

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 TO SHOW CAUSE

Issued: January 24, 2020

Released: January 24, 2020

1. On November 25, 2019, the Presiding Judge scheduled a prehearing conference in the above-captioned proceeding to be held at FCC Headquarters on December 5, 2019, and ordered that Dennis J. Watkins, as Trustee of Entertainment Media Trust (EMT), be present.¹ Neither Mr. Watkins nor any representative of EMT attended the conference or otherwise acknowledged the order of the Presiding Judge. The Presiding Judge then ordered that an appearance consistent with section 1.221(c) of the Commission's rules, 47 CFR § 1.221(c), be entered by an EMT representative in this hearing proceeding on or before December 20, 2019.² On December 19, 2019, a document was uploaded to the Commission's Electronic Comment Filing System captioned as a Notice of Appearance that states in its entirety, "Entertainment Media Trust, Dennis J. Watkins, Trustee, hereby gives notice of his appearance *pro se* in the above captioned proceeding this 20th day of December, 2019." The document includes a signature block for Dennis J. Watkins, but is unsigned.

2. The Enforcement Bureau filed an Opposition to EMT's Notice of Appearance on December 26, 2019.³ It cites Commission precedent holding that an individual may not appear *pro se* on behalf of a corporate entity and contends that a trust, as a non-personal entity, similarly cannot be represented *pro se* by an officer.⁴ It also cites section 1.21(d) of the Commission's rules, which requires approval of the Presiding Judge for a corporate officer or employee to act for the corporation in matters that have been designated for hearing.⁵ Had Mr. Watkins intended to file in a representative capacity, the Enforcement Bureau argues, he should be held to account for EMT's apparent disregard of the order to appear at the December 5 prehearing conference and its failure to timely file required pleadings and monthly status reports.⁶ Accordingly, the Enforcement Bureau submits that the Watkins Notice of Appearance should be dismissed as ineffective.

3. Despite its brevity, the Notice of Appearance submitted by EMT is erroneous or inadequate in a number of respects. First, it is dated December 20, 2019, but was electronically filed on December 19th. Second, it is not consistent with section 1.221(c), which directs that an appearance indicate that the subject will appear on the date fixed for hearing and present evidence on the issues specified in the order originating the hearing proceeding. Third, it is not signed in the manner required by section 1.52 of the Commission's rules. Section 1.52 directs that all documents filed with the Commission must be signed. The rule permits an original or a facsimile signature, as well as a computer-generated signature on documents that are electronically filed, and provides that, "[i]f the original of a document is not signed or is signed with intent to defeat the purpose of this section, or an electronic reproduction does not contain a facsimile signature, it may be stricken as sham and false, and the matter may proceed as

¹ *Entertainment Media Trust*, MB Docket No. 19-156, Order, 19M-15 (ALJ Nov. 25, 2019).

² *Entertainment Media Trust*, MB Docket No. 19-156, Order, 19M-16 (ALJ Dec. 10, 2019).

³ Enforcement Bureau's Opposition to EMT's Notice of Appearance (filed Dec. 26, 2019).

⁴ Enforcement Bureau Opposition at 3-4, para. 5 (citing *Maritime Communications/Land Mobile, LLC*, Memorandum Opinion and Order, FCC 12M-16 at 2, para. 1 (ALJ Mar. 9, 2012)).

⁵ 47 CFR § 1.21(d).

⁶ Enforcement Bureau Opposition at 4, para. 6. Pursuant to *Entertainment Media Trust*, MB Docket No. 19-156, Order, 19M-05 (ALJ Jul. 11, 2019), the parties to this hearing proceeding are required to file status reports with the Presiding Judge on the first Tuesday of every month. EMT did not file a status report for the months of December 2019 or January 2020.

though the document had not been filed.”⁷ Unsigned pleadings have previously been filed electronically in this proceeding and no party objected. Those filings were from attorneys who personally appeared before the Presiding Judge and who, in compliance with an earlier order, emailed copies of their pleadings to the other parties, the Presiding Judge, and her Special Counsel. The originating email addresses reflected both the name of at least one counsel for the filing party and a domain name associated with the attorney’s law firm, which provides some assurance that the document is authentic and originated from that attorney. On the other hand, because Mr. Watkins did not appear before the Presiding Judge when ordered to do so, did not sign either the electronic or paper versions of his pleading, and did not email copies of the document as directed, the unsigned notice of appearance lacks the most basic indicia of authenticity.⁸

