

1 IN THE SUPERIOR COURT OF THE STATE OF  
CALIFORNIA

2 IN AND FOR THE COUNTY OF ALAMEDA

3 ---o0o---

4

5 DAVID ADELSON, et al.,

6 Plaintiffs,

7 -vs-

NO. 814461-0

8 PACIFICA FOUNDATION, a  
California Nonprofit Corporation,

9 et al.,

10 Defendants.

11 \_\_\_\_\_/

12

13

14

15 DEPOSITION OF PELE de LAPPE

16

17

18 Taken before PATRICIA TABOR

19 CSR No. 5739

20 Friday, December 1, 2000

21

22

23 DIABLO VALLEY REPORTING SERVICES

Certified Shorthand Reporters

24 2121 N. California Boulevard, Suite 310

Walnut Creek, California 94596

25 (925) 930-7388



16

17

18

19

20

21

22

23

24

25

1 DEPOSITION OF PELE de LAPPE

2

3 BE IT REMEMBERED, that pursuant to Notice,  
4 and on the 1st day of December 2000, commencing at  
5 the hour of 10:16 a.m., in the offices of WENDEL,  
6 ROSEN, BLACK & DEAN, 1111 Broadway, 24th Floor,  
7 Oakland, California before me, PATRICIA TABOR,  
8 personally appeared PELE de LAPPE, produced as a  
9 witness in said action, and being by me first duly  
10 sworn, was thereupon examined as a witness in said  
11 cause.

12

13 ---o0o---

14

15 JANE BRUNNER, ESQ., Siegel & Yee, 499 - 14th

16 Street, Suite 220, Oakland, California 94612,

17 appeared on behalf of the Plaintiffs.

18

19 DANIEL RAPAPORT, ESQ., Wendel, Rosen, Black &

20 Dean, 1111 Broadway, 24th Floor, Oakland,

21 California 94607, appeared on behalf of the

22 Defendants.

23

24

25

1                   PELE de LAPPE

2           sworn as a witness by the Certified

3   Shorthand Reporter, testified as follows:

4                   EXAMINATION BY MR. RAPAPORT

5   MR. RAPAPORT: Q. Would state your name for  
6 the record?

7   A. My name is Pele De Lappe. d-e L-a-p-p-e.

8   Q. My name is Dan Rapaport. I represent the  
9 defendants in this action in which you are one of  
10 the plaintiffs.

11   I'm going to ask you questions today, at least  
12 I'll do my best to ask you questions today.

13   As I told you before, I don't feel too great.

14 I'll do my best to finish today unless I  
15 completely fall apart.

16 The questions I ask, please don't guess or

17 speculate. If you do know, please answer.

18 It's important that you answer verbally as

19 opposed to nodding the head.

20 "Uh-huh" and "huh-uh" get garbled. So "yes"

21 and "no" is preferable.

22 If one of my questions is unintelligible, you

23 just don't understand it, maybe you think it has

24 two meanings, you want to clarify what it means,

25 please feel free to tell me that, and I'll try to



1 clarify it.

2 If you do answer a question, I'll assume you  
3 understood it, the court will assume you  
4 understood it. And while you'll get a chance to  
5 review your testimony after it is transcribed by  
6 the court reporter, if you make changes, I would  
7 have the opportunity to comment adversely about  
8 those changes; so be careful.

9 A. When would I see the transcript?

10 Q. Within 30 days certainly, probably within  
11 a couple weeks.

12 In connection with our day today, if you need  
13 to take a break for any reason, let me know.

14 Of course, Trish, that applies to you as well.

15 You live in Petaluma; correct?

16 A. Yes.

17 Q. Can you tell me where?

18 A. 41 Acorn Circle 94952.

19 Q. Did you drive down here this morning?

20 A. Yes.

21 Q. Can you tell me briefly your educational

22 background?

23 A. It's mostly art school from age 14. I

24 went to art school for six years.

25 I've been self-taught or learned from various

1 sources after that, having nothing to do with  
2 formal education, until I took at U.C.

3 Q. Is it fair to say you're an artist?

4 A. Right, yes.

5 Q. If you're filling out -- if you're  
6 running for office and they ask you to state your  
7 profession, you would say "artist"?

8 A. Right.

9 Q. How long have you been an artist as your  
10 principal occupation?

11 A. Since age 14 to the present. I'm 84  
12 years old.

13 Q. Could you tell me what kind of artist you  
14 are; are you a painter?

15 A. I'm a graphic artist. I do lithographs

16 and drawings from the figure and portraits.

17 Q. If I wanted to see some of your art work,

18 where would I see it besides your home?

19 A. I'm going to have a show in February at

20 the Petaluma Public Library, or you can come to my

21 house, and I'll be pleased to show you anything

22 you want.

23 Q. Good luck with your show.

24 In preparing for the deposition today, did you

25 review any documents?

1 A. No.

2 Q. Can you tell me what your involvement has  
3 been with community radio?

4 A. Well, I've been on the local advisory  
5 board of KPFA for the past two or almost three  
6 years.

7 Q. How about prior to that?

8 A. Before that, I've been a supporter of  
9 KPFA financially and physically in terms of  
10 answering the phone in the marathons.

11 Q. So you've been a volunteer?

12 A. Right.

13 Q. And you've also been a donor?

14 A. Right.

15 Q. When did you first become a member of the

16 KPFA L.A.B.?

17 A. KPFA what?

18 Q. I'm going to refer to the station board

19 as an L.A.B., or the local advisory board unless

20 you have a designation?

21 A. Oh. As I said, about three-and-a-half

22 years ago -- two-and-a-half years ago.

23 Q. Do you remember the date you first became

24 a member?

25 A. No, I'm sorry to say I don't.

1 Q. One other thing I forgot to mention. It  
2 makes for a clear record if we don't step on each  
3 other's lines.

4 So I will try to ask a question and wait, and  
5 if you could wait for me to complete my question  
6 before you answer --

7 A. Okay.

8 Q. How were you recruited for the KPFA  
9 L.A.B.?

10 A. I was asked by a member of the L.A.B.,  
11 and I don't remember who it was.

12 Q. Was it Sherry Gendelman?

13 A. No, I don't think she was on at that  
14 time.

15 Q. So your membership predates her

16 involvement?

17 A. It may. I don't know.

18 Q. Were you on the L.A.B. board in 1996?

19 A. Yes.

20 Q. 1995?

21 A. Wait a minute. No.

22 Q. Not '95?

23 A. No.

24 Q. '96, yes?

25 A. I'm not sure.



1 Q. Are you familiar with the lawsuit that  
2 has been filed in this action?

3 A. Yes.

4 Q. You read it?

5 A. I read that.

6 Q. The complaint?

7 A. That complaint, yes.

8 Q. When was the first time you read it?

9 A. I don't remember.

10 Q. What was -- was it relatively recently?

11 A. Yeah.

12 Q. Within the last two months?

13 A. Uh-huh, yes.

14 Q. In the lawsuit, one of the complaints is  
15 that the national board of the Pacifica Foundation

16 changed the bylaws in a way that was detrimental

17 to the local advisory boards.

