

PART V

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

JO MONCRIEFF,

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Plaintiff,

)

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versus

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WSUB-TV, LEE JUNO, et al.,

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Defendants.

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No. MT-2003

STATEMENT OF STIPULATED FACTS*

The plaintiff, Jo Moncrieff, became a quadriplegic as a result of a spinal cord injury to the C-2 vertebra that occurred some years ago in a fall during a gymnastics floor exercise routine. A “quadriplegic” is the term used for the person who, due to severe spinal cord injury, has lost all sensation and ability to move both arms and both legs because the signals emitted to and from the brain are blocked by the disconnection. Jo, however, has limited ability to move and feel three fingers of his/her right hand. Jo’s condition is presently considered permanent although several organizations, among them the Paralyzed Veterans of America and the Miami Project, are actively seeking a cure for people with spinal cord injuries.

Jo is confined to a wheelchair but, since the advent of motorized wheelchairs, Jo has independent mobility and can travel approximately eight miles per hour. The quadriplegia extends to both arms and wrists. There is flexor action in Jo’s right wrist, which is aided by the use of a prosthetic metal brace, enabling this hand to grasp objects. (Jo was right-handed before being injured.) The left hand is weaker and remains unbraced. Jo requires home care, which is obtained through high quality, comprehensive health coverage.

Jo is 30 years old and holds a Bachelors of Science Degree, with honors, in Communications from New York University in New York, NY. Jo’s senior year project was the design and implementation of a remote television operation for a political convention-style

gathering. It differed from similar remote operations currently used by networks in its ability to link all aspects of the production team simultaneously with the remote field, the base crew, and all live correspondents nationwide through an on-line Internet switching apparatus. Although Jo's system was not actually tested in a live situation, it appeared to be able to sustain the loads such a live event would create. The University's Engineering Department tested it at the request of N.Y.U.'s Communications Department and approved the load requirements.

After graduating from N.Y.U., Jo was offered and accepted a position as Assistant Field News Director at WALB-TV, a television network affiliate in Albany, New York. For purposes of determining advertising rates, Albany is considered a "secondary" market in the North American broadcasting industry. Jo's duties at WALB-TV consisted of scripting the actualities used in filmed field segments (bites), timing them, coordinating them with the camera operators and production crews, and working with the base editing team on final cuts.

Jo was part of a "remote team" that included at least two other members, and sometimes more, depending on the newsworthy significance of the story and the location they were covering. A reporter and camera operator were always part of the team, which sometimes also included a Senior Circulating Field News Director and a production assistant or journalism intern. The team used a mobile van containing all the necessary audio and visual equipment, hardware and wiring and they generally relied on the same driver, Terry, an expert camera operator, who happens to be Jo's cousin.

Terry's van was equipped with a wheelchair lift device on its passenger side; this allowed Jo independent and unassisted entry into and egress from the van in a time span approximately six to ten minutes longer than Jo's able-bodied colleagues. With periodic routine care and scheduled maintenance, Terry's wheelchair lift would not break down, and it hasn't to date.

Local television news is generally regarded as a fast-paced area, especially its "live on the scene" segments, and WALB-TV's production style is no exception. During the last seven years in which Jo worked in the positions of Assistant Field News Director and, more recently, Field News Director, Jo worked on over 3,000 news clips that were used in the station's 6:00 p.m. and 11:00 p.m. news broadcasts. One segment, "Hotels fromhovels," which focused on the refurbishment of Albany's South End area by a coalition of homeless advocates, won the prestigious "CARA" Award for 1999 in the Local News-Human Interest Category. It was shared by each member of the participating news team and the station. Jo was promoted to one of the

station's two positions of Field News Director after serving as Assistant Field News Director for five years.

Through informal contacts and "networking" among fellow members of the National Association of Broadcasters, a trade association, Jo learned of a position vacancy for a Field News Director advertised at WSUB-TV, a network affiliate in New York City (considered one of the six primary U.S. TV markets). Jo applied for this position in writing to Lee Juno, WSUB-TV News Operations Director, submitting a resume and a selection of Jo's best WALB-TV remote video clips.

