

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

In re Applications of	)	MM DOCKET NO. 97-128
MARTIN W. HOFFMAN,	)	
Trustee-in-Bankruptcy for Astroline	)	File No. BRCT-881201LG
Communications Company Limited	)	
Partnership	)	
For Renewal of License of	)	
Station WHCT-TV, Hartford, Connecticut	)	
SHURBERG BROADCASTING OF HARTFORD	)	File No. BPCT-831202KF
For Construction Permit for a New	)	
Television Station to Operate on	)	
Channel 18, Hartford, Connecticut	)	

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

SHURBERG BROADCASTING OF HARTFORD

EXHIBIT NO. 140

Deposition Transcript of  
Linda R. Bocchi

Harry F. Cole

Bechtel & Cole, Chartered  
1901 L Street, N.W.  
Suite 250  
Washington, D.C. 20036  
(202) 833-4190

Counsel for Alan Shurberg d/b/a  
Shurberg Broadcasting of Hartford

FEDERAL COMMUNICATIONS COMMISSION (FCC)

-----x  
 In re :  
 : MM Docket No. 97-128  
 MARTIN HOFFMAN et al., : File No. BRCT-881201LG  
 : File No. BPCT-831202KF  
 :  
 -----x

Washington, D.C.

Thursday, August 20, 1998

Deposition of

LINDA R. BOCCHI

a witness, called for examination by counsel  
 for Shurberg Broadcasting of Hartford,  
 pursuant to notice and agreement of counsel,  
 beginning at approximately 11:05 a.m., at  
 Bechtel & Cole, 1901 L Street, N.W.,  
 Washington, D.C., before Monica A. Voorhees,  
 notary public in and for the District of  
 Columbia, when were present on behalf of the  
 respective parties:



**Federal Communications Commission**

Docket No. \_\_\_\_\_ Exhibit No. 140

Presented by Shunbey B. Ruden

Disposition \_\_\_\_\_

Reporter Gibson

Date 9-23-98

Identified \_\_\_\_\_ ✓  
Received \_\_\_\_\_ ✓  
Repealed Holmes

1 APPEARANCES:

2 On behalf of Shurberg Broadcasting of Hartford:

3 HARRY F. COLE, ESQUIRE  
4 Bechtel & Cole, Chartered  
5 1901 L Street, N.W., Suite 250  
6 Washington, D.C. 20036  
7 (202) 833-4190

8 On behalf of Richard Ramirez:

9 KATHRYN R. SCHMELTZER, ESQUIRE  
10 Fisher Wayland Cooper Leader & Zaragoza  
11 2001 Pennsylvania Avenue, N.W., Suite 400  
12 Washington, D.C. 20006-1851  
13 (202) 775-3547

14 On behalf of the Witness:

15 RONALD F. WICK, ESQUIRE  
16 Baker & Hostetler, LLP  
17 Washington Square, Suite 1100  
18 1050 Connecticut Avenue, N.W.  
19 Washington, D.C., 20036-5304  
20 (202) 861-1500

21 \* \* \* \* \*

22

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**BETA REPORTING**

(202) 638-2400

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## P R O C E E D I N G S

1

2 Whereupon,

2

3

LINDA R. BOCCHI

4

was called as a witness and, having been

5

first duly sworn, was examined and testified

6

as follows:

7

EXAMINATION BY COUNSEL FOR SHURBERG

8

BROADCASTING OF HARTFORD

9

BY MR. COLE:

10

Q Good morning, Ms. Bocchi. Could

11

you state your name and address for the

12

record?

13

A 92067 Bexley Wood Court, Fairfax

14

Station, Virginia.

15

Q Ms. Bocchi, just as a matter of

16

introduction, I'm Harry Cole. I represent

17

Shurberg Broadcasting of Hartford, and am I

18

correct that you are appearing here this

19

morning pursuant to a subpoena issued in

20

connection with the WHCT proceeding at the

21

FCC?

22

A Yes, I am.

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1 Q That subpoena requested that you  
2 search your files and bring any documents  
3 that fit a certain description set forth in  
4 the subpoena.

