

1 Q Did you ever ask your mother if she signed that
2 document?

3 A I never asked her, no.

4 Q Why not?

5 A It doesn't look like her handwriting.

6 Q Did you ever ask your dad if he signed your name?

7 A No. I never asked him.

8 Q Pardon?

9 A I never asked him.

10 Q Did you ever ask your mom if that's her
11 handwritten date in there?

12 A No.

13 Q Exhibit 52, page 14, please.

14 (Pause)

15 Q During the weeks immediately following October 2,
16 1996, you were at school, correct?

17 A Yes.

18 Q So it's your testimony you never saw this
19 particular document, the original of it?

20 A I never saw it before this, no.

21 Q Before this litigation started?

22 A Yes, sir.

23 Q Did you ever ask your mother if she had received a
24 copy of your license?

25 A You mean in '96?

1 Q Yes, ma'am.

2 A No, I wouldn't have. I didn't know there was a
3 license.

4 Q Well, since this litigation has started, did you
5 ever ask your mother if she got a copy of this, page 14 of
6 exhibit --

7 A No, sir.

8 (Pause)

9 Q Exhibit No. 2, please.

10 (Pause)

11 Q Just so the record is clear, ma'am, since the time
12 you learned about this license that was in your name from
13 1996, you know the license I'm talking about?

14 A Yes.

15 Q Since the time you first learned about this
16 license that's at issue, have you ever talked to your Uncle
17 Ron about that license?

18 A No, sir. I have not.

19 Q Have you ever talked to your Aunt Pat about that
20 license?

21 A No, sir. I have not.

22 Q Have you ever talked to David about the license?
23 David Brasher?

24 A No, sir.

25 Q How about Diane?

1 A No, sir.

2 Q Did you ever, ma'am, have an understanding that
3 Uncle Ron's attorneys were going to be handling whatever
4 issues might arise on your behalf pertaining to that 1996
5 FCC license?

6 A No, I did not.

7 Q Did you ever ask your father about what was going
8 to be done with that license, or any issues that might arise
9 from a legal standpoint?

10 A No.

11 Q Did you care? Did you do anything about it?

12 A No, I never did anything about it.

13 Q When the Net Wave petition came, did you ever have
14 the understanding that perhaps somehow you could be fined by
15 the FCC?

16 A No, I didn't.

17 Q Did you ever hear your father discuss in your
18 presence any understanding or fear that he had that he could
19 be fined by the FCC?

20 A No, not at that point, no.

21 Q I'm talking about any point.

22 A No.

23 Q You've never heard your father --

24 A Well, maybe this past couple of months, but no,
25 not when this first came out. No.

1 THE COURT: When you say this past couple of
2 months, what's the name date of the HDO in this case? The
3 hearing designation order.

4 MR. PEDIGO: Late August, Your Honor.

5 MR. ROMNEY: August 20, 2000.

6 THE COURT: Okay.

7 Do you remember there came a point in time when
8 you were named parties to this FCC case?

9 THE WITNESS: Yes, sir.

10 THE COURT: And there was an order issued that
11 said we're going to look into this issue and that issue and
12 the other issue?

13 THE WITNESS: Yes, sir.

14 THE COURT: And there was a part in there talking
15 about maybe being fined? Paying a forfeiture. Do you
16 remember --

17 THE WITNESS: I don't recall that.

18 THE COURT: I'd show it to you except I don't
19 think anybody in the room's got a clean copy of it.

20 Do you have one?

21 MR. PEDIGO: Yes, Your Honor.

22 THE COURT: Thank you.

23 We look at this in terms of hearing designation
24 order, and your name is up in all that caption, that's what
25 we call a caption.

1 Why don't you look at it, and the question is, do
2 you recall seeing it, and if so, about when? And you notice
3 the release date here? August. That's the timeframe we're
4 talking about. From then until now.

5 THE WITNESS: I don't really recall seeing this,
6 no. But then, you know, I mean I could have seen it in
7 passing. But there's so many papers and they all look
8 similar, you know?

9 THE COURT: The question I had was, since late
10 August, and it's basically the same question Mr. Romney had.
11 From late August until today did you ever hear your father
12 express concern that for instance he might be fined as a
13 result of this litigation?

