

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

IN THE CIRCUIT COURT OF THE 11TH
JUDICIAL CIRCUIT IN AND FOR DADE
COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

JOHN EDWARD CASTRO,)
)
Plaintiff,)
)
vs.)
)
MIAMI DAILY NEWS, INC.,)
)
Defendant.)
-----)

CASE NO. 76-6263 CA 18

1237 City National Bank Building
25 West Flagler Street
Miami, Florida
Tuesday, 1:15 p.m.
September 12, 1978.

D E P O S I T I O N

of

PETER McNEAL KING
taken on behalf of the defendant
pursuant to a Fourth Amended Notice of
Taking Deposition

- - - -

- A P P E A R A N C E S -

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

For the Plaintiff: GINSBERG & GOLDMAN, by
 BURTON GINSBERG, ESQ.
 1721 Northeast 164th Street
 North Miami Beach, Florida
 33162

For the Defendant: JOSEPH P. AVERILL, ESQ.
 1237 City National Bank Building
 25 West Flagler Street
 Miami, Florida 33130

- I N D E X -

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>
Peter McNeal King	3	5

- E X H I B I T S -

<u>DEFENDANT'S EXHIBITS FOR IDENTIFICATION</u>	<u>PAGE</u>
A	5

1 Thereupon:

2 PETER McNEAL KING

3 was called as a witness and, having been duly sworn,
4 was examined and testified as follows:

5 DIRECT EXAMINATION

6 BY MR. AVERILL:

7 Q For the record, Mr. King, please state
8 your full name.

9 A Peter McNeal King.

10 Q By whom are you employed, sir?

11 A Southern Bell Telephone and Telegraph
12 Company.

13 Q What is your position with them?

14 A I'm in the security department.

15 Q Are you here today in response to a
16 subpoena?

17 A Yes, I am.

18 Q Is that subpoena directed to the custodian
19 of records of the security department of Southern Bell
20 Telephone Company?

21 A Yes, it is.

22 Q Are you the custodian of records of the
23 Southern Bell Telephone Company security department?

24 A Once they're subpoenaed, right.

1 Q Did that subpoena require you to bring
2 with you, Mr. King, the following documents: All
3 records since January 1, 1973, reflecting, whether
4 directly or indirectly or evidencing or tending to evi-
5 dence, complaints to Southern Bell Telephone Company
6 concerning harassing, threatening or unwanted telephone
7 calls made to 592-2174 or 666-6872 in Dade County,
8 Florida, and any investigation or procedures taken by
9 Southern Bell Telephone Company to determine the
10 source of such alleged harassing, threatening or
11 unwanted telephone calls, and, also, records, corres-
12 pondence, memoranda pertaining to any telephone
13 equipment on the premises which such numbers are or
14 have been installed?

15 A Yes, it did.

16 Q Have you, sir, brought with you those
17 records?

18 A Yes, I have.

19 Q May I see them, please.

20 MR. AVERILL: Miss Reporter, would you
21 mark these documents produced by Mr. King as Defendant's
22 Composite Exhibit A for identification to this deposi-
23 tion.

24

1 (Thereupon, the documents referred
2 to were marked as Defendant's
3 Composite Exhibit A for identification.)

4 Q (By Mr. Averill) Mr. King, the documents
5 that you have produced for us today, are those documents
6 kept by Southern Bell Telephone Company security
7 office in the ordinary course of its business?

8 A They are kept by the company. They
9 were subpoenaed--- The ones asking for the information
10 about equipment at somebody's location, they were
11 made and maintained in the security office.

12 Q Are these records relied upon by the
13 Telephone Company in the ordinary course of its
14 business?

15 A Yes, they are.

16 Q Are the transactions or occurrences
17 reflected by these records noted on the records, more
18 or less, contemporaneously with the transaction or
19 occurrence therein described?

20 A Yes, they would be.

21 MR. AVERILL: That is all I have.

22 CROSS EXAMINATION

23 BY MR. GINSBERG:

24 Q Are these documents prepared by the

1 Telephone Company, or are these written complaints
2 that may come in?

3 A These are prepared by the Telephone
4 Company, and they're also, if a customer calls in a
5 complaint about a problem with their telephone, docu-
6 ments in there by the Telephone Company employee.

