

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
ENTERTAINMENT MEDIA TRUST,	)	MB Docket No. 19-156
DENNIS J. WATKINS, TRUSTEE)	
)	
Applications to Renew License:)	
)	
KFTK(AM) (formerly WQQX(AM)), East St.	)	Facility ID No. 72815
Louis, Illinois	)	File No: BR-20120709ACP
)	
WQQW(AM), Highland, Illinois	)	Facility ID No. 90598
	)	File No. BR-20120709AC0
)	
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)), East St.	)	Facility ID No. 72815
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-0160919ADK
)	
Application for Permit to Construct New	)	Facility ID No. 200438
Station:	)	File Nos. BNPFT-20170726AEF
	)	BNPFT-20180314AAO
W275CS, Highland, Illinois)	

To: Marlene H. Dortch, Secretary
Attn: Administrative Law Judge Jane Hinckley-Halprin

MOTION TO STRIKE STATUS REPORT AS AN UNAUTHORIZED PLEADING

Mark A. Kern (“Petitioner”), by his attorneys, hereby moves to strike as unauthorized the Status Report filed by Donald M. Samson, Trustee for the Entertainment Media Trust (“EMT”) bankruptcy (“Bankruptcy Trustee”).¹ In *Order*, FCC 19M-05, the Presiding Judge directed *the parties* to file “status reports . . . on the first Tuesday of every month, commencing August 6, 2019.” The Bankruptcy Trustee is not a party to the hearing and therefore is not authorized to file a status report in the proceeding. If the Bankruptcy Trustee wishes participate in this proceeding, he should move to intervene.²

Even if the Bankruptcy Trustee were a party, his “Status Report” should be stricken as unauthorized. The “Status Report” is a thinly veiled attempt to provide additional argument in support of EMT’s motion to stay this proceeding. The bulk of the pleading contains legal argument and mischaracterizes positions taken by Petitioner and the Enforcement Bureau. For example, the pleading incorrectly claims that Petitioner simply seeks to “get Bob Romanik off the air” and allowing a “*Second Thursday* settlement” will speed this objective by quickly resolving this proceeding.³ This simply is not true. First, Petitioner wants the FCC’s rules enforced – not simply removal of Mr. Romanik from the airwaves. As Petitioner has previously stated:

the Commission generally will not allow a licensee subject to a hearing involving the licensee’s qualifications to sell its licenses until the hearing is resolved. The Commission has noted that its “*Jefferson Radio* policy is grounded in the public interest in

¹ Donald M. Samson, Status Report, MB Docket No. 19-156 (filed Oct. 1, 2019) (“Trustee Status Report”).

² The Bankruptcy Trustee also misunderstands the discovery process by claiming that he – a non-party – is evaluating “whether to serve discovery on Kern or the Bureau.” Trustee Status Report at 3.

³ Trustee Status Report at 2.

detering misconduct by Commission licensees and protecting the integrity of the licensing process.”⁴

Second, a “*Second Thursday* settlement” will not “complete this proceeding” sooner.⁵ *Second Thursday* relief requires a determination that wrongdoers will not benefit from any sale of the licenses and “[a]bsent a hearing to determine who controls EMT and whether various parties participated in a scheme to conceal Robert Romanik’s control of EMT, it is impossible to determine whether wrongdoers will play a role in future EMT operations.”⁶

In sum, because the Bankruptcy Trustee is not a party in this proceeding and the Status Report is a substantive legal filing addressing issues related to the pending motion for stay, his filing should be stricken as unauthorized.

Respectfully submitted,

MARK A. KERN

By: /s/ Robert G. Kirk

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October 3, 2019

⁴ Mark Kern, Response to Trustee’s Reply to Oppositions to EMT Motion for Stay, MB Docket No. 19-156, at 7 (filed Sept. 27, 2019).

⁵ See Trustee Status Report at 2.

⁶ Mark Kern, Opposition to Motion for Stay of Proceedings or in the Alternative Extension of Time, MB Docket No. 19-156, at 5 (filed Sept. 16, 2019).

CERTIFICATE OF SERVICE

I, Robert G. Kirk, hereby certify that on this 3rd day of October 2019, the attached Motion to Strike was served via email on the following:

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/s/ Robert G. Kirk
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*Courtesy copies