4. Fourth, although the appearance includes a certificate of service certifying that on December 20, 2019, Mr. Watkins served a copy on the other parties to this proceeding as well as the Presiding Judge and her Special Counsel, the envelope is postmarked December 19, 2019, and this office did not receive service until two weeks after the document was filed.⁹ Nor had the Enforcement Bureau received its service copy as of the date of its Opposition.¹⁰ As the Commission has recently pointed out, “[f]ailure to serve in itself renders a pleading defective and subject to dismissal.”¹¹ The Presiding Judge ordered at the outset of this hearing proceeding that service shall be achieved via electronic mail wherever possible and courtesy copies of all submissions are to be emailed to the Office of Administrative Law Judges at the addresses provided.¹² Parties are expected to follow Commission rules and procedures and to abide by orders of the Presiding Judge.¹³ The withdrawal of EMT’s former counsel does not absolve EMT of its responsibility for familiarity with previous orders in this case, especially considering that Mr. Watkins is a licensed attorney.¹⁴

⁷ 47 CFR § 1.52. With regard to an attorney’s signature specifically, the rule provides that, “[t]he signature or electronic reproduction thereof by an attorney constitutes a certificate by him that he has read the document; that to the best of his knowledge, information, and belief there is good ground to support it; and that it is not interposed for delay.”

⁸ The email address attributed to Mr. Watkins in the signature block of his pleading is info@kzqz1430am.com, which is the email address provided to the general public for contacting one of EMT’s radio stations. See kzqz1430am.com (visited Jan. 22, 2020).

⁹ The Presiding Judge received a copy of the document on January 2, 2020, with an FCC mailroom stamp of December 30, 2019.

¹⁰ Enforcement Bureau’s Opposition to EMT’s Notice of Appearance at 2 n.1 (filed Dec. 26, 2019).

¹¹ *William L. Zawilla, et al.*, EB Docket No. 03-152, Memorandum and Order, FCC 19-136 at n.43 (rel. Dec. 23, 2019).

¹² *Entertainment Media Trust*, MB Docket No. 19-156, Order, 19M-05 at 3 & n.4 (ALJ July 11, 2019).

¹³ *Entertainment Media Trust*, MB Docket No. 19-156, Order, 19M-08 at para. 5 (ALJ Sept. 6, 2019) (“EMT should be aware of and diligently seek to comply with the Commission’s rules governing this proceeding, including timeframes established in those rules”); see also *Hillebrand Broadcasting*, 1 FCC Rcd 419 (1986) (citing *Vue-Metrics, Inc.*, 69 F.C.C.2d 1058 (1978)) (“prosecution of an application means timely compliance with procedural and substantive rules, including ALJs’ orders”).

¹⁴ *Silver Beehive Telephone Co.*, 34 F.C.C.2d 738, 739-740 (1972) (“We cannot excuse the disruption of our administrative processes because a party, who undertakes to act as its own counsel, is unfamiliar with our rules and procedures”). The Hearing Designation Order in this proceeding identified Mr. Watkins as an attorney. *Entertainment Media Trust*, MB Docket No. 19-156, Hearing Designation Order and Notice of Opportunity for

5. In addition, there are inconsistencies in the contact information provided for Mr. Watkins. A previous order of the Presiding Judge that was sent via certified mail to Mr. Watkins at the address on file for his law office, 100 W. Main Street, Belleville, Illinois, was returned to the Commission as “unclaimed.” Mr. Watkins had simultaneously been served at the address on file for EMT, 6500 W. Main Street, Belleville, Illinois. That is also the address included in Mr. Watkins’ recent pleadings, but the return address on the envelopes of the copies sent to the Presiding Judge is 100 W. Main Street. The 100 W. Main Street address was also used in EMT’s bankruptcy filings.¹⁵ When a staffer in this office attempted to clear up this confusion by calling the telephone number attributed to Mr. Watkins in the notice of appearance as well as the follow-up pleading purportedly prepared by him, she received a recording indicating that the number is not in service. No email address specific to Mr. Watkins has been provided.¹⁶