14 THE WITNESS: I never heard him actually say that,
15 that he was concerned about being fined. But you can tell
16 when your father's concerned about something and that he's
17 upset about something. My sister came out and expressed
18 concern of being fined, but my father never came out with
19 those words.

20 THE COURT: But you had a feeling from knowing
21 your father your entire life that he was concerned about
22 this litigation?

23 THE WITNESS: Yes. He's been concerned the whole
24 way through.

25 THE COURT: And upset?

1 THE WITNESS: Yes.

2 BY MR. ROMNEY:

3 Q Since late 1997 when you saw the Net Wave petition
4 you've understood that your father had the understanding
5 that somehow he could lose his CPA license?

6 A Yes. He expressed that concern.

7 Q And as you understand it, if your dad were to lose
8 his CPA license, he's lost his ability to earn an income,
9 hasn't he?

10 A Yes.

11 Q And that was a concern for him?

12 A Yes.

13 Q It was a concern for you?

14 A Yes.

15 Q Was your mother concerned as well?

16 A Yes.

17 Q How about Jennifer?

18 A I think about all of us.

19 Q Were you concerned, ever, ma'am, that you could
20 lose your registered nurse certification?

21 A Yes.

22 Q And you had that fear since late 1997?

23 A Well, since I guess '98, since I didn't get it
24 until '98. I didn't take my Boards until '98.

25 Q So basically all the time you've been a registered

1 nurse you've been afraid that this FCC action could somehow
2 result in you losing that RN certification, is that right?

3 A Yes. Uh huh.

4 Q Did you understand that anybody was going to be
5 doing legal work to help you on this other than Mr. McVeigh?

6 A Not other than Mr. McVeigh. No.

7 Q Did you ever contact an attorney?

8 A No, I did not.

9 Q You basically have followed your father's advice
10 and counsel to you on this matter, is that correct?

11 A Yes, sir.

12 Q I'll ask you please to turn to Exhibit 19, page
13 216.

14 (Pause)

15 Q Are you okay, ma'am?

16 A Yes.

17 Q Do you have before you page 216 of Exhibit No. 19?

18 A Yes, sir.

19 Q You stated at the very beginning, the first time
20 you looked at that, that that looked like your signature,
21 right?

22 A It looks like my signature, but it's not my
23 signature.

24 Q Then what is it about it other than the fact that
25 you don't recall signing this document that makes you say

1 that it's not your signature?

2 A Because that's the only reason. I don't recall
3 signing this document.

4 Q So just the fact that you don't recall signing the
5 document makes you say this isn't your signature?

6 A Yes, because I did not sign the document.

7 Q Is that date written in your hand?

8 A No, it's not.

9 Q There's nothing about the letters though in the
10 signature or anything, the way they slant or anything like
11 that that would make you say immediately that's not my
12 signature?

13 A Other than they go up and come back down a little
14 bit. I mean -- I probably would have signed it on the line
15 if I had signed it.

16 THE COURT: You're referring to the fact that your
17 name is kind of slanted up --

18 THE WITNESS: -- up that way, and then this kind
19 of goes back down.

20 THE COURT: So Melissa's kind of slanted up and
21 Sumpter's kind of slanted down?

22 THE WITNESS: Uh huh.

23 THE COURT: Is that a yes?

24 THE WITNESS: Yes.

25 THE COURT: And your testimony was if you were

1 signing it the signature would have been straight on the
2 line?

3 THE WITNESS: Yes.

4 BY MR. ROMNEY:

5 Q Exhibit 52, page 10 if you would, please ma'am,
6 and hold open that Exhibit 19, page 216 if you would.

7 (Pause)

8 Q Do you have that in front of you, ma'am?

9 A Yes, sir.

10 Q And that is your signature?

11 A That is my signature.

12 Q Do you notice the Sumpter part's written a little
13 bit above the line?

14 A Yeah, a little bit.

15 Q Okay. Is that your date?

16 A That's my date.

17 Q You don't question the fact that this is your
18 particular signature on this document, do you? Page ten of
19 Exhibit No. 52?

