

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
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SHURBERG BROADCASTING OF HARTFORD

EXHIBIT NO. 141

Deposition Transcript of
David L. Dudley

Harry F. Cole

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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 13, 1998

Deposition of

DAVID L. DUDLEY

a witness, called for examination by counsel
for Shurberg Broadcasting of Hartford,
pursuant to notice and agreement of counsel,
beginning at approximately 10:03 a.m., at
Bectel & Cole, 1901 L Street, N.W.,
Washington, D.C., before Lynell C.S. Abbott,
notary public in and for the District of
Columbia, when were present on behalf of the
respective parties:

BETA

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APPEARANCES:

On behalf of Shurberg Broadcasting of Hartford:

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(202) 833-4190

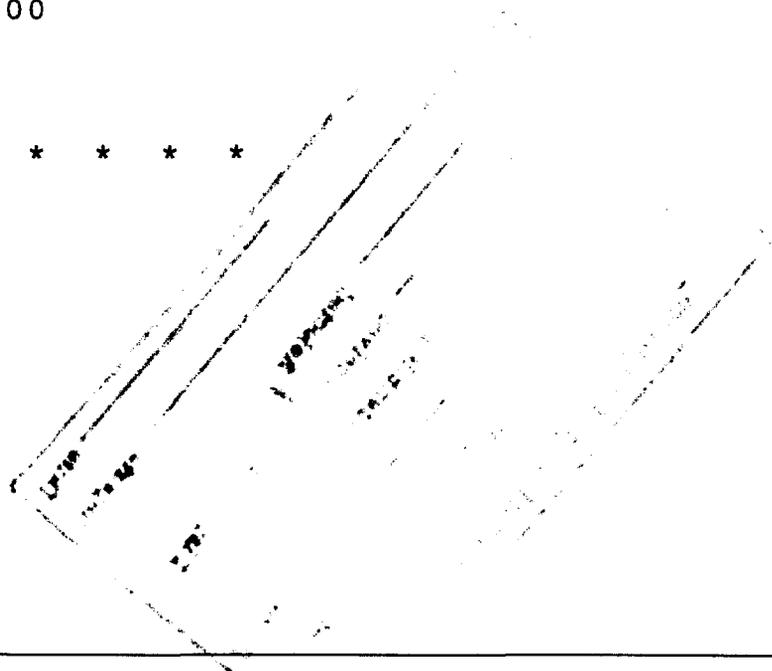
On behalf of Richard Ramirez:

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On behalf of the Witness:

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* * * * *



Federal Communications Commission

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Presented by: Shubert

Exhibit No. 141
Exhibit Book 1025

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C O N T E N T S

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Counsel for Shurberg Broadcasting of Hartford	4
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* * * * *	

BETA REPORTING

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P R O C E E D I N G S

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Whereupon,

DAVID L. DUDLEY

was called as a witness and, having been
first duly sworn, was examined and testified
as follows:

EXAMINATION BY COUNSEL FOR SHURBERG

BROADCASTING OF HARTFORD

BY MR. COLE:

Q Do you want to state your name for
the record, please?

A David L. Dudley.

Q What's your address, Mr. Dudley?

A 3009 Hughsmith, H-u-g-h-s-m-i-t-h,
Court, in Herndon, Virginia.

Q Mr. Dudley, you're appearing here
today in response to a subpoena served on you
by me on behalf of Shurberg Broadcasting of
Hartford. That subpoena requested that you
bring with you certain documents.

Did you bring any documents with
you?

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1 A No, I did not.

2 Q Do you have any documents fitting
3 the description of the subpoena?

4 A No, I do not.

5 Q Are you an attorney?

6 A Yes, I am.

7 Q When were you admitted to practice?

8 A 1986.

9 Q In what jurisdiction?

10 A District of Columbia.

11 Q Who is your current employer?

12 A TRW, Incorporated.

13 Q Are you in-house counsel for them?

14 A Yes, I am.

15 Q Have you ever worked in private law
16 firms?

17 A Yes, I have.

18 Q Since being admitted?

19 A Yes, I have.

20 Q Could you please just detail your
21 history of your law practice since 1986.

22 A From approximately 1986 through

1 either 1988 or '89 I worked for the law firm
2 of Baker & Hostetler in Washington, D.C.
3 From there for approximately the next three
4 years, I worked with the law firm of McKenna
5 & Cuneo, also in Washington, D.C., and
6 in 1992 left and went in-house.

