

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: October 10, 2019

Released: October 10, 2019

1. By Order summarizing the initial pre-hearing conference in this proceeding, released on July 11, 2019, the Presiding Judge in the above-captioned matter directed the parties to file status reports on the first Tuesday of every month.¹ On October 1, monthly status reports were filed by the Enforcement Bureau, Petitioner Mark Kern, and Donald Samson, Trustee in Bankruptcy for Entertainment Media Trust, Dennis J. Watkins, Trustee (EMT). On October 3, 2019, Petitioner Kern filed a motion to strike the Trustee's filing, arguing that the Trustee is not a party to the proceeding and that the submission is not a status report but is instead a substantive legal filing in support of EMT's pending motion for stay.² On the same day, the Enforcement Bureau filed a motion for leave to respond to the Trustee's pleading as well as the response itself.³ The Enforcement Bureau similarly contends that the Trustee's pleading is unauthorized. Neither EMT nor the Trustee filed a responsive pleading.⁴

2. The Presiding Judge agrees that the Trustee's October 1, 2019, submission is not an appropriate status report but is more properly characterized as substantive advocacy on EMT's behalf. The pleading is accordingly stricken from the record, rendering the Enforcement Bureau's response to it moot. The Presiding Judge takes this opportunity to provide the parties with guidance regarding what type of information is expected in the monthly status submissions. The goal of requiring status reports is to update the Presiding Judge with respect to the progress of discovery and other related matters. A status report should not include argument, just facts. The parties should summarize their affirmative efforts to solicit discovery and to respond to the discovery requests of other parties. If possible, parties should provide an estimated date for conclusion of each phase of discovery that is described. Any disputes that arise are not to be litigated in status reports. Rather, if the parties are unable to come to agreement on a discovery issue, the matter should be fully addressed in a motion to compel or other appropriate pleading filed in accord with the Commission's hearing rules.⁵ Other actions the parties are taking to prepare for hearing or that could facilitate the resolution of this proceeding should also be described. In particular, the Presiding Judge expects to be kept current on any relevant developments in the Chapter 7 bankruptcy proceeding initiated by EMT in the Southern District of Illinois.⁶

3. No substitute status report will be accepted from EMT or the Trustee for the month of October. Submission of status reports will resume as scheduled on November 5, 2019. It is anticipated that the role of the Trustee vis-à-vis this proceeding will have been clarified by that time.⁷ If not, the Trustee is granted leave to file the November status report on EMT's behalf.

¹ *Entertainment Media Trust*, Order, MB Docket No. 19-156, FCC 19M-05 (July 11, 2019).

² Mark Kern, Motion to Strike Status Report as an Unauthorized Pleading, MB Docket No. 19-156 (filed Oct. 3, 2019).

³ Enforcement Bureau's Motion for Leave to File Response to Chapter 7 Trustee's October 1, 2019 Pleading, Enforcement Bureau's Response to Chapter 7 Trustee's October 1, 2019 Pleading, MB Docket No. 19-156 (filed Oct. 3, 2019).

⁴ Pursuant to section 1.294 of the Commission's rules, 47 CFR §§ 1.201-1.364, oppositions to interlocutory requests are due within 4 days after the original pleading is filed. EMT's response to Kern's motion was therefore due by October 7, 2019.

⁵ 47 CFR §§ 1.201-1.364. The parties are reminded that rulings requested of the Presiding Judge seeking to resolve disputes encountered during the discovery phase of this proceeding shall include a certification that the parties made a good-faith effort to resolve the conflict but have reached an impasse. Order, FCC 19M-05 (July 11, 2019).

⁶ *Entertainment Media Trust, Debtor, Donald M. Samson, Trustee v. Federal Communications Commission*, Case No. 19-31224-lkg, Bankr. S.D. Ill. (filed Sept. 11, 2019).

⁷ See *Entertainment Media Trust*, Order, MB Docket No. 19-156, FCC 19M-11 at para. 15 (October 4, 2019).

4. Accordingly, IT IS ORDERED that the Motion to Strike Status Report as Unauthorized Pleading filed by Mark Kern on October 3, 2019, IS GRANTED.

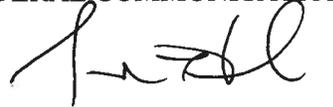
5. IT IS FURTHER ORDERED that the Letter of October 1, 2019, from Donald M. Samson to the Presiding Judge IS STRICKEN from the record of this proceeding.

6. IT IS FURTHER ORDERED that the Enforcement Bureau's Motion for Leave to File Response to Chapter 7 Trustee's October, 1, 2019 Pleading filed on October 3, 2019, IS DISMISSED AS MOOT.

7. IT IS FURTHER ORDERED that the Enforcement Bureau's Response to Chapter 7 Trustee's October 1, 2019 Pleading filed on October 3, 2019, IS DISMISSED AS MOOT.

SO ORDERED.

FEDERAL COMMUNICATIONS COMMISSION



Jane Hinckley Halprin
Administrative Law Judge