

1 Q Do you know anything about a second account?

2 A No.

3 Q And the Brasher account, there is one checking
4 account for that, also?

5 A There is one business account that I am
6 responsible for.

7 Q Okay. Explain the difference between a business
8 account and a checking account.

9 A It's a business checking account.

10 Q Okay. I misunderstood what you meant. Do you
11 write checks on the DLB account?

12 A Yes, ma'am.

13 Q Who else has check-writing authority?

14 A David, Ronald, Patricia.

15 Q So all four of the officers have check-writing
16 authority for the DLB account?

17 A Yes.

18 Q Okay. How about for the Brasher account?

19 A I think it's the same. I don't -- except David.
20 Patricia, Ronald, and myself.

21 Q What is the DLB checking account used for? The
22 one that you are familiar with.

23 A All of the payables. All the payables of the
24 company.

25 Q Payroll comes out of that account?

1 A No. There is, I knew there was another one.
2 There is a DLB payroll account.

3 Q And is it strictly an account for payroll?

4 A Yes, ma'am.

5 Q Any other expenditures that are made on behalf of
6 DLB would be made out of the DLB, the first DLB account that
7 you talked about?

8 A Yes.

9 Q So if you wanted to buy office equipment, it would
10 come out of that account?

11 A Yes.

12 Q If you wanted to buy office supplies, it would
13 come out of that account?

14 A Yes.

15 Q If you wanted to pay site fees, if you had any
16 site fees, would it be paid out of that account?

17 A Site?

18 Q Site rental fees.

19 A For repeaters?

20 Q Right.

21 A That would come out of the Brasher account.

22 Q If you wanted to buy repeaters, would it come out
23 of that account?

24 A I have never purchased anything that large, so I
25 am not sure.

1 Q Okay. What is the Brasher account used for?

2 A The expenses of the sites.

3 Q Would that be the tower lease fees, for example?

4 A Yes, ma'am.

5 Q Any other fees besides tower rents that would come
6 out of the Brasher account?

7 A Occasionally there are licensing fees that come
8 out of there.

9 JUDGE STEINBERG: There are what?

10 THE WITNESS: Licensing fees.

11 JUDGE STEINBERG: Licensing fees. Thank you.

12 BY MS. LANCASTER:

13 Q Anything else that you can think of that would
14 come out of those accounts.

15 A I don't think so, no.

16 Q You stated that David, Ron, and Pat all have
17 check-writing authority on the DLB account. Does David
18 write checks for DLB?

19 A No.

20 Q Has he ever, as far as you know?

21 A No.

22 Q Does Ron write checks for DLB?

23 A No.

24 Q Has he ever, as far as you know?

25 A No.

1 Q Pat write checks for DLB?

2 A Yes.

3 Q You write checks for DLB?

4 A Yes.

5 Q Any other person write checks on the DLB account
6 that you are aware of?

7 A No.

8 Q Carolyn Lutz ever write checks on the DLB account?

9 A Yes.

10 Q What are the circumstances under which she would
11 write a check on the DLB account?

12 A If Pat would have asked her to write a check. If
13 I wasn't there, Pay could have asked her to write a check.

14 Q Did you ever ask her to write a check?

15 A No, ma'am.

16 Q As far as you know, if Carolyn Lutz ever wrote a
17 check on the DLB account, it would be with permission of
18 Pat?

19 A Yes, ma'am.

20 Q There has never been any allegations that she
21 misused that --

22 A No, ma'am.

23 Q -- did she? How about the Brasher account? You
24 stated that Pat, Ron, and you have check-writing authority
25 for the Brasher account. Has Ron ever written a check on

1 the Brasher account?

2 A No.

3 Q None that you are aware of?

4 A No.

5 Q Pat write checks on the Brasher account?

6 A Yes.

7 Q And you write checks on the Brasher account?

8 A Yes.

9 Q Carolyn Lutz ever write checks on the Brasher
10 account?

11 A I don't -- no, not to my knowledge.

12 Q Okay. Ms. Brasher, how difficult is it to
13 determine the revenues for a particular station?

14 A The way our accounting is set up, we don't break
15 our revenues down into stations. They are broken down into
16 what I call, refer to as repeater systems -- 900, T-Band,
17 and maintenance. Those are the three, I believe those are
18 the three categories on our GL that our revenues are broken
19 down into.