20 A No, because I remember signing this one and what I
21 signed it for.

22 Q Did you sign that document on or about the 28th of
23 January 1998?

24 A I signed it on that date.

25 Q Prior to that date you had sent the letter to your

1 aunt and uncle, do you recall that, the 11/27 letter?

2 A I think it was 11/29.

3 Q Exhibit No. 53. That is your signature as well,
4 ma'am?

5 A That is my signature.

6 Q And you said you didn't write that letter but you
7 signed it, right?

8 A Yes, sir.

9 Q When did you sign that document?

10 A Probably on that date that it was written. I was
11 still home from Thanksgiving as of that date.

12 Q Were you graduated by the time you signed --

13 A No, I was just on Thanksgiving break.

14 Q I'm sorry. My question is, by the time you signed
15 Exhibit No. 52, page 10, that assignment of authorization,
16 on January 28th, 1998, had you graduated by then?

17 A I had graduated December '97. Yeah.

18 Q Do you remember where you were when you signed the
19 assignment form which is page 10 to Exhibit 52?

20 A I think at my house -- my parents' house.

21 Q And do you know where you were when you signed
22 Exhibit No. 53?

23 A The letter? I was at my parents' house.

24 Q And you stated that you never signed anything at
25 your aunt and uncle's house?

1 A I've never signed anything at their house.

2 Q Would you look at Exhibit 48 please, ma'am?

3 (Pause)

4 Q Did you send a letter like that to your aunt and
5 uncle, Exhibit 48?

6 A No, sir.

7 Q Did you see your mother sign this document?
8 Exhibit 48?

9 A No, sir.

10 Q Did you know anything about its preparation?

11 A Yes, sir.

12 Q Tell us what you know about the preparation of the
13 document, ma'am.

14 A Because they signed, my parents signed those 800
15 forms, and that's the reason that they wrote this letter.
16 That's all I know.

17 Q And you did not sign an 800A?

18 A I did not sign.

19 Q That's because your dad told you not to?

20 A He advised me not to.

21 Q On June 22, 1996, everybody stipulated while you
22 were present that that was a Saturday. Do you recall that,
23 ma'am?

24 A Yes, sir.

25 Q You're not telling the Court that you did not go

1 to your aunt and uncle's house on that day, are you?

2 A I can't say that I did not go over there. I went
3 over there some Saturdays, but it wasn't every Saturday.

4 Q But you can't say categorically that on that day
5 you did not go to your aunt and uncle's house?

6 A I can't say that I did not go over there, no. I
7 can't recall going over there, but --

8 Q I'll ask you to look again at Exhibit 19, page
9 216, ma'am. Do you have that in front of you?

10 A Yes, sir.

11 Q Didn't your mom have a copy of that and show it to
12 you?

13 A No, she did not.

14 Q Do you have any knowledge about these different
15 kinds of radio systems that your uncle's business has?

16 A No, sir. I don't.

17 Q Do you know the difference between a T-band and an
18 800 system?

19 A No, sir.

20 Q Do you know what kind of mobile phone was in your
21 sister's car? What kind of a system that was on?

22 A No, sir.

23 Q Do you know if your mother had any prior FCC
24 licenses in the early '90s?

25 A Not that I'm aware of. Until this started.

1 Q At the time you signed the license that you recall
2 signing, the application that you recalled signing in the
3 early 1990s, did you know if Jennifer had signed one like
4 that?

5 A No, I wasn't aware.

6 Q Did you know if Norma had signed one like that?

7 A No.

8 Q Did you know if Jim had signed one like that?

9 A No.

10 Q Did you ask anybody if any of those three people
11 had signed a similar license like that?

12 A No.

13 Q Did you think you were the only person signing a
14 license like that?

15 A I didn't really know.

16 Q The Net Wave petition was mailed to you at your
17 home address, is that right?

18 A It was there when I got home, so yes, I guess --

19 Q Do you recall the address that was on it?

20 A On the envelope?

21 Q Yes, ma'am.

22 A No, I do not.

23 Q Did you receive copies of FCC communications at
24 your parents' home address?

25 A I only received that, the 800 form, and then that

1 letter that said that it was canceled.

