

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	MB Docket No. 19-156
)	
ENTERTAINMENT MEDIA TRUST,)	
DENNIS J. WATKINS, TRUSTEE)	
)	
Applications to Renew License:)	
)	
KFTK(AM) (formerly WQQX(AM)),	)	Facility ID No. 72815
East St. Louis, Illinois	)	File No. BR-20120709ACP
)	
WQQW(AM), Highland, Illinois	)	Facility ID No. 90598
	)	File No. BR-20120709ACO
)	
KZQZ(AM), St. Louis, Missouri	)	Facility ID No. 72391
	)	File No. BR-20120921AAW
)	
KQQZ(AM), DeSoto, Missouri	)	Facility ID No. 5281
	)	File No. BR-20120921ABA
)	
Application for Consent to Assignment of)	
Licenses:)	
)	
KFTK(AM) (formerly WQQX(AM)),	)	Facility ID No. 72815
East St. Louis, Illinois	)	File No. BAL-20160919ADH
)	
WQQW(AM), Highland, Illinois	)	Facility ID No. 90598
	)	File No. BAL-20160919ADI
)	
KZQZ(AM), St. Louis, Missouri	)	Facility ID No. 72391
	)	File No. BAL-20160919ADJ
)	
KQQZ(AM), DeSoto, Missouri	)	Facility ID No. 5281
	)	File No. BAL-20160919ADK
)	
Application for Permit to Construct New Station:)	
)	
W275CS, Highland, Illinois	)	Facility ID No. 200438
	)	File Nos. BNPFT-20170726AEF
	)	BNPFT-20180314AAO

ORDER

Issued: September 6, 2019

Released: September 6, 2019

1. By motions filed on August 30, 2019 and September 3, 2019, Entertainment Media Trust, Dennis J. Watkins, Trustee (EMT), seeks additional time to respond to the First Request for Production of Documents and First Set of Interrogatories served on it by the Enforcement Bureau in this proceeding.¹ The Enforcement Bureau's First Request for Production of Documents, dated August 20, 2019, calls for a response within 10 calendar days pursuant to section 1.325 of the Commission's rules, 47 CFR § 1.325, i.e., August 30, 2019.² Its First Set of Interrogatories, dated August 20, 2019, calls for a response within 14 calendar days pursuant to section 1.323 of the Commission's rules, 47 CFR § 1.323, i.e., September 3, 2019.³

2. EMT asks for an extension of time until September 13, 2019 to file its response to the First Request for Production of Documents. EMT states in support of this extension request that it has been engaged in discussions with the Enforcement Bureau aimed at more quickly resolving this matter, that it is considering filing for bankruptcy and that a bankruptcy filing would stay this proceeding, and that EMT is unable to respond to certain requests because a person necessary to those responses was out of the country prior to September 2, 2019.⁴

3. EMT also asks for an extension of time until September 17 to file its response to the First Set of Interrogatories. EMT offers in support of this extension request the same three bases offered in support of its motion regarding the Enforcement Bureau's First Request for Production of Documents, plus it asserts that the number of interrogatories propounded by the Enforcement Bureau is four times the number of interrogatories permitted under the Federal Rules of Civil Procedure and that the Enforcement Bureau requested responses within less than half the time allotted under those rules.⁵

¹ Entertainment Media Trust, Motion for Extension of Time, MB Docket No. 19-156 (filed August 30, 2019) (August 30 Extension Motion) <https://ecfsapi.fcc.gov/file/1083043297049/01347493.PDF> and Entertainment Media Trust, Motion for Extension of Time, MB Docket No. 19-156 (filed September 3, 2019) (September 3 Extension Motion) <https://ecfsapi.fcc.gov/file/10903668025068/01348006.PDF>.

² Enforcement Bureau's First Request for Production of Documents to Entertainment Media Trust, Dennis J. Watkins, Trustee, MB Docket No. 19-156 (filed August 20, 2019), <https://ecfsapi.fcc.gov/file/10820241127201/EB%20First%20Set%20of%20Requests%20for%20Documents%20to%20EMT.pdf>.

³ Enforcement Bureau's First Set of Interrogatories to Entertainment Media Trust, Dennis J. Watkins, Trustee, MB Docket No. 19-156 (filed August 20, 2019), <https://ecfsapi.fcc.gov/file/1082004069935/EB%20First%20Set%20of%20Interrogatories%20to%20EMT.pdf>.

⁴ August 30 Extension Motion at 2-3.

⁵ September 3 Extension Motion at 2-3.

4. The Enforcement Bureau filed a consolidated opposition on September 4, 2019.⁶ The Enforcement Bureau asserts that EMT had ample opportunity to seek extensions prior to the due date for its responses, but chose to seek extensions on the dates the responses were due, and failed to provide a legitimate basis for the requested extensions. The Bureau asserts that neither discussions among the parties nor speculation about the fact or effect of a bankruptcy filing warrant the requested extensions. It specifically disputes whether a bankruptcy filing would stay this proceeding.⁷ In addition, the Bureau states that the number of requests it propounded are permitted by the Commission's rules of procedure applicable to this proceeding and that the deadlines by which EMT's responses, both to its request for production of documents and to interrogatories, are due are established by the Commission's rules. It also notes that the Federal Rules of Civil Procedure do not apply. The Bureau further expresses concern about potential gamesmanship by EMT as demonstrated by an emerging pattern of waiting until the date discovery responses are due to seek extensions.⁸ The Bureau appears to concede that some extension with regard to responses dependent upon input from the individual who was out of the country might be reasonable, but notes that he now is available and asserts that EMT should respond without delay.⁹

5. The Presiding Judge finds that a brief extension is reasonable and will not unduly delay the progress of this proceeding. Accordingly, EMT's response to the Enforcement Bureau's First Request for Production of Documents will be due on or before Monday, September 9, 2019 and its response to the Bureau's First Set of Interrogatories will be due on or before Thursday, September 12, 2019. The Presiding Judge believes that this additional time fully is adequate for EMT to respond since the individual it asserts is critical to certain responses returned to the country on September 2 and is concerned that lengthier or repeated extensions beyond the due dates provided in the Commission's rules could unduly delay this proceeding. Issues related to a potential bankruptcy filing by EMT are speculative and premature; the Presiding Judge has not considered them in granting these extensions. Further, EMT should be aware of and diligently seek to comply with the Commission's rules governing this proceeding, including timeframes established in those rules. The Presiding Judge cautions EMT about waiting until the due date to seek any further extensions of time; an extension request, when good cause exists therefore, should be filed in time to permit the Presiding Judge to consider the request and any oppositions, and to issue an order granting or denying an extension on or before the due date.

SO ORDERED.

⁶ Enforcement Bureau's Opposition to EMT's Multiple Motions for Extension of Time (filed September 4, 2019; corrected version filed September 5, 2019) (September 4 Opposition)
<https://ecfsapi.fcc.gov/file/10904894721166/19-156.pdf>.

⁷ *Id.* at 3-4.

⁸ *Id.* at 5-6.

⁹ *Id.* at 4-5.

FEDERAL COMMUNICATIONS COMMISSION

A handwritten signature in blue ink, appearing to read 'J. Halprin', is centered on the page.

Jane Hinckley Halprin
Administrative Law Judge