7 Q Would all calls coming in that were
8 making some sort of complaint be recorded here?

9 A No. They could come into any one of a
10 number of departments. It could be that it would go
11 to the repair department, or it could go to the
12 commercial department, or if it was a harassing call
13 problem, it may go to the proper law enforcement
14 agency through our security department. But as far
15 as harassing call complaints, they should end up in
16 the security department.

17 Q Would they all be reflected on here?

18 A No.

19 Q Have there been many complaints regarding
20 harassing phone calls, and when I say that, not overall,
21 but regarding people calling in the Cuban community,
22 let's say?

23 MR. AVERILL: Objection. That is
24 irrelevant and immaterial.

1 A There is a bunch of them in every
2 community down here.

3 Q (By Mr. Ginsberg) But I meant the ones
4 that would, say, be threatening, of a serious nature,
5 like bomb threats, and things like that.

6 MR. AVERILL: Objection to the
7 characterization, and it is irrelevant and immaterial.

8 A I would say no, we get bomb threats
9 and life threats from all different areas of the
10 community.

11 Q (By Mr. Ginsberg) Is this an unlisted
12 or listed number?

13 A This number--- Which number are you
14 talking about?

15 Q Not National Rifle. These are all on
16 National Rifle.

17 A No, this is National Rifle. It just
18 shows the date it was established and what the equipment
19 is. There are no harassing call complaints. This is
20 on the other number.

21 Q Is that a listed number, or is that
22 an unlisted number?

23 A I'm not sure if I can tell.

24 I can't tell by these plant records if

1 this is listed or unlisted.

2 MR. AVERILL: Objection to the question
3 as irrelevant and immaterial, and move to strike the
4 answer.

5 Q (By Mr. Ginsberg) What was the result
6 of your investigation, sir?

7 MR. AVERILL: Objection. It calls for
8 hearsay, unless there is a predicate showing the witness
9 having firsthand knowledge.

10 A An investigation regarding what?

11 Q (By Mr. Ginsberg) You are in the
12 security department, are you not?

13 A Yes.

14 Q These records were kept in the ordinary
15 course of your department's business.

16 A These particular records, they are, yes.

17 Q Did not your department make an investi-
18 gation of the circumstances surrounding the finding
19 of a headset at Mr. Castro's home?

20 A They did make an investigation regarding
21 the equipment found at his home, yes.

22 Q What was the result of your investigation?

23 A Well, I didn't do the investigation.

24 I guess this would have to speak for itself.

1 Q That is why I thought it was in there.

2 I also see several blank pages with
3 writing on it. Can you tell me what those pages indi-
4 cate?

5 A No, because I didn't prepare the
6 investigation.

7 Q On one of them, I noticed that it
8 states Mrs. Castro's phone number. Could that have
9 been a complaint where she registered a harassing
10 phone call?

11 A I really couldn't say, because, like
12 I say, I didn't talk to her regarding this problem.

13 Q You did not talk to anybody regarding
14 any harassing phone calls at that number; isn't that
15 correct?

16 A We have no record in our office of having
17 received complaints on either one of these numbers.
18 The only records we keep are the ones we identify
19 where the calls are coming from to the complainer.
20 We keep those for, like, five years. If we don't
21 identify them when somebody complains, we keep them
22 for six months, and then they're destroyed.

23 Q I see. So Mr. Castro or Mrs. Castro
24 could have made a complaint, and six months after they

1 made the complaint, if there was no further finding of
2 who made these calls, those records would be destroyed?

3 A That's right.

4 MR. GINSBERG: I have nothing further.

5 MR. AVERILL: I have nothing further,
6 either.

7 (Thereupon, the witness waived the
8 reading and signing of the deposition,
9 and the taking of the deposition was
10 concluded at 1:20 p.m.)

11 - - -

12
13
14
15
16
17
18
19
20
21
22
23
24

CERTIFICATE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

STATE OF FLORIDA)
) SS
COUNTY OF DADE)

I, the undersigned authority, hereby certify
that the foregoing transcript, Pages 1 through 10,
inclusive, is a true and correct transcript of the depo-
sition of PETER McNEAL KING, taken before me at the
time and place stated in the caption hereof.

I further certify that said witness was
duly sworn according to law.

I further certify that I am not of counsel
to either of the parties to said cause or otherwise
interested in the event thereof.

IN WITNESS WHEREOF, I hereunto set my hand
and affix my official seal of office this 19th day of
September, 1978.



ELLEN R. SCHAFFER
Notary Public in and for the
State of Florida at Large

My Commission expires:
September 26, 1980