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1 APPEARANCES:
 2
 3 FRANK ASKIN, Professor of Law
 4 Constitutional Litigation Clinic
 5 Rutgers School of Law
 6 Center for Law and Justice
 7 123 Washington Street
 8 Newark, New Jersey 07102
 9 Attorney for the Plaintiffs
 10
 11 BUCKALEW, FRIZZELL & CREVINA
 12 Heritage Plaza I
 13 55 Harristown Road
 14 Glen Rock, New Jersey 07452
 15 BY: DONNA F. SHAHRABANI, ESQ. and
 16 CHERYL SIEGEL, ESQ.
 17 Attorneys for the Defendants
 18
 19 ALSO PRESENT: ARMAND RODRIGO
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 23
 24
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1 KATHY MOBERLY, 7000 Boulevard East, Apt.
 2 25G, Guttenberg, New Jersey 07093, having been first
 3 duly sworn, testified as follows:
 4
 5 EXAMINATION BY MR. ASKIN:
 6 Q. Ms. Moberly, good afternoon.
 7 A. Good afternoon.
 8 Q. My name is Frank Askin. I am the
 9 attorney for the plaintiffs in this case. Have you
 10 ever had your deposition taken before?
 11 A. Yes actually.
 12 Q. You have. Okay. So, I suppose you
 13 understand then that you are under oath?
 14 A. Yes.
 15 Q. And that your answers to the questions
 16 will be transcribed by the court reporter and may be
 17 used in court?
 18 A. Yes.
 19 Q. I will ask you questions. You can
 20 respond to them unless your attorneys tell you not to
 21 or until they tell you to respond, and if there's
 22 anything you don't understand, just say so and I will
 23 rephrase the question, and you have to give verbal
 24 responses. You can't nod your head. Okay? Those
 25 instructions are clear, correct?

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1 A. Yes, they are.
 2 Q. Are you the editor of the Galaxy News?
 3 A. Yes.
 4 Q. How long have you been editor?
 5 A. I took over the position in 1997, and
 6 then turned it over to someone else for about a year
 7 and a half, and then came back in 2001, I believe it
 8 was.
 9 Q. Have you also been a member of the Board?
 10 A. Yes.
 11 Q. When were you a member of the Board?
 12 A. I was a member of the Board in 1999 for
 13 two years, and then, I think, around -- I may be wrong
 14 on this. I'm not great with remembering exact dates,
 15 but I think around 2002.
 16 Q. You're not on the Board now?
 17 A. No, I'm not.
 18 Q. What are your duties as editor of the
 19 Galaxy News?
 20 A. As editor, I basically collect all of
 21 the articles. I pick the theme. I pick the colors.
 22 I work on the layouts. I collect everything, and
 23 basically edit, and with an eye on content, of course,
 24 and then I take it to our desktop publisher who does
 25 the actual printing.

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1 Q. Are you familiar --
 2 MR. ASKIN: Let me mark as PM-1
 3 Administrative Resolution No. 3.
 4 (PM-1 was marked for identification.)
 5 Q. Administrative Resolution No. 3 refers
 6 to establishment of a Communications Committee. This
 7 document was adopted February 6, 2003, and on page 3
 8 of this document, it has some editorial policy for
 9 Galaxy News. Are you familiar with that?
 10 A. Page 3.
 11 Q. It says IV Galaxy News Editorial Policy
 12 towards the bottom.
 13 A. Oh, yes. Yes. Yes.
 14 Q. You're familiar with that policy?
 15 A. Yes.
 16 Q. Are you responsible for implementing
 17 those policies as editor?
 18 A. Can you be more specific, please?
 19 Q. Well, first of all, do you follow those
 20 guidelines?
 21 A. Yes, I do.
 22 Q. And are you the person responsible for
 23 implementing them?
 24 A. Yes.
 25 Q. Okay. That's all. Now, under Section