5 Did you search your files?

6 A Yes, I did.

7 Q Did you find any documents?

8 A No.

9 Q I understand that you're an  
10 attorney, we'll get into that in a minute,  
11 but just for the record, if you have any  
12 question about the questions I'm asking, if  
13 you need clarification or need them repeated,  
14 please feel free to stop me and ask for  
15 clarification.

16 A Sure.

17 Q We'll certainly make every effort  
18 to make sure that the record is clear here.

19 Ms. Bocchi, you are an attorney; is  
20 that correct?

21 A Yes, I am.

22 Q When were you admitted to practice?

1 A In December of '80.

2 Q Have you been a practicing attorney  
3 ever since 1980?

4 A Yes, yes, I have.

5 Q December of '80. Do you specialize  
6 in any particular practice area?

7 A Currently intellectual property.

8 Q What is your professional history  
9 as an attorney. If you could, please start  
10 December of '80, tell me the places of  
11 employment and the nature of your practice  
12 during that period of time.

13 A From '80 to '87 I was with the  
14 Federal Communications Commission. From --  
15 I'm sorry, to '88.

16 From June of '88 to June of '92, I  
17 was with Baker and Hostetler.

18 From June until September, I was  
19 with the Securities and Exchange Commission.  
20 That was an interesting kind of like side  
21 road.

22 After that, I was the general

1 counsel of the Copyright Royalty Tribunal and  
2 I was there from that September of '92 until  
3 October of '93, shortly before President  
4 Clinton closed my agency.

5 Then from that -- that October  
6 of '93 until now, I'm with the Recording  
7 Industry Association of America.

8 Oh, and my specialties, I'm sorry.  
9 From '80 through '92, it was communications.  
10 From that point forward it's been  
11 intellectual property.

12 Q For purposes of our deposition this  
13 morning, I'm only going to focus on the  
14 period of time that you were at Baker and  
15 Hostetler, which would be June of '88 to June  
16 of '92; is that correct?

17 A Right.

18 Q While you were at Baker and  
19 Hostetler, did you specialize in  
20 communications?

21 A Yes, I did.

22 Q When you say communications, what

1 do you mean by communications?

2 A Practice before the Federal  
3 Communications Commission, predominantly  
4 hearing work, representing clients in  
5 different administrative hearings and  
6 advising them with regard to FCC regulations.

7 Q Were these broadcast clients,  
8 non-broadcast clients?

9 A They were all broadcast clients,  
10 either radio or television.

11 Q While you were at Baker and  
12 Hostetler, did you provide legal service to  
13 an entity called Astroline Communications  
14 Company Limited Partnership?

15 A I worked on the appeal for  
16 Astroline before the Court of Appeals and  
17 then the Supreme Court. I didn't really  
18 handle anything before the FCC.

19 Q When you say the appeal, are you  
20 referring to the *Shurberg Broadcasting v. FCC*  
21 appeal in the U.S. Court of Appeals?

22 A Yes.

1 Q Which then became *Astroline v.*  
2 *Shurberg* in the Supreme Court?

3 A Yeah. Yes.

4 Q What was the nature of your work  
5 with respect to *Astroline*?

6 A Well, what happened was that Lee  
7 Simowitz, a partner at Baker and Hostetler,  
8 handled the appeal because, as I understood  
9 it, because of his appeals background, but he  
10 had no communications background, and I was  
11 the senior associate there, and therefore I  
12 was assigned to support him with regard to  
13 the communications aspect of it. I did  
14 research for him both on communications law  
15 and on constitutional law and helped him  
16 draft the brief.

17 Q You were a senior associate at  
18 Baker at the time?

19 A Yes.

20 Q So you worked for Lee Simowitz.  
21 What other attorneys did you work with at  
22 baker in connection with *Astroline*?

1 A Ed Hayes.

2 Q Did you ever work with Tom Hart?

3 A No.

4 Q Did you ever work with Dan Alpert?

5 A I -- not on Astroline.

6 Q Are you familiar with Richard  
7 Ramirez?

8 A Yes.

9 Q Who is Richard Ramirez?

10 A He was the client.

11 Q When you say the client, what do  
12 you mean?

13 A Astroline. I didn't really have  
14 occasion to -- because we were working on the  
15 record, I didn't really have occasion to have  
16 to go to the client, but if ever we had a  
17 meeting, that's who came, was Rich Ramirez.