7 Q With TRW?

8 A With Bedium International.

9 Q Which then merged into?

10 A Which was acquired by TRW,
11 Incorporated in December of 1997.

12 Q Do you recall the specific date
13 that you left Baker & Hostetler?

14 A It was in the fall, I believe, of
15 either '88 or '89. But I don't recall the
16 specific date.

17 Q Let me also say at this point that
18 my examination will focus directly on your
19 Baker & Hostetler days. I'm not interested
20 in subsequent times or prior times. I'm just
21 looking at the Baker & Hostetler years.

22 While you were at Baker & Hostetler

1 did you specialize in any particular
2 substantive area?

3 A No, I did not.

4 Q Were you assigned to any particular
5 specialized practice group?

6 A No, I was not.

7 Q Did you provide legal
8 representation in connection with broadcast
9 licensees and broadcast clients of Baker &
10 Hostetler?

11 A Some, yes.

12 Q About how much of your time was
13 spent on that? Do you recall?

14 A It varied by year and by time frame
15 within the year. When I joined Baker &
16 Hostetler I essentially joined as what they
17 called an unassigned associate. As you are
18 probably familiar, unassigned associates are
19 typically assigned to handle various projects
20 within the firm. So it's hard to say.

21 Q Did you work with Thomas Hart?

22 A Yes, I did.

1 Q Did you work with Dale Harburg?

2 A Some, I believe.

3 Q Did you work with Dan Alpert?

4 A Very little.

5 Q Linda Bocchi?

6 A I don't recall Linda Bocchi, no.

7 Q At Baker, did you work on matters

8 relating to an entity called Astroline

9 Communications Company Limited Partnership?

10 A I recall that I worked on matters

11 pertaining to a company called Astroline,

12 that's correct.

13 Q I think for purposes of the

14 deposition we can refer to, use the term

15 Astroline as Astroline Communications Company

16 Limited Partnership. There are multiple

17 entities, just so you know, that have the

18 word Astroline in their name. I don't think

19 we'll get into anything that will require

20 parsing that out. If so, I will try to be

21 definite.

22 But if I refer to Astroline, I'm

1 referring to Astroline Communications Company
2 Limited Partnership.

3 A Okay.

4 Q Was your departure from Baker &
5 Hostetler in any way related to Astroline?

6 A No.

7 MR. COLE: Mr. Dudley, let me show
8 you the first of a couple of documents. I
9 will provide copies to your counsel and other
10 counsel here. This is a one-page memo. I'll
11 give a copy to the reporter too and have it
12 marked Dudley Deposition 1. It's a one-page
13 document entitled memorandum from D.L. Dudley
14 dated February 26, 1987 and ask you to review
15 that.

16 (Dudley Deposition Exhibit No. 1
17 was marked for identification.)

18 BY MR. COLE:

19 Q Have you looked at that?

20 A I have reviewed it, yes.

21 Q Did you write this memo?

22 A I don't recall writing it.

1 Q Do you recall any of the
2 circumstances that are described in this?

3 A No.

4 Q While you were at Baker did you
5 ever have occasion to write memos to the
6 file?

7 A From time to time, yes.

8 Q Was that a common practice on your
9 part?

10 A I wouldn't say it was common, but I
11 did do memos to the file from time to time,
12 yes.

13 Q What file did it go to when it went
14 to the file?

15 A Typically, it would have gone to
16 the file that was associated with the
17 particular matter on which I was working.

18 Q Why would you write a memo to the
19 file?

20 A Various circumstances.

21 Q Could you describe what those
22 circumstances were?

1 A Well, I might write a memo to the
2 file, for example, if I wanted to recall at
3 some point in the future certain decisions
4 that had been made or certain steps that had
5 been taken or set forth certain issues that
6 might have been addressed or that might have
7 needed to be addressed.

8 Q Did Baker, to your knowledge,
9 occasionally send out memoranda to all of its
10 broadcast clients concerning developments of
11 common interest to all those clients?
12 Something called an All Client memo or
13 something along those lines?