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1 I, Duties -- I'm sorry. First of all, as to the
 2 Communications Committee, under Duties it says, "The
 3 primary responsibility of the Communications Committee
 4 is to advise and assist the Board of Directors in
 5 developing and carrying out a program of positive
 6 information flow between and among the organized
 7 components of the Association, particularly as between
 8 the Association leadership and the general residency
 9 itself." I assume that includes the responsibility of
 10 the Galaxy News; is that correct?
 11 A. That is correct.
 12 Q. And when it says information flow, does
 13 that include information flow from the leadership of
 14 the Galaxy to the residents of the Galaxy?
 15 MS. SIEGEL: Are you asking her to
 16 interpret the resolution?
 17 MR. ASKIN: How she understands this
 18 policy as one of the persons responsible.
 19 MS. SHAHRABANI: Where are you talking
 20 about administration?
 21 Q. We are on page 1 under Duties. It says,
 22 "The primary responsibility of the Communications
 23 Committee is to advise and assist the Board of
 24 Directors in developing and carrying out a program of
 25 positive information flow between and among the

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1 organizational components of the Association,
 2 particularly as between the Association leadership and
 3 the general residency itself." I assume that refers
 4 to one of the responsibilities of the Galaxy News,
 5 correct?
 6 A. Absolutely.
 7 Q. Does that information flow include
 8 information flow from -- not only from the leadership
 9 to the residents, but also from the residents to the
 10 leadership?
 11 A. On what level? On certain levels, it
 12 does.
 13 Q. Which levels?
 14 A. Well, we do -- can you kinda tell me
 15 where you're coming from on this?
 16 Q. I'm trying to understand what it means
 17 by information flow. It says between and among the
 18 components of the Association, particularly as between
 19 the Association leadership and the general residency
 20 itself.
 21 A. This is basically in the form of
 22 reports. We have reports from our committees. We
 23 have reports from our clubs. We have reports from the
 24 -- usually the President's report and the General
 25 Manager's report. Basically, what's going on, and

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1 then we have -- so, in a sense, it's not just from the
 2 leadership. The committees aren't all leadership.
 3 So, yes, it's coming back.
 4 Q. How about from the general residency to
 5 the leadership, the residents of the Galaxy? Is that
 6 a two-way street? The information flow?
 7 A. I would --
 8 MS. SHAHRABANI: I have an objection as
 9 to -- I don't think there's really been established
 10 that there's necessarily information flow from the
 11 leadership to the residents.
 12 Q. Well, does the information flow the
 13 Galaxy News tries to implement include flow of
 14 information from the leadership of the Galaxy to the
 15 residents?
 16 A. And there's also from the residents to
 17 residents, because we have other articles and other
 18 points of interest, you know. It's not just leadership.
 19 Q. It's between the residents themselves?
 20 A. Absolutely.
 21 Q. And explain to me exactly how the Galaxy
 22 News implements flow of information from residents to
 23 residents.
 24 A. Well, we have a column called The
 25 Village Happenings in which birth and deaths and

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1 special accomplishments are related to the residents,
 2 the rest of the residents. Quite often a person who
 3 is highlighted has done something special, of
 4 particular note. Something, you know, that's
 5 highlighted. We have a Health Beat where the
 6 residents share ideas on fitness and nutrition. We
 7 have been known to run special recipes. Is there
 8 anything else you're looking for?
 9 Q. Well, if I'm a Galaxy resident and I
 10 want to convey information to the leadership as well
 11 as to other residents, how can I accomplish that
 12 through the Galaxy News?
 13 A. That would not be done through the
 14 Galaxy News.
 15 Q. That is not done through the Galaxy News?
 16 A. No. There are other avenues to do that.
 17 Q. What are those other avenues?
 18 MS. SHAHRABANI: If you know.
 19 A. Yeah. You write them a letter, and
 20 everything gets read and sent out.
 21 Q. Write who?
 22 A. You can write the President of the
 23 Board. You can contact management, the General
 24 Manager, anyone in management. Absolutely. You can
 25 contact committee heads, club heads. Their numbers