18 Q So you met Mr. Ramirez?

19 A Yes.

20 MR. COLE: Let me show you a  
21 document dated September 8, 1988, and I'll  
22 give copies to the reporter and your counsel

1 and to Ms. Schmeltzer.

2 (Bocchi Deposition Exhibit No. 1  
3 was marked for identification.)

4 BY MR. COLE:

5 Q I ask you to take a look at that.

6 That's a one-page letter dated  
7 September 8, 1988, addressed to Richard  
8 Ramirez. Is that your signature?

9 A It appears to be.

10 Q If you take a minute please and  
11 review that and the attachments with it,  
12 which consist of what appears to be an FCC  
13 Form 316 application.

14 A Okay.

15 Q Do you recall the circumstances  
16 surrounding the preparation of this letter?

17 A I'll be honest with you, I don't  
18 even recall this form. I honestly don't even  
19 recall that I had filed anything with the  
20 FCC. 10 years ago, so.

21 Q 10 years ago. Well, let me show  
22 you this, then.

1           The next document is a one-page  
2 letter dated September 7, 1988, from Mr. Hart  
3 to Mr. Ramirez.

4           MR. COLE: Could we have that  
5 marked as Bocchi 2, please.

6                       (Bocchi Deposition Exhibit No. 2  
7                       was marked for identification.)

8           BY MR. COLE:

9           Q     Does that refresh your recollection  
10 at all concerning the circumstances?

11          A     I don't ever recall seeing this  
12 letter, but -- and it, no, it doesn't.

13          Q     Your name is not on it.

14          A     Right. It really, it doesn't. I'm  
15 sorry.

16          MR. COLE: Let me try this. Let me  
17 show you this document.

18                       (Bocchi Deposition Exhibit No. 3  
19                       was marked for identification.)

20          BY MR. COLE:

21          Q     This is a memorandum dated  
22 February 1st indicating it's from you to

1 Mr. Ramirez. I ask you to take a look at  
2 that and take your time to read that, see if  
3 that refreshes your recollection at all about  
4 the circumstances surrounding the preparing  
5 of the September '88 letters.

6 A Honestly, it doesn't. It looks  
7 like one of thousands of memos that I've done  
8 in my career on a research point.

9 Q Are those your initials?

10 A They definitely appear to be.

11 Q Do you recall any discussion with  
12 Mr. Hart in the time period August to  
13 September 1988 concerning the need to  
14 dissolve WHCT management?

15 A No, I really don't.

16 Q Let me refer you back to the  
17 document which is attached to Bocchi  
18 Exhibit 1, the 316 application.

19 A Yes.

20 Q At least the copy that we've been  
21 provided has signatures for both the assignor  
22 and the assignee, do you see that?

1 A Uh-huh.

2 Q Do you have any recollection as to  
3 whether or not this application was ever  
4 filed with the FCC?

5 A No, I do not.

6 Q While you worked at Baker and  
7 Hostetler in connection with Astroline, did  
8 you ever have occasion to search Baker's  
9 files for a copy of the Astroline partnership  
10 agreement?

11 A I can't recall.

12 Q Are you aware of a person named  
13 Carter Bacon?

14 A No, I have no particular  
15 recollection of that name.

16 MR. COLE: Let me show you a  
17 document which is three pages in length and  
18 appears to be a telecopier cover sheet  
19 indicating that it was sent by you to  
20 Mr. Bacon and ask you if that refreshes your  
21 recollection at all as to who Mr. Bacon might  
22 be.

1 (Bocchi Deposition Exhibit No. 4  
2 was marked for identification.)

3 THE WITNESS: No, not really.

4 BY MR. COLE:

5 Q Do you see on the attachments to  
6 that document which appears to be a copy of a  
7 page from the Code of Federal Regulations and  
8 also a front page of an application, FCC  
9 application form, there are some handwritten  
10 notations.