6. Turning to more substantive concerns about the Watkins submission, it is not appropriate for Mr. Watkins to appear *pro se* in this proceeding. The dictionary definition of “*pro se*” is “[f]or oneself; on one’s own behalf; without a lawyer.”¹⁷ Mr. Watkins is not himself a party to this proceeding, so in effect he purports to appear in a representative capacity as Trustee of EMT rather than on behalf of himself. Although a trust may be viewed as “not a distinct legal entity, but a ‘fiduciary relationship’ between multiple people,” in some contexts it can be treated as having a separate existence from its constituent parts (i.e., grantor, trustee, and beneficiaries).¹⁸ For instance, a number of courts do not permit a trustee who is not an attorney to represent the subject trust *pro se* because the trust is viewed as a legal entity independent from the individual trustee.¹⁹ In any event, being a licensed attorney, Mr. Watkins is not entitled to the deference normally afforded *pro se* litigants regardless of whether his appearance could technically be considered *pro se*.²⁰

Hearing, 34 FCC Rcd 4351, 4354, para. 6 (MB 2019). Mr. Watkins was also identified as an attorney by EMT in response to a letter of inquiry from the Media Bureau. See Amended Response of Entertainment Media Trust, Dennis J. Watkins, Trustee, to Request for Production of Documents, Response to Request 13 at 14 (entitled “Answer 15”) (filed Sept. 10, 2019).

¹⁵ See Entertainment Media Trust, Motion for Stay of Proceedings or In the Alternative Extension of Time at Exhibit A (filed Sept. 11, 2019).

¹⁶ See n.8, *supra*. The Media Bureau had similar difficulties contacting Mr. Watkins to provide him with a copy of the Hearing Designation Order in this proceeding. See Amended Response of Entertainment Media Trust, Dennis J. Watkins, Trustee, to Request for Production of Documents, Response to Request 11 (Document dd) (filed Sept. 10, 2019).

¹⁷ *Pro se*, Black’s Law Dictionary (11th ed. 2019).

¹⁸ *North Carolina Department of Revenue v. the Kimberly Rice Kaestner 1992 Family Trust*, ___ U.S. ___, 139 S.Ct. 2213, 2218, 204 L.Ed.2d 621 (2019) (quoting *Americold Realty Trust v. Conagra Foods, Inc.*, 577 U.S. ___, 136 S.Ct. 1012, 1016, 194 L.Ed.2d 71 (2016) (internal citations omitted)).

¹⁹ See, e.g., *Casares v. Wells Fargo Bank*, No. 13-1633, slip op. at 2, 2015 WL 13679889 (D.D.C. May 4, 2015) (citing *Hale Joy Trust v. Comm’r of IRS*, 57 Fed. Appx. 323 (9th Cir. 2003); *Knowfler v. United Bank of Bismark*, 20 F.3d 347 (8th Cir. 1994)).

²⁰ *Lovitky v. Trump*, 308 F.Supp.3d 250, 254 (D.D.C. 2018) (“an attorney proceeding *pro se* is ‘presumed to have knowledge of the legal system,’ and ‘[a]s a result, he is not entitled to the same level of solicitude often afforded non-attorney litigants proceeding without legal representation,’” quoting *Lempert v. Power*, 45 F.Supp.3d 79, 81 n.2 (D.D.C. 2014), *aff’d*, 618 Fed. Appx. 3 (D.C. Cir. 2015), *cert. denied*, ___ U.S. ___, 136 S.Ct. 1465, 194 L.Ed.2d 553 (2016)). See also *Lovitky v. Trump*, No. 19-1454, slip op. at 4, 2019 WL 3068344 (D.D.C. July 12, 2019) (separate

7. Further, questions exist as to whether Mr. Watkins may properly appear in this proceeding as EMT's legal representative. Section 1.23 of the Commission's rules permits a member in good standing of any state bar to practice before the Commission.²¹ However, pursuant to the advocate-witness rule followed by both the District of Columbia bar and the Illinois bar, and recognized by the Commission as applicable to its proceedings, "[a] lawyer shall not act as advocate at a trial in which the lawyer is likely to be a necessary witness except where: (1) The testimony relates to an uncontested issue; (2) The testimony relates to the nature and value of legal services rendered in the case; or (3) Disqualification of the lawyer would work substantial hardship on the client."²² Mr. Watkins, as the named Trustee of Entertainment Media Trust since its initiation, is presumably a necessary witness in this proceeding, and none of the exceptions to the general rule appears to be present.