2 Q Did you receive the form 800A at your house?

3 A I think I did, yes.

4 MR. ROMNEY: Excuse me, Your Honor. Just a
5 second.

6 (Pause)

7 BY MR. ROMNEY:

8 Q I'll refer you to Exhibit 52, page eight.

9 (Pause)

10 Q You believe this is the document you received at
11 your parents' house?

12 A I believe it was, yes.

13 Q Even though the address is incorrect?

14 A Even though the address is wrong. Some of it made
15 it, some of it didn't.

16 MR. WILSON: I'm sorry, what --

17 THE WITNESS: I'm saying some of the mail made it
18 and some of it didn't. Supposedly there was another one
19 like this mailed, too. I never got that one.

20 BY MR. ROMNEY:

21 Q Would you turn to page 12 of Exhibit 52 as well,
22 ma'am?

23 (Pause)

24 Q Did you also receive that document at your
25 parent's house?

1 A As far as I can recall I did, yes.

2 Q That one also is addressed incorrectly?

3 A Yes, it is.

4 Q So it wasn't until this litigation that you
5 learned for the first time that your mother held FCC
6 licenses in the early '90s?

7 A Correct.

8 MR. ROMNEY: Pass the witness, Your Honor.

9 THE COURT: Mr. Pedigo?

10 Anybody need a break?

11 (No audible response)

12 THE COURT: Okay.

13 BY MR. PEDIGO:

14 Q Good afternoon, Ms. Sumpter. My name is Lawson
15 Pedigo. Myself and Ronnie Wilson, we're representing your
16 cousin Dave Brasher and his wife Diane Brasher.

17 I wanted to ask you one question on the Net Wave
18 petition, Exhibit 1. And in particular, if you could look
19 at --

20 Well, before I put you to a specific page, let me
21 ask you a question.

22 Do you remember receiving your own copy of this
23 Net Wave petition?

24 A Yes, sir.

25 Q You do?

1 A I remember -- Yes.

2 Q If you could look at page 65, please. Do you see
3 your name on that list of addressees?

4 A Yes, sir.

5 Q Could you tell us where you received your copy of
6 this Net Wave petition?

7 A That's the wrong address, but I guess it was at my
8 parents' --

9 Q I'm sorry. If you could talk slower and a little
10 louder, please.

11 A I would guess it was 4406 Harbinger, even though
12 that's the wrong address.

13 Q Thank you for that.

14 So even though you lived at the different address,
15 this is the address that was used by the Net Wave lawyer
16 when they mailed this document to you. Is that correct?

17 A I mean I don't remember seeing the envelope, so I
18 couldn't tell you that that was the address on there, but I
19 would guess it would have been.

20 Q So this is yet another document that was mailed to
21 you at 4008 Harbinger Driver that you do admit receiving.

22 A Yes.

23 Q Let me turn your attention back to Exhibit 52,
24 page 14. Are you there?

25 A Yes.

1 Q And do you see the same 4008 Harbinger Drive
2 addressed used on this document as well?

3 A Yes.

4 Q So this is yet another document that would have
5 been mailed to you at the 4008 Harbinger Drive address, is
6 that correct?

7 A I don't know. I never saw this before this
8 started.

9 Q Then my followup question would be you don't
10 recall this one being received by you?

11 A I don't recall receiving this, no.

12 Q In all the conversations that have surrounded
13 these applications that were originally submitted in June of
14 1996, did you ever have to talk with Dave or Diane about any
15 of these application issues?

16 A No, sir.

17 Q In fact isn't it true that their name has never
18 come up in any connection with submitting these applications
19 or any of the controversy surrounding these applications.
20 Isn't that true?

21 A To my knowledge, that's true.

22 Q The document that you submitted which is that same
23 Tab 52, page 10, could you look at that, please?

24 (Pause)

25 Q Again, if you can tell us what is your

1 understanding of the affect of this document once the FCC
2 receives it and acts on it.

3 A I understood this would transfer the license out
4 of my name and under DLB.

5 Q And I think you previously told us that was what
6 your desire was, is that correct?

7 A Yes, sir.

8 Q And you communicated this desire to Mr. Ron
9 Brasher in either late November or early December of 1997,
10 is that correct?