11 Can you identify whether those are  
12 your handwritten notations?

13 A This "ignore" doesn't look like my  
14 handwriting. The Section 73.354, those look  
15 like my numbers.

16 Q Those look like your numbers?

17 A Uh-huh.

18 Q On the cover page, is that your  
19 handwriting or do you recognize that?

20 A No. No, I don't. But it's not  
21 mine.

22 Q Do you know whether Mr. Hart was

1 ever a partner in Astroline?

2 A Not that I recall.

3 MR. COLE: I'll show you another  
4 document dated September 12, 1988, which is a  
5 letter, again, on Baker and Hostetler  
6 stationery, addressed to Mr. Bacon.

7 (Bocchi Deposition Exhibit No. 5  
8 was marked for identification.)

9 BY MR. COLE:

10 Q Is that your signature on that  
11 letter?

12 A It appears to be.

13 Q I ask you if that refreshes your  
14 recollection as to any communications you may  
15 have had with Mr. Bacon concerning  
16 Astroline's ownership report?

17 A Honestly, it doesn't. This would  
18 have been a few months after I started with  
19 Baker and I had so many things being thrown  
20 at me at once.

21 Q Well what things were being thrown  
22 at you at Baker?

1 A I mean other projects.

2 Q Do you know whether you prepared  
3 the ownership report form which is attached  
4 to the September 12th letter?

5 A I couldn't say for sure.

6 Q Do you have any recollection of the  
7 circumstances under which this ownership  
8 report was prepared?

9 A No, I do not.

10 MR. COLE: Let me show you this  
11 now.

12 (Bocchi Deposition Exhibit No. 6  
13 was marked for identification.)

14 BY MR. COLE:

15 Q This is a document dated  
16 November 10, 1988, three pages in length.  
17 It's a memorandum addressed to Astroline  
18 Communications Company Limited Partnership  
19 from Baker and Hostetler concerning  
20 restructuring considerations.

21 Ask you to take a look at that and  
22 read it over carefully to see if this

1 refreshes your recollection about matters  
2 relating to Astroline's ownership and your  
3 involvement in those matters?

4 A It really doesn't.

5 Q I noticed that your name is, the  
6 very last two words of the last paragraph.

7 A As a contact, yes. But I don't  
8 recall if I drafted this or Dan drafted it.  
9 I really don't.

10 MR. COLE: Let me show you then a  
11 copy then of some Baker and Hostetler billing  
12 records.

13 (Bocchi Deposition Exhibit No. 7  
14 was marked for identification.)

15 BY MR. COLE:

16 Q I refer you in particular to the  
17 page which bears the bates stamp number  
18 BH 1056.

19 A Okay.

20 Q I call your attention to the  
21 entries numbered 908948, which is the first  
22 one up from the bottom, the second one up

1 from the bottom, and also 907979, and ask you  
2 if that refreshes your recollection at all  
3 concerning your involvement and preparation  
4 of this memo?

5 A No, it doesn't. I don't know if I  
6 was editing it or actually drafting it.

7 Q But does this indicate to you that  
8 you worked on the memo?

9 A Uh-huh, I assume the bills are  
10 correct.

11 Q Over on the next page, that is  
12 BH 1057, the third entry from the top.

13 A What was that again?

14 Q I'm sorry, 1057.

15 A Yes.

16 Q The third entry from the top,  
17 number 914378, do you see that where it  
18 refers to prepare opinion letter, would that  
19 be --

20 A I'm sorry, where are we?

21 Q The third entry from the top?

22 A Telephone conversation.

1 Q Telephone conversation with  
2 Richard, would Richard be reference to  
3 Richard Ramirez?

4 A Yeah, I would assume it, yes.

5 Q Other Astroline principal. Prepare  
6 opinion letter, and then further on down the  
7 attorney name it lists L.R. Bocchi, would  
8 that be an indication that the activities  
9 described in the professional services column  
10 were activities performed by you?

11 A I'm sorry -- oh, attorney name.  
12 Yeah, I assume that's what it is.

13 Q But other than what you've  
14 testified to this morning, you have no  
15 independent recollection of the November 10th  
16 memorandum to Astroline concerning  
17 restructuring?

18 A No, I really do not.

19 MR. COLE: Let me show you then a  
20 document dated November 14th.

21 (Bocchi Deposition Exhibit No. 8  
22 was marked for identification.)