8. The Presiding Judge indicated both at the December 5 conference and in her Order of December 10 that EMT's failure to file an appearance could result in dismissal of its applications for failure to prosecute.²³ The multiple issues with the appearance EMT submitted, as the culmination of EMT's actions during the seven months of this proceeding, lead the Presiding Judge to question whether EMT is able and willing to satisfy its burden of proof, which includes the obligation to prosecute its applications diligently and in good faith. Most recently, EMT ignored her order to appear at the December 5 conference, submitted a hasty and deficient notice of appearance, filed a pleading not authorized by the Commission's rules,²⁴ did not serve copies of filings by email as ordered, and failed to file required monthly status reports. Any one of these missteps provides a basis for dismissal of this proceeding. The absence of Mr. Watkins or a representative from the December 5 conference when ordered to appear was a particularly egregious omission that evidences disdain for this tribunal and the Commission. EMT has been made aware of the repercussions of its behavior, but has taken no meaningful corrective action. For instance, the Presiding Judge's order of December 10 stated, "The failure of Mr. Watkins to appear at the December 5 conference and the ongoing silence of EMT with respect to this matter provides justification for entry of a default judgment and termination of this hearing proceeding."²⁵ Despite that clear note of caution, Mr. Watkins filed the questionable notice of appearance referenced above and apparently did not familiarize himself with the other orders of the Presiding Judge in this matter. Had he done so, he would have known to serve the parties electronically and would have been aware of EMT's duty to file monthly status reports.

case filed by same *pro se* attorney).

²¹ 47 CFR § 1.23.

²² District of Columbia Rules of Professional Conduct Rule 3.7(a). *See also* Illinois Rules of Professional Conduct Rule 3.7(a) (minor, non-substantive difference in wording); *Wind River Communications, Inc.*, 96 F.C.C.2d 1251 (Rev. Bd. 1984) (upholds ALJ decision disqualifying counsel who was necessary witness under Rule 3.7).

²³ Tr. 27:23 – 28:2 (Dec. 5, 2019); *Entertainment Media Trust*, MB Docket No. 19-156, Order, 19M-16 at para. 5 (ALJ Dec. 10, 2019).

²⁴ EMT filed a response to the EB Opposition to its Notice of Appearance on December 30, 2019, that was unsigned, was not properly served as discussed above, and was not authorized by the Presiding Judge in accord with § 1.294(b) of the Commission's rules, 47 CFR § 1.294(b). *Entertainment Media Trust, Dennis J. Watkins, Trustee, Reply to Enforcement Bureau's Opposition to EMT's Notice of Appearance* (filed Dec. 30, 2019).

²⁵ *Entertainment Media Trust*, MB Docket No. 19-156, Order, 19M-16 at para. 6 (ALJ Dec. 10, 2019); *see also* Tr. 29:12 – 15, Statement of Presiding Judge (Dec. 5, 2019) ("certainly we will take every effort, again, to make EMT aware of its obligations with respect to this proceeding, and the very real danger that it will be dismissed").

9. EMT's latest transgressions are, unfortunately, consistent with its laissez-faire approach to this proceeding. At the December 5 conference, the Presiding Judge recounted several examples of deference that she has shown to EMT during the discovery process.²⁶ For instance, on July 23, 2019, EMT was granted an extension of time to respond to the Enforcement Bureau's request for admissions.²⁷ On August 7, a protective order was issued as requested by EMT.²⁸ On September 6, EMT was provided an extension of time to respond to the Enforcement Bureau's request for production of documents and interrogatories despite both of EMT's requests being filed on the day that responses were due.²⁹ On September 12, the deadlines for EMT to respond to all discovery were suspended in light of its filing for Chapter 7 bankruptcy.³⁰ On September 18, the Trustee in Bankruptcy was allowed to file a reply on behalf of EMT regarding EMT's request for an indefinite stay of the proceeding, which effectively permitted EMT a second opportunity to make its argument in that regard.³¹ On October 4, although EMT's request for an indefinite stay was denied, discovery was suspended for an additional six weeks to facilitate an orderly transfer of control of EMT's licenses to the Trustee in Bankruptcy.³²