20 Q Okay. But if I wanted to find out the revenue of
21 a particular station, how difficult is it to do that?

22 A I don't know.

23 Q Could you do it?

24 A No.

25 Q If I wanted to find out the specific expenses paid

1 for the operation of a particular station, how difficult is
2 that to do?

3 A I'm sure it could be done. Let me back up. When
4 I said no, I can't break it down, I could break it down if
5 someone gave me the figures. I could come up with the
6 expenses if someone gave me the figures for how much time
7 the service department spent on the repeaters, or on the
8 stations.

9 Q Now, that is as far as expenses you are talking
10 about now, right?

11 A Right.

12 Q But revenues, do you keep the documents to be able
13 to determine what the revenue is of each particular station?

14 A No, ma'am.

15 Q Have you ever tried to do that before?

16 A No, ma'am.

17 JUDGE STEINBERG: Tried to do what?

18 MS. LANCASTER: Figure out the revenue of a
19 particular station.

20 THE WITNESS: Our accounting system isn't set up
21 that way. It's never been set up that way.

22 BY MS. LANCASTER:

23 Q I understand that your, I understand your
24 testimony that your accounting system is not set up that
25 way.

1 But my question is, if you wanted to know, I am
2 trying -- if you wanted to know what a particular station,
3 what the revenue was for that station, how difficult would
4 it be to make that determination? Could you do it?

5 A I don't know. I don't know.

6 Q You have never tried to do it.

7 A No.

8 Q You are not familiar with documents where you
9 would go to look to find that.

10 A No.

11 Q As far as expenses for a particular station, can
12 you look at the documents that you are familiar with and
13 tell me what the expenses are for a particular station?

14 A No.

15 Q You have never tried to do that.

16 A Right.

17 Q Are you aware that in 1995, 1996 time period, that
18 there was a lot of discussion at DLB regarding the need to
19 expand, the need for additional spectrum?

20 A No, ma'am.

21 Q You never participated in any conversations
22 regarding that?

23 A No, ma'am.

24 Q You never overheard any conversations regarding
25 that?

1 A No.

2 Q Okay. Were you aware that a license, an FCC
3 license application had been submitted in the name of Ruth
4 Bearden?

5 A No, ma'am.

6 Q Do you know who Ruth Bearden is?

7 A Yes.

8 Q Is that the name you knew her by?

9 A Yes.

10 Q You knew her as Ruth Bearden?

11 A I knew that was her name.

12 Q What did you call her?

13 A I think we called her Greatmaw.

14 Q Okay. Was she commonly called Ruth Brasher?

15 A Oh, I'm sorry. Yes, yes.

16 Q She did not use the name Bearden, did she?

17 A No, she did not use the name Bearden. I'm sorry.

18 Q She used the name Brasher.

19 A Yes. Ruth Brasher.

20 Q I believe you stated you were not aware that there
21 was a license submitted in her name?

22 A Yes, that's correct.

23 Q When did you first learn that there was a license
24 submitted in her name?

25 A Recently.

1 Q What does recently mean?

2 A The last year, or perhaps during all this Net Wave
3 investigation. I don't think I was aware before then.

4 Q Who told you?

5 A I'm not sure who told me. I think it was just
6 general discussion.

7 Q General discussion of the investigation and the
8 progress of the investigation, that type of thing, you are
9 talking about?

10 A Yes.

11 Q Were you aware that a license application, FCC
12 license application had been submitted in the name of
13 O. C. Brasher?

14 A No, ma'am.

15 Q Do you know how many applications were submitted
16 in the name of O. C. Brasher?

17 A No, ma'am.

18 Q Are you now aware that there is one?

19 A Yes.

20 Q Or at least one.

21 A Yes.

22 Q What do you know now?

23 A That there is a license in the name of O. C.
24 Brasher.

25 Q Okay. When did you learn that?

1 A During possibly the last year.

2 JUDGE STEINBERG: Would that be about the same
3 time as you were talking about when you heard about the
4 Bearden application?

5 THE WITNESS: Yes.

6 JUDGE STEINBERG: And you found out about the same
7 way?

8 THE WITNESS: Yes.

9 BY MS. LANCASTER:

10 Q The same way being just as part of general
11 discussion?

12 A I believe that there was a document from
13 Schwaninger's firm that asked particular questions about
14 Ruth Bearden and O. C. Brasher. That was when I believe I
15 learned that there were licenses.

16 Q Would you be talking about, I think it is Exhibit
17 21. If you looked at Exhibit 21, in that, it is at tab 21.
18 If you looked at Exhibit 21 -- let me find your page. Page
19 33, I believe. Oh, I am sorry, I misunderstood.

