

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

In the Matter of	)	MB Docket No. 19-156
	)	
<b>ENTERTAINMENT MEDIA TRUST,</b>	)	
<b>DENNIS J. WATKINS, TRUSTEE</b>	)	
	)	
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 18, 2019**

**Released: September 18, 2019**

1. On September 11, 2019, Entertainment Media Trust, Dennis J. Watkins, Trustee (EMT), sought a stay of this hearing proceeding, or in the alternative an “indefinite extension of time for all pending discovery requests.”<sup>1</sup> EMT cites as justification its filing for Chapter 7 bankruptcy protection in the Southern District of Illinois. As EMT’s responses to the Enforcement Bureau’s First Set of Interrogatories were due the next day, the Presiding Judge issued an order on September 12, 2019, temporarily relieving EMT of its duty to respond to pending discovery requests so as to afford the other parties to the proceeding an opportunity to address EMT’s motion.<sup>2</sup> Petitioner Mark Kern filed an opposition to EMT’s request on September 16, 2019.<sup>3</sup> The Enforcement Bureau filed its opposition to the EMT stay request on September 17, 2019.<sup>4</sup>

2. On September 17, 2019, Donald M. Samson, the Trustee appointed by the U.S. Bankruptcy Court for the Southern District of Illinois, filed a motion for leave to file a reply to the oppositions of Kern and the Enforcement Bureau. He urges that, “in light of the changes in circumstances and authority resulting from the filing by EMT of a petition for bankruptcy under Chapter 7 of the United States Bankruptcy Code and the attendant appointment of a Trustee, a reply to the Oppositions is reasonable and will permit a full, fair and expeditious resolution of the instant proceeding.”<sup>5</sup> The Trustee also indicates that he filed an application with the Commission on September 16, 2019, to transfer control of the radio stations that are the subject of this proceeding from EMT to him in his capacity as Trustee.

3. As the Trustee points out, section 1.294 of the Commission’s rules provides that with respect to interlocutory requests in hearing proceedings, “replies to oppositions will not be entertained.”<sup>6</sup> The rule does, however, permit additional pleadings if authorized by the Presiding Judge.<sup>7</sup> In addition, the rule specifically references section 1.732 of the Commission’s rules, which states, “The Commission may require the parties to submit any additional information it deems appropriate for a full, fair, and expeditious resolution of the proceeding.”<sup>8</sup> The Presiding Judge is persuaded that permitting the Trustee to reply to the oppositions filed by Kern and the Enforcement Bureau may facilitate the progress of this proceeding. In the interest of expediency given the mounting delay in this discovery process, however, the Presiding Judge establishes a modified schedule for the filing of further pleadings regarding the requested stay as follows:

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<sup>1</sup> Entertainment Media Trust, Motion for Stay of Proceedings or In the Alternative Extension of Time, MB Docket No. 19-156 at 4, para. 9 (filed Sept. 11, 2019) (EMT Motion for Stay).

<sup>2</sup> Entertainment Media Trust, Order, MB Docket No. 19-156, FCC 19M-09 (Sept. 12, 2019).

<sup>3</sup> Mark Kern, Opposition to Motion for Stay of Proceedings or In the Alternative Extension of Time, MB Docket No. 19-156 (filed Sept. 16, 2019) (Kern Opposition to Stay).

<sup>4</sup> Enforcement Bureau’s Opposition to EMT’s Motion for Stay of Proceedings on in the Alternative Extension of Time, MB Docket No. 19-156 (filed Sept. 17, 2019) (EB Opposition to Stay).

<sup>5</sup> Donald M. Samson, Motion for Leave to File Reply to Oppositions, MB Docket No. 19-156 at 2 (filed Sept. 17, 2019).

<sup>6</sup> 47 CFR. § 1.294(b).

<sup>7</sup> 47 CFR. § 1.294(d).

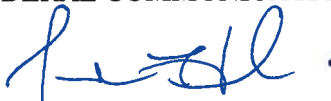
<sup>8</sup> 47 CFR § 1.732(f).

- Trustee's Reply to Oppositions to EMT Motion for Stay due **September 23, 2019**;
- Enforcement Bureau and Kern Responses to Trustee's Reply due **September 27, 2019**.

In the response due on or before September 27, 2019, the Enforcement Bureau and Petitioner Kern may include any objections they would have raised to the Trustee's being afforded leave to file a reply. Further pleadings regarding the EMT Motion for Stay will not be permitted.

4. Accordingly, IT IS ORDERED that this modified procedural schedule for further pleadings regarding EMT's Motion for Stay IS ADOPTED.

FEDERAL COMMUNICATIONS COMMISSION



Jane Hinckley Halprin  
Administrative Law Judge