18 Do you understand that?

19 A. Yes.

20 Q. Can you tell me what is the date of the

21 bylaw change you complain of?

22 A. No.

23 Q. Do you know the year of the bylaw change

24 you complain of?

25 A. I would guess -- I would have to guess.

1 Q. We don't want you to do that.

2 A. Okay.

3 Q. Prior to the bylaw change that you  
4 complain of, was the national board elected  
5 properly in your judgment?

6 A. I'm not familiar with how it was elected.

7 Q. Do you know how the board was elected in,  
8 let's say, between 1991 and 1997?

9 A. No.

10 Q. Do you know how the national board was  
11 elected between 1997 and 1999?

12 A. No.

13 Q. Do you know how the national board was  
14 elected between February of 1999 and this date?

15 A. No.

16 Q. So how do you know it was elected in  
17 contravention of any rights of the local advisory  
18 boards?

19 A. I have a rough idea, but I don't have it  
20 based on any facts.

21 Q. Now during the time you were -- strike  
22 that.

23 Do you know who was on the Pacifica national  
24 board in 1997?

25 A. I don't remember any names.

1 Q. Let me help you with that.

2 If you take a look at Exhibit 6 in this book --

3 A. I see.

4 Q. -- it's a verified second amended

5 complaint.

6 A. Right.

7 Q. Your name is on the top as a plaintiff.

8 A. Right.

9 Q. You authorized the action to be filed?

10 A. Uh-huh.

11 MS. BRUNNER: You have to say "yes."

12 THE WITNESS: Yes.

13 MR. RAPAPORT: Q. You understand you're

14 responsible for costs if you lose this case?

15 A. Yes.

16 Q. In connection with the defendants you  
17 have listed here, can you tell me why you sued  
18 Mary Frances Berry?

19 A. Well, because she was appointed or  
20 elected, I'm not sure which, to be the head of the  
21 foundation.

22 Q. Right, she was elected in 1997.

23 What did she do that caused her to be named as  
24 a defendant in your judgment?

25 A. Oh, I can't go into all that.

1 Q. Ma'am, you sued her.

2 A. Yeah.

3 Q. I want to go into that. I want to find  
4 out why. If you know, maybe you don't know, but  
5 if you can tell me --

6 A. You want my opinion about what I think is  
7 the reason she's being sued?

8 Q. By you, you're the plaintiff.

9 A. One of the plaintiffs, right.

10 Because she's acted in a very arbitrary,  
11 high-handed, undemocratic manner.

12 Q. What did she do in your judgment that was  
13 high-handed and undemocratic?

14 A. I think that she appointed people and  
15 then reappointed them in order to perpetuate their

16 positions on the boards.

17 Q. Whose position?

18 A. The person's positions. I'm sorry to

19 say, I can't remember any of the names.

20 Q. Anything else that Mary Frances Berry did

21 that caused you to sue her?

22 A. I want to be very sure of what I'm

23 saying.

24 Q. Okay.

25 A. But I don't know whether it's relevant.



1 You can make your own judgment.

2 Her behavior in relation to KPFA and the  
3 calling in of the police and the shutting down of  
4 KPFA.

5 Q. Anything else?

6 A. Not that I can think of at the moment.

7 Q. How about David Acosta; why did you sue  
8 him?

9 A. For the same reasons.

10 Q. June Makela, why did you sue her?

11 A. I would say for the same reasons.

12 Q. She appointed and reappointed people to  
13 the board?

14 A. Well, no. The shutting down of KPFA and  
15 the calling police and other actions.

16 Q. You don't have any personal knowledge

17 that she did any of that; do you?

18 A. I have no reason to believe she wasn't a

19 party to it.

20 Q. But you couldn't testify that you have

21 personal knowledge that she actually undertook to

22 call the police?

23 A. No.

24 Q. Or hired security guards?

25 A. No, I'm assuming that.

1 Q. Andrea Cisco; why did you sue her?

2 A. For the same reasons.

3 Q. Frank Millspaugh; why did you sue him?

4 A. Also for abandoning -- for not allowing

5 L.A.B. members to be on the board while they were

6 also, um, members of the L.A.B.

7 Q. Same reasons for Mr. Millspaugh?

8 A. Yeah.

9 Q. Same reasons for Mr. Ford?

10 A. Yeah.

11 Q. Same reasons for Mr. Palmer?

12 A. Yes.

13 Q. Same reasons for Mr. Lucy?

14 A. Yes, and for does 1 through 25.

15 Q. For does 1 through 25.

16 Can you tell me, isn't it true that Rob  
17 Robinson was on the board at the same time as  
18 those individuals in 1999?

19 A. I don't know.

20 Q. Isn't it true that Rob Robinson voted for  
21 the same bylaw change in 1997 that you complain of  
22 in your complaint?

23 A. I have no knowledge of that.

24 Q. Why haven't you sued Rob Robinson?

25 A. I don't know.

1 Q. Now, how about Roberta Brooks; why is she  
2 not a defendant?

3 A. I don't know.

4 Q. Now, the activities that you were talking  
5 about related to police and security guards and  
6 shutting down the station, those occurred in the  
7 summer of '99; correct?

8 A. Yes.

9 Q. At that time, Peter Bramson was on the  
10 board of directors of the Pacifica Foundation;  
11 correct?

12 A. I believe so.

13 Q. Why didn't you sue him?

14 Why didn't you sue him?

15 A. Because I didn't think that he was a

16 party to these actions.

17 Q. Isn't it true that he voted for the 1999

18 bylaw change?

19 A. I have no knowledge of that.

20 Q. Have you ever read the minutes of the

21 meeting of the February 1999 national board

22 meeting?

23 A. I may have. I don't remember it.

24 Q. Do you know whether Aaron Kriegel voted

25 for passage of the bylaw change in February of

1 1999?

2 A. No.

3 Q. How about Jewelle Taylor-Gibbs; do you  
4 know who she is?

5 A. No.

6 Q. She was on the KPFA L.A.B. for a while;  
7 wasn't she?

8 A. I don't know. I don't remember.

9 Q. She later became a board member of the  
10 Pacifica Foundation during the time you were on  
11 the KPFA L.A.B.; correct?

12 A. I still don't remember.

13 Q. Okay.

14 Who is Ralph McKnight?

15 A. I don't know.

16 Q. How about Jack O'Dell; do you know who

17 Jack O'Dell is?

18 A. I met him once after he retired from the

19 board.

20 Q. Did you know that Jack O'Dell voted for

21 the September 1997 change in bylaw --

22 A. I didn't know that.

23 Q. -- that you complain of?

24 How about Dorothy Nasatir, N-a-s-a-t-i-r?

25 A. I don't know.



1 Q. You don't know her?

2 A. No.

3 Q. Andrea Zubin; do you know who she is?

4 A. No.

5 Q. Cheryl Fabio-Bradford; do you know who  
6 she is?

7 A. Yeah.

8 Q. Did you know she voted for the change in  
9 bylaws --

10 A. No.

11 Q. -- in 1997?

12 A. No, I didn't know that.

13 Q. If you had, would you have sued her?

14 A. Beg your pardon?

15 Q. If you had known she voted for the change

16 in the bylaw that you complained of in your  
17 complaint, would you have sued her?