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1 are available. Everyone is available.
 2 Q. But the Galaxy News itself does provide
 3 a mechanism for residents to communicate to the
 4 leadership. That's not part of its role you're saying?
 5 A. No, it's not. It's a bimonthly news
 6 magazine.
 7 Q. Now, under Section IV, the Galaxy News
 8 Editorial Policy, first of all, it says, "Priority
 9 will be given to items of significance to the majority
 10 of the Association members"; is that correct?
 11 A. Correct.
 12 Q. Does that mean that items of
 13 significance to the majority of Association members
 14 should get placement in the Galaxy News over items of
 15 little or no significance to the majority of
 16 Association members?
 17 A. I think that's rather obvious, yes.
 18 Q. How are items of significance to the
 19 majority of Association members defined?
 20 A. Well, basically, since they are going on
 21 in house that affect everyone, that give people an
 22 opportunity to get involved in the community, things
 23 that are -- sometimes it's just something that's
 24 really wonderful that's good to share with your
 25 neighbors. This is very much a community.

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1 Q. And who determines that that is your job
 2 to determine that?
 3 A. It's my job to determine it, but I do
 4 check with others.
 5 Q. Who did you check with?
 6 A. I quite often will -- I'll check with
 7 Marsha Norget. I'll check with management.
 8 MR. ASKIN: Okay. Let me mark as PM-2
 9 this letter.
 10 (PM-2 was marked for identification.)
 11 Q. Now, this is a letter on the letterhead
 12 of a resident named Seymour Haber, 7000 Boulevard
 13 East, addressed to the Galaxy Board of Directors, and
 14 it's dated February 25, 2004. It says, "Re: Alan
 15 Ellinger's article in the Galaxy News,
 16 November/December, 2003." First of all, Allan
 17 Ellinger, he is a member of the Board or was a member
 18 of the Board at that time; is that correct?
 19 A. Yes.
 20 Q. Now, this letter seems to be objecting
 21 in some way to a statement made by Mr. Ellinger in the
 22 Galaxy News, and Mr. Haber quotes Mr. Ellinger as
 23 follows. "The Galaxy was built as a luxury, full
 24 service complex, not as a retirement or fixed income
 25 residence, that needs to be returned to and maintained

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1 at that level."
 2 Mr. Haber then goes on to say, "The
 3 statement is not only callous and shameful in the
 4 extreme, but it is not befitting Mr. Ellinger's status
 5 as a member of our Board. I am also appalled that the
 6 statement was published in the Galaxy newspaper
 7 without editorial discretion.
 8 "Accordingly, I hereby demand equal
 9 access to publish my viewpoint as an owner who is
 10 deeply and seriously offended by these published
 11 statements. I wish to submit an article to the Galaxy
 12 News in response to Mr. Ellinger. Please grant
 13 permission to do so within ten days of receipt of this
 14 letter."
 15 Now, first of all, Ms. Moberly, have you
 16 ever seen this letter?
 17 A. No.
 18 Q. News to you?
 19 A. Doesn't mean I haven't seen it. I just
 20 don't remember seeing it.
 21 Q. Sure. I understand that. It's almost a
 22 year and a half ago.
 23 A. Yes.
 24 Q. Would you say that the demographics of
 25 Galaxy residents is an issue of concern to other

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1 Galaxy residents?
 2 MR. SIEGEL: Objection. Are you asking
 3 her her opinion?
 4 MR. ASKIN: Yes. She's the editor.
 5 MS. SIEGEL: She's the editor of the
 6 Galaxy News. That doesn't mean she has some inside
 7 knowledge on the demographics.
 8 MR. ASKIN: Let's rephrase the question.
 9 It may be misunderstood there.
 10 Q. Would you say that if there is
 11 disagreement over who are appropriate residents of the
 12 Galaxy, the demographics of the Galaxy residents,
 13 whether it's for retired people or other people, is an
 14 issue of general concern to Galaxy residents as the
 15 one who implements the policy on publishing material
 16 of concern to Galaxy residents?
 17 MS. SHAHRABANI: Mr. Askin, there's an
 18 objection because this letter is referring to what
 19 appears to be one sentence in a long article written
 20 by Mr. Ellinger. So, given that Ms. Moberly doesn't
 21 have the benefit of seeing the entire article written
 22 by Allan Ellinger, it's difficult, if not impossible,
 23 for her to opine as to whether that particular
 24 sentence taken out of context is going to appeal to
 25 the majority of people who live at the Galaxy.