As News Operations Director of a major market network TV station, Lee Juno supervises a staff of over 210 employees in the news division. Several of WSUB-TV's correspondents frequently appear on other network TV affiliates around the country when WSUB-TV loans news clips of national importance to its sister stations. Because of a potentially wide viewership and its impact on affiliated station ratings and revenues across the country, Lee Juno strives to have the most efficient, fastest and most talented team of newshounds in the New York Metropolitan area. Additionally, Lee wages a constant ratings battle with the other two network affiliate stations' news teams, WCLR-TV and WROT-TV.

Lee's assistant contacted and invited Jo to WSUB-TV for a job interview on July 22, 2003. Excited that a primary market station was interested, Jo took the most recent news video clips to a master editor to polish them. Jo arrived at WSUB-TV headquarters 15 minutes early and was shown into Lee Juno's office.

During the course of this meeting, Lee discussed the job description, terms and salary with Jo. Lee told Jo that unlike his/her duties at WALB-TV, if hired, Jo would spend more time "scouting locations and scenes" for the correspondents' live reports and less time in the editing room working on the final cut. Lee said the hiring decision was based on four factors: the candidate's overall talent in split-second news direction, cinematographic skill in setting up the best scenes, ability to stay up-to-date on the most modern broadcasting equipment and techniques, and the ability to work as part of a team.

Lee Juno was impressed with Jo's background, personality and professional experience. Lee was also intrigued by Jo's senior academic project on remote broadcasting. Lee thought that Jo would be able to work well as part of a team.

However, Lee hired Alex Wagner, an able-bodied Second Assistant News Director from a network affiliate in Buffalo with two years of professional experience in that role.

Lee Juno was pleasant when Jo called to follow-up on the position, stating that the station had no vans with wheelchair lifts for their mobile news units and the cost of acquiring one was prohibitively expensive, not to mention the time it would take to obtain one. Additionally, Lee was concerned that, even using a wheelchair lift van, Jo's entry and egress to and from the van would slow down the news team and take more time than the rest of the crew needed, ultimately allowing news teams from the other network affiliates to "scoop" them. In wishing Jo good luck at the conclusion of their phone conversation, Lee told Jo that WSUB-TV would keep Jo's resume and news clips on file should a more stationary segment News Director position at headquarters become vacant.

Jo Moncrieff now brings suit against Lee Juno and the general management of WSUB-TV under Title I of the Americans with Disabilities Act of 1990, alleging that the denial of employment as Field News Director wrongfully discriminated against Jo. The suit alleges that Jo met the "essential functions" test of the statute and that Jo was qualified to fill the terms of the job description, as published in the advertisement. It further alleges that the defendant was obligated to make a reasonable accommodation under the Act, i.e., to provide a wheelchair lift mobile news unit van or to modify an existing van to make it wheelchair accessible. The suit seeks compensatory damages and punitive damages of \$100,000 in accordance with the schedule of damages permissible under Title I of the ADA.

Defendants WSUB-TV and Lee Juno seek dismissal of this action on the ground that providing such wheelchair accommodation would impose an "undue hardship" on the employer's business, in that custom-fitting an already customized, loaded and crowded mobile news van with a hydraulically-operated wheelchair lift would cost in excess of \$19,000 and further defends the suit on the ground that employment of plaintiff would markedly disadvantage the defendant in the competitive marketplace, resulting in a loss of profits and advertising revenues.

STIPULATIONS

Both parties agree to the following:

- This suit, brought by the plaintiff, Jo Moncrieff, has been filed in accordance with the enforcement provisions (Section 107) of Title I of the Americans with Disabilities Act. Jo Moncrieff did file an administrative complaint with the Equal Employment Opportunity Commission within the required 180-day period and this suit was brought by Jo within 90 days of the receipt of a right to sue letter from the EEOC.
- Jo Moncrieff is a wheelchair-bound quadriplegic, regardless of Jo's appearance in Court.
- The WSUB-TV advertisement of the Field News Director position, provided in this packet, is an accurate copy of the ad, which ran in various broadcast news industry publications.
- The "Ratings of Network Affiliated TV Stations," found on page 2 of the exhibits, accurately reflects the Rating and Market Shares of the TV stations in each market, and the cost of advertising time in New York City. If properly identified, the "Ratings" sheet can be introduced as evidence.
- Witness statements are duly sworn and notarized.