14 A It's possible that it did, but I
15 don't recall.

16 MR. COLE: Let me show you this.
17 Again, I'll show copies to other counsel.
18 This is a memorandum to All Baker & Hostetler
19 Broadcast Clients from Jack Whitley with some
20 attachments. I'll give a copy to the
21 reporter and ask her to mark that as
22 Dudley 2.

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

3 BY MR. COLE:

4 Q Does this refresh your recollection
5 at all as to the type of All Client
6 memorandum that might have been sent out by
7 Baker & Hostetler?

8 A No.

9 Q Have you ever seen this document?

10 A This particular document?

11 Q Yes.

12 A May I review it?

13 Q Sure.

14 A I don't recall ever having seen it
15 before.

16 Q Thank you. Did you ever work with
17 Jack Whitley?

18 A I believe I did, if he's the
19 individual I'm thinking of.

20 Q To the best of your recollection
21 now, you were not involved in the preparation
22 of that document which we described as Dudley

1 Deposition No. 2.

2 A I don't recall being involved in
3 it, no.

4 Q Do you recall ever being involved
5 in the preparation of an Ownership Report for
6 Astroline to be filed with the FCC?

7 A No.

8 MR. COLE: Let me show you this,
9 again, I'll hand copies to everybody else,
10 which is a collection of handwritten notes
11 which were obtained from the Baker &
12 Hostetler files. Just by way of explanation,
13 the BH number at the bottom of the page is a,
14 I assume, a Baker & Hostetler Bates stamping.
15 So that's how you can identify it. I ask you
16 to look this over. I'd like the reporter
17 please to identify this as Dudley Deposition
18 No. 3.

19 (Dudley Deposition Exhibit No. 3
20 was marked for identification.)

21 BY MR. COLE:

22 Q While you're looking at Page 2 let

1 me ask you a question. Is that your
2 handwriting?

3 A It appears to be.

4 Q Could you please review that and
5 see if that refreshes your recollection?

6 A Sure.

7 MS. SCHMELTZER: Are we off the
8 record?

9 MR. COLE: No, we're on the record.

10 MS. SCHMELTZER: Harry, are you
11 asking him if that's his handwriting on
12 Page 1?

13 MR. COLE: No, Page 2.

14 THE WITNESS: Okay, I've reviewed
15 it.

16 BY MR. COLE:

17 Q Do you know now whether this is
18 your handwriting?

19 A It appears to be my handwriting.

20 Q I notice on Page 3 of this document
21 it looks like somebody put a name at the
22 bottom but then it was crossed out.

1 Do you see that?

2 A Correct.

3 Q Do you have any recollection as to
4 why that would be crossed out?

5 A No, I don't.

6 Q Do you have any recollection of the
7 circumstances in which this memorandum was
8 prepared?

9 A No, other than what's contained
10 here in the document indicating that the form
11 had apparently been handed to me.

12 Q Let's take it from the top.

13 A Okay.

14 Q It's addressed to Dale. Who is
15 Dale, do you know?

16 A I believe that would be Dale
17 Harburg.

18 Q The second line refers to a Tom,
19 "Tom handed me the form." Who would Tom be?

20 A I believe that would be Tom Hart.

21 Q Why would Tom have handed you the
22 form?

1 A Perhaps because I was working on
2 the Astroline appeal.

3 Q Do you know whose handwriting this
4 is in the margins which does not appear to
5 resemble the handwriting in the body of the
6 text?

7 A No, I do not.

8 Q Do you recall Mr. Hart giving you
9 this form at any time, a form to look at at
10 some point on or about July 24th?

11 A The form that is set forth in
12 this --

13 Q Yes.

14 A No, I do not.

15 Q Do you recall discussing the
16 Ownership Report with Ms. Harburg?

17 A No, I do not.

18 Q Do you recall discussing the
19 Ownership Report with Mr. Hart?

20 A No.

21 Q Do you recall discussing the
22 Ownership Report with anybody?

1 A No.

2 Q At Baker & Hostetler did you have
3 occasion to file any materials, whether they
4 would be reports or applications or
5 pleadings, with the Federal Communications
6 Commission?

7 A How do you define file?

8 Q That is to say, prepare and have
9 delivered to the Commission a document.

10 A I'm reasonably sure I would have
11 been involved in that process from time to
12 time as one of various attorneys working on a
13 particular matter.