11 A With that letter?

12 Q Yes.

13 A Yes.

14 Q And in response to that letter you were informed
15 by Mr. Ron Brasher that they would transfer that license, is
16 that correct?

17 A I never got a response --

18 Q I'm sorry?

19 A You mean did I get a response to that letter?

20 Q Okay, we can start there.

21 Did you ever get a response to your November 29th
22 letter?

23 A Yeah, I think we did.

24 Q What do you recall that response to be?

25 A I can't remember. I'd have to look at the letter.

1 Q I'm sorry. You have to speak louder.

2 A I can't remember. I'd have to look at the letter
3 again.

4 Q Part of your request was to transfer the license
5 from your name into the name of DLB Enterprises, or at least
6 out of your name. Do you recall that?

7 A Yes.

8 Q So in response to your request you did have your
9 uncle provide you with a form to comply with that request,
10 is that true?

11 A That's true.

12 Q And there was no communication from your uncle to
13 the effect that he had to keep it in your name or he
14 wouldn't respond to your wishes. Isn't that an accurate
15 recitation of how your uncle responded?

16 Let me try that again.

17 When you asked your uncle to transfer the license
18 he readily agreed to do that, isn't that true?

19 A AS far as I understood. That's when he brought
20 these forms to us.

21 Q And within several weeks, over the holiday season,
22 you were provided the necessary forms to make your desires
23 become the fact, isn't that correct?

24 A I signed this form so that it would happen.

25 Q That's all I'm asking.

1 A Okay.

2 Q In your mind that was a timely response to your
3 request, isn't that true?

4 A Yes.

5 Q I want to ask you, and I apologize, I'm going back
6 to page 65. But you can accept my representation that page
7 65, Exhibit 1, is that the certificate of service says that
8 this was provided on the 14th day of November 1997 through
9 the United States mails, first class postage pre-paid, to
10 you at that 4008 Harbinger Drive address. Can you accept
11 that representation? That this was mailed on 14 November
12 1997?

13 A Sure.

14 Q Your letter to Ron and Pat which is Exhibit 53,
15 was dated November 29, 1997, some two weeks later, is that
16 correct?

17 A Yes.

18 Q I think you testified earlier, when you came home
19 for the Thanksgiving holidays in fact both of these --
20 That's when you first saw this Net Wave petition, is that
21 correct?

22 A Yes.

23 Q At that same time, the Thanksgiving holiday, that
24 is, that's when this letter would have been prepared for you
25 to sign, is that correct?

1 A Yes.

2 Q So by the time this Net Wave petition had been
3 served on other members of your family -- strike that.

4 What was the form of Exhibit 53 when your father
5 first presented it to you for your signature?

6 A I don't understand what you're asking.

7 Q What kind of changes did you have to make to
8 Exhibit 53 before you were satisfied it was ready to sign?

9 A I didn't make any changes that I recall.

10 Q How long did you have to wait between when your
11 dad gave it to you for your signature and then when you
12 actually signed it to send it to your Uncle Ron and Aunt
13 Pat?

14 A Just long enough for him to come home with it, and
15 then he asked me to read it, and if it was okay with me to
16 sign it.

17 Q How long did that whole chain of events take? Is
18 it 15 minutes to look at this letter and then sign it? You
19 tell me.

20 A Well, he typed it at his office and it takes about
21 ten minutes to get home. I mean I don't know when they
22 typed it that day. He gave it to me probably before dinner
23 and I looked at it and signed it. Probably five minutes.

24 Q Before it was typed did your dad tell you what was
25 going to be in that letter?

1 A Yes. I mean he told me he was going to write a
2 letter.

3 Q At that time tell us everything you remember about
4 the discussion involving the contents of the letter, Exhibit
5 53.

6 A The discussion about the letter before he typed
7 it?

8 Q The discussion you had with your father or anyone
9 in your family about what would be the contents of this
10 letter.

11 A I don't know if we had any -- I don't recall a
12 discussion. He just told me that he was going to write a
13 letter to them because we wanted our -- I guess that was the
14 discussion, that we wanted our names taken off. We wanted
15 our names transferred and not to be used again.

