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2 THE COURT: Mr. Hadden.

3 MR. HADDEN: May I have a moment, your Honor?

4 THE COURT: Surely. Take your time.

5 (Pause.)

6 REDIRECT EXAMINATION BY MR. HADDEN:

7 Q Mr. Reynolds, on cross-examination you were
8 asked a question or a series of questions by Mr. Topkis
9 relating to the National Football League one-year option,
10 and how it would work in baseball if in being applied to
11 baseball it also included the provision whereby compensation
12 could be awarded to a club from which a player had left
13 on playing out his option. You understand how that works,
14 do you not?

15 A Yes, I think I do.

16 Q Now let me ask you to suppose that a player on
17 your club were to play out his option in that fashion.
18 Let me ask you to suppose this player would be Jim Fregosi.
19 Would you tell the Court who Mr. Fregosi is?

20 A James Fregosi, shortstop, California Angels,
21 five-time All Star.

22 Q And how long has he been with the Angels?

23 A All of his playing career. He's been with us,
24 although not as a regular always, for the ten years we
25 have been in existence.

2 Q Let us suppose that Mr. Fregosi had the year before
3 last announced his intention to play out his option and
4 had done so through the 1969 season, and then had become
5 a free agent prior to the 1970 season, and let us suppose
6 that Mr. Fregosi had then negotiated with a number of teams
7 in the National League and had concluded a salary agreement
8 and had signed a contract with the San Diego Padres in the
9 National League.

10 Let us also suppose that after discussions between
11 you -- your club, that is -- and the Padres, you had found
12 it impossible to agree upon what would be appropriate com-
13 pensation to the Angels for the contract of Mr. Fregosi.

14 Under those circumstances, can you conceive of any
15 way that it would be possible for the Commissioner or any
16 other person to award the Angels satisfactory compensation
17 for the contract of Mr. Fregosi?

18 A Well, the fact of the matter is, or at least it
19 would be my view, that San Diego, the San Diego ball club,
20 couldn't give us enough for Mr. Fregosi.

21 Q Would it be your view that the San Diego Padres,
22 in acquiring the contract of Mr. Fregosi, would probably
23 do so because it needed a shortstop?

24 A It probably would.

25 Q And that being the case, would it be likely in

your view that the San Diego club would have a shortstop^{recross} which could be awarded to your club to fill the whole left by the departure of Mr. Fregosi?

A Of course, I am prejudiced about Mr. Fregosi. They don't have anybody that I would say would come 1-2-3 with Mr. Fregosi.

Q Would money compensate the Angels?

A In no way.

MR. HADDEN: Thank you. No further questions.

THE COURT: Mr. Kramer?

MR. KRAMER: No, your Honor, thank you.

MR. TOPKIS: A moment, if we may, your Honor?

THE COURT: Of course.

(Pause.)

RECROSS-EXAMINATION BY MR. TOPKIS:

Q Mr. Reynolds, let's suppose -- hold off a second. You know the name Tom Seaver, don't you?

A Tom Seaver?

Q Yes.

A Yes, sir.

Q Pretty good pitcher?

A Fine pitcher.

Q About one of the best going today?

A I'd say so.

1 Q If Mr. Fregosi were to sign with the Mets and
2 the Mets gave you Tom Seaver in exchange as compensation,
3 would you consider that you had been grievously and ir-
4 reparably damaged?
5

6 A We have four pretty good starting pitchers, and
7 I don't know that such a trade would benefit the Angels
8 materially. In fact, we might be badly hurt because
9 we would lose Mr. Fregosi at shortstop.

10 Q It might hurt and it might help you, is that
11 right?

12 THE COURT: I think, Mr. Topkis, that he has given
13 us the benefit of his reaction to your primary question,
14 and I think you ought to leave it at that.

15 MR. TOPKIS: All right, your Honor. I will just
16 ask one further question, if I may, or two further questions.

17 THE COURT: After all, he has to live with these
18 people. Don't forget that.

19 MR. TOPKIS: I don't know that, your Honor. They
20 can always come to Brooklyn. There is no reason why that
21 should not be a two-way street, after all.

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23
24
25
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Reynolds-recross

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Q Mr. Reynolds, suppose, instead of a player, you were given \$2 million in cash. Would you regard that as fair compensation?

A As far as money goes, it could be called an exorbitant amount of money, but you just have to, if you are going to be in the baseball business, develop these ballplayers, and you do this, and you work with them, and they get to a point of excellence, and sometimes the money isn't the answer, it won't necessarily be the thing that will buy you into a pennant.

Q You are telling us, then, that you are not motivated solely by money, is that right?