14 Q Was it the standard practice in
15 that regard in connection with filing matters
16 with the FCC to retain a copy or send an
17 extra copy to the FCC to have stamped
18 returned and stamped received by the FCC and
19 brought back to Baker for the files?

20 A I don't recall.

21 Q In the handwritten memo which is
22 Deposition No. 3, there's a reference at the

1 bottom of the handwritten text that will be
2 Page 2 of the memo, which refers to 73.3613
3 contracts. Do you see that?

4 A Yes, I do.

5 Q What is a 73.3613 contract?

6 A I have no idea.

7 Q Do you recall reviewing Baker &
8 Hostetler files in order to resolve any of
9 the questions which are described in this
10 memo?

11 A No, I don't.

12 Q Do you recall making any efforts to
13 resolve the questions that are described in
14 this memo at the time of the memo or shortly
15 thereafter?

16 A No. I would imagine that I sent
17 the memo to Dale for purposes of addressing
18 those issues.

19 Q If she were responsible for
20 preparing the form, then she would have
21 resolved the questions one way or another.

22 A That would have been the way in

1 which it was usually handled.

2 MR. COLE: Let me show you a
3 document, and all I'm interested in, from
4 this multi-page document, interested in is
5 the first page. It's a telecopier cover
6 sheet from Baker & Hostetler addressed
7 apparently to Carter Bacon from Dale Harburg.
8 I want to direct your attention particularly
9 to the handwritten note in the upper
10 right-hand corner, and I'll give a copy to
11 the reporter, and ask you if you recognize
12 that handwriting.

13 (Dudley Deposition Exhibit No. 4
14 was marked for identification.)

15 THE WITNESS: Not affirmatively. I
16 can guess.

17 BY MR. COLE:

18 Q But you can't state for certain
19 that's Tom Hart's handwriting?

20 A No. I would have guessed it's Tom
21 Hart given the TH initials, but I don't
22 recall how his handwriting appeared.

1 Q Going back to the handwritten memo,
2 please, which is Deposition No. 3, on the
3 second page of that, the final paragraph
4 makes reference to questions concerning the
5 validity of Astroline certifying
6 non-involvement to certain of its principals.
7 Do you see that language?

8 A The final paragraph above the --

9 Q Above the marked out signature,
10 "Finally, can Astroline Company..."

11 A Yes, I do.

12 Q Do you have any recollection at all
13 of discussions between yourself and any other
14 persons concerning the question of the
15 validity of Astroline's certification of
16 non-involvement?

17 A No, I do not.

18 Q Do you recall anyone discussing
19 with you the validity of Astroline's
20 certification of non-involvement?

21 A No.

22 Q Just to make sure, I think you

1 already answered this, but let me just make
2 sure. Do you recall whether Ms. Harburg
3 spoke with you after receiving the memo, the
4 handwritten memo of July 24th?

5 A That's this memo?

6 Q The one in front of you, yes.

7 A No, I do not.

8 Q Do you have any recollection of
9 being involved at any time subsequent to
10 July 1987 in any matters relating to
11 Astroline's ownership?

12 A No, I don't.

13 MR. COLE: Let me show you this,
14 which is a document which we obtained from
15 Baker & Hostetler. I'll provide you a copy
16 and a copy to counsel and ask the reporter to
17 identify this as Deposition Exhibit No. 5.

18 (Dudley Deposition Exhibit No. 5
19 was marked for identification.)

20 BY MR. COLE:

21 Q I'll ask a couple of kind of
22 informational questions first. While you

1 were at Baker were you familiar with the
2 billing process at Baker, generally?

3 A Generally I think so, yes.

4 Q Could you describe how bills were
5 generated from the time attorneys turned in
6 their time slips to the time the bill came
7 out?

8 A Typically, I think you would record
9 your time on a day by day, hour by hour basis
10 on a time card, time sheet. I believe that
11 time was then turned in. I seem to recall
12 that there was somebody who served as kind of
13 a time sheet coordinator, if you will, who
14 would then take that information, turn it
15 into the appropriate department.

16 A bill would then be generated and
17 given to the partner in charge of the
18 particular matter. The partner in charge
19 would formulate that bill based on various
20 inputs that he or she received, including
21 their own and would then send the letter to
22 the client.