16 Q So other than that, that he was going to prepare a
17 letter with your signature to get the names taken off. Is
18 that the extent of the discussion you recall with your
19 father prior to the letter being typed?

20 A Yes.

21 Q Is it your testimony he went to the office, had
22 the letter typed, and returned home, right?

23 A Yes.

24 Q You read the letter and then immediately signed it
25 without making changes, is that correct?

1 A Yes.

2 Q You provided the letter to your father so he could
3 mail it back to Ron and Pat, is that what happened next?

4 A Yes.

5 Q At the time this chain of events took place, how
6 long had you had the Net Wave petition in your possession,
7 or how much time had transpired between when you read the
8 Net Wave petition and you signed this letter?

9 A I don't remember what day I came home that year.

10 Q Was it the same day that you came home?

11 A No, I would have come home before then, because
12 that was probably after Thanksgiving, but I don't know when
13 Thanksgiving break started that year. It starts different
14 every year.

15 Q Okay.

16 Does it appear to you that there had been some
17 other conversations between your father and your mother and
18 the Brashers, from reading this letter?

19 A I don't know. I can't say whether there was or
20 not.

21 MS. LANCASTER: Your Honor, I hate to interrupt,
22 but can we go off the record for one moment?

23 THE COURT: Let's take a ten minute break.

24 (Recess taken)

25 THE COURT: On the record.

1 BY MR. PEDIGO:

2 Q Ms. Sumpter, I want to make sure I understood your
3 Direct testimony correct. The one FCC license application
4 you recall making was for the purpose of receiving a radio
5 to do what?

6 A The one I recall signing?

7 Q Yes.

8 A Was just a favor to my aunt.

9 Q What was going to be the use of the radio that you
10 would have maintained pursuant to that license?

11 A I have no idea.

12 Q Where was the radio going to go?

13 A I have no idea.

14 Q Was this the one that was going to have anything
15 to do with your car or anything?

16 A Not that I'm aware of. No.

17 Q But you understood that was for the benefit of Ron
18 and Pat, is that correct?

19 A Yes.

20 Q Was there any discussion at that time that if that
21 application was approved, that the license would then be
22 transferred from their name, or from your name to someone
23 else's name?

24 A I understood that if it was approved it would be
25 transferred to my uncle, or to DLB.

1 Q If you could look at Exhibit 48, please. Do you
2 see that letter?

3 A Yes, sir.

4 Q This is from your mother to Ron and Pat Brasher,
5 is that correct?

6 A Yes, sir.

7 Q She indicates that they, meaning Ron and Pat, have
8 advised her she qualified to have this license, and they
9 furnished her the information in this letter. Do you see
10 that?

11 A Yes.

12 Q It also says the application for a license was
13 their idea and strictly for their benefit, is that correct?

14 A Yes.

15 Q Now isn't that the same explanation you recall
16 hearing in connection with the application that you
17 prepared?

18 MS. LANCASTER: Objection, Your Honor. There is
19 no evidence or testimony that she prepared an application.

20 THE COURT: Rephrase it, please.

21 BY MR. PEDIGO:

22 Q The application you testified that you remember
23 signing, are you with me so far?

24 A (No audible response)

25 Q What do you recall the explanation for that

1 license to be? Or that application to be?

2 A It was just a favor to my aunt and uncle.

3 Q And it was, is it your understanding it would have
4 been their idea and it would have been strictly for their
5 benefit?

6 A It was their idea.

7 Q And it was for their benefit?

8 A Yes.

9 Q If you turn and look at the first paragraph of
10 Exhibit 48, do you see that?

11 A Yes.

12 Q Isn't that the precise description of the basis
13 behind the application your mom's talking about?

14 MR. McVEIGH: I'm going to object. I think the
15 question is vague. I don't understand what application he's
16 referring to.

17 THE COURT: Does the witness understand the
18 question?

19 THE WITNESS: No.

20 THE COURT: Why don't you rephrase it.

21 MR. PEDIGO: Okay.

22 BY MR. PEDIGO:

23 Q Do you see the first paragraph of Exhibit 48? Do
24 you see that?

25 A Yes.