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As he presides over the trial of AT&T Inc.'s **planned acquisition** of Time Warner Inc., U.S. District Judge Richard Leon enters his courtroom each day clad in a bow tie and armed with a handful of pencils, which he often sharpens as the lawyers introduce themselves. His comments from the bench can be even sharper.

Over three weeks of proceedings, Judge Leon, a 16-year veteran of the Washington, D.C., court, has run an exacting trial, and his management of the case has presented a challenge for the Justice Department as it seeks **to block the \$85 billion deal** on antitrust grounds. The judge, an appointee of President George W. Bush, has pressed government lawyers on issues of style, procedure and substance as they have presented 16 witnesses so far.

The department's principal arguments, which may wrap up this week, will be followed by AT&T and Time Warner presenting their defense, which will put their own lawyers in the hot seat. Judge Leon has chastised the Justice Department for moving too fast. "Ma'am, I said hold on a minute," the judge told one department lawyer on Thursday as she was questioning an AT&T witness. "Listen!" the judge told her, pointing to his ear for effect while he

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looked at a document. Two other department lawyers, including a junior member of the team, have received similar admonishments.

The judge also has criticized the government for moving too slow. “Ask him a question. Let’s go,” he said to another government attorney after telling him not to waste time repeating a witness’s answers. On another sluggish morning, the department told the judge it had only a few more questions for a marketing professor who was a witness on the stand. “Good,” Judge Leon responded. No single limitation imposed by the judge has appeared to be a major setback for the Justice Department, but collectively, the instances have crimped how the government has presented its case against the deal.

The judge has kept the courtroom open to the public for most of the proceedings. That is a boost for transparency, but it has been a visible frustration for Justice Department attorneys who have had to dance around questions involving sensitive business data and strategy documents that can’t be discussed in open court. “Explain as much as you can without revealing confidential information,” the Justice Department’s lead trial lawyer, Craig Conrath, told an industry consultant on the witness stand last week. Judge Leon alone will decide the fate of the merger, which would combine AT&T’s pay-TV distribution capabilities with Time Warner’s stable of cable channels. There is no jury.

The judge has been strict about what internal company documents and emails he is willing to consider as evidence. He also has curbed the questions the government has been able to ask certain witnesses, including those from AT&T, particularly as they related to internal company communications. The judge signaled from the outset he would take such a rigorous approach, telling the department he wouldn’t allow company documents like internal PowerPoint presentations without knowing who wrote them, when and why they were created, and whether company decision makers relied on the information. “I’m going to need context,” Judge Leon said in a pretrial hearing last month, adding that he wanted to be “cautious” about making assumptions.

Judge Leon has a reputation for putting lawyers through their paces. He also hasn’t been afraid to hold the government’s feet to the fire, including in cases where litigants sought State Department records from Hillary Clinton’s tenure and challenged the National Security Agency’s bulk collection of phone-call records, a program Judge Leon labeled “almost Orwellian” in 2013. Discussions about evidence relevancy and confidentiality have become a central feature of the AT&T trial, with Judge Leon interrupting witness testimony to call lawyers to the bench for private conferences, often a half-dozen times or more a day. Sometimes these huddles last just a few minutes. Other times, their duration has stretched 15 minutes or longer.

Spectators and witnesses can watch but can’t listen. The judge turns on a “husher” that plays static on the courtroom speakers to drown out the conversation. There isn’t much for the audience to do during the dead time other than attempt to lip-read, as courtroom visitors are held to their own firm code of conduct. They can’t drink water or glance at newspapers or

magazines. While policing the gallery, some court security officials have instructed visitors to keep both feet on the floor at all times, lest their shoes rub up against the row in front of them.

The zero-tolerance policy applies most forcefully to computers and cellphones. On most days, security officials have searched visitors' bags before entering the courtroom and asked people to show their electronic devices to prove they are turned off. Still, a couple of people have heard the mortifying ring of their phones during the proceedings, and they have been removed immediately from the courthouse. "These are Judge Leon's orders and they will be followed," one court officer said in the hallway. – ***Wall Street Journal***

The chairman of the Republican Party of Pennsylvania on Friday called on gubernatorial candidate Paul Mango to cancel an ad attacking Republican rival Scott Wagner, saying the attacks could hurt the party's chances of defeating Democratic Gov. Tom Wolf in the fall.

The ad touches on Wagner's time as a bail bondsman, head of a waste-hauling company and landlord, bringing up court cases and episodes from his past that Wagner addressed in his successful campaign for state senator in 2014. The state GOP party, chaired by Val DiGiorgio, endorsed Wagner in February after Wagner won several rounds of internal party polling around the state. "For the good of our party and our commonwealth, it is time we rise above personal attacks and focus on substantive solutions to the problems facing Pennsylvanians," DiGiorgio said in his Friday statement. "As such, I call on Paul Mango to take down this misleading attack ad."

Wagner's campaign criticized the attacks, coming before the May 15 primary, which include Pittsburgh attorney Laura Ellsworth. "Airing this despicable ad with false attacks more than a month from election day shows Paul Mango is desperate, is losing and has no message of his own to run on," Wagner spokesman Andrew Romeo said in a statement. "He knows Scott is the true conservative candidate in this race, and because of that, he is resorting to smearing Scott's character rather than talking about his own record or policies. Scott will continue to focus on what this race is really all about, the people of Pennsylvania."

Mango is keeping the ad up, and bought more slots for it Friday morning, said campaign spokesman Matt Beynon. "If Scott Wagner's personal record cannot stand up to scrutiny during the Republican primary, clearly Wagner gives our party the worst chance of defeating Governor Wolf in the fall... We view the chairman's comments as encouragement that our message exposing Wagner's record as a Harrisburg insider with serious character flaws is resonating with voters," Beynon said in a statement.

Wagner's campaign has aired ads attacking Mango's record as a health care consultant, saying he supported Obamacare and outsourced jobs. Mango's new ad portrays a cartoon Wagner in different outfits for each period of his past. It calls him "slumlord

Wagner,” citing York County Court of Common Pleas documents saying Wagner rented apartments with termites and no heat. Romeo, the Wagner spokesman, said Wagner has never lost a landlord-tenant case.

The ad says Wagner certified bail for a man accused of sex crimes against a minor, who after his release pleaded guilty to similar crimes. “Anyone who’s familiar with the bail bondsman process knows that when you post bail for someone you’re not endorsing their crime,” Romeo said of the allegation. The ad says Wagner didn’t make child care payments, a claim Romeo said is false. That claim, along with concerns over an argument and physical altercation between Wagner and his daughter, were addressed by the *York Daily Record* in [a 2013 story](#). – *Pittsburgh Tribune-Review*



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