WITNESSES

FOR THE PLAINTIFF

Jo Moncrieff
Plaintiff

Terry Rider
Cousin, van driver and camera operator

Carmen Levellor
News Operations Director -
WALB-TV

FOR THE DEFENDANT

Lee Juno
News Operations Director -
WSUB -TV

Alex Wagner
Second Assistant News Director
Director - WBKW-TV
Field News Director - WSUB-TV

Chris Avis
Personnel Director - WSUB-TV

*This case is hypothetical. Any resemblance between the persons, facts and circumstances described in this mock trial and real persons, facts and circumstances is coincidental. The TV stations named do not exist and the ratings given do not reflect the actual rank of the network affiliates in the Albany or New York City areas.

All witnesses may be portrayed by either sex. All names are meant to be gender non-specific. It is stipulated that any enactment of this case is conducted after the named dates in the fact pattern and witness statements.

Affidavit of Jo Moncrieff

Witness for the Plaintiff

My name is Jo Moncrieff and I live at 522 Fourth Street, Albany, New York. I am currently employed as a Field News Director for WALB-TV, Albany, New York.

I was a top gymnast as a child and was state champion of my age class on three separate occasions. As a result of those state championships, which gave me a chance to see TV coverage up-close, I developed the goal to work in the television industry.

Fifteen years ago, I injured my neck during a competition. Rather than curling up to die or feeling sorry for myself, I worked hard to regain as much of my motor skills as I could and, with help, I persevered. After my accident during the floor exercise routine and a year of rehabilitation therapy, I was determined to pursue my goal of working in television. I learned to overcome my physical difficulties by extended therapy and I am now able to grip objects and use my motorized wheelchair to go everywhere and do almost anything a person without a disability can do. Some people think that's remarkable, but I'm just like many of the 43,000,000 Americans with disabilities—we work hard and contribute to this country.

I attended N.Y.U. and obtained a Bachelors of Science Degree in Communications, with honors. My senior year project was the design of a remote television operation which linked all aspects of production through an on-line Internet switching apparatus, a link which had never before been successfully used in a live- feed situation. I was employed as Assistant Field News Director at WALB-TV in 1996 where my duties as part of a remote news team included scripting text for the news announcer and, timing and coordinating the activities of the remote team with the base editing team to produce the "live on the scene" segments of WALB-TV's 6:00 p.m. and 11:00 p.m. news. WALB-TV promoted me to the position of Field News Director in 1999.

Our team consists of three individuals and we travel in a mobile van which contains all the necessary remote equipment and a wheelchair lift. This lift allows me to get in and out of the van to choose the angles and camera positions for the remotes. We have covered more than 3,000 stories in the last seven years in this van.

When I heard of a position for a Field News Director at WSUB-TV in New York City, I

applied for the vacancy. I was promoted to a similar position at WALB-TV in 1999 after winning the prestigious “CARA” Journalism Award—the highest statewide honor that exists in the television news business from the National Association of Broadcasters—for a recent story. I submitted a selection of ten news video clips to WSUB-TV and met with Lee Juno, Director of News Operations at the station. I enjoyed our interview, where we discussed current production techniques, improvements we would both like to see and many other aspects of the TV news business. Lee Juno stated he had viewed my prior clips and my senior project.

I was astonished when I learned that Lee had given the job to someone with less experience than I possess. Lee told me that a big station like WSUB-TV couldn’t afford a wheelchair lift in its enormous news budget. My chances for career advancement will be sorely limited, assuming I choose to stay in the area of remote news direction, if the majority of TV stations do not in time retrofit their mobile vans to be wheelchair- accessible. I have all the skills needed for the job for which I applied and interviewed and I can perform all of the functions needed to act as a Field News Director. I am the person whom WSUB-TV should have hired.

Jo Moncrieff

1/5/2004

Affidavit of Terry Rider

Witness for the Plaintiff

My name is Terry Rider and I live at 633 Van Ness Avenue, Colonie, New York, a suburb of Albany.

I have been working as a remote van driver for WALB-TV for ten years. It is an exciting job because we are always on the go and everything has to be done with “split-second” timing in order to coordinate our remote broadcast with the studio staff. Our remote team consists of me and two or three other individuals whom I must transport to the news scenes. We use a mobile van which has enough equipment to produce a news broadcast from any outdoor location. It looks just like a regular van from the outside, except for the fold-down broadcast antenna on the roof. The production electronics have been installed in the back of the van in a way that allows the production crew to sit at the console and communicate with the studio crew. The vans are constantly on the go and have a lifespan of about four years with the proper maintenance. My cousin, Jo Moncrieff, who joined WALB-TV as Assistant Field News Director, and I have worked together as part of a team since the beginning. In 1999, after winning the CARA Award they promoted Jo to Field News Director.