1 BY MR. COLE:

2 Q This is a letter on Baker and  
3 Hostetler stationery dated November 14th,  
4 addressed to Mr. Ramirez from Edward Hayes,  
5 Junior, and I ask you if you have any  
6 recollection of having seen this before?

7 A No, I don't, I don't have any  
8 independent recollection of this.

9 MR. COLE: Let me show you this  
10 then, this is a document dated November 14th,  
11 which appears to be a copy of what was just  
12 identified as Bocchi Deposition Exhibit  
13 Number 8, but with some handwriting on it.

14 (Bocchi Deposition Exhibit No. 8  
15 was marked for identification.)

16 BY MR. COLE:

17 Q Have you ever seen that?

18 A Not that I recall.

19 Q Do you know whose handwriting that  
20 is?

21 A It doesn't look like mine, but I  
22 don't know whose it is.

1 Q Does this document refresh your  
2 recollection at all concerning the  
3 circumstances of the preparation of this  
4 memorandum?

5 A No, it does not.

6 MR. COLE: Try one more time.  
7 Here's a document dated November 16, 1988.

8 (Bocchi Deposition Exhibit  
9 No. 10 was marked for  
10 identification.)

11 BY MR. COLE:

12 Q This is another letter addressed to  
13 Mr. Ramirez, this one is bearing the  
14 signature over the name Edward Hayes, Junior,  
15 and this appears to be another version of the  
16 memo we have seen previously. Please take a  
17 look at that and tell me if this refreshes  
18 your recollection at all?

19 A No, it doesn't.

20 Q Do you recall drafting any  
21 documents to be filed with the FCC on behalf  
22 of Astroline?

1           A       I mean based on what you've showed  
2 me, it seems like I prepared some of those,  
3 but I'll be honest with you, when it comes to  
4 Astroline and the FCC, I didn't have any  
5 recollection of being involved in that part  
6 of it.

7                   MR. COLE: Let me show you this,  
8 then.

9                               (Bocchi Deposition Exhibit  
10                               No. 11 was marked for  
11                               identification.)

12                   BY MR. COLE:

13           Q       This is a letter dated  
14 November 22nd with certain attachments on  
15 Baker and Hostetler letterhead and it's  
16 addressed to Donna Searcy at the FCC.

17                   Is that your signature on that  
18 letter?

19           A       It appears to be.

20           Q       Please take a look at that and tell  
21 me if you can recall any circumstances  
22 relating to the preparation and submission of

1 this document to the FCC?

2 A No, I cannot.

3 Q Going back to the Exhibit  
4 Number 11, the November 22nd letter, your  
5 testimony was that you have no recollection  
6 of this document at all?

7 A No.

8 MR. COLE: Let me show you this,  
9 then, which is a fax cover sheet bearing a  
10 date of November 22, '88.

11 (Bocchi Deposition Exhibit  
12 No. 12 was marked for  
13 identification.)

14 BY MR. COLE:

15 Q It's addressed to you from  
16 Mr. Bacon, with three accompanying pages  
17 which appears to be exhibits.

18 They are titled exhibits and note  
19 to exhibit and just for your reference, if  
20 you could compare the exhibits which  
21 Mr. Bacon sent with the exhibits in the 316  
22 application in Bocchi Number 11, let me ask

1 you to review those documents and see if they  
2 refresh your recollection concerning the  
3 manner in which this application was  
4 prepared?

5 A No, they do not.

6 Q Do you know a person named Thomas  
7 Gugliotti?

8 A Not that I recall.

9 MR. COLE: Let me show you this.

10 (Bocchi Deposition Exhibit  
11 No. 13 was marked for  
12 identification.)

13 BY MR. COLE:

14 Q This is a letter dated July 5, '89,  
15 on Baker and Hostetler stationery addressed  
16 to Mr. Gugliotti and let me ask, first, is  
17 that your signature?