18 A. I don't know.

19 MS. BRUNNER: Don't guess.

20 THE WITNESS: What?

21 MS. BRUNNER: I said, "Don't guess."

22 MR. RAPAPORT: Q. Do you know who Alexis  
23 Gonzales is?

24 A. No.

25 Q. Have you ever read the bylaws of the

1 Pacifica Foundation that existed in 1991 related  
2 to the election of directors?

3 A. I may have. I don't know. I don't  
4 remember.

5 Q. Why don't you take a look at Exhibit 8.  
6 Let's take a look at Exhibit F to Exhibit 8.

7 MS. BRUNNER: Where is Exhibit F?

8 MR. RAPAPORT: Here's another copy. You can  
9 use that.

10 Q. Do you see Exhibit F?

11 A. Uh-huh.

12 Q. Have you ever seen the language in  
13 Exhibit F before, or do you recognize it as being  
14 part of the bylaws in effect as of February 9th,  
15 1991?

16 MS. BRUNNER: I'll object because of a compound  
17 question.

18 MR. RAPAPORT: Let me ask the second one.

19 Q. Do recognize the language in Exhibit F as  
20 being a portion of Pacifica Foundation's bylaws as  
21 of February 9th, 1991?

22 A. I have no way of knowing.

23 Q. Are you saying that Exhibit F is the  
24 bylaw that controlled the election of directors  
25 prior to the amendments that you're complaining of

1 in this lawsuit?

2 A. What was your question?

3 MR. RAPAPORT: Can you read that back, please?

4 (Record read.)

5 THE WITNESS: I really can't say.

6 MR. RAPAPORT: Q. Was there any change made to

7 the bylaws that you're complaining of in this

8 lawsuit?

9 A. From this to the current bylaws?

10 MS. BRUNNER: Yeah.

11 MR. RAPAPORT: Q. What you're saying is you

12 can't identify F as being the original bylaw?

13 A. Right.

14 Q. I'm going to try to ask you a broader and

15 looser question, if will you, and that is:

16 Was it your understanding that there was some  
17 change in the bylaw that was undertaken by the  
18 Pacifica Foundation in 1997, or, let me put it  
19 this way, after 1991?

20 A. I don't know.

21 Q. Is it fair to say you're not personally  
22 aware of any particular changes in the bylaws that  
23 were undertaken by the Pacifica Foundation that  
24 caused any distress to the L.A.B.s?

25 A. I can't answer that question.

1 MS. BRUNNER: Let me take a break for a minute.

2 I think that she has some the answers. I'm going

3 to go outside for a second.

4 MR. RAPAPORT: Go ahead.

5 (Break taken, 10:38 - 10:40.)

6 MS. BRUNNER: You might want to ask the last

7 question again.

8 MR. RAPAPORT: I'm going to ask some other

9 questions about the same subject, and maybe we can

10 get to it.

11 Q. Ms. de Lappe, you ever attend a national

12 board meeting?

13 A. Yes, I attended one in Oakland.

14 Q. Do you remember when that was?

15 A. Couple years ago.

16 Q. Was that February of '99?

17 A. Could be. I can't be sure.

18 Q. When you were at that board meeting, did

19 you observe any individuals be elected to the

20 Pacifica Foundation national board of directors?

21 A. No.

22 Q. Was that because no such election took

23 place?

24 A. I just don't remember.

25 Q. Have you ever obtained any personal



1 knowledge as to how the Pacifica Foundation  
2 national board went about electing directors?

3 A. Ask me that again.

4 Q. Sure.

5 Do you have any personal knowledge as to how  
6 the Pacifica Foundation national board has ever  
7 gone about electing its directors?

8 A. No.

9 Q. Did you ever sit in at the KPFA L.A.B.  
10 when the KPFA L.A.B. discussed selecting someone  
11 to become a Pacifica Foundation national director?

12 A. Yes.

13 Q. Do you remember who the candidates were  
14 that you observed that discussion going on about?

15 A. Peter Bramson is the only one I remember.

16 Q. By the way, are you still on the KPFA

17 L.A.B.?

18 A. Yes. I was grandmothered on.

19 Q. How do you mean?

20 A. They had just had an election.

21 Q. Right.

22 A. A number of us who had been on the L.A.B.

23 were grandmothered on.

24 Q. Gotcha.

25 As to Mr. Bramson, do you recall the procedure

1 that the KPFA L.A.B. went through to select  
2 Mr. Bramson?

3 A. No, I would have to guess.

4 Q. You weren't an observer during that  
5 process?

6 A. Yes, but I just don't remember what the  
7 procedure was.

8 Q. Do you remember at some point in time the  
9 members of the L.A.B. getting together at a  
10 meeting and someone nominated Mr. Bramson, and  
11 they went around the room saying: Who votes for  
12 him and who doesn't?

13 A. No, I don't remember.

14 Q. Do you remember any activities undertaken  
15 by the KPFA L.A.B. to communicate the selection of

16 Mr. Bramson to the Pacifica Foundation national  
17 board?

18 A. No.

19 Q. I'd like you to take a look at Exhibit G.

20 It says at the top, "1997 bylaw."

21 Do you know if this is the bylaw that was  
22 passed by the board on 9/28/97; I should say an  
23 amendment to the existing bylaws?

24 A. As far as I know, yes.

25 Q. Looking at the next exhibit, Exhibit H,

1 does that appear to you to be an amendment, a  
2 further amendment to the bylaws regarding the  
3 election of directors that occurred at the meeting  
4 you attended in February of 1999?

5 A. I'm not familiar with this.

6 Q. Do you know, between September of 1997  
7 and February of 1999 who was elected to the  
8 Pacifica Foundation national board, the identity  
9 of those individuals?

10 A. No.

11 Q. Do you know how they were elected?

12 A. No.

13 Q. You're not saying that the selection of  
14 Mr. Bramson to be a member of the Pacifica  
15 Foundation national board was improper in any way;

16 are you?

17 A. No.

18 Q. Are you saying that the selection of

19 Ms. Cisco to the Pacifica Foundation national

20 board was improper in any way?

21 A. No.

22 Q. Same question for Mr. Farrell?

23 A. I have no knowledge.

24 Q. Is it fair to say that -- it's my belief,

25 and I'll make a representation to you, that

1 between '97 and '99, Mr. Bramson, Ms. Cisco,  
2 Mr. Farrell, Mr. Ford, Mr. Kriegel or Rabbi  
3 Kriegel, Mr. Lucy and Dr. Jewelle Taylor-Gibbs  
4 were put on the Pacifica Foundation national  
5 board.

6 My question to you is:

7 Do you have any reason to believe that the  
8 election of any of those individuals during that  
9 time offended any of Pacifica Foundation's bylaws?

10 A. I don't know.

11 Q. Do you know whether the election of those  
12 individuals offended any of Pacifica Foundation's  
13 historical practices regarding the election of  
14 directors?

15 A. I don't know that.

16 Q. Did you ever read the Pacifica Foundation

17 Articles of Incorporation?

18 MS. BRUNNER: I think that's been asked and she

19 answered.