10. Those multiple concessions were intended to spur robust discovery in this matter. Due to EMT's continuous efforts at obfuscation, however, they have had the opposite effect. The only discovery produced by EMT has been its response to the Enforcement Bureau's document production request of August 20, 2019.³³ EMT provided some of the requested documents, but declined to produce a number of others. Its explanation for its inability and/or unwillingness to comply falls into four categories: (1) all communications were oral/nothing was reduced to writing; (2) the requested document is subject to attorney/client privilege; (3) responsive documents were destroyed; or (4) no responsive documents "are available at this time."³⁴ Putting aside documents for which a claim of privilege is asserted or that have been identified as no longer in existence, and accepting for the sake of argument that Mr. Watkins had only oral communications with EMT's beneficiary, the day-to-day operator of the stations, regarding station business, it appears that EMT's then counsel had difficulty obtaining responsive documents from EMT. Almost all of the documents that were produced as a result of the Enforcement Bureau's document production request are identified as being from the attorneys' files.³⁵ Several of the responses for which documents were not produced include the wholly inadequate and unacceptable response that, "No documents responsive to [the request] are available at this time. EMT

²⁶ Tr. 28:3 – 22 (Dec. 5, 2019).

²⁷ *Entertainment Media Trust*, MB Docket No. 19-156, Order, 19M-06 (ALJ July 23, 2019).

²⁸ *Entertainment Media Trust*, MB Docket No. 19-156, Order, 19M-07 (ALJ Aug. 7, 2019).

²⁹ *Entertainment Media Trust*, MB Docket No. 19-156, Order, 19M-08 (ALJ Sept. 6, 2019).

³⁰ *Entertainment Media Trust*, MB Docket No. 19-156, Order, 19M-09 (ALJ Sept. 12, 2019).

³¹ *Entertainment Media Trust*, MB Docket No. 19-156, Order, 19M-10 (ALJ Sept. 18, 2019).

³² *Entertainment Media Trust*, MB Docket No. 19-156, Order, 19M-11 (ALJ Oct. 4, 2019).

³³ Enforcement Bureau's First Request for Production of Documents to Entertainment Media Trust, Dennis J. Watkins, Trustee (filed Aug. 20, 2019).

³⁴ Amended Response of Entertainment Media Trust, Dennis J. Watkins, Trustee, to Request for Production of Documents (filed Sept. 10, 2019) (*EMT Amended Response*).

³⁵ *EMT Amended Response* to Requests 1, 11, 12, 13, and 21.

pledges to produce such documents as soon as they may be obtained.”³⁶ Had discovery not been stayed in this proceeding, the Presiding Judge would have granted the Enforcement Bureau’s motion to compel EMT to provide more complete responses to those requests.³⁷ Moreover, EMT’s former counsel has alluded to EMT’s lack of cooperation with the Bankruptcy Trustee’s subsequent efforts to respond to discovery on EMT’s behalf, which the Bankruptcy Trustee was required to produce as its successor in interest.³⁸

11. Other illustrations of EMT’s intention to frustrate this hearing proceeding abound. On September 11, 2019, the day before EMT’s response to the Enforcement Bureau’s first set of interrogatories was due, EMT moved to stay this proceeding based on the automatic stay provision of the Bankruptcy Code, as it had filed for Chapter 7 bankruptcy in the U.S. Bankruptcy Court for the Southern District of Illinois earlier that day.³⁹ On October 16, after the Presiding Judge denied the stay request, and after control of the licenses had been transferred to the Trustee in Bankruptcy consistent with Commission procedure, EMT moved to voluntarily dismiss its bankruptcy action.⁴⁰ On November 19, the day after the Presiding Judge had released an order summarizing a November 14 prehearing conference, counsel for EMT filed notice of their withdrawal from representation of EMT and indicated that they had not been representing EMT at the November 14 conference.⁴¹ The Presiding Judge, seeking clarity on the representation issue, ordered the December 5 conference and expressly directed Dennis J. Watkins to appear.⁴² As noted, neither Mr. Watkins nor any representative of EMT was in attendance. EMT’s former counsel indicated at the December 5 conference that they had orally entered appearances only on behalf of the Trustee in Bankruptcy at the November 14 conference and that EMT had dismissed them as counsel shortly after the November 14 conference.⁴³ It is difficult not to view EMT’s behavior – seeking repeated extensions of time, advocating for a stay due to bankruptcy, withdrawing that bankruptcy when the stay was not granted, firing its longtime counsel, ignoring the Presiding Judge’s order to appear, and finally filing a problematic notice of appearance – as intended to delay.