18 A It appears to be.

19 Q Does this refresh your recollection  
20 as to who Mr. Gugliotti is or was?

21 A Not really, other than what it  
22 states on the letter, the law firm.

1 Q Do you have any recollection at all  
2 of the circumstances surrounding the  
3 preparation of this letter?

4 A No, I do not.

5 Q Do you know who Fred Boling is?

6 A No, that name doesn't ring any  
7 bells.

8 Q Do you know who David Dudley is?

9 A Yes.

10 Q Who is David Dudley?

11 A He was an associate at Baker and  
12 Hostetler.

13 Q Was he at Baker and Hostetler while  
14 you were there?

15 A Yes, he was.

16 Q Did you ever speak with Mr. Dudley  
17 while you were both associates at Baker and  
18 Hostetler?

19 A Yes.

20 Q Do you recall any conversations  
21 with Mr. Dudley concerning Astroline?

22 A Not really. I didn't -- I didn't

1 recall that David had worked on this.

2 MR. COLE: Let me show you this.

3 (Bocchi Deposition Exhibit  
4 No. 14 was marked for  
5 identification.)

6 BY MR. COLE:

7 Q This is a one-page memorandum from  
8 David L. Dudley to Thomas A. Hart and ask  
9 you to take a look at that and see if that  
10 refreshes your recollection about any  
11 conversations you may have had with  
12 Mr. Dudley concerning Astroline in or about  
13 August of 1988?

14 A I don't think I've ever seen this  
15 memo before, at least I don't recall it.

16 Q I know, I didn't ask you whether  
17 you've seen the memo.

18 I'm just asking if this refreshes  
19 your recollection of any conversations you've  
20 ever had with Mr. Dudley concerning  
21 Astroline?

22 A No.

1           Q     Do you have any recollection at all  
2 of having discussed with Mr. Hart the need to  
3 file an ownership report for Astroline with  
4 the FCC?

5           A     No, I do not.

6           MR. COLE: I have no further  
7 questions.

8           MS. SCHMELTZER: I have nothing.

9           MR. WICK: Nothing.

10                   (Whereupon, at 11:35 a.m., the  
11 deposition of LINDA R. BOCCHI  
12 was adjourned.)

13                   \* \* \* \* \*

14

15

16

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22

**CERTIFICATE OF SHORTHAND REPORTER -- NOTARY PUBLIC**

I, MONICA A. VOORHEES, the officer before whom the forgoing deposition was taken, do hereby certify that the witness appeared before me, and the testimony of said witness was taken by me stenographically and thereafter reduced to print by means of computer-assisted transcription by me; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to this litigation and have no interest, financial or otherwise, in the outcome of this matter.



**Notary Public, in and for the  
District of Columbia**

**My Commission Expires:**

**August 30, 2000**

**BETA REPORTING**

202-638-2400

800-522-BETA

703-684-BETA

**-PERSONALIZED RATES AND SERVICES-  
DEPOSITIONS•ARBITRATIONS•HEARINGS•DISCOVERY-ZX•ASCII•VIDEOTAPING  
STENOTYPE & SHORTHAND REPORTERS•CONDENSED TRANSCRIPTS**

**ERRATA SHEET**

IN RE:

DEPOSITION OF:

DATE OF DEPOSITION:

At the time the above named deponent read and signed this deposition, the deponent desired to make the following changes:

<u>PAGE</u>	<u>LINE</u>	<u>AS TRANSCRIBED</u>	<u>CHANGE TO</u>
5	13	92067 Bexleywood	9207 Bexleywood
1	20	Kind of like side	Kind of side

DATED:

*Nele R. Bouché*  
Signature of Deponent

**BETA REPORTING**

202-638-2400

800-522-BETA

703-684-BET.

**-PERSONALIZED RATES AND SERVICES-  
DEPOSITIONS•ARBITRATIONS•HEARINGS•DISCOVERY-ZX•ASCII•VIDEOTAPING  
STENOTYPE & SHORTHAND REPORTERS•CONDENSED TRANSCRIPTS**

**ACKNOWLEDGMENT OF DEPONENT**

I, Linda R. Bocchi, do hereby acknowledge that I have read and examined pages 1 through 29 inclusive of the transcript of my deposition and that:  
(Check appropriate box)

The same is a true, correct and complete transcript of the answers given by me to the questions therein recorded.

Except for the changes, noted in the attached Errata Sheet, the same is a true, correct and complete transcript of the answers given by me to the questions therein recorded.

9/21/98  
Date

Linda R. Bocchi  
Signature