20 MR. RAPAPORT: Not articles. I said bylaws.

21 MS. BRUNNER: Oh, thank you.

22 THE WITNESS: I don't recall having read them.

23 MR. RAPAPORT: Q. In connection with the

24 financial donations that you made to the Pacifica

25 Foundation over the years, were any of those



1 donations based on anything that you read in any  
2 documents?

3 A. They were based on my understanding of  
4 what KPFA stands for.

5 Q. Okay.

6 A. And what the Pacifica Foundation has  
7 stood for.

8 Q. Is it fair to say that you're unhappy  
9 with the expenditure of funds by the Pacifica  
10 Foundation board in connection with the activities  
11 in front of the station, the demonstrations in the  
12 summer of '99?

13 A. Yes.

14 Q. Do you know who authorized those  
15 expenditures?

16 A. I'm not sure.

17 Q. In connection with those expenditures,  
18 for, let's say, security guards, what is it about  
19 that expenditure that you think is improper?

20 A. Well, it was totally unjustified.

21 Q. Did you come down from Petaluma and  
22 participate in any of the demonstrations?

23 A. No.

24 Q. Were you aware at some point in time  
25 someone fired shots into the Pacifica Foundation

1 premises?

2 A. I was aware of that, yes.

3 Q. Did you ever hear a rumor who did it?

4 A. Um, no.

5 Q. Did you understand that there were large

6 gatherings of demonstrators out in front of the

7 station in the summer of '99?

8 A. Yes.

9 Q. Did you understand that the police felt

10 the need to arrest some of those demonstrators

11 during the summer of '99?

12 A. No.

13 Q. Were you aware that arrests took place?

14 A. Yes, but I wasn't privy to the police's

15 reason.

16 Q. That's a fair equivocation.

17 Were you aware that individuals tried to gain  
18 entrance to the Pacifica Foundation premises?

19 A. No.

20 Q. Did you attend a KPFA L.A.B. meeting in  
21 which Ms. Gendelman discussed taking to the  
22 streets so as to disrupt the Pacifica Foundation's  
23 national board meeting?

24 A. No.

25 Q. I don't have copies of these documents,

1 so I'll have to give you the exhibit here.

2 By the way, do you have an E-mail address?

3 A. No.

4 Q. So you didn't get any of these fun

5 E-mails?

6 A. Strictly snail mail.

7 Q. Do you know whether you attended a KPFA

8 L.A.B. meeting on 6/16/99 in which there were

9 comments made that:

10 "It's time for our own rebellion to take

11 KPFA back physically. If we're going to

12 occupy the station it should be this

13 week so that Chadwick can't claim

14 equilibrium at the NGB meeting next

15 week."

16 Do you know who that is?

17 A. No.

18 Q. "Dr. Sapir felt that the possible

19 outcomes are either (1) Pacifica locks

20 everyone out of the station or (2)

21 Pacifica concedes and retracts all its

22 recent decisions -- he doesn't think the

23 second is at all likely."

24 Do you recall that discussion?

25 A. No.

1 Q. Isn't it true that one of the goals of  
2 the KPFA L.A.B. was to provoke a lock-out?

3 A. No.

4 Q. Did you ever hear any discussion at a  
5 KPFA L.A.B. meeting in which it was discussed that  
6 a lock-out of the station personnel would be a  
7 public relations coup?

8 A. No.

9 Q. Did the KPFA L.A.B. ever set up an  
10 organization to receive funds in lieu of the  
11 Pacifica Foundation?

12 A. I don't know.

13 Q. Did you ever participate in a meeting in  
14 which that subject was discussed?

15 A. I don't remember.

16 Q. Are you aware of any funds set up by the

17 KPFA L.A.B. for people to donate to?

18 A. No, I'm not aware.

19 Q. What percentage of the L.A.B. meetings do

20 you go to?

21 A. I would say about 80 percent, 75 percent.

22 I've missed a few because my having to travel.

23 Q. Of course.

24 But you do get the minutes; don't you?

25 A. Yes.



1 Q. I'd like to show you Exhibit 46. Have  
2 you seen that before?

3 Does the document appear to be something you  
4 have seen before?

5 A. No.

6 Q. I'd like you to take a look at, under  
7 section FIVE, L.A.B. Elections.

8 Perhaps this will refresh your recollection.

9 It says:

10 "Curt Gray and Sally Summer are the  
11 subcommittee for election policy."

12 Then further down it refers to fund raising  
13 efforts.

14 It says:

15 "Can't raise money on the air because a

16 percentage goes to Pacifica, some people

17 won't give if Pacifica gets anything.

18 Needs an umbrella org. to receive

19 funds."

20 Do you see that?

21 MS. BRUNNER: I want to go on the record with

22 an objection stating it isn't clear to me what

23 this is because it doesn't have the names of who

24 was attending.

25 MR. RAPAPORT: Sure, it does.

1 MS. BRUNNER: Show me where that is because I  
2 want to make sure it's actual minutes.

3 MR. RAPAPORT: Well, yesterday our witness did  
4 authenticate it, but at the first page it lists  
5 the individuals.

6 THE WITNESS: I don't see my name there.

7 MS. BRUNNER: When it says, "ONE Introduction  
8 of Board Members," in your opinion that is who was  
9 in attendance?

10 MR. RAPAPORT: She said she doesn't remember  
11 being there. I don't see her name there.

12 I asked her whether she received these minutes.

13 She said she didn't.

14 Now I'm trying to refresh her recollection

15 which is the last gasp to obtain information in

16 connection with a document like that.

17 MS BRUNNER: That's fine. I wouldn't have  
18 interpreted "Introduction of Board members" as who  
19 was present.

20 MR. RAPAPORT: Q. I'm not suggesting  
21 necessarily you were there.

22 A. I don't remember seeing this.

23 Q. My question is:

24 Does it refresh your recollection, when you  
25 look at the discussion of setting up an

1 organization to receive funds, that you had heard  
2 about such a discussion?

3 MS. BRUNNER: Let's take a second to look at  
4 this.

5 MR. RAPAPORT: Sure.

6 THE WITNESS: When was this; what was the date?

7 Oh, this year.

8 What, last year -- this year in June, right?

9 MS. BRUNNER: She's asking for clarification.

10 MR. RAPAPORT: Q. The document says 6/14/00.

11 I presume that is June 14th, 2000.

12 A. Yeah, but --

13 Q. And you were on the L.A.B. at that time?

14 A. Yeah.

15 MS. BRUNNER: I'm going to have a running

16 objection, and I'll start it now, with anything  
17 that is about new fund raising and new elections  
18 after the time period that we're discussing in the  
19 lawsuit.

20 MR. RAPAPORT: That's fine. I'll stipulate you  
21 have that objection.

22 MS. BRUNNER: You may go ahead and answer.

23 THE WITNESS: Well, I've already said I don't  
24 recall this at all.

25 MR. RAPAPORT: Q. Let me show you a meeting in

1 which evidently you were there, Exhibit 82.