1 Q Again, looking now at Dudley
2 Deposition No. 5, this appears to be, and
3 correct me if I misstate this, a two-page
4 bill and then a computer generated printout
5 of time and disbursements.

6 A It would appear to be that,
7 correct.

8 Q Am I correct, going back to your
9 summary, that once attorney time slips and
10 disbursement slips were turned in, the
11 billing coordinator or administrator or what
12 have you would generate the printout and the
13 printout would go to the billing attorney to
14 review and then generate from that the final
15 typed bill which is the cover, two pages?

16 A To the billing attorney.

17 Q Right.

18 A Being the partner in charge, yes.
19 That's correct. I believe that's true.

20 Q Again, turning to the first page of
21 the document I just gave you, No. 5, just
22 using this as an example, the language which

1 is typed on to this, "FCC Matters and
2 General:" and then a variety of descriptions
3 of various projects, those would be generated
4 or written or approved by the billing
5 attorney, the billing partner, to the best of
6 your knowledge?

7 A Typically, yes.

8 Q As far as Astroline was concerned,
9 who was the billing partner?

10 A I believe it was Tom Hart.

11 Q Was he a partner at Baker at all
12 times while you were there?

13 A I believe he was, yes.

14 Q You were an associate. Is that
15 correct?

16 A Yes.

17 Q Let me refer you, look at the Baker
18 & Hostetler Bates stamp number at the bottom
19 for ease of reference and go to BH 1055.

20 Do you see that?

21 A Yes.

22 Q The next to the last line entry on

1 that page is dated 10/26/88 and says "Oc w/D.
2 Alpert and L. Bocchi re: Astroline ownership;
3 court's rulings in Shurberg" and the attorney
4 name listed there is D.L. Dudley.

5 Do you see that?

6 A That's correct.

7 Q Does that refresh your recollection
8 at all about any conversations you might have
9 had with anyone, including Ms. Bocchi or
10 Mr. Alpert?

11 A No, it does not.

12 Q Let me show you this, then. Keep
13 that open. I'm not sure it's going to help
14 you but that's the point of reference. That
15 is dated 10/26/88. "Oc," is that an
16 abbreviation for office conference?

17 A I believe so, yes.

18 Q Then "w/" would be with.

19 A Yes, Dan Alpert.

20 Q With Dan Alpert and Linda Bocchi.

21 A Yes.

22 Q So this would be an office

1 conference with D. Alpert and L. Bocchi and
2 you're the attorney named, would it be
3 correct then to assume you entered time for
4 having had an office conference with Dan
5 Alpert and Linda Bocchi?

6 A That is correct.

7 Q That conference according to your
8 records would have been one hour long.

9 A Correct.

10 Q Is it also correct that office
11 conference occurred on 10/26/88?

12 A I would have to assume it did.

13 Q The 10/26/88 date refers to the
14 time the work was actually performed as
15 opposed to the time it was put into the
16 system if you put it into the system a week
17 or two later?

18 A I believe so, yes. The date the
19 service was actually provided for the client.

20 MR. COLE: Let me show you this now
21 which is a letter dated September 8th. This
22 is just to try to give you some point of

1 reference to see if you can refresh your
2 recollection about whatever meeting may have
3 occurred.

4 It's a letter dated September 8th
5 from Ms. Bocchi to Mr. Ramirez transmitting
6 to him an FCC Form 316. I'd like to have
7 this marked as Dudley Exhibit No. 6.

8 (Dudley Deposition Exhibit No. 6
9 was marked for identification.)

10 BY MR. COLE:

11 Q Does that refresh your recollection
12 at all?

13 A I'm afraid it doesn't.

14 MR. COLE: Let me then show you a
15 letter dated September 7, '88, from Mr. Hart
16 to Mr. Ramirez. I'll give a copy to all
17 counsel, a copy to the reporter and request
18 that this be marked Exhibit 7.

19 (Dudley Deposition Exhibit No. 7
20 was marked for identification.)

21 BY MR. COLE:

22 Q See if that refreshes your

1 recollection at all.

2 A I'm afraid I'm still drawing a
3 blank.

4 Q Nothing at all.

5 A Nothing, absolutely nothing at all.

6 MR. COLE: Let me show you this
7 document. It's a memorandum dated
8 November 10, 1988 which, again, is
9 approximately two weeks after the time entry
10 in the billing record. I'd like to have this
11 marked Deposition No. 8.

