13 you, Exhibit 15? Is that one way that you could get him?
14 You know, the whole exhibit?

15 THE WITNESS: No, I was -- my thinking was that we
16 would be a better station one day because, I mean, to be
17 totally honest --

18 JUDGE STEINBERG: You mean competitively?

19 THE WITNESS: Exactly. When I went to WVNJ, it
20 was a station that more people laughed at than listened to.
21 They had a terrible signal. People couldn't hear it that
22 well. And since then it's improved. I mean, it's become a
23 respectful radio station. I've worked hard to bring it to a
24 point where it's at. I mean, there has been points where we
25 have been up four weeks into a big band format through a

1 friend of mine. i found out we were the number one station
2 in Passaic County, a big plus already.

3 JUDGE STEINBERG: So you have a big band format?

4 THE WITNESS: Yes, we have the same -- well, he
5 has a similar format, but I mean he plays some of the same
6 music we play, but not a lot

7 JUDGE STEINBERG: He's a little later than big
8 band?

9 THE WITNESS: Yeah, I don't know what he's doing.
10 He's playing so many mixes of music.

11 But that's all I meant by that, we would have a
12 better station. I mean, I would -- I mean, I can't even
13 remember being in -- maybe in grammar school getting into a
14 fight with someone. That's it. I mean, I would rather walk
15 away than start a fight, a physical fight.

16 BY MR. NAFTALIN:

17 Q I just want to wrap up the question about how the
18 1995 statement came about.

19 A Sure.

20 Q Maybe this would -- take a look at page 61 of your
21 transcript, Mr. Gaghan, and take a quick look at lines 11
22 through 15.

23 (Witness reviews document.)

24 THE WITNESS: Okay.

25 BY MR. NAFTALIN:

1 Q Now, you agree, I asked you there, "Did anyone ask
2 you to write your August 10, 1995, statement?" And you --
3 "...or did you just decide to do it yourself?"

4 And you said, "No," and that you did it because
5 you were tired of being badmouthed.

6 A Sure.

7 Q Okay. You didn't say Mr. Lustberg asked you to
8 write a statement, did you?

9 A Ron Lustberg didn't come to me August 10th and
10 say, "Bill, let's do a statement today," or anything like
11 that. That didn't happen. It was on -- before that a few
12 different times he had asked

13 Q Okay, I'm not saying that he showed up the day you
14 wrote it, but you also didn't -- you didn't testify that
15 anyone ever asked you to write a statement. And now today
16 you are saying someone asked you to write a statement,
17 aren't you, sir?

18 A What you had asked was did anyone ask me to write
19 the August 10th statement.

20 Q Right.

21 A No, I did that on my own.

22 Q Oh, okay. So no one asked you to write the
23 statement which resulted in the August 10, 1995, statement;
24 is that correct?

25 A No one asked me to write the August 10th