

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

In the Matter of	) MB Docket No. 14-82
	)
<b>PATRICK SULLIVAN</b>	) FRN 0003749041, 0006119796,
(Assignor)	) 0006149843, 0017196064
	)
and	) Facility ID No. 146162
	)
<b>LAKE BROADCASTING, INC.</b>	) File No BALFT-20120523ABY
(Assignee)	)
	)
Application for Consent to Assignment of	)
License of FM Translator Station W238CE,	)
Montgomery, Alabama	)

To: Marlene H. Dortch, Secretary  
Attention: Chief Administrative Law Judge Richard L. Sippel

**LAKE BROADCASTING, INC.'S OPPOSITION TO  
ENFORCEMENT BUREAU'S MOTION TO  
STRIKE PRODUCTION OF DOCUMENTS**

Lake Broadcasting, Inc. ("Lake"), by its attorney, pursuant to Section 1.294 of the Commission's Rules, hereby opposes the Enforcement Bureau's untimely Motion to Strike Lake's production of two new documents for the record that resulted from witness testimony by Dr. Kimberly Weitzl at her September 15, 2016 deposition in this proceeding. In support whereof, the following is shown.

1. The Bureau is fond of filing motions to strike and lecturing Lake's counsel about alleged improprieties; the instant meritless Motion to Strike is no different. This is the Bureau's fourth Motion to Strike, others having been filed on April 9, 2015, September 2, 2015, and May 26, 2016. But, under Sections 1.294(b)

and 1.4(h) of the Rules, this Motion should have been filed by September 30, not October 7, and should be stricken as untimely.

2. Nevertheless, addressing the Bureau's untimely Motion on the merits, each party to this proceeding is obliged to aid in producing a full record for the Presiding Judge's consideration, and that is what Lake is trying to do. Depositions are taken to find facts and to adduce testimony leading to the production of admissible evidence. On September 15, 2016, Lake deposed Dr. Kimberly Weitzl about her previous examination of Mr. Michael Rice and her consideration of relevant outside sources. She testified that she had not done any empirical testing of her own (Dep. TR 98) but instead relied solely upon her clinical observations without the benefit of any objective measurements. In her March 14, 2016 "Sex Offender Evaluation" of Michael Rice (EB Dep. Exh. 3), Dr. Weitzl commented on the Static 2002-R instrument that Lake's psychologists had administered to Mr. Rice previously, and noted (at page 18) that Mr. Rice's score fell in the "Moderate Low" risk category, but stated that this is "an underestimate of his risk". See Dep. TR 16-17. Dr. Weitzl also testified (Dep. TR 25) that "In the best, best scenario I would have also had a measure of sexual interest like the Abel [Assessment for Sexual Interests] or the PPG, the penile plethysmograph examination....".

3. By these two pieces of Dr. Weitzl's witness testimony, Lake submits that Dr. Weitzl opened the door at this time for Lake to submit an Abel test and an updated Static 2002-R assessment of Mr. Rice as recent measures of Mr. Rice's rehabilitation and risk assessment. Therefore, the two tests were promptly

administered by Mr. Rice's psychologists on September 20 and filed on September 26 – four days before the deposition window closed on September 30.

4. Under these circumstances, Lake is puzzled by the Bureau's Motion. Lake has indicated that it will include the two tests as part of its direct case exhibits at hearing, the Bureau has the two exhibits in its possession now, and the Bureau can examine and cross-examine Dr. Weigl and Dr. Ann Duncan-Hively about them at hearing. There is no need for any pre-hearing additional deposition session.

5. If the Presiding Judge wishes to hold a status conference on this matter, Lake does not object, but respectfully requests that such conference should not occur on October 12, 17, 18, 24, or 25, which are Jewish religious observance days that will prevent the appearance of Lake's counsel.

Respectfully submitted,



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Dated: October 7, 2016

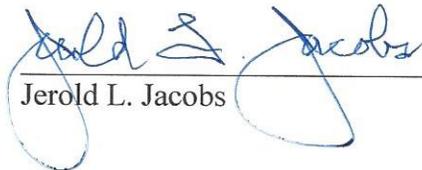
**CERTIFICATE OF SERVICE**

I, Jerold L. Jacobs, hereby certify that on this 7th day of October, 2016, I filed the foregoing "LAKE BROADCASTING, INC.'S OPPOSITION TO ENFORCEMENT BUREAU'S MOTION TO STRIKE PRODUCTION OF DOCUMENTS" in ECFS and caused a copy to be sent via First Class United States Mail and via e-mail to the following:

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Jerold L. Jacobs