12 (Dudley Deposition Exhibit No. 8
13 was marked for identification.)

14 THE WITNESS: Sorry, I've forgotten
15 the question.

16 BY MR. COLE:

17 Q The question is does this refresh
18 your recollection about any conversations you
19 had with Mr. Alpert and Ms. Bocchi concerning
20 Astroline ownership or restructuring?

21 A No, it does not. Given the date,
22 it's quite possible this was sent after I

1 left the firm.

2 Q If you left the firm in '88.

3 A If I left in '88, that's correct.
4 I can't recall which year I left.

5 Q Do you recall whether you left the
6 firm before or after Mr. Hart left the firm?

7 A I don't remember.

8 Q While you were at Baker did any
9 client ever send you mail addressed to you
10 but in care of another attorney?

11 MR. WICK: I will object to that
12 question. If you will focus on Astroline.

13 MR. COLE: I'm sorry. Well, let me
14 just show you an example of this which does
15 not have your name on it, but it is a letter
16 dated July 28, '87 addressed to Ms. Harburg
17 at Baker but in care of Mr. Hart. I'd like
18 to have that marked as Deposition No. 9.

19 (Dudley Deposition Exhibit No. 9
20 was marked for identification.)

21 BY MR. COLE:

22 Q I was curious as to why that was

1 addressed to an attorney at Baker in care of
2 another attorney at Baker. I was wondering
3 if you had ever seen that in your experience.

4 A I have no idea. I don't recall
5 ever having received or had a letter
6 addressed to me through another attorney.

7 MR. COLE: Let me show you one last
8 memorandum. I'll give you a copy and
9 distribute copies all around. It's a
10 one-page memorandum dated August 2, 1988 to
11 Thomas Hart from David L. Dudley. I ask you
12 to take a look at that.

13 (Dudley Deposition Exhibit
14 No. 10 was marked for
15 identification.)

16 THE WITNESS: I've read it.

17 BY MR. COLE:

18 Q Did you write this memo?

19 A I would presume so, given that my
20 name is typed here from me to Tom Hart. I do
21 not recall having written it.

22 Q Do you recall the circumstances

1 which might have led up to this? The
2 preparation of this memo.

3 A No, I do not.

4 Q Do you know who Fred Bolling is?

5 A No, I do not.

6 Q Do you know who Rich Ramirez is?

7 A I believe he was the manager of the
8 station owned by Astroline.

9 Q Do you recall why Mr. Bolling would
10 have instructed Baker & Hostetler attorneys
11 not to respond to Mr. Ramirez's queries?

12 A No. I could speculate. It could
13 have been concern over everything from legal
14 bills to whatever. But I don't recall
15 specifically why, no.

16 Q Would it be correct to conclude
17 from this memorandum that Mr. Bolling did
18 have the authority, in your view, to prevent
19 you from speaking with Mr. Ramirez?

20 A I wouldn't think so in terms of my
21 own opinion. That's probably why I wrote the
22 memo referring it to Tom Hart.

1 Q I'm sorry. Could you explain that,
2 please?

3 A Well, it says here in the letter
4 that "Given that you have recently informed
5 me that Fred Bolling has requested that we
6 perform no additional services...I am
7 referring John's call to you for a response,"
8 meaning that I had no opinion on the matter
9 myself but having been instructed by Tom
10 Hart, apparently, not to do any further work
11 under these circumstances, I simply referred
12 the request over to Tom.

13 So I would have no independent
14 knowledge one way or the other as to whether
15 Fred Bolling would or would not have
16 authority to make such a request.

17 Q You referred it back to Mr. Hart
18 because he was the billing partner for
19 Astroline?

20 A That's correct. I am speculating
21 here based on what's contained in this memo,
22 but it says, "Given that you have recently

1 informed me that Fred Bolling has requested
2 that we perform no additional services...I am
3 referring John's call to you," Tom Hart, "for
4 a response." So I was simply doing what the
5 partner in charge of the matter had
6 instructed me to do.