A Oh, I am a profit-motivated fellow, and I am very proud of the fact, but I am just saying that you cannot think in terms of money in trying to build or in giving away -- not giving away, but in selling a very top ballplayer, because it might take you ten years to get back to where you were with that player.

Q But you do think in terms of money when you negotiate salary with that player, don't you?

A Yes, I think that it works both ways. I think that he thinks in terms of money and we think in terms of money.

MR. TOPKIS: Very well.

No further questions. Thank you.

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Reynolds-

2 THE COURT: Gentlemen.

3 MR. HADDEN: No further questions.

4 THE COURT: Mr. Reynolds, your testimony is fin-
5 ished and you are excused.

6 THE WITNESS: Thank you, sir.

7 (Witness excused.)

8 THE COURT: What is your pleasure, gentlemen?

9 MR. HADDEN: May we call another witness, your Honor?

10 THE COURT: Please.

11 MR. HUGHES: Your Honor, before that, may I have
12 that exhibit marked for identification?

13 THE COURT: For the sake of the record will you tell
14 us what exhibit.

15 MR. HUGHES: This is Exhibit 31 for identification,
16 and I now renew my offer in evidence of that exhibit. It
17 was the exhibit, your Honor may recall --

18 THE COURT: I do recall the reference made to it on
19 cross examination.

20 Have you any objection, Mr. Topkis?

21 MR. TOPKIS: Yes, of course, your Honor, it is hear-
22 say. It is an article by a newspaper reporter named Dave
23 Brady, and while I have the highest respect for the reporters
24 present in the courtroom, I don't know Mr. Brady. It is the
25 rankest kind of hearsay.

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THE COURT: Just bear with me for a moment. As I remember it -- and if you question it, we will go back to the record -- Mr. Topkis referred to that exhibit for identification in propounding a question. I must say that is one of the few questions he got nowhere by way of an answer, so that the witness gave him nothing, really, and therefore I don't see why it should go into evidence, but I will listen to you, Mr. Hughes.

MR. HUGHES: Well, if your Honor is saying that the witness did not respond to the question, I believe your Honor is mistaken.

THE COURT: Oh, he did. I didn't say he did not respond. I said he responded but he did not answer affirmatively or I think he said, "I don't know."

MR. TOPKIS: That's right.

THE COURT: We will hold that in abeyance until the court reporter who took that portion returns.

MR. HUGHES: Well, in addition to that, your Honor, it is my understanding that Mr. Topkis, in propounding the question, had the paper in front of him, and so far as I could see was reading from the document.

THE COURT: Right.

MR. HUGHES: And the question as framed, therefore, contained statements not in evidence, so I feel that under

those circumstances I am entitled to offer the entire document so that what was, in effect, partially read into the record now may be wholly contained in the record.

THE COURT: And my answer to that is that if the record sustains me in my recollection I will entertain your motion to strike the question, but I don't see that that entitles you to get it into evidence. I will strike the question if the record sustains me. I don't give any weight at all to a question that does not bring forth an answer that meets the question even by one inch. Suppose the witness says, "No, I don't know, I don't know."

MR. HUGHES: Your Honor, if I take a piece of paper and I obviously read it and use that statement not in evidence as part of my question, and I am distinguishing between a question where I am not reading and a question which puts a proposition to the witness that he either assents to or dissents from, I say that when it appears that that was the procedure that was followed, the net effect of that is that the document has been partially incorporated into the record and I want the whole document in the record.

THE COURT In the presence of the jury you might have a different proposition. I give that question no weight at all. If the answer is as I understood it to be, I certainly will encourage you to make a motion to strike the question.

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2 Let's leave it that way until we hear from the court reporter,
3 and in the meantime, if you have another copy, let me take
4 a look at it during luncheon.

5 MR. TOPKIS: If your Honor please, I would prefer
6 that you not, because the document contains a rather prejudic-
7 ial observation on the part of the observer which I did not
8 read.

t6/2 9 MR. HUGHES: I don't see how your Honor can consider
10 the question as to whether you should or should not receive
11 it unless you look at it.

12 MR. TOPKIS: Very easily. When your Honor is told
13 that the document is written by a newspaper reporter, that,
14 it seems to me, qualifies it as the cheapest kind of hearsay,
15 and you don't have to read every animated version written by
16 every newspaper reporter to decide that hearsay is hearsay.

17 THE COURT: The better part of wisdom would be to
18 wait until we hear the record read back.

19 All right, now, it is now twenty-one after twelve.
20 What can I help you accomplish between now and a break for
21 luncheon?

22 MR. HADDEN: May we call another witness, your
23 Honor?

24 THE COURT: Gladly.

25 MR. HADDEN: Mr. Kauffman, please.