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1 MS. SIEGEL: Objection. You're asking
 2 her to comment substantively on this issue.
 3 MR. ASKIN: No. I'm asking her as the
 4 person she said she is, the one who implements the
 5 Galaxy News editorial policy -- whether this fits in
 6 with policy that says report on issues -- matters of
 7 interest and concern to residents -- I'm sorry -- "The
 8 first priority be given to items of significance to
 9 the majority of the Association members." This is an
 10 item that might be of significance to Association
 11 members who live in the Galaxy.
 12 MS. SHAHRABANI: Same objection. It's
 13 impossible for her to answer. This is one written
 14 sentence taken out --
 15 MR. ASKIN: I would like the record to
 16 note that counsel is testifying improperly for the
 17 witness.
 18 MS. SHAHRABANI: I'm not testifying, Mr.
 19 Askin. You're giving one sentence. Do you have the
 20 article?
 21 MR. ASKIN: No, I do not.
 22 MS. SHAHRABANI: If you have the article,
 23 you can ask Ms. Moberly to read it, and then tell if
 24 she feels the article is of significant importance to
 25 the majority of people that live at the Galaxy --

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1 MR. ASKIN: I didn't ask her if the
 2 Ellinger article was of significance. I asked if this
 3 comment, and there's some disagreement over who are
 4 appropriate residents of the Galaxy, whether what are
 5 the demographics of Galaxy residents is an interest of
 6 general concern.
 7 Q. As an editor, do you think it's an issue
 8 of general concern to Galaxy readers or to Galaxy
 9 residents?
 10 MR. ASKIN: She can answer the question.
 11 MS. SHAHRABANI: Go ahead and answer,
 12 but my objection stands. You can answer it.
 13 A. I really can't say at this time, you know.
 14 As they said, I haven't read the whole article, and it
 15 had been -- I didn't -- obviously didn't see any red
 16 lights flashing. I do remember the article. I remember
 17 it was quite lengthy. I remember it was a financial
 18 report, and I took it more as a statement of fact.
 19 Q. Take a look at No. 2 under Galaxy News
 20 editorial policy. Would you read that, please?
 21 A. Yes.
 22 Q. All right. You agree that Item 2 says,
 23 "Legitimate controversies having to do with
 24 Association matters and of interest and concern to
 25 residents will be reported in an objective pro/con

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1 formula, equally citing all sides of the controversy.
 2 Staff shall seek out diverse opinions in the matter
 3 and publish them." Is that part of your policy?
 4 A. Are you referring to letters to the
 5 editor basically? That type of thing?
 6 Q. Not necessarily.
 7 A. It was the policy up until 1997.
 8 Q. Until 1997. Then it was what?
 9 A. That's when I took over, and there were
 10 just a lot of problems with this. So, we have not
 11 practiced it since 1997.
 12 Q. Letters to the editor?
 13 A. Yes.
 14 Q. Now, what were the problems with it?
 15 A. Well, it became -- the Galaxy News is
 16 not a forum for controversy for political opinions,
 17 for people to vent when they are angry at something,
 18 and it was becoming that. So, when I took over as
 19 editor -- and it caused quite a few problems. So,
 20 when I took over as editor, I discontinued doing that.
 21 Q. Did the Board repeal this sentence No. 2
 22 under editorial policy?
 23 A. They have not officially repealed it.
 24 As far as I am -- my knowledge is or can I speak with
 25 counsel about that first?