7 Q Mr. Dudley, you called me
8 approximately three weeks ago, I believe,
9 after you received notice of the deposition.
10 Prior to that time, when was the last time
11 you had spoken with anybody about Astroline?

12 A Prior to my departure from the
13 firm.

14 Q Which would be approximately 10
15 years ago.

16 A About 10 years ago, yes, that's
17 correct.

18 Q Since you and I spoke, have you had
19 occasion to speak with anybody else about
20 Astroline?

21 A Yes, I have.

22 Q Who?

1 A I contacted attorneys at Baker &
2 Hostetler.

3 Q Have you spoken with anybody
4 besides Baker & Hostetler attorneys?

5 A No, I have not.

6 Q Current Baker & Hostetler
7 attorneys.

8 A No, I have not. I should amend
9 that answer to note that I did let my boss
10 know that I had been subpoenaed --

11 Q Duly noted.

12 A For this morning.

13 MR. COLE: I have no further
14 questions. I appreciate your coming down.
15 Do you have questions, Counsel?

16 MS. SCHMELTZER: I have no
17 questions.

18 MR. COLE: That's it. We're out
19 early. We can go off the record.

20 (Discussion off the record)

21 MR. COLE: Back on the record.
22 Just for clarification purposes, Kathy,

1 Ms. Schmeltzer has asked, and I was going to
2 do this on the assumption everybody else was
3 going to be here. Right now I scheduled
4 Linda Bocchi for August 20th, a week from
5 today, at 11:00.

6 MS. SCHMELTZER: Slow down, please.

7 MR. COLE: I'm sorry. Linda
8 Bocchi, August 20th, 11:00 a.m. Dan
9 Alpert, 8/25 at 10:00 a.m. Dale
10 Harburg, 8/26, 10:00 a.m. All of these would
11 be here in our offices.

12 Kathy, this is relevant
13 particularly to you. I'm withdrawing
14 Mr. Ramirez's notice of deposition. I'm also
15 withdrawing Mr. Bolling's, Mr. Sostek,
16 Mr. Neble, Mr. Simowitz, I've spoken with Ron
17 about that, and Mr. Lance. I'm still trying
18 to get in touch with Mr. Bacon's counsel
19 about getting him scheduled probably up in
20 Boston. But, again, he has been
21 noncommunicative so far.

22 The only other two depositions

1 which I'm at this point inclined not to do
2 but I'm not going to withdraw them yet are
3 Hayes and Davenport. But at this point, as I
4 say, I'm leaning away from both Hayes and
5 Davenport which would mean just the three
6 that are scheduled; possibly Bacon, after
7 that.

8 MR. WICK: If I could just add that
9 I am awaiting confirmation of Dale Harburg's
10 availability on the 26th. I believe that she
11 is, but she is out of town right now and I
12 have not confirmed this with her. She is on
13 vacation. She does not return until
14 the 24th. She indicated to me before she
15 left that she didn't have any conflicts in
16 the immediate future after she returned, so
17 it should be fine.

18 MS. SCHMELTZER: Is there any way
19 we could agree to schedule it on the 27th
20 instead of the 26th?

21 MR. COLE: Sure. If that's okay
22 with Ron.

1 MR. WICK: I'm free both days, and
2 I think she's free both days.

3 MR. COLE: I'm perfectly happy to
4 have it on the 27th. If you can, notify Dale
5 and I'll do a letter all around to counsel.
6 I scheduled Bocchi and Alpert last night. I
7 don't think I have anything else for the
8 record so we can go off the record now.

9 (Whereupon, at 10:45 a.m., the
10 deposition of DAVID L. DUDLEY
11 was adjourned.)

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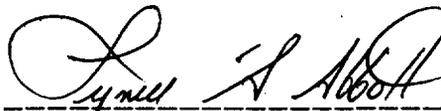
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CERTIFICATE OF NOTARY PUBLIC

I, Lynell C.S. Abbott, the officer before whom the foregoing deposition was taken, do certify that on August 13, 1998, DAVID L. DUDLEY, whose testimony appears herein, was duly sworn by me; that the testimony of said witness was taken by me in machine shorthand and thereafter reduced to writing by means of computer-aided transcription; 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 the action in which this deposition was taken, and further that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.



 Lynell C.S. Abbott
 Notary Public in and for
 The District of Columbia

My commission expires: March 31, 2002

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