2 Do you see that exhibit?

3 A. Uh-huh.

4 Q. Why don't you take a look at it and

5 perhaps you can tell me whether you were at the

6 meeting that that exhibit intends to document?

7 A. Yeah.

8 Q. During that meeting, there was a report

9 regarding board governance.

10 It says that Pete Bramson stated his concerns

11 as a board member for the process of Pacifica.

12 Do you recall, just without looking at

13 anything, do you recall what Mr. Bramson said at

14 that meeting?

15 A. No.

16 Q. Do you recall whether at that meeting  
17 July Taylor-Gibbs was appointed to be -- was  
18 appointed to be -- let me start again.

19 This document on the last page says, and I'll  
20 read it, and I'll hand it to you:

21 "The board then took up the selection of  
22 a second rep. After considerable  
23 discussion, Mary Berg nominated Jewelle  
24 Taylor-Gibbs to be our rep for the  
25 Pacifica National board meeting in



1 February 1999. She was unanimously  
2 approved."

3 Do you see that?

4 A. Yes.

5 Q. Did that occur?

6 A. Yes.

7 Q. As far as you know, Ms. Taylor-Gibbs was  
8 at that meeting; correct?

9 A. As far as I know, yeah.

10 Q. Why wasn't she sued?

11 A. Why wasn't she what?

12 Q. Why wasn't she sued?

13 She voted on the bylaw change you complain of  
14 in your lawsuit.

15 MS. BRUNNER: Objection; asked and answered.

16 THE WITNESS: I don't know.

17 MR. RAPAPORT: Q. Let's go to another subject.

18 A. Sorry.

19 Q. Don't be sorry. That's fine.

20 MS. BRUNNER: She's sorry because she didn't

21 give me a moment to object.

22 MR. RAPAPORT: Oh.

23 Q. During the time you were on the KPFA

24 L.A.B., were you ever offered the opportunity to

25 vote on any national board resolution?

1 A. I don't recall.

2 Q. During the time you were on the KPFA

3 L.A.B., were you ever offered the opportunity to

4 vote on any amendment to the Pacifica Foundation

5 national bylaws?

6 A. I don't remember that.

7 Q. During the time you were on the KPFA

8 L.A.B., were you ever offered the opportunity to

9 amend the KPFA L.A.B. bylaws by the national

10 board?

11 A. I don't think so. I don't know.

12 Q. Did the KPFA L.A.B. purport to amend its

13 bylaws without the approval of the national board

14 this year?

15 A. I don't know that.

16 Q. Did the L.A.B. -- strike that.

17 Did the KPFA L.A.B. alter the process for the  
18 selection of L.A.B. members this year?

19 A. Ask that again.

20 Q. Did the KPFA L.A.B. alter the process it  
21 used to select new board members of the L.A.B.?

22 A. Not to my knowledge.

23 Q. Have you ever had any conversation with  
24 any defendant in this lawsuit?

25 MS. BRUNNER: Let's go back.

1 THE WITNESS: Let me see.

2 MR. RAPAPORT: Exhibit 6.

3 MS. BRUNNER: These people.

4 THE WITNESS: No.

5 MR. RAPAPORT: I'll have this marked.

6 (Document marked Defendant's

7 Exhibit 169 for identification.)

8 MR. RAPAPORT: Q. That is a notice of your

9 deposition, and it requests that certain documents

10 be brought.

11 Did you ever receive a copy of this?

12 A. Yes.

13 Q. Did you search for any of the documents

14 requested in that document?

15 A. I had already given my lawyer all the

16 relevant documents that I had.

17 Q. So you --

18 A. I don't know where -- I don't have any

19 others.

20 Q. So you had no other documents that hadn't

21 been previously provided to counsel?

22 A. That's right.

23 Q. Can you tell me the date they were

24 provided to counsel?

25 A. I don't remember.

1 Q. Was it at the commencement of the  
2 lawsuit, or was it a year ago, or was it a month  
3 ago?

4 A. It was more like a year ago, I believe.

5 MR. RAPAPORT: Presumably all those documents  
6 have been produced, Counsel.

7 MS. BRUNNER: I have to state that I am not  
8 dealing personally with any of the document  
9 production, and I do not have that information.

10 MR. RAPAPORT: I would just say if it turns out  
11 that documents provided by this witness didn't  
12 make it into a production, that you would request  
13 they make it into a production and provide them.

14 MS. BRUNNER: We will produce all documents  
15 that we have in the office from the plaintiffs

16 that have been given to us relevant to this

17 lawsuit --

18 MR. RAPAPORT: I know you will.

19 MS. BRUNNER: -- that are not attorney-client

20 work product.

21 MR. RAPAPORT: Q. Isn't it true that it was

22 your understanding that the procedure for electing

23 a member to the national board was that the local

24 advisory boards would put someone up, and that the

25 national board would vote on accepting that



1 individual?

2 A. That's my understanding.

3 Q. It was always that way; wasn't it?

4 That was always the procedure?

5 A. As far as I know.

6 Q. Have you talked to any people who are

7 donors to the Pacifica Foundation who have

8 requested their money back?

9 A. Um, excluding myself?

10 Q. Yes, excluding yourself.

11 It's hard to talk to yourself.

12 A. No.

13 Q. You want your money back?

14 A. Yes.

15 Q. How much money did you donate?

16 A. \$10,000.

17 Q. When?

18 A. It's in an irrevocable trust, group

19 trust, to the Pacifica Foundation. I also took

20 them off my will.

21 Q. As well you're entitled to do.

22 The \$10,000, is that money that Pacifica

23 Foundation already has?

24 A. I assume so.

25 Q. When you say it was a trust --

1       A. I forget the exact name of it, but it's  
2 an irrevocable donation for which I receive  
3 interest.

4       Q. I got it.

5       So the donation has not been made. You get the  
6 interest?

7       A. No, the donation has been made.

8       Q. The donation has been made for tax  
9 purposes, but the Pacifica Foundation has never  
10 had use of the funds; correct?

11      A. Why not?

12      Q. Let me ask you.

13      Do the funds go to the Pacifica Foundation only  
14 upon your death, or did they go to Pacifica  
15 Foundation at the time of the donation?

16 A. I really don't know.

17 Q. Was this a trust a lawyer set up for you?

18 A. Yeah. I don't know what's happened to  
19 that money at this point.

20 Q. But you get the interest payments?

21 A. Yeah, so it's floating around somewhere.

22 Q. And you took a tax deduction on it;  
23 didn't you?

24 A. No.

25 Q. Did you ever receive organization and

1 procedure documents from the Pacifica Foundation  
2 that would describe what the procedure was for the  
3 election of directors?

4 A. No.

5 Q. Getting back to the donation that you  
6 made, was there any particular statement made to  
7 you to get you to make that donation to give that  
8 money by any person employed by the Pacifica  
9 Foundation?

10 A. It's all written down as part of the --  
11 part of the agreement. I don't have it with me.

12 Q. I guess what I mean is:

13 You made a decision in your mind to donate this  
14 rather large sum of money to the Pacifica  
15 Foundation.

16 A. Uh-huh.

17 Q. What I'm asking is:

18 Did someone make any statements to you about  
19 the Pacifica Foundation that encouraged you to  
20 make that specific donation?