12. This proceeding could have been terminated on December 5 when Mr. Watkins failed to attend the prehearing conference as ordered by the Presiding Judge. The Presiding Judge indicated as much in her order of December 10.⁴⁴ By instead directing that a representative of EMT file an appearance

³⁶ *EMT Amended Response* to Requests 22, 23, 24, 27, 29, 30, 32, and 65.

³⁷ Enforcement Bureau’s Motion to Compel Complete Responses to its Requests for Production of Documents (filed Sept. 16, 2019).

³⁸ Tr. 24:2 – 3 (Dec. 5, 2019); *see also* Tr. 14:11 – 14 (Nov. 14, 2019). Counsel for EMT served as FCC counsel to the Trustee in Bankruptcy following EMT’s bankruptcy filing while continuing to represent EMT, until they were dismissed by EMT after the November 14 prehearing conference. *See* Tr. 6:12 – 16 (Dec. 5, 2019).

³⁹ Entertainment Media Trust, Motion for Stay of Proceedings or In the Alternative Extension of Time, MB Docket No. 19-156 (filed Sept. 11, 2019).

⁴⁰ The Trustee in Bankruptcy initially opposed the voluntary dismissal but later reached an agreement with EMT, and the Bankruptcy Case was dismissed on December 11, 2019.

⁴¹ Davina Sashkin, Esq., Seth Williams, Esq., and Anthony Lepore, Esq., Request for Correction of the Record and Notification of Withdrawal of Counsel (filed Nov. 19, 2019).

⁴² *Entertainment Media Trust*, MB 19-156, Order, FCC 19M-15 (Nov. 25, 2019).

⁴³ Tr. 6:12 – 16 (Dec. 5, 2019).

⁴⁴ *Entertainment Media Trust*, MB 19-156, Order, FCC 19M-16 at 3, para. 6 (Dec. 10, 2019).

on or before December 20, 2019, the Presiding Judge provided EMT one final opportunity to demonstrate its intention to move forward in good faith. The appearance submitted by Mr. Watkins, however, as detailed above, seems to be but one more example of EMT's failure to treat this proceeding with appropriate gravity. The time has come to question whether additional government time and resources should be devoted to this matter if the party seeking renewal of its licenses doesn't deem it sufficiently important to vigorously advance its case. While the Presiding Judge previously had considered inviting the Enforcement Bureau and Petitioner Mark Kern to file motions to dismiss, the subsequent events described herein weigh against even such an incremental additional expenditure. Moreover, EMT carries the burden of proof in this proceeding and therefore is properly tasked with demonstrating why this case should not be dismissed.

13. Accordingly, IT IS ORDERED that Entertainment Media Trust, Dennis J. Watkins, Trustee, SHALL SHOW CAUSE on or before **February 10, 2020**, why the above-captioned applications should not be dismissed for failure to prosecute. This submission should address the totality of this hearing proceeding and in particular should explain the occasions of failure to follow Commission rules and orders of the Presiding Judge highlighted herein.

14. IT IS FURTHER ORDERED that Entertainment Media Trust, Dennis J. Watkins, Trustee, upon filing its response to this Order with the Secretary of the Commission, SHALL SERVE copies of that response by electronic mail on the parties to this proceeding and the Office of Administrative Law Judges as directed in *Entertainment Media Trust*, MB Docket No. 19-156, Order, FCC 19M-05 (July 11, 2019).

15. IT IS FURTHER ORDERED that Dennis J. Watkins SHALL PROVIDE the Presiding Judge and all parties to this proceeding an email address and telephone number at which he can be directly contacted.

16.. IT IS FURTHER ORDERED that responsive submissions may be filed by the Enforcement Bureau and Mark A. Kern on or before **February 18, 2020**.

SO ORDERED.

FEDERAL COMMUNICATIONS COMMISSION



Jane Hinckley Halprin
Administrative Law Judge