Jo has a physical disability as a result of a spinal cord injury that happened about 15 years ago. Luckily, Jo was in excellent physical condition at the time of the accident and that helped tremendously in the rehabilitation process. I knew personally what Jo had to go through and I admire Jo for the accomplishment. I almost feel as if I was there every step of the way watching over Jo like a guardian angel.

When Jo joined the team, we had to retrofit the van to allow for handicapped access by adding a lift and wheelchair accessories. That took the van out of service for about a week and required us to move some of the other equipment around in the van to a less convenient location, but we were always able to get the story on the air, which helped Jo get that promotion. The cost wasn't that great based upon the fact that station manager's son was in the business.

Sure, it takes a few minutes to get in and out of the van, but the wheelchair lift works well and allows Jo to get in and out quickly enough to get the crew into position for the remote

shots. The lift requires a little extra maintenance to be sure it won't break down and adds some weight to the van decreasing gas mileage, but it allows us to keep Jo as an integral part of our team, and Jo hasn't missed one day or big story.

I was happy that Jo would continue to work with our team, but I can't believe that those people in New York missed out on a great news director because of a little thing like a wheelchair. Jo has brought in stories from many locations such as courthouses, riots, political marches, accident scenes and hostage locations. Very few locations gave us any logistical trouble parking the van so we could use the lift and under federal law most places are now required to be accessible to the handicapped. Our team was once assigned to cover the live attempts to rescue a little boy who fell down a well in the woods, and another time we had to cover a fire that took place on a boat docked in the river. Both were really unusual situations that challenged our collective skill as a team. Maybe we were a little slower than normal, but our coverage was still good.

Jo does a terrific job and is the best I've ever seen—and I've worked with quite a few people.

Terry Rider

1/6/2004

Affidavit of Carmen Levellor

Witness for the Plaintiff

My name is Carmen Levellor and I live at 744 Venetian Boulevard, Albany, New York.

I am the News Operations Director for WALB-TV, a television affiliate of a major network in the Albany area. We are ranked number one in the local market for our 6:00 p.m. news broadcast and number two overall in the TV news ratings in Albany. The goal I have set for myself and my staff is to bring the viewing public the latest breaking, most interesting and relevant news stories. I insist on adhering to the highest standards of broadcast excellence and I do not accept mediocrity just because Albany is considered a smaller, or “secondary” TV market.

A good part of our broadcast and our following comes from our live-on-the-scene broadcasts. One of my Field News Directors, Jo Moncrieff, has been a real asset for our news team. Jo has a physical disability because of a childhood injury, but has overcome the limitations of quadriplegia and has recently been promoted to Field News Director. I understand they are working on a cure for people with spinal injuries and can only imagine what Jo could accomplish without the disability. The motorized wheelchair can go eight miles an hour, which is twice as fast as the average American can walk, and Jo has never missed an assignment. The stories Jo’s remote team delivers come in to our editing facility on time and we have been able to scoop our competition on a number of breaking stories. Offhand, I would say that Jo has worked with at least seven different camera operators and over a dozen on-air reporters.

In my view the most important qualities of a good field news director are an eye for the shoot, the ability to make decisions under pressure, and the ability to work well with the production team. Jo was well respected by everyone who works here as a hard worker and a team player.

Jo’s senior project at N.Y.U. was a great idea and was one of the reasons that we decided to provide a wheelchair lift on our remote van. News technology is an expensive undertaking and the cost of the lift—about \$15,000—was a drop in the bucket. To get such a great remote team by adding Jo, well, it was money well spent then and has been paid off in spades in the ensuing years.

I was surprised that WSUB-TV didn't hire Jo because I gave a good reference, especially after that remote team won the CARA Award for Excellence in Journalism.

About the only situation where Jo had any difficulty was out in the wilderness, but New York City doesn't have any wilderness, so that position would seem to be ready made for Jo. I was selfishly glad for us that Jo did not get the job, but I can't believe they couldn't see beyond the disability to what a great Field News Director Jo is.

Carmen Levellor

1/9/2004

Affidavit of Lee Juno

Witness for the Defense

My name is Lee Juno and I live at 400 East 69th Street, New York, New York.