20 (Pause.)

21 MS. LANCASTER: I am sorry, I should have already
22 marked this, and I did not. But hopefully one second and I
23 will find your page. Yes, page nine.

24 MR. ROMNEY: Which exhibit, please?

25 MS. LANCASTER: Twenty-one.

1 BY MS. LANCASTER:

2 Q Do you recognize that document, Mrs. Brasher?

3 A Yes.

4 Q Okay. What do you recognize it as?

5 A It's a document that I provided, questions, answer
6 to these questions that list times, and I signed that it was
7 correct.

8 Q Okay. And is it, when did you receive the
9 questions that went with that document? This is your
10 answer, isn't it, to some questions from the FCC? Do you
11 recall when you got the questions?

12 A I would assume it was around October, '99.

13 JUDGE STEINBERG: Why don't you look at Number 33?

14 MS. LANCASTER: Yes, I was going to say.

15 BY MS. LANCASTER:

16 Q Look at Exhibit 33, and tell me if you recognize
17 that as being the document that you received from the FCC.

18 A Document?

19 Q Number 33.

20 JUDGE STEINBERG: Number 33, tab 33. Just let the
21 record reflect that I pointed out Mrs. Brasher's name on
22 Exhibit 33, to give her a little frame of reference.

23 THE WITNESS: I don't know that I have ever seen
24 this document.

25 BY MS. LANCASTER:

1 Q You have never seen Exhibit 33?

2 A I don't know that I have.

3 Q But you had seen Exhibit 21, starting at page nine
4 through 12? Or actually through 13?

5 A Yes.

6 Q So when you, did you help prepare Exhibit 21,
7 pages nine through 13?

8 A Yes.

9 Q When you helped prepare it, were you told that
10 this was going to be submitted in response to some questions
11 from the FCC?

12 A I believe so.

13 Q And is it, do I understand you as testifying that
14 when you received those questions from the FCC about that
15 time period in October of '99, that was your first notice
16 that O. C. Brasher was, had a license?

17 A Yes.

18 Q And it was your first notice that DLB was using
19 that license in its operations?

20 A Yes.

21 Q Did you also at that, is that approximately the
22 same time you learned that Ruth Bearden had had a license?

23 A Yes.

24 Q Were you told anything about what happened to Ruth
25 Bearden's license?

1 A No.

2 Q Were you given any information as to how many
3 license applications had been submitted in the name of O. C.
4 Brasher?

5 A No.

6 Q Okay. How about did you realize that Jim Sumpter
7 has a license?

8 A No, I didn't know that.

9 Q When did you find that out?

10 A Recently, in these proceedings.

11 Q When you say recently, can you be a little more
12 specific?

13 A Probably from last fall.

14 Q At the deposition?

15 A Well, probably before the depositions, but
16 probably not before October.

17 Q Did you find out about Jim Sumpter's license
18 somehow in preparing for the deposition?

19 A Yes.

20 Q Do you recall who told you?

21 A No.

22 Q How about Norma Sumpter? Were you aware that
23 Norma Sumpter had a license?

24 A No.

25 Q Did you come to learn that she was an FCC licensee

1 at some point?

2 A Yes. And actually, I have probably known that
3 Norma had a license longer than I knew Jim had one. Because
4 I remember there being talk about Norma's license probably
5 back as far as '96, '97, '98.

6 Q When you say there was talk, can you tell me what
7 you mean by that? What was said?

8 A I just remember overhearing a conversation, maybe
9 by Sue or Carolyn. I don't know where I learned that Norma
10 had a license. But I seemed to be more aware that she had
11 one.

12 Q Did you think that Norma's license was in
13 operation?

14 A I don't know.

15 Q How about Jennifer Sumpter? Were you aware
16 Jennifer Sumpter had a license?

17 A No.

18 Q When did you find that out?

19 A The same time as Jim, last fall.

20 Q Melissa Sumpter?

21 A The same.

22 Q Are the circumstances the same basically
23 surrounding how you found out about these licenses?

24 A Yes.

25 Q How about Carolyn Lutz?

1 A I knew Carolyn had a license.

2 Q How did you know that?

3 A Because I remember seeing her fill out the
4 applications.

5 Q When was that?

6 A I don't know. It has been -- I know she has had a
7 license for a while, for several years.

8 Q Did you know that the -- do you have any knowledge
9 at all about any phones or any radios that were being used
10 by any of the Sumpters?