21 A. There's a written appeal in connection  
22 with that particular fund.

23 Q. What was the appeal for?

24 A. For station KPFA and the Pacifica  
25 Foundation to benefit from these funds.

1 Q. Right.

2 A. My understanding is that the funds would  
3 only go to Pacifica Foundation if it continues on  
4 the principles that I understand KPFA stands for.

5 Q. Was that in the written appeal itself?

6 A. I think so.

7 Q. You have a copy of that?

8 A. Not with me.

9 Q. Is that some document you provided to  
10 your lawyer?

11 A. It could be.

12 Q. Do you know who provided that written  
13 document to you; was it Pacifica Foundation or  
14 KPFA?

15 A. KPFA.

16 MS. BRUNNER: I just want to have a check-in

17 for a minute.

18 We've been going for about an hour; do you need

19 a break?

20 THE WITNESS: No, I'm fine.

21 MR. RAPAPORT: Q. Was there something in that

22 written appeal that you now believe was a false

23 statement in that appeal?

24 A. Not yet.

25 Q. Do you know the identity of any



1 individuals who spearheaded the organization of  
2 the marches and demonstrations in front of the  
3 Pacifica Foundation in July of 1999?

4 A. No.

5 Q. Are you aware of any restrictions in any  
6 document as to the number of directors that can be  
7 on the Pacifica Foundation national board?

8 A. No, I don't know.

9 Q. Do you have any personal information that  
10 the Pacifica board intended to sell any of the  
11 radio stations?

12 A. I've heard rumors to that effect.

13 Q. I've heard rumors, too, but do you have  
14 any personal knowledge --

15 A. No.

16 Q. -- that there's anything to those

17 rumors?

18 A. No.

19 Q. Was it your understanding that the policy

20 of the Pacifica Foundation was that when the local

21 L.A.B.s nominated potential directors for the

22 national board that at least one of the two

23 nominees would be a person of color?

24 A. I think that's my understanding.

25 Q. Besides expending money on security

1 guards, what else do you think that the board  
2 spent money on that was improper?

3 A. Say that again.

4 Q. Aside -- we talked a little about the  
5 security guards, and you said you thought that was  
6 improper because it wasn't necessary.

7 A. Uh-huh.

8 Q. Was there other expenditure of funds that  
9 you believe weren't necessary that were made by  
10 the Pacifica board?

11 A. I don't know of any.

12 Q. In connection with the expenditure of the  
13 funds for the security guards, and just to remind  
14 you, the complaint talks about that there was a  
15 P.R. firm hired.

16 That was one thing.

17 Is that something you think was wrong?

18 A. Yes.

19 Q. How come?

20 A. Because it was totally unnecessary.

21 Q. Were you aware of the fact that the media  
22 was constantly trying to get information from the  
23 Pacifica Foundation, and they didn't have  
24 personnel to meet with the media and provide them  
25 with information?

1 A. I'm not concerned with that.

2 Q. I'm not asking if you're concerned with

3 it.

4 I'm asking if you knew it had --

5 A. No, no.

6 Q. -- occurred?

7 A. No.

8 Q. Did you know that the Pacifica Foundation

9 had retained P.R. firms in the past?

10 A. I didn't know that.

11 Q. Do you have any reason to believe that

12 the decision to retain a P.R. firm by the board

13 was anything -- was malicious in any way, or

14 breach of a fiduciary duty, or do you think it was

15 just dumb?

16 A. That's an either/or question.

17 Q. I'm trying to get a feeling of your

18 thinking of what happened.

19 A. I would disagree with them having engaged

20 a P.R. firm.

21 Q. I understand that.

22 They came to different judgment than what you

23 think is proper.

24 My question is:

25 Do you think that the judgment they came to was

1 so out of bounds that it goes to the level of  
2 malicious or fraud, or does it just go to the  
3 level of being negligent and dumb?

4 A. A little bit of both.

5 Q. What is it that makes you think that  
6 decision was malicious or fraudulent?

7 A. Because of the board's general attitude  
8 toward KPFA and the local people in KPFA.

9 Q. Where did you get your view that the  
10 board had any view of the local people at KPFA  
11 that wasn't respectful?

12 A. Well, their very action in shutting down  
13 the station and hiring police.

14 Q. That decision, they articulate that  
15 decision was made for safety reasons.

16 Do you disagree that safety reasons were a  
17 concern during July 99?

18 A. I think that was only part of the -- that  
19 was part of the rationale.

20 Q. My question is:

21 Do you think that reasonable minds could differ  
22 over that rationale?

23 A. I'm not in a position to judge reasonable  
24 minds.

25 Q. Would you consider the shutting down of



1 the station and retention of security guards to be  
2 negligent conduct by the board of directors?

3 A. To be what?

4 Q. Negligent, that means not up to the  
5 standard of a reasonably prudent person?

6 A. I agree.

7 Q. Would you say it's anything worse than  
8 that?

9 A. Yes.

10 Q. You think that they got any kickbacks  
11 from the security guards or something like that?

12 A. That wouldn't be their goal. The goal  
13 was to shut down KPFA and make it hue to their  
14 line.

15 Q. What makes you believe there was any

16 benefit to the board of directors of the Pacifica

17 Foundation to close the station?

18 A. There are a lot of reasons for that.

19 Q. If you could articulate them, I'd

20 appreciate it.

21 A. I think they disagreed with the way that

22 the KPFA was programed.

23 Q. That isn't such a problem; is it?

24 Don't they control who the executive director

25 is?

1 A. That's what they try to do.

2 Q. They can hire and fire program managers,

3 can they not, station managers; can they not?

4 A. That's what they tried to do.

5 Q. You're not aware of any prohibition on

6 the national board hiring or firing program

7 managers; are you?

8 A. I can disagree with them.

9 Q. Sure, you can disagree with the decision.

10 You can say, "This was a good person, you

11 shouldn't have fired her," but you're not

12 suggesting they didn't have the authority to do

13 that; are you?

14 A. I can't answer that question.

15 Q. Do you have any reason to believe that

16 the national board did not have the authority to  
17 fire station managers if it deemed them to be  
18 inadequate?

19 A. I suppose they do.

20 Q. Isn't it true that the real problem here  
21 is that the local board felt that they were not  
22 being respected because their opinions weren't  
23 solicited in connection with employment decisions,  
24 in connection with programming decisions, in  
25 connection with the operation of the station?

1 A. That's true.

2 Q. Now --

3 MS. BRUNNER: Could you read back his question  
4 to me?

5 (Record read.)

6 MS. BRUNNER: Thank you.

7 MR. RAPAPORT: Q. Can I ask you,

8 Ms. de Lappe --

9 A. You want me to answer that question?

10 Q. You already did.

11 Did you ever see Exhibit P?

12 A. "P" as in "Peter."

13 Q. Let me give it to you.

14 A. "P" or "T"?

15 Q. It's a letter dated June 14, 1999 from

- 16 Mr. Siegel to Dr. Berry.
- 17 Have you ever seen this letter before?
- 18 A. From Mr. Siegel; who is Mr. Siegel?
- 19 Dan?
- 20 Q. Yeah, he's your lawyer.
- 21 A. No.
- 22 Q. You have never seen that before?
- 23 A. No.
- 24 Q. Did you authorize it to be sent?
- 25 A. I beg your pardon?

