

# **EXHIBIT L**

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24 A. It was not mentioned; correct.

25 Q. Okay. So far as you know then the only efforts to  
6

1 ever build the Joe Christie system use lied an ATM  
2 network not the internet; isn't that correct?

3 A. At that time.

4 Q. Has it changed?

5 A. Yes, we are doing voice over IP today.

6 Q. Is it using Joe Christie's ideas?

7 A. In essence yes.

8 Q. What do you mean, in essence?

9 A. It's taking voice, TDM voice, packetizing it and  
10 placing it onto an IP payload.

11 Q. And that's your understanding of what Joe Christie's  
12 ideas were?

13 A. Joe Christie's idea was to stake voice and packetize  
14 it and put it onto an ATM network.

15 Q. Okay. Isn't it true that in 1995 and 96 the JCS2000  
16 effort was a state of the art initiative?

17 A. Yes, it was.

18 Q. At any time is also true that no precedent existed  
19 for determining whether that project could be  
20 developed?

21 A. Could you rephrase that?

22 Q. Isn't it true that in 1995 there was no precedent to  
23 determine whether or not the JCS2000 project could be  
24 developed?

25 A. When I came on board, that's all I knew, and at that  
7

1 time we were to proceed with the development.

2 Q. But there was no prior precedent to do that was  
3 there?

4 A. Not that I'm aware of no.  
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5 Q. In fact, there was no precedent about how the system  
6 would be designed either was there?

7 A. I wasn't aware of that aspect of it in terms of the  
8 design and I believe that was already done.

9 Q. Is it true then that the JCS2000 was Sprint's  
10 first-ever attempt to build a voice-over-ATM system?

11 A. Yes, it is.

12 Q. Isn't it true that at least as far as you know prior  
13 to that attempt no one in the telecom industry had  
14 ever tried to provide a voice-over-ATM system?

15 A. That's true.

16 Q. And isn't it true that the JCS2000 development effort  
17 was outside the common body of knowledge in the  
18 telecommunication industry?

19 A. Yes, it was.

20 Q. And isn't it also true that you thought there were  
21 significant uncertainties involved in trying to use  
22 hire existing at that time in trying to build the  
23 JCS2000 system?

24 A. Not from my perspective. The uncertainties that we  
25 had were more commercially related what I mean by

1 that is when the switch was developed like any other  
2 switch that we incorporate in our network we have  
3 things called back office systems these are  
4 organizations that provision the network to make a  
5 connection up, a group that does the alarms monitors  
6 the network and they monitor the alarms and  
7 performance aspects like with any project we have to  
8 interface to those back office systems and those were  
9 the uncertainties which we consider more of  
10 commercial aspect.

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23 technical issues.

24 Q. And were you involved in the work with tell labs for  
25 developing the ATM mux for use in the system?

11

1 A. No.

2 Q. Are you aware of when tell labs was able to  
3 successfully produce an ATM mux for use in the  
4 system?

5 A. Yes we had to go out to tell labs facilities when  
6 they developed their first commercial AVM mux  
7 basically it was the call processing unit, component  
8 of the AVM mux and we evaluated it it and tested it  
9 at their facilities.

10 Q. When did you do that evaluation and test?

11 A. '98, 97 time frame.

12 Q. So it was well over a year since you've been brought  
13 into the project before you were even able to test  
14 the AVM mux?

15 A. This is true.

16 Q. In the project the JCS2000 Bonanza project do you  
17 recall when that was started?

18 A. No, I came on when it was already started.

19 Q. But it was before 1996?

20 A. That's correct.

21 Q. And were there attempts to try and built the ATM mux  
22 before that.

23 A. Not that I'm aware of.

24 Q. You also mentioned a call processor isn't it true the  
25 call processor was also a totally new design in the

12

1 mid-1990?

2 A. The call processor was the heart of the JCS.

3 Q. So then the JCS2000 <sup>von 8a.txt</sup> involved new technologies, new to  
4 the telecommunications industries in the mid-1990s;  
5 is that correct?

