

**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: November 25, 2019

Released: November 25, 2019

1. On November 18, 2019, the Presiding Judge issued an Order summarizing a telephonic pre-hearing conference in the above-captioned proceeding that was held on November 14, 2019. The *November 18 Order* reiterated the dates established by the Presiding Judge during the teleconference for the resumption of discovery.¹ On November 19, 2019, counsel Davina Sashkin, Esq., Anthony Lepore, Esq., and Seth Williams, Esq., filed a Request for Correction of the Record and Notification of Withdrawal of Counsel. They ask that the Presiding Judge issue an erratum to correct the introductory information in the *November 18 Order*, indicating that Ms. Sashkin and Mr. Lepore appeared “on behalf of applicant Entertainment Media Trust and Trustee in Bankruptcy Donald M. Samson” at the aforementioned teleconference. Counsel submit that this characterization is in error, as they appeared only on behalf of Trustee Sampson and that “[n]o appearances were entered in the November 14 Pre-Hearing Conference on behalf of Entertainment Media Trust, Dennis J. Watkins, Trustee.” Counsel also indicate that they are no longer counsel to Entertainment Media Trust (EMT) and that their withdrawal from this matter “is submitted at the request of Dennis J. Watkins, Trustee of EMT.”

2. This Order does not resolve counsel’s November 19 motion, as neither the Enforcement Bureau nor Petitioner Mark Kern has had an opportunity to respond as provided by section 1.294 of the Commission’s rules.² It is apparent, however, that further discussion of this issue is warranted. The Presiding Judge finds it puzzling that even though she specifically raised the issue of representation during the November 14 teleconference, counsel did not make clear at that time that they were no longer representing EMT. It is also concerning that their Request for Correction of the Record and Notification of Withdrawal provided no detail with respect to the circumstances of the termination of their representation of EMT, who they have represented since the outset of this hearing proceeding as well as earlier in connection with related proceedings before the Media Bureau. Further, as no response was submitted to the Enforcement Bureau’s Motion to Compel in accord with the deadlines established in the *November 18 Order*, the Presiding Judge seeks assurance that EMT will abide by those discovery deadlines.³ To facilitate the prompt resumption of discovery in this proceeding and to ensure that the interests of all parties are appropriately and clearly represented, the Presiding Judge finds it necessary to act expeditiously to schedule an additional, in-person, conference and to order Dennis J. Watkins, as Trustee of Entertainment Media Trust, to appear in person at this conference.⁴

3. Accordingly, IT IS ORDERED that a pre-hearing conference on the record SHALL BE HELD in Washington, D.C. **at 10:00 AM on Thursday, December 5, 2019**, at FCC Headquarters, 445 12th Street, S.W., in Room TW A-363. Motions to appear by speakerphone will not be entertained.

4. IT IS FURTHER ORDERED, pursuant to authority granted by section 1.248(b) of the Commission’s rules, 47 CFR § 1.248(b), that Dennis J. Watkins, Trustee, Entertainment Media Trust, SHALL APPEAR at the December 5 pre-hearing conference.

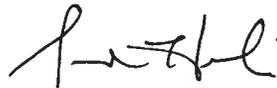
¹ *Entertainment Media Trust*, MB Docket No. 19-156, FCC 19M-14 (ALJ Nov. 18, 2019) (*November 18 Order*).

² 47 CFR § 1.294.

³ It is noted that pursuant to Note 9 to Rule 1.16 of the District of Columbia Rules of Professional Conduct, as well as other jurisdictions that follow the ABA Model Rules of Professional Conduct, “[e]ven if the lawyer has been unfairly discharged by the client, a lawyer must take all reasonable steps to mitigate the consequences to the client.”

⁴ A copy of this Order will be sent to Mr. Watkins by certified mail and to the email address on file for Entertainment Media Trust.

FEDERAL COMMUNICATIONS COMMISSION

A handwritten signature in black ink, appearing to read "J. Halprin".

Jane Hinckley Halprin
Administrative Law Judge