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1 Q. Can you what?
 2 MS. SHAHRABANI: Go ahead and answer.
 3 A. I believe that it's up to be repealed.
 4 Q. It's up to be repealed?
 5 A. I believe it is, but they haven't had
 6 time to do it. Am I correct?
 7 Q. Don't ask them.
 8 A. It's my belief.
 9 Q. You changed the policy in 1997, and they
 10 haven't had time to get rid of this?
 11 A. Just that nobody ever practiced it.
 12 It's been a policy. It has not been in practice.
 13 Q. Okay. That's fair enough. So, you do
 14 not make any effort to report on Galaxy controversies
 15 in an objective pro/con manner.
 16 A. No, I do not.
 17 Q. You do not. That seems pretty
 18 straightforward. I may have a lot more to ask you
 19 about that.
 20 A. I'm sure you do.
 21 Q. You've answered my main question, I think.
 22 MR. ASKIN: Just a second. I do think
 23 we'll be out of here pretty quickly. Let me mark PM-3.
 24 (PM-3 was marked for identification.)
 25 Q. Going back to the previous question,

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1 it's not just the fact that you abandoned letters to
 2 the editor, you basically stopped considering that No.
 3 2 as a basic direction for how the Galaxy News should
 4 be produced.
 5 A. It wasn't an issue for many years, and
 6 that's not the format of the publication.
 7 Q. You'll note the letter from Mr. Haber
 8 doesn't ask for a letter to the editor. He wanted to
 9 write an article in PM-2. He wanted to write an
 10 article. Not a letter to the editor. The same thing
 11 applies both to articles and letters to the editor?
 12 A. That actually went to the Board. Not to
 13 me. That was their decision to make.
 14 Q. All right. Let's look at PM-3, which is
 15 a letter to the editor of Galaxy News dated October
 16 27, 2004 from Martha DiGiovanni.
 17 A. Yes.
 18 Q. A member of Concerned Unit Owners Group,
 19 and I assume you have seen that. You are familiar
 20 with this letter?
 21 A. Yes.
 22 Q. And I note in the letter that Ms.
 23 DiGiovanni is objecting to statements made by both
 24 Martha Norget, President, and Susan Fitzpatrick,
 25 General Manager, in their respective columns in the

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1 September/October, 2004 Galaxy News; is that correct?
 2 Right in that first paragraph?
 3 MS. SHAHRABANI: Objection. The letter
 4 speaks for itself.
 5 Q. So, she wanted to respond to specific
 6 matters mentioned in the Norget and Fitzpatrick articles,
 7 and you declined to print that; is that correct?
 8 A. Yes.
 9 MR. ASKIN: For the record, let me mark
 10 as PM-4 -- I think the date is here. PM-4 will be the
 11 Fitzpatrick article or column, whatever you call it,
 12 from the September/October, 2004 Galaxy News.
 13 (PM-4 was marked for identification.)
 14 Q. Do you recall that column by any chance?
 15 A. Pardon?
 16 Q. Do you recall that column?
 17 A. Yes.
 18 MR. ASKIN: And just for the record,
 19 mark as -- PM-5 just for the record is a copy of the
 20 Martha Norget -- it's the end of the Martha Norget
 21 column. It's the second half which appeared in the
 22 same issue of the Galaxy News to which Ms. DiGiovanni
 23 referred.
 24 For the record, I only have a
 25 continuation -- actually, I just have one copy of the