1 Q. Did you authorize it to be sent on or  
2 about the date indicated?

3 A. How could I if I have never seen it  
4 before?

5 Q. Have you ever talked to --

6 A. Can I keep a copy of this?

7 Q. Yeah, it's yours.

8 A. Thank you.

9 MS. BRUNNER: We'll put it with your stuff so  
10 you can take it with you.

11 THE WITNESS: Thank you.

12 MR. RAPAPORT: Q. Do you have any reason to  
13 believe that the decision by the board of  
14 directors, however misguided, to hire security  
15 guards was not thought by them to be in the best

16 interests of KPFA?

17 A. I have no opinion about that.

18 MR. RAPAPORT: Off the record.

19 (Discussion off the record.)

20 MR. RAPAPORT: Q. Could you take a look at

21 Exhibit 41?

22 A. Okay.

23 Q. This says that you were present at a

24 board meeting on that date?

25 A. Right.



1 Q. If you turn to Roman numeral four?

2 A. There are two IVs.

3 Q. The one that says, Report of Governing  
4 Board.

5 A. "In re: L.A.B."?

6 Q. Yes, the last sentence on the page says

7 that:

8 "In the ensuing discussion it was agreed

9 that the L.A.B. had a two-pronged task:

10 to solidify and clarify our arguments

11 for maintaining Pacifica's L.A.B.

12 structure, as discussed in November, and

13 to have a second rep in place before

14 February."

15 Do you see that?

16 A. Uh-huh.

17 Q. Can you describe what the structure of

18 Pacifica's L.A.B. was at the time of this meeting?

19 Let me ask you a simpler question.

20 Do you know when the author of this document

21 said that the discussion was that the L.A.B.

22 should "... solidify our arguments for maintaining

23 KPFA appoints structure," does that trigger your

24 recollection of what was discussed?

25 A. I'm assuming it was discussing the

1 maintaining of two representatives from the L.A.B.

2 to the national board.

3 Q. As opposed to?

4 A. Having them at-large. In other words --

5 Q. Okay, thank you.

6 A. Okay.

7 In other words, they could stay on the L.A.B.

8 at the same time that they were on the national

9 board.

10 Q. Isn't it true that there was a change

11 made at Pacifica where they said you can't be both

12 on the L.A.B. board --

13 A. Right.

14 Q. -- and the Pacifica board?

15 A. Right.

16 Q. But that change took place before

17 February of '99; didn't it?

18 A. Yeah.

19 Q. That change was because of a CPB

20 requirement; correct?

21 A. I assume so.

22 Q. That change didn't preclude any

23 individual who was on both boards at the time

24 from, let's say, resigning, like Mr. Bramson did,

25 from the KPFA L.A.B. and then attending the

1 meetings ex officio?

2 A. That's right.

3 Q. That didn't hurt the L.A.B; did it?

4 A. Sure did.

5 Q. How?

6 A. They were no longer members of the L.A.B.

7 Q. So what?

8 What is the harm?

9 The person was at the meeting. They

10 participated in the meeting, and they are seated

11 on the national board.

12 How does that hurt the L.A.B.?

13 A. I think it has something to do with

14 strengthening the L.A.B. in relation to the

15 national board.

16 Q. Could you take a look at Exhibit 9?

17 Had you ever seen this document before?

18 A. Probably.

19 MR. RAPAPORT: Off the record.

20 (Discussion off the record.)

21 MR. RAPAPORT: Q. I'd like you to take a look

22 at Exhibit 35.

23 Do you see it?

24 A. Uh-huh.

25 Q. Have you ever seen that document before?

1 A. No.

2 Q. The second paragraph of the document --

3 MS. BRUNNER: Not the cover sheet, but the  
4 second page.

5 THE WITNESS: "The L.A.B. serves under the  
6 direction and guidance of the Pacifica  
7 national governing board."

8 MR. RAPAPORT: Q. Yes, do you see that?

9 A. Yes.

10 Q. Was that your understanding and true in  
11 December 1998?

12 A. I assume, it's written there, so it must  
13 be the case. I don't necessarily agree with it.

14 Q. How about the last sentence of the  
15 paragraph:

16 "If it is felt that an L.A.B. is out of  
17 compliance that the executive committee  
18 has the authority to institute  
19 reorganization or reconstitution of the  
20 L.A.B."

21 Was it your understanding that that was the  
22 policy and procedure?

23 A. Yes.

24 Q. The last sentence of that page in which  
25 it states:



1 "In no case shall the community advisory  
2 board have any authority to exercise any  
3 control over the daily management or  
4 operation of the station."

5 A. Right.

6 Q. Do you see that?

7 A. Yes.

8 Q. Did you understand that was, in fact,  
9 true?

10 A. Yes, yes.

11 Q. If you turn to the next page under Limits  
12 of Authority, there's a sentence. The second  
13 sentence of the first non-numbered paragraph  
14 reads:

15 "No actions may be taken by the L.A.B.

16           that would preempt, in whole or in part,  
17           the authority or responsibilities of the  
18           governing board."

19    Do you see that?

20    A.  Uh-huh, yes.

21    Q.  Did you understand that was, in fact, the  
22    limits of the L.A.B.'s authority?

23    A.  Yes.

24    Q.  If you turn to the next page under  
25    Nominating Process, it says:

1 "The membership/nominating committee  
2 recommends candidates for membership on  
3 the L.A.B. as needed."

4 Do you see that?

5 A. Yes.

6 Q. Wasn't it true that the L.A.B.s were  
7 entitled to select their own members?

8 A. Uh-huh, yes.

9 Q. Then on the next page, in reference to  
10 Nomination To the Governing Board, it says:

11 "The L.A.B. may nominate two members to  
12 the governing board."

13 Do you see that?

14 A. Yes.

15 Q. That was a ruling that the national board

16 passed; correct?

17 They had the authority to make that decision;

18 correct?

19 A. Yes.

20 Q. Was it your understanding that they did

21 not have the authority to change their decision on

22 that point?

23 A. Well, it's my understanding that they did

24 change.

25 Q. In connection with how things are done

1 today, does your KPFA L.A.B. nominate members to  
2 the governing board?

3 A. Yes.

4 Q. Have you found that those nominees have,  
5 by and large, been approved by the governing board  
6 for membership, with the exception of Mr. Imani, I  
7 understand?

8 A. Yes.

9 Q. Did Mr. Bramson still come to meetings of  
10 the KPFA L.A.B. after -- oh, let's say in 1999 and  
11 2000?

12 A. I don't --

13 Q. Did you see him there?

14 A. Yes.

15 Q. Have you talked to him about this

16 lawsuit?

17 A. No.

18 Q. Have you ever listened to him discuss the

19 issues that are involved in this lawsuit?

20 A. Yes.

21 Q. From his comments, have you reached any

22 conclusion as to whether or not his position is

23 supportive of the position of the plaintiffs in

24 this lawsuit?