6 A. That's correct.

7 Q. And that technology was outside of the common  
8 knowledge in the telecom industry?

9 A. Yes, it was.

10 Q. So would you agree then that Sprint faced substantial  
11 unhasen't in 1996 as to whether voice over ATM would  
12 even work?

13 A. No, I wouldn't say that at that point again it gets  
14 back to the commercialization aspects of interfacing  
15 the back office systems.

16 Q. I'm going to hand you a copy of a document that's  
17 been marked Defendant's Exhibit 1063 and I'll ask you  
18 to flip to page 9 of that document, please.

19 MR. SEITZ: Your Honor, we object to this  
20 document as hearsay foundation and authentication.

21 THE COURT: All right. Why don't you  
22 approach and let's talk about that. Could I see a  
23 copy of exhibit?

24 MR. MCPHAIL: Yes, sir.

25 MR. WEBB: Your Honor, this is the second  
13

1 time they have tried to get this in its an Ernst and  
2 Young document.

3 THE COURT: My record does reflect that it  
4 was originally identified in Mr. Gardner's testimony  
5 all right. Tell me where you're going with this if  
6 you would please so I can understand it.

7 A. Mr. Spitzer was interviewed for the purpose of this  
8 document. That's why I have him on page 9 it

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the purpose of submitting it to the government for a  
22 tax credit refund. It has inherent trust worthiness  
23 because it's a statement made on behalf of Sprint by  
24 their independent auditors. Nothing gets in under  
25 the residual hearsay if this document doesn't. I  
16

1 can't think of a better instance where it should come  
2 in.

3 THE COURT: In 15 and a half years I  
4 haven't let anything in under the residual exception.  
5 It doesn't mean that is right, but I haven't. I  
6 don't buy that argument. I understand your point. I  
7 don't see that as -- I mean in reality there would be  
8 nothing in the world that would have prohibited you  
9 from developing a basis to get this admitted by going  
10 to the people who authored it I suppose but you  
11 didn't and I don't see what some independent  
12 consultant making a report on behalf of Sprint why  
13 that makes it admissible under the hearsay rule but  
14 I've explained to you the extent to which you can  
15 utilize the document to refresh this witnesses  
16 recollection if, in fact, it does so.

17 MR. MCPHAIL: Thank you, your Honor.

18 (The proceedings returned to open court.)

19 Q. (By Mr. McPhail) Mr. Spitzer, if I could actually ask  
20 you to turn to page 13 of that document for a moment  
21 I just asked you the question about whether you  
22 believed in 1996 that Sprint faced substantial  
23 uncertainty in trying to develop the JCS2000 system  
24 and I believe you answered no; isn't that correct?

25 A. That's correct.

17

1 Q. If I could ask you then to look at the first  
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2 paragraph of that document read it and see if that  
3 refreshes your recollection?

4 THE COURT: Read it to yourself and not out  
5 loud if you would please and after you've read it Mr.  
6 McPhail can ask you a question to follow up he's  
7 asked you does it refresh your recollection that is  
8 the pending question you can answer that to him.

9 THE WITNESS: Thank you.

10 THE WITNESS: Okay. Thank you.

11 Q. (By Mr. McPhail) Okay. So sitting here today now do  
12 you believe that in 1996 Sprint faced substantial  
13 uncertainlies in trying to build the JCS2000 system?

14 A. In reference to this document, to be honest with you,  
15 I vaguely remembered any interview of this nature in  
16 terms of approving or disapproving the words and the  
17 statements here I can't validate that but to answer  
18 your question any project we developed in Sprint  
19 always has some form of uncertainty involved with it.

20 Q. Okay. You were involved in the JCS2000 system when  
21 it was cancelled; right?

22 A. Yes, it was.

23 Q. Do you recall being interviewed by the accounting  
24 firm of Ernst & Young following that cancellation?

25 A. Vaguely.

18

1 Q. And that document does not refresh your recollection?

2 A. Not quite.

3 MR. MCPHAIL: I have nothing further at  
4 this time your Honor thank you.

5 THE COURT: Very well. Mr. Seitz?

6 MR. SEITZ: I have no questions for this  
7 witness, your Honor.