11 A Yes.

12 Q All right, tell me what you know about that.

13 A Jennifer had a radio in her car when she was in
14 school, or college, I'm not sure which one it was. And she
15 used it to communicate it with her parents.

16 Q How did she get it?

17 A How did she get it in her car, or how did she --
18 we installed it in her car.

19 Q Okay. When you say we, DLB installed it?

20 A Yes.

21 Q Do you know any of the circumstances surrounding
22 why DLB would install a phone in her car?

23 A I just know that the Sumpters needed to, Jim and
24 Norma needed to communicate with her because she was in
25 school. And Jim did not want to buy a cellular phone, so

1 they used the two-way.

2 Q Okay. Do you know who offered the car phone to
3 her?

4 A I believe Pat and Ron.

5 Q Do you know how long she had it in there?

6 A Through most of her college years.

7 Q Do you know if the Sumpters were billed for the
8 air time used by that radio or phone?

9 A It seems that in the beginning there was perhaps a
10 bill, or -- you know, at first we were going to bill them,
11 and then we didn't bill them, I think is the way it worked.

12 Q Did you view that as just a family favor, that you
13 all were providing that to them as a family favor?

14 A I didn't know the details.

15 Q Have you thought about it at all?

16 A No.

17 Q You still were in charge of billing at that time,
18 were you not?

19 A Sue would have been handling I think that
20 particular system at that time.

21 Q So Sue would have been the person that would have
22 prepared bills, or would have had any knowledge surrounding
23 whether or not they were billed for that phone?

24 A Yes.

25 Q And by Sue, you mean Carolyn Lutz?

1 A Yes.

2 Q How about Melissa? Were you aware that Melissa
3 had a radio? I mean, I am sorry. I believe you stated you
4 were not aware that Melissa had a license, is that correct?

5 A Yes.

6 Q And that you found out the same way?

7 A Yes.

8 Q As far as you know, other than that one radio,
9 mobile radio car phone that was put in Jennifer's car, did
10 any of the Sumpsters obtain any other phones or radios from
11 DLB?

12 A I can't remember if Melissa had one or not. I
13 don't know.

14 Q Anybody else?

15 A I don't know.

16 Q How about Carolyn? Do you know anything about any
17 phone or radio in Carolyn's car?

18 A Carolyn had a radio in her car until the day she
19 left Metroplex.

20 Q Okay. And when was it put in, do you know?

21 A No. She's -- as a matter of fact, I believe in
22 one form or another, Carolyn has always had a mobile in her
23 car.

24 Q What do you mean by that, always? Ever since she
25 has worked there?

1 A Pretty much.

2 Q And would that include -- you realize that Carolyn
3 has two time periods that she worked for the company.

4 A I realize that because I am responsible for
5 payroll, yes.

6 Q Okay. So in the first part of the time that she
7 worked there, did she also have a car phone that you recall?

8 A Yes.

9 Q Okay. And when she came back, she got another
10 one?

11 A Yes.

12 Q Or was it the same one and she kept it all during
13 that period?

14 A I'm not sure. I'm not sure.

15 Q Do you know anything about whether or not she was
16 billed for air time?

17 A No.

18 Q No, you do not know, or no, she was not billed?

19 A No, she was not billed.

20 Q Do you know the circumstances that, as to why she
21 received a phone in her car?

22 A She needed a phone in her car to communicate.

23 Q To communicate with who?

24 A Whoever she needed it. She used it for personal,
25 as well as business.

1 Q She used it in the business, also?

2 A Yes.

3 Q What type of, how was it used in the business?

4 A If she were to go to the bank, and she needed to
5 communicate back with the office, she would call us. She
6 very seldom ever did that; she used it more for personal
7 use.