25 A. No.

1 Q. You haven't reached a conclusion?

2 A. Have not reached a conclusion.

3 All the trees. All the trees.

4 Q. This is nothing.

5 A. I know about lawyers. I was married to

6 one.

7 Q. You were; what was his name?

8 A. Bert Edises.

9 Q. Where does he practice?

10 A. With Edises & Treuhaft at 1440 Broadway.

11 Q. Bob Treuhaft?

12 Off the record.

13 (Break taken, 11:35 - 11:37.)

14 MR. RAPAPORT: Q. Do you have any opinion

15 regarding the honesty and veracity of Jack O'Dell?

16 A. I don't know him well enough to say one

17 way or the other.

18 Q. How about Peter Bramson; do you have an

19 opinion about the honesty and veracity of

20 Mr. Bramson?

21 A. I have no opinion.

22 Q. Could you turn to Exhibit 13, and

23 Exhibit Q of Exhibit 13.

24 Have you ever seen this document before?

25 A. No.



1 Q. Let's skip it then.

2 Do you recall Ms. Gendelman at any L.A.B.

3 meeting discussing Judge Richmond?

4 A. No.

5 Q. You mentioned the \$10,000 donation you

6 gave.

7 A. Yes.

8 Q. What year was that?

9 A. Probably about 1990.

10 Q. Okay.

11 A. I know it was -- I have to --

12 Q. Anyway, it was after 1995?

13 A. Beg your pardon?

14 Q. Is there any way that donation was made

15 after the year 1995?

16 A. No. God, I hope I'm not wrong, but I'm  
17 trying to date it by the year I moved up to  
18 Petaluma.

19 MS. BRUNNER: If it's wrong, you have a chance  
20 to correct it on the record.

21 MR. RAPAPORT: I don't have any more questions  
22 for you.

23 THE WITNESS: God bless.

24 MS. BRUNNER: I have a question.

25 MR. RAPAPORT: Go right ahead.

1 MS. BRUNNER: I have one question of you. Can

2 I take a break?

3 Why don't you just walk out the door.

4 MR. RAPAPORT: Okay, but I just have to

5 state --

6 MS. BRUNNER: I may not have to ask the

7 question. I don't want to go on the record with

8 it if I don't have to ask the question.

9 MR. RAPAPORT: As long as you're not telling

10 her the answer.

11 MS. BRUNNER: I'm not telling her the answer.

12 (Break taken, 11:42 - 11:43.)

13 EXAMINATION BY MS. BRUNNER

14 MS. BRUNNER: Back on the record.

15 Q. You were asked earlier by Mr. Rapaport --

16 I'm going to misparaphrase it because I didn't  
17 write it down, but basically he asked you:  
18 Is the real reason there's a lawsuit against  
19 Pacifica because you are against the programming;  
20 something like that.  
21 You're looking --  
22 MR. RAPAPORT: I don't believe that was the  
23 question.  
24 MS. BRUNNER: You want to repeat the question?  
25 MR. RAPAPORT: I really don't have it in mind.

1 MS. BRUNNER: Fine.

2 Q. My question is:

3 Is there any other real reason that you would  
4 have been part of a lawsuit against Pacifica?

5 A. Yes, because I'm under the impression  
6 that the board of directors of Pacifica Foundation  
7 is run in an undemocratic way in which they sort  
8 of repeatedly self-appoint themselves.

9 And I'm a little unclear about where they are  
10 plucked out of the atmosphere to start with, where  
11 they got their authority to start with, and they  
12 seem to be self-perpetuating.

13 Q. Is there any other real reason?

14 A. That's real enough to me.

15 MS. BRUNNER: Thank you. That's it.

16           FURTHER EXAMINATION BY MR. RAPAPORT

17       MR. RAPAPORT: I have one question.

18       Q. Isn't the self-appointing aspect that you

19   object to of the national board, isn't that the

20   same way that the L.A.B.s elect their board

21   members?

22       A. No, because --

23       Q. How is it different?

24       A. -- because the L.A.B.s reach out to the

25   listening public to find people who want to serve

1 on the L.A.B.

2 It's not a plum, believe me.

3 Q. Neither is being on the national board,

4 but --

5 A. It must be a plum in some way.

6 Q. What makes you think that the national

7 board doesn't reach out to people throughout the

8 nation who they believe might be good

9 representatives of the Pacifica Foundation?

10 A. I didn't know they did.

11 MR. RAPAPORT: Thank you.

12 I'll put one thing on the record.

13 I'm sick. I'm calling Dan and telling him that

14 there's no way I can make the Monday deposition.

15 Counsel has thoughtfully agreed to make sure he

16 gets that message so he doesn't fly away

17 unnecessarily.

18 Thank you.

19 (The deposition of PELE de LAPPE

20 was adjourned at 11:46.)

21 -o0o-

22

23

24

---

25 PELE de LAPPE



1 STATE OF CALIFORNIA )

2 ) SS.

3 COUNTY OF CONTRA COSTA )

4

5 I, PATRICIA TABOR, do hereby certify:

6 That PELE de LAPPE, in the foregoing

7 deposition named, was present and by me sworn as a

8 witness in the above-entitled action at the time

9 and place therein specified;

10 That said deposition was taken before

11 me at said time and place, and was taken down in

12 shorthand by me, a Certified Shorthand Reporter of

13 the State of California, and was thereafter

14 transcribed into typewriting, and that the

15 foregoing transcript constitutes a full, true and

16 correct report of said deposition and of the  
17 proceedings which took place;

18 That I am a disinterested person to the  
19 said action.

20 IN WITNESS WHEREOF, I have hereunder  
21 subscribed my hand this 7th day of December 2000.

22

23

---

24

PATRICIA TABOR  
CSR NO. 5739  
State of California

25

1 DIABLO VALLEY REPORTING SERVICES  
Certified Shorthand Reporters  
2 2121 N. California Blvd., Suite 310  
Walnut Creek, California 94596  
3 (925) 930-7388

4 December 7, 2000

5 Pele de Lappe  
c/o  
6 Hunter Pyle, Esq.  
Siegel & Yee  
7 499 - 14th Street, Suite 220  
Oakland, California 94612

8

9 Re: Adelson vs. Pacifica

10

Dear Ms. de Lappe:

11

This is to inform you that your deposition  
12 conducted on Friday, December 1, 2000 has been  
transcribed into booklet form.

13

You have the right to review and sign the  
14 transcript of your testimony to ensure that it is  
true and correct. If you wish to avail yourself  
15 of this opportunity, the original transcript of  
your deposition shall be held in our offices for

16 your review for not more than 30 days or until  
17 requested for trial. If you choose to come to our  
18 office, it would be best to call our office before  
19 your arrival so that the transcript can be readily  
20 available.

21 If you do not sign your deposition, please be  
22 advised that it may be used at the time of trial  
23 with the same force and effect as though it had  
24 been signed.

25 If you should have any questions regarding this  
26 information, please do telephone our staff to  
27 assist you.

28

29

30 Patricia Tabor  
31 Certified Shorthand Reporter  
32 cc: All Counsel