I am the News Operations Director of WSUB-TV, a New York City television network affiliate, one of the six primary U.S. television markets. Our News Division employs more than 210 people and we regularly appear on the network newscasts because so many national stories originate in the New York City area. It is imperative for our teams to be on the spot with split-second precision when we are doing a national feed. Our remote teams must always be ready to go on a moment's notice.

Recently, one of our Field News Directors left WSUB-TV for another station and we interviewed a number of prospects. When we received Jo Moncrieff's news clips and resume we were interested. I had my assistant schedule an interview, during which I described our News Division's policies and how we constantly update our equipment to keep up with the latest technologies. Staying cutting-edge allows us to maintain our slogan of "You saw it first on WSUB-TV." We pride ourselves on being able to scoop the competition because being first and fastest creates more viewer loyalty and we stress this theme in all of our radio, TV and print ads. I found Moncrieff to be a talented and skilled News Director and I was interested.

I checked into the cost of retrofitting one of our mobile vans, which carries a crew of four to six people to news scenes. After a few calls, I found two places that would give me an estimate the next day if we could drop off a unit. Both quotes came in at **\$19,000**, with the bulk of that going for reconfiguring all the communications gear to allow room for a wheelchair to be locked in place on the floor. While that cost seemed prohibitive to me, the fastest of the two shops couldn't touch it for five full weeks and then they said it would take "another week or so" to finish the alterations. I thought this was not economically feasible given both the cost and the long delay replacing the Field News Director's position—and I was convinced that the delay caused by hiring Moncrieff would further strain our already overworked staff.

Furthermore, I am responsible to this station's management and its owners for a profitable news operation. Therefore, every decision I make is affected by my perception of how it will impact this Division's overall ratings and market share, and whether or not it will increase

our Marketing Division's advertising revenues. The delay involved in taking a working van out of service for at least six weeks or in buying a new van with a lift would have harmed our ability to cover the news and, in my judgment, would probably have damaged our competitive position, costing us ratings and advertising revenue.

Moncrieff would not be able to perform all of our necessary functions as Field News Director because of the physical disability and the need for a wheelchair. These difficulties would limit one's ability to scout locations and scenes for the on-the-spot remote news reports. I was concerned that there would be many situations and locations that this applicant either couldn't handle quickly, or might even come to harm or endanger other members of the crew. New York City isn't Albany; we cover plane crashes and our harbors, as well as major subway and tunnel accidents. Very difficult situations happen all the time and I think quadriplegia would limit our effectiveness and hurt WSUB-TV's coverage, speed and high quality production values.

TV news is a rough profession in that people get fired all the time when ratings slip. Each Acme ratings point is worth hundreds of thousands of dollars to WSUB-TV. I firmly believe that hiring this applicant would have slowed down our coverage and cost us stories that, over time, could undermine our position as the number-one rated news program. I'm sure Jo does a good job in Albany, but I can't risk our ratings—and my job—by ignoring the realities of the New York City TV news business.

Alex Wagner demonstrated the abilities required to be a fast-moving Field News Director who would fit into our team and start in two weeks, so Alex was hired. Jo would not have been able to step right in and get the job done. Unfortunately, the prohibitive costs of retrofitting a news van contributed to my decision not to hire this otherwise highly qualified individual.

Lee Juno

1/11/04

Affidavit of Alex Wagner

Witness for the Defense

My name is Alex Wagner and I live at 966 Erie Street, Long Island City, New York.

I am one of several Field News Directors for WSUB-TV in New York City. I received my degree in Media Technology at the State University of New York at Buffalo in May 2001 and then went to work as Second Assistant News Director at WBKW-TV in Buffalo in July. When I joined WBKW-TV it was fourth in news in that market but when I left, they had moved into third place. The emphasis at WBKW-TV was to be on the scene when the news was happening. That required me to be able to make split-second decisions about locations for our equipment, angles for cameras and whom to interview. Sometimes that required me to speak to a number of witnesses while, at the same time, I was determining the best camera locations for live news shots. In my two years at WBKW-TV, I was twice named employee of the month, each time after scooping our competition on fast-breaking incidents in the city.

I know how competitive the news business is in a city the size of Buffalo. I am sure that the pressure is even greater in a major market like New York City, to be the first on the scene because the financial stakes are that much greater. I also know that station managers are under constant pressure to keep costs at a minimum. I can't remember one meeting at my old station, WBKW-TV, where we didn't discuss holding the line on expenses.