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1 opening of the column in case you want to see it.
 2 (PM-5 was marked for identification.)
 3 MS. SHAHRABANI: Also, for the record,
 4 Susan Fitzpatrick's article in PM-4 looks like it's
 5 only partial.
 6 MR. ASKIN: Is that continued? I'm not
 7 sure it is.
 8 MS. SHAHRABANI: It doesn't look like it
 9 ends.
 10 MR. ASKIN: I think you're right. There
 11 probably is a continuation of it.
 12 MS. SHAHRABANI: PM-4 is only what
 13 appears to be the first page of Ms. Fitzpatrick's
 14 article in the September/October, '04 issue.
 15 MR. ASKIN: I tell you what. For the
 16 record, I'm not going to follow this up particularly.
 17 I'm going to mark PM-6, 7, and 8. PM-6 will be a
 18 letter dated June 1, 2005 to Kathy Moberly, Galaxy
 19 News, by Roberto Ruiz, Re: Letter to the Editor headed
 20 the importance of GAAP records. This will be PM-6.
 21 (PM-6 was marked for identification.)
 22 MS. SHAHRABANI: Is this the whole letter?
 23 MR. ASKIN: It is.
 24 A. It's not a letter. It's a submission.
 25 Q. The subject is I'm submitting this

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1 letter to the editor of the Galaxy News.
 2 A. Right.
 3 MR. ASKIN: PM-7 is similarly a letter,
 4 "Dear Ms. Moberly," signed by a Marika Bethel, and as
 5 a matter of fact, there is no date on it, but it is a
 6 letter to the editor of the Galaxy News.
 7 (PM-7 was marked for identification.)
 8 MR. ASKIN: PM-8 is another page marked
 9 Letter to the Editor, the importance of GAAP records,
 10 signed by -- a typed in signature Jane Jones, Tower 32
 11 or I guess it's 3 21F, and we'll mark this as PM-8.
 12 (PM-8 was marked for identification.)
 13 A. Same thing as the other one.
 14 Q. Similar. Two different people
 15 apparently. Similar issues. They're similar, but not
 16 the same letter. They start out similarly. My only
 17 question, Ms. Moberly, is obviously none of these
 18 letters were ever published in the Galaxy News, correct?
 19 A. Correct.
 20 Q. Because you don't publish letters to the
 21 editor?
 22 A. Correct.
 23 Q. You didn't do a story about any of the
 24 issues that may have been raised in those letters,
 25 correct?

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1 A. No.
 2 Q. So, let me understand this. Since you
 3 no longer consider operative -- correct me if I'm
 4 wrong -- the Galaxy News editorial policy set forth in
 5 Administrative Resolution No. 3, are there any current
 6 guidelines that you do follow for the content of the
 7 Galaxy News?
 8 MS. SHAHRABANI: I have an objection. I
 9 don't think she said that entire editorial policy is
 10 inoperative. I think Ms. Moberly was just referring
 11 to Section IV, Provision 2.
 12 MR. ASKIN: Okay. Fair enough.
 13 A. Oh, yeah. Definitely.
 14 Q. So, is there anything else that now
 15 guides you in place of Provision 2 of No. IV? Any
 16 other guideline as to what the Galaxy News should do
 17 or cover?
 18 MS. SHAHRABANI: Objection. Are you
 19 talking written or oral?
 20 Q. Either way. You can tell me if it's
 21 written or oral. You can tell me if there's any other
 22 guidelines.
 23 A. I'm not sure exactly what you want --
 24 what you're driving at here. Could you please
 25 rephrase it?

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1 Q. How do you decide what the content of
 2 the Galaxy News should be? Is there anything that
 3 guides you? The original No. 2 in the guideline was
 4 pretty specific about controversies at the Galaxy and
 5 a pro/con manner. That was a pretty specific manner
 6 as to what the Galaxy News should write about.
 7 MS. SIEGEL: Are you asking her a
 8 question or giving an opinion?
 9 Q. What has replaced that now?
 10 A. Basically, what I do is people submit
 11 articles to me. I have my writing staff and I have
 12 the committee heads, the club heads, they come in to
 13 me on a regular basis. So, there's a certain amount
 14 of copy that I know is going to come in to me, and it
 15 stems from what's going on in the Galaxy.
 16 When something out of the ordinary comes
 17 in, I then look at it, and I say is this something
 18 that would interest the members of the community in a
 19 positive way.
 20 Q. What do you mean by a positive way?
 21 A. We are -- the Galaxy News is placed in
 22 our lobbies. We are presenting ourselves to not only
 23 our residents, but to the general public, and I want
 24 this -- I want the Galaxy News to show us in the light
 25 of what we really are, how we live, and we are a very

