

IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

WFMI d/b/a BALDWIN BROADCASTING
COMPANY; and WILLIAM H. PHILLIPS,
an individual,

Plaintiffs,

vs.

PAGEMART, a corporation, etc., and
FRED WEBB and ANN WEBB d/b/a WEBB
TOWER SERVICE, et al.,

Defendants and
Third Party Plaintiff,

vs.

FRED WEBB and ANN WEBB d/b/a
WEBB TOWER SERVICE,

Third Party Defendants.

CIVIL ACTION NUMBER:
CV-95-3843

Deposition of WILLIAM H. PHILLIPS, taken before Lori
B. Welch, Commissioner, at the offices of Johnstone,
Adams, Bailey, Gordon & Harris, L.L.C., 104 St. Francis
Street, 8th Floor, Mobile, Alabama, on the 20th day of
June, 1996, commencing at approximately 11:20 a.m.

COPY

Newman & Welch, Inc.
Deposition and General Reporting

A P P E A R A N C E S

For Plaintiffs, WFMI and William H. Phillips:

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BY: STEVEN L. TERRY, ESQUIRE

Also Present:

MS. ELLISON STOLLENWERCK
MRS. ANN WEBB
MR. FRED WEBB, SR.

Newman & Welch, Inc.
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1 WILLIAM H. PHILLIPS, having been first duly sworn
2 to speak the truth, the whole truth, and nothing but the
3 truth, testified as follows:

4
5 EXAMINATION

6 BY MR. CAMPBELL:

7 Q Could you please state your name, sir?

8 A William Hunter Phillips.

9 Q Have you ever been deposed before?

10 A Yes, sir.

11 Q On how many occasions have you been deposed?

12 A Two or three.

13 Q You understand the process then?

14 A I do.

15 Q I'm going to be asking questions to which you
16 will respond. And the court reporter will be transcribing
17 everything that we say.

18 A I do understand that.

19 Q For the court reporter's sake, could you agree
20 with me that we'll try not to speak over each other? I'll
21 speak and then you speak so that she can take down what --

22 A Depends on what you ask.

23 Q Can we agree to that?

1 Q So really you just bought it and turned around
2 and sold it?

3 A Uh-huh, turned around and sold it.

4 Q After you sold WLPR, what did you do?

5 A I bought another radio station.

6 Q Also in Mobile?

7 A This one was in Bay Minette, which is a sub of
8 here. And we subsequently moved the tower in towards
9 Mobile and made it a Mobile station.

10 Q And what were the call letters, so to speak, of
11 that station?

12 A To be honest with you, I can't remember the
13 original call letters, but we changed them to WLPR.

14 Q Okay. You had just sold out your interest in
15 WLPR, but you changed the new station to --

16 A We kept the call letters. That's correct.

17 Q What was the station number for that?

18 A 105.5.

19 Q And how long did you operate WLPR in the new
20 form?

21 A Until 1992. It may have been 1991. I can't
22 remember exactly.

23 Q And what happened that caused you to no longer

1 work for or be associated with WLPR?

2 A Well, I still own fifty percent of it. I moved
3 into a new venture, which is the one that I am in now, at
4 106.5, which was WFMI.

5 Q So you became associated with WFMI, 106.5 in
6 1992?

7 A Well, let me see the time frame. We put it on
8 the air in May of '93. And my employment started in
9 October of '92. And there may have been a two- or
10 three-month span before that after getting out of 105.5.

11 Q Do you have an ownership interest in WFMI?

12 A No, I did not.

13 Q Who owns WFMI?

14 A It's owned by Baldwin Broadcasting Company.

15 Q Is Baldwin Broadcasting Company a corporation?

16 A It's an entrepreneurship.

17 Q It's a proprietorship?

18 A Yes.

19 Q It's owned by a single person?

20 A Yes.

21 Q Who owns Baldwin Broadcasting Company?

22 A Barry D. Wood.

23 Q And I notice that the pleadings in this case are

1 styled WFMI d/b/a Baldwin Broadcasting Company versus
2 PageMart, et al. Does WFMI do business under any other
3 names than Baldwin Broadcasting Company?

4 A No, it does not.

5 Q What's the broadcast area for the station?

6 A Broadcast area?

7 Q Yes. Radius, I guess, is what I'm asking.

8 A Well, that has changed. We've increased our
9 power in the last year. But at the time of this incident,
10 we were twenty-five kilowatts, and it covered the Mobile
11 and Baldwin County metro.

12 Q Does WFMI have officers of the company?

13 A I'm the general manager.

14 Q I guess what I'm asking is, is there someone who
15 has an official title, something like president,
16 secretary, treasurer?

17 A Barry Wood is the president.

18 Q Are the people who run the company yourself and
19 Barry Wood?

20 A That's correct.

21 Q But Mr. Wood owns the company?

22 A That's correct.

23 Q How many employees does WFMI have?

1 Q The move wasn't precipitated by anything that
2 happened back in 1994 with this --

3 A It had absolutely nothing to do with it.

4 Q Other than your fifty percent interest in WLPR
5 and your employment with Baldwin Broadcasting Company or
6 WFMI, do you have any other radio related affiliations at
7 all?

8 A Presently, no. Well, that's not quite correct.
9 Let me back up. I do have a pending application for an FM
10 in Pensacola, Florida, that's been there for a number of
11 years.

12 Q Are you trying to buy that station?

13 A No. I'm trying to put it on the air from a
14 grant.

15 Q Okay. What kind of broadcasting does WFMI do?

16 A WFMI was soft AC and jazz.

17 Q I noticed you used the term "was"?

18 A Uh-huh.

19 Q Is it no longer?

20 A It's no longer.

21 Q You still work for Baldwin Broadcasting Company
22 and they no longer use the word "WFMI" or the name "WFMI"?

23 A No, they do not.

1 A Probably in September or October of '93.

2 Q Tell me, how much did you make per month in
3 bonuses and commissions from that point forward?

4 A I don't recall.

5 Q Did you ever make a thousand dollars a week in
6 bonuses and commissions?

7 A I don't recall that I did. I don't remember.

8 Q Excuse me. Fifty-five hundred dollars per week?

9 A Including salary and everything, I probably did.
10 I don't recall.

11 Q Can you tell me when, what time period you would
12 have earned fifty-five hundred dollars a week?

13 A Any time period.

14 Q You weren't a stockholder or shareholder of WFMI
15 or Baldwin Broadcasting; right?

16 A That's correct.

17 Q And WFMI is owned by Baldwin Broadcasting?

18 A That's correct.

19 Q So any income you received would have been your
20 personal income, these bonuses and your salary; is that
21 right?

22 A That's correct.

23 Q And that income would have been reported on your