I feel that an effective Field News Director must be able to examine an entire scene before making necessary technical decisions. I have excellent "eyes" for what makes good live news coverage, the way some music industry people have "ears." I pride myself on my physical fitness. I workout daily always opening my gym in the morning. I know from experience that being the first person at a potential news site can make the difference as to whether or not you are the first station to air a story. I have had to run up several flights of stairs as well as dart through traffic to locate witnesses or find the best location to shoot. The director must be first on the scene and in place before the equipment is taken off the van and set up if that team is to best deliver the news to the station, the network and the audience. The most important qualifications for a remote news team are mobility and speed.

I was interviewed for the job I now hold by Lee Juno on July 25, 2003 and was offered the job on July 29th. Lee said the station needed me as soon as possible, so I gave only two weeks notice and started on August 15, 2003.

I heard that another person, Jo Moncrieff, also applied for the job. I am sure that Jo does a great job in Albany particularly in light of Jo's disability. I just can't imagine that, if I were a quadriplegic, I would be able to be as effective in this job. I don't mean to sound callous it is just a fact of life that, with the difference that seconds can make in this job and the hazards of a big city, I was the right person for the position.

Alex Wagner

1/12/2004

Affidavit of Chris Avis

Witness for the Defense

My name is Chris Avis and I live at 1077 Second Avenue, New York, New York.

I am the Personnel Director for WSUB-TV, a major television network affiliate in the Metropolitan New York area. I have been working in the personnel department for ten years and I attended a number of seminars about the Americans with Disabilities Act after it was signed into law on July 26, 1990. At WSUB-TV, we are aware of the requirements to make reasonable accommodations for persons with disabilities. In fact, we have three persons with disabilities on our staff right now. We have made reasonable accommodations in the one instance in which it was requested.

When a vacancy occurred in our news department, I prepared an advertisement to be run in the broadcast news industry trade publications, which is our standard practice to get a wide variety of applicants. We needed a replacement immediately, as our old Field News Director gave us only two weeks notice. By the time we advertised the position and received and reviewed applications, the Field News Director's job had been vacant for two weeks. Then we interviewed the six best applicants, which took another two weeks. So by the time the News Division was making a final decision between Wagner and Moncrieff, our mobile operations had been running for a month understaffed. Given that it was summer, and naturally people wanted to take some time off, the missing Field News Director put a real strain on our other rotating Field and Studio News Directors who had to pick up the slack.

The position of Field News Director requires someone who can work as an integral part of a remote team, someone who must scout locations for scenes and keep up to date with all the latest technology. Staying current is vital as WSUB-TV is always buying new equipment for the mobile news vans to allow them to be first to report on breaking news stories from any location.

We received many responses and Lee interviewed about six applicants. Lee and I talked about whom to hire and we both thought that Moncrieff would slow down the recording and production processes. We concluded that reconfiguring a remote unit and adding a wheelchair lift would cost too much, take too long and be an undue hardship to the station and, in particular, its highly competitive News Division. WSUB-TV hired Alex Wagner for the position of Field

News Director as a strictly professional decision, made by us in our capacities as broadcast news professionals, and based on adherence to technical and budgetary standards.

WSUB-TV's hiring of Wagner would enable WSUB-TV to maintain its necessary quickness in scouting locations and setting up for remote news productions. Whereas hiring Moncrieff could not, unless we were to purchase physical configurations whose costs are prohibitively high. Because the Americans with Disabilities Act requires us to examine all factors when making a hiring decision of this nature, I can assure you that we did so—thoroughly and seriously. There is no way that WSUB-TV's News Division could protect or improve its rating by hiring Jo Moncrieff.

Chris Avis

1/12/2004

POSITION AVAILABLE

FIELD NEWS DIRECTOR, WSUB-TV

Our motto is "You saw it first on WSUB-TV."

You could be part of our fast-paced news team if you have the right skills, experience and background. WSUB-TV has a vacancy for a Field News Director, a job that will require you to be able to frame shots and scenes in the field that will allow the public to see it first on WSUB-TV.