8 Q Did you ever have occasion to call her up on the
9 radio?

10 A Maybe once.

11 Q Do you plan to get any FCC licenses?

12 A No.

13 Q Why don't you have any FCC licenses now?

14 A I'm not sure. I've never been asked to have a
15 license.

16 Q Did you ever tell anybody that you did not want
17 any FCC licenses?

18 A No. I was never asked.

19 Q Were you not curious as to why you were not asked,
20 when evidently everybody else in the family was?

21 A I wasn't aware that everybody else had one.

22 Q So you did not, for example, you did not know
23 about the Sumpters.

24 A No.

25 Q And you did not know about Lutz. Did you think

1 Lutz's radio phone was a business, was put in there for
2 business reasons?

3 A No.

4 Q You did not know she had -- but you did know she
5 had a license. Were you aware of when she first got a
6 license?

7 A No.

8 JUDGE STEINBERG: I believe you said you saw her
9 filling in her application.

10 THE WITNESS: Right.

11 JUDGE STEINBERG: Do you know, do you recall first
12 what you saw her doing?

13 THE WITNESS: There was a green form, I remember
14 her filling out a green form and signing it.

15 JUDGE STEINBERG: Did she actually fill out the
16 information on the form, or did you just see her sign it?

17 THE WITNESS: I just saw her sign it.

18 JUDGE STEINBERG: Could that have been, to refresh
19 your recollection, could that have been during the time that
20 you had your leave of absence? Or before or after? Put it
21 in that context.

22 THE WITNESS: It was before. I believe it was
23 before.

24 JUDGE STEINBERG: Do you remember if it was within
25 the year?

1 THE WITNESS: Well, Sue had only come back to work
2 the early part of '96, I think it was. So it had to have
3 been the first half of 1996.

4 JUDGE STEINBERG: Thank you.

5 BY MS. LANCASTER:

6 Q Have you ever seen an FCC license application?

7 A When we got our system back in 1986 from GE, I
8 remember there being FCC, big green FCC forms. And that's
9 the only kind of license I remember ever seeing. They are
10 multi-part forms. And the last page was longer than the
11 rest.

12 Q And the front page is green, is your testimony?

13 A I remember the form being green.

14 Q And that is the form that you saw Ms. Lutz filling
15 out?

16 A I believe so.

17 Q It was not a card, it was not a green card; it was
18 a long form.

19 A Yes.

20 Q Okay. Do you have any car phones?

21 A No.

22 Q When I say car phones, I am using radio, two-way
23 radios and car phone, car radios kind of interchangeably.
24 Because we have had different testimony that it is a radio
25 but it looks like a phone. So I do not know what

1 terminology you use.

2 But I want you to understand that I am talking
3 about a two-way radio provided by DLB.

4 A At this time, no. In the past, yes, I have had
5 one.

6 Q Okay. How many radios have you and your family
7 used?

8 A Two, probably, at the most.

9 Q Is that two at a time?

10 A No, two separate ones. Because we live too far
11 east for them to be of benefit to us.

12 Q Did you ever use a base station?

13 A In the office.

14 Q At your home?

15 A No.

16 Q Does your son have a radio in his car?

17 A Not a two-way, no.

18 JUDGE STEINBERG: He just has one that plays loud
19 music.

20 THE WITNESS: Very loud music.

21 BY MS. LANCASTER:

22 Q I would like for you to look at Exhibit Number 2.
23 Tell you what, let's look at Exhibit Number 1 first, the
24 very front of the book.

25 (Pause.)

1 Q Do you recognize Exhibit Number 1?

2 A Yes.

3 Q Okay. Is that the, what we have been calling the
4 Net Wave petition?

5 A I don't know. I only know that it's an order to
6 show cause.

7 Q Okay. And you received a copy of that?

8 A I don't know that I've ever received a copy of
9 this.

10 Q Where have you seen it?

11 A In preparation for this trial.

12 Q Okay. When was the first time you saw it?

13 A Probably October.

14 Q Was that in preparation for your deposition in
15 November?

16 A I believe so.

17 Q And who showed it to you?

18 A Probably David.

19 Q Did you read it when you saw it?

20 A Actually, it wasn't David that showed me this
21 document. It was Carolyn. And no, I didn't read it in
22 full.

23 JUDGE STEINBERG: Why did Ms. Lutz show it to you,
24 if you know?

25 THE WITNESS: She was very upset by it.

1 JUDGE STEINBERG: Did she show it to you like when
2 you were in the office together?

3 THE WITNESS: Yes.

4 BY MS. LANCASTER:

5 Q Did you think, when you first saw it, that it had
6 anything to do with you?

7 A If this is the one that has my name in it? No, I
8 didn't, until someone pointed out that it had my name in it.

9 Q Who pointed that out?

10 A I believe it was Sue. Or it was Carolyn.

11 Q Okay. And after she pointed that out, you still
12 did not read it?

13 A I read the part that had my name in it, yes.

14 Q But you did not feel it was necessary to read the
15 entire document?

16 A I may have, at the time. I may have read the
17 document. I probably didn't understand it. I don't know
18 that I still understand it all.