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1 upbeat, positive community.
 2 Q. You're saying it's largely a PR
 3 document? A public relations document?
 4 A. No. No. It's about shared community
 5 interests. It's about keeping people abreast of
 6 what's going on that they wouldn't normally see.
 7 That's why we have the President's report. That's why
 8 we have the General Manager's report. It's about
 9 showing people who live here or who are coming in and
 10 interested in our community what we have to offer in
 11 terms of activities, in terms of people, what kind of
 12 people live here. That's basically it.
 13 Q. Are you saying it's mostly for social
 14 and cultural activity at the Galaxy, recreational --
 15 A. Social, cultural, some operational.
 16 Q. I get the impression you're saying you
 17 want to avoid controversy, not encourage it; is that
 18 correct?
 19 A. You have to realize this is a bimonthly
 20 publication.
 21 Q. I understand that.
 22 A. We don't do -- if I can find the right
 23 words for this. We're not a punchy news publication.
 24 We're a magazine. We're a news magazine.
 25 Q. When you say news, news about what?

1 Social and cultural affairs of the Galaxy?
 2 A. Yes, yes, and, you know, people.
 3 They're not a hard punching publication. There are
 4 other avenues for that.
 5 Q. By the way, if someone does submit an
 6 article to the Galaxy -- forget a letter to the editor
 7 -- an article which you reject because you think it's
 8 too controversial, can they appeal anyplace?
 9 A. Absolutely.
 10 Q. How can they appeal?
 11 A. They can appeal to the Board, and they
 12 can appeal to management. No one has ever done that.
 13 Q. No one has ever done that?
 14 A. Never.
 15 Q. Is there anyplace it says you -- where
 16 it says they can appeal?
 17 A. You would have to ask --
 18 Q. To your knowledge.
 19 A. Not to my knowledge. That doesn't mean
 20 there isn't.
 21 Q. So, if somebody sent you an article
 22 which you thought was too controversial and you
 23 rejected it, you wouldn't say but you can appeal to
 24 the Board. Would you tell them that?
 25 A. Actually, when someone sends me an

1 A. In previous years, it was.
 2 Q. That means even your \$500 didn't cover it?
 3 A. Oh, heavens no. We're just now getting
 4 up to where we're running at an even basis.
 5 Q. So, you're saying now you're at the
 6 point where the \$500 appropriation will probably cover
 7 your needs?
 8 A. It's pretty close.
 9 Q. But in the past, it's been a money
 10 losing proposition?
 11 A. In the past, it was budgeted much more
 12 than \$500, and then all of a sudden, we had to make it
 13 happen.
 14 Q. Do you get any compensation?
 15 A. No. Quite the opposite.
 16 Q. And none of your staff gets any
 17 compensation, I take it?
 18 A. No. No.
 19 Q. It's all volunteer?
 20 A. Yes.
 21 Q. How much assistance do you get from the
 22 Galaxy staff?
 23 A. I have one, Florence Freedman.
 24 Q. You have one what?
 25 A. Florence Freedman does my proofreading

1 article and I reject it, I check it through with the
 2 President of the Board. I check it through with
 3 management. It is then sent to legal counsel to be
 4 checked through.
 5 Q. After you rejected it?
 6 A. No.
 7 Q. I'm sorry.
 8 A. Before I reject it. No, I do not. I
 9 have not thought to do that.
 10 Q. You have not thought to do what?
 11 A. To tell them that they can appeal it.
 12 Q. What do you know about the Galaxy News
 13 budget? Do you have anything to do with the budget?
 14 A. At this point?
 15 Q. Yes.
 16 A. I do know, well, we have \$500 from the Board.
 17 Q. You get \$500?
 18 A. Yes. It is -- the Galaxy News is funded
 19 by our advertisers. I just got off the phone with our
 20 advanced communications. We're running about even at
 21 this point.
 22 Q. You're running about even?
 23 A. Yes. It's been a struggle to get there.
 24 Q. Does that mean it's usually been losing
 25 money?