At minimum, we require a college degree in media and at least three years of professional experience in a major secondary market TV station. The Field News Director must possess the excellent judgment and accurate, rapid decision-making skills needed to scout the field locations, set up the scenes and undertake the other essential functions of delivering a remote news broadcast with "split-second" timing. This individual must be familiar with all of the latest technology because WSUB-TV is constantly updating its remote production equipment in its mobile vans and in the studio. In addition, the Field New Director must be able to work in close quarters with other members of the team. Submit resume with minimum of six video clips of actual production work by July 15, 2003.

WSUB-TV is an Equal Opportunity Employer and does not discriminate based upon race, creed or color.

RATINGS OF NETWORK AFFILIATED TV STATIONS

NOTE: The “Rating” is size of an audience expressed in percentage terms or the estimated percentage of total television households tuned to a particular station for a given period of time. The Market Share is the percentage of total “Households Using Television” and “Persons Viewing Television” reached by a station during a specified time in comparison to other commercial stations in the market.

For New York City television stations, the cost of advertising for time on the 11:00 p.m. news is approximately \$1,000 per TV rating point for a 30-second spot.

Albany Television News Broadcast Ratings

(11:00 p.m., M-F)

FROM APRIL 1 – MAY 31, 2003 as compiled by ACME:

Station	Rating	Market Share
WALB-TV	15	28
WLYC-TV	16	33
WNCY-TV	14	23
WLOW-TV	10	16

New York City Television News Broadcast Ratings

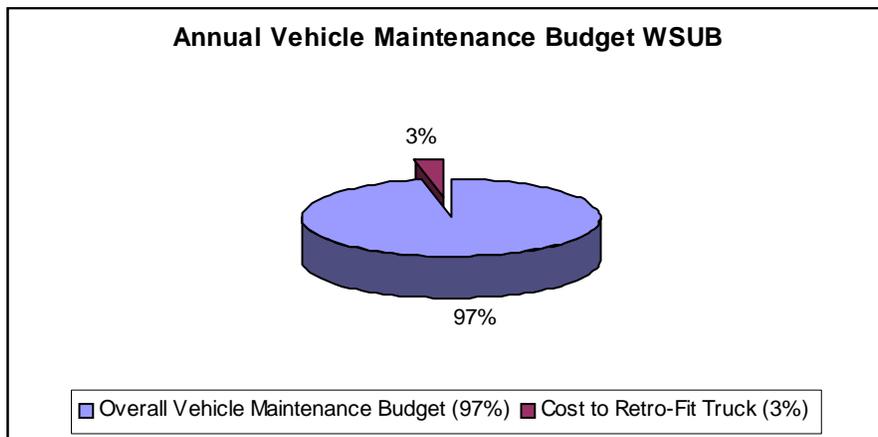
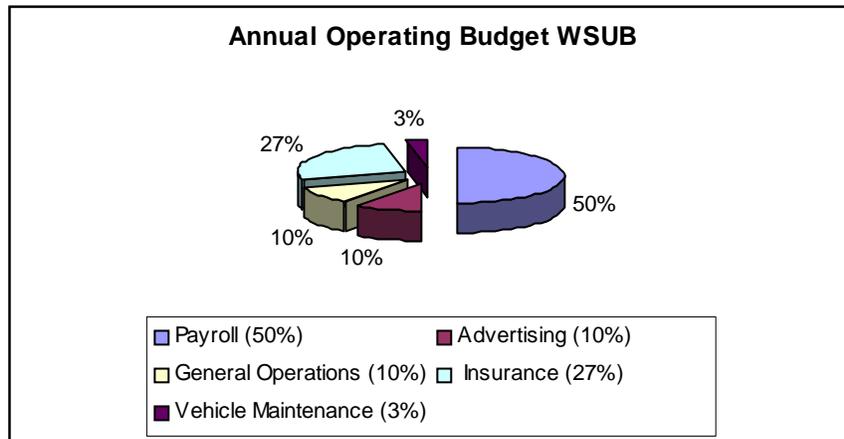
(11:00 p.m., M-F)

FROM APRIL 1 – MAY 31, 2003 as compiled by ACME:

Station	Rating	Market Share
WSUB-TV	16	32
WCLR-TV	15	27
WROT-TV	13	20
WOLF-TV	8	12
WKKY-TV	4	6
WKLI-TV	2	3

WSUB-TV

**GENERAL ACCOUNTING OFFICE 2004 PROJECTION OF BUDGET PREPARED FOR LEE JUNO
JULY 25, 2003***



*This is a draft projection and not intended for shareholder dissemination.

Sean Combs, Corporate Accounting