19 Q Did you ask any questions about it after you saw
20 it?

21 A Yes, I did.

22 Q Who did you talk to about it?

23 A David.

24 Q And what did David have to say?

25 MR. PEDIGO: Excuse me. That is husband-wife

1 privilege.

2 JUDGE STEINBERG: Sustained.

3 MR. ROMNEY: That is party privilege, Your Honor.

4 MS. LANCASTER: I beg your pardon?

5 MR. ROMNEY: It is also party privilege.

6 BY MS. LANCASTER:

7 Q Were you ever told that it was nothing to be
8 concerned about?

9 A No.

10 Q What did you do after you talked to David?

11 A I didn't do anything.

12 Q So your conversation with David satisfied you that
13 you did not need to do anything else?

14 A Yes.

15 Q Did you ever talk to any, to Ron or Patricia about
16 it?

17 A No.

18 Q Never?

19 A Well, I don't say never, but I don't remember
20 having a conversation with Ron or Pat about it.

21 Q Okay. Let's look at Exhibit 2.

22 JUDGE STEINBERG: Let me just -- if you look at
23 Exhibit 1, page three, at the bottom, last line. That is
24 your name down there?

25 THE WITNESS: Yes. Well, Diane Brasher is my

1 name.

2 JUDGE STEINBERG: Okay, and is -- that is what I
3 meant. Is that the part of the document that you were
4 referring to when you said it has got my name in it?

5 THE WITNESS: Yes.

6 JUDGE STEINBERG: I do not know if it is in there
7 any more, I just spotted that and thought I would show you
8 how smart I was.

9 THE WITNESS: And that has a lot to do with why I
10 wasn't more concerned, because it says "who is presumably,"
11 and it was not me.

12 BY MS. LANCASTER:

13 Q Did you think any -- what did you think was going
14 to happen as a result of Exhibit Number 1, the order to show
15 cause, or the petition to show cause? Did you think
16 anything was going to happen?

17 A I didn't know. I knew Ron had hired attorneys to
18 take care of it, or to handle the situation. But I did not
19 know, I did not know what it meant.

20 Q Let's look at Exhibit 2. Have you seen this
21 document before?

22 A No.

23 Q Mr. Knowles-Kellett did not give you a copy of
24 this document to read?

25 A Yes. Yes, I'm sorry, he did. Before last

1 Thursday I had not seen this document.

2 Q Okay. So the first time you saw Exhibit 2 was
3 last Thursday?

4 A Yes.

5 Q And that is because the FCC's attorney asked you
6 to read it?

7 A Yes.

8 Q That was not meant to be a trick question, when we
9 asked if you had seen it. I thought we had already gotten
10 it out of the way so you would be familiar with it.

11 And did you read through this document?

12 A When he gave them to me last Thursday, I sure did,
13 yes.

14 Q Okay. Did you notice that this document was filed
15 with the FCC?

16 A Yes.

17 Q Did you notice that it was filed with the FCC on
18 behalf of Metroplex and on behalf of DLB, and all the
19 different names up on the first page of it?

20 MR. ROMNEY: Objection, Your Honor. The document
21 speaks for itself.

22 JUDGE STEINBERG: Well, the question is did Mrs.
23 Brasher notice these particular things. And so the document
24 cannot answer that question.

25 MR. ROMNEY: Well, I can appreciate that. Then I

1 guess I would object on the grounds of relevance. What she
2 may have noticed last Thursday while she was sitting in a
3 witness room probably does not have anything to do, I would
4 think, Your Honor, with the proceedings at issue.

5 JUDGE STEINBERG: Well, I think this might be a
6 prelude to something.

7 MR. ROMNEY: Okay.

8 JUDGE STEINBERG: Is it?

9 MS. LANCASTER: I want to know, you know, she is
10 the Secretary of DLB, Your Honor. I want to know what she
11 is familiar with that was filed on behalf of DLB.

12 JUDGE STEINBERG: Well, I think the testimony was
13 she did not see this before last Thursday, so she obviously
14 was not familiar with it at --

15 MS. LANCASTER: At the time it was filed.

16 JUDGE STEINBERG: -- contemporaneously with its
17 filing.

18 MS. LANCASTER: Right.

19 JUDGE STEINBERG: So you have your answer.

20 BY MS. LANCASTER:

21 Q Having looked at this on Thursday, Mrs. Brasher,
22 do you have any opinion as to whether or not the statements
23 contained in the opposition are true?

24 MR. ROMNEY: Objection to the extent it is asking
25 for a legal conclusion on the part of this witness.