1 for me, which is very helpful.
 2 Q. She's in the clerical pool at the Galaxy?
 3 A. The Galaxy staff here? Oh, no.
 4 Q. She's a volunteer?
 5 A. Cheri Steiner does take in the
 6 advertising, but not editorial, yes, basically.
 7 Q. The basic production work is all done by
 8 volunteers?
 9 A. Volunteers. Nothing done here in the office.
 10 Q. Susan Fitzpatrick doesn't have to put
 11 her hand in it?
 12 A. No. Absolutely not.
 13 Q. Do you know how many copies of the
 14 Galaxy News are printed each time?
 15 A. 1,500.
 16 Q. As I understand it, they are put in the
 17 lobby. They are left to be picked up, correct?
 18 A. Correct.
 19 Q. For nonresidents, do you mail them to them?
 20 A. There's normally a complimentary issue
 21 mailed to those who advertise, and that's it. The
 22 rest pick them up. That's my understanding.
 23 MR. ASKIN: Let's take a three minute break.
 24 (Recess.)
 25 MS. SHAHRABANI: Just on

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1 cross-examination, I just have three quick areas.
 2 EXAMINATION BY MS. SHAHRABANI:
 3 Q. In PM-1, which is the Administrative
 4 Resolution 3, under duties where it says, "The primary
 5 responsibility of the Communications Committee is to
 6 advise and assist the Board of Directors in developing
 7 and carrying out a program of positive information
 8 flow between and among the organizational components
 9 of the Association, particularly as between the
 10 Association leadership and the general residency
 11 itself," in terms of the information flow from
 12 leadership to residents, do you mean that the
 13 leadership of the Galaxy, meaning the Board, tells you
 14 what kind of information to convey to the residents?
 15 A. Well, they write --
 16 Q. Maybe I'm not being clear. Does that
 17 mean that the Board leadership, the Board of
 18 Directors, tells you what needs to be put in the
 19 Galaxy News? Is that the flow of information that
 20 this is talking about?
 21 A. No, but only if there's a question of
 22 whether or not something should be put in. No.
 23 General rule they do not.
 24 Q. And when you go to the -- if you ever
 25 have questions, and like you said on your direct

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1 examination, you go to the General Manager or the
 2 Board to ask a question, do they -- are they the ones
 3 that determine what goes into the Galaxy News or is it
 4 ultimately up to you?
 5 A. I tend to defer to them.
 6 Q. And on what kinds of occasions would you
 7 ask them? Is it only when you receive something that
 8 you believe is outside the scope of what you normally
 9 receive?
 10 A. Yes. Yes, it is.
 11 Q. When you're determining what kinds of
 12 articles go in, is there more of a focus on the
 13 activities and what's going on at the Galaxy or is it
 14 more of a focus that only positive issues get discussed?
 15 A. Activities I would say. That's our main
 16 -- that's what fills it up. Yes.
 17 MS. SHAHRABANI: I think that's it.
 18 We're done.
 19 MR. ASKIN: Very good. See you all
 20 tomorrow.
 21 (The proceedings concluded at 3 p.m.)
 22
 23
 24
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1 CERTIFICATE
 2 I, WINIFRED A. HANDEL, a Certified Shorthand
 3 Reporter and Notary Public of the State of New Jersey,
 4 do hereby certify that prior to the commencement of
 5 the examination, the witness was duly sworn to testify
 6 to the truth, the whole truth and nothing but the
 7 truth.
 8 I DO FURTHER CERTIFY that the foregoing is a
 9 true and accurate transcript of the testimony as taken
 10 stenographically by and before me at the time, place
 11 and on the date hereinbefore set forth, to the best of
 12 my ability.
 13 I DO FURTHER CERTIFY that I am neither a
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