

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 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 Station:)	
)	
W275CS, Highland, Illinois	)	Facility ID No. 200438
	)	File Nos. BNPFT-20170726AEF and
	)	BNPFT-20180314AAO
)	

**MOTION FOR STAY OF PROCEEDINGS OR
IN THE ALTERNATIVE EXTENSION OF TIME**

Applicant, Entertainment Media Trust, Dennis J. Watkins, Trustee (“EMT”), by and through counsel, hereby requests immediate stay of these proceedings in accordance with the automatic stay provisions of 11 USC §362 or, in the alternative, pursuant to 47 CFR §1.205, a further extension of time to respond to (i) the Enforcement Bureau’s First Set of Interrogatories (the “First Interrogatories”) served upon EMT on August 20, 2019, and (ii) the First Request for Production of Documents (“Kern Production Request”) served upon EMT on September 9, 2019 by Petitioner Mark Kern. Chapter 7 Trustee Donald M. Samson has consented to this filing by undersigned counsel.

In support of the foregoing request, the following is stated:

1. EMT has, as of 1:15 pm CDT on September 11, 2019, sought Chapter 7 bankruptcy protection under Case No: 19-31224-lkg before the Honorable Laura K. Grandy in the Bankruptcy Court of the Southern District of Illinois. The Chapter 7 Trustee appointed is Donald M. Samson. A copy of the Notice of Filing of the proceeding is attached hereto as Exhibit A.

2. Pursuant to 11 USC §362,

(a) Except as provided in subsection (b) of this section, **a petition filed under section 301, 302, or 303 of this title, or an application filed under section 5(a)(3) of the Securities Investor Protection Act of 1970, operates as a stay, applicable to all entities, of—**

(1) the commencement or continuation, including the issuance or employment of process, of a judicial, administrative, or other action or proceeding against the debtor that was or could have been commenced before the commencement of the case under this title, or to recover a claim against the debtor that arose before

the commencement of the case under this title. (emphasis added)

3. Pursuant to 47 CFR §1.323 and the Presiding Judge's Order dated September 6, 2019, the response date to the First Interrogatories is September 12, 2019, and the response date to the Kern Production Request is September 19, 2019.

4. A stay of this proceeding is warranted in light of the Chapter 7 filing and the stay provisions of 11 USC §362 for the following reasons:

5. EMT has no authority at this juncture to take any action in light of the Chapter 7 filing. EMT must seek **the approval of the Chapter 7 Trustee to undertake any action that may materially affect the assets of EMT. Certainly participation in this proceeding, which seeks to determine the ongoing viability of the FCC license, would be expected to have a material effect on the EMT assets.** The Chapter 7 Trustee must file an involuntary transfer of control application as soon as practicable with the Media Bureau and obtain consent from the Media Bureau to transfer of control of the licenses attributed to EMT before the Trustee can take up any position or direct any action at the FCC with regard to the licenses in this proceeding.

6. Thereafter, the Chapter 7 Trustee will be liquidating the assets of EMT and, following approval of a proposed liquidation sale by the Bankruptcy Court, will be seeking consent to the assignment of licenses at issue herein from the Commission in accordance with the *Second Thursday* doctrine as an exception to the Commission's *Jefferson Radio* policy.

7. Undersigned counsel has only had an introductory call with the Chapter 7 Trustee and has no information as to the processes to be undertaken by the Trustee, except for the need to file the aforementioned involuntary transfer of control applications as soon as practicable with the Media Bureau. It is unknown at this time whether the Chapter 7 Trustee will be utilizing undersigned counsel in this proceeding or in any other matter. If the Chapter 7 Trustee does determine that the undersigned counsel's services are warranted, he will then recommend

counsel to the Bankruptcy Court, and only on that court's order may the undersigned proceed to represent EMT in this proceeding.

8. It would not be an efficient use of administrative resources at this juncture to proceed with the prosecution of this matter until the Chapter 7 Trustee becomes involved and proceeds as is contemplated above. The undersigned counsel advised the Chapter 7 Trustee of the scope of the pending matter before the Administrative Law Judge and relayed that time is of the essence.

9. In the alternative, EMT moves for an indefinite extension of time for all pending discovery requests in light of the foregoing circumstances. This request is not made for the purpose of delay but is necessary because of the procedural and representational complications presented by the Chapter 7 filing and the automatic stay provisions of 11 USC § 362 as reflected above.

EMT submits that this relief is both legally required pursuant to the above referenced statutory provisions and is reasonable and designed to conserve litigant and administrative resources while the Chapter 7 proceeding gets underway and the requisite involuntary transfer of control applications are filed and processed. EMT further submits that the expected liquidation sale and subsequent application(s) for assignment of licenses under the *Second Thursday* doctrine are anticipated to have the overall effect of more swiftly resolving the matters in this proceeding, minimizing the burden on the government as well as the parties. In other words, in this instance a stay may better position this matter to be resolved expeditiously than a continuation of the proceeding without delay.

Accordingly, EMT hereby requests that this proceeding be stayed pursuant to the provisions of 11 USC §362, or alternatively that the deadline for its response to the First

Interrogatories and Kern Production Request be extended until further order of this court following the appearance of the Chapter 7 Trustee in this proceeding.

RESPECTFULLY SUBMITTED,

_____/s/_____
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_____/s/_____
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Dated: September 11, 2019

CERTIFICATE OF SERVICE

I, Seth Williams, hereby certify that on this 11th day of September, 2019, a copy of the foregoing Motion for Stay of Proceedings or in the Alternative Extension of Time was served by email on the following:

Jeffrey Gee, Esq.
Chief, Investigations & Hearings Division
Enforcement Bureau
Federal Communications Commission
445 12th Street SW
Washington, DC 20554
Jeffrey.Gee@fcc.gov

Pamela Kane, Esq.
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1800 M Street, N.W., Suite 800N Washington, DC 20036
HLiberman@wbklaw.com
RKirk@wbklaw.com
Counsel for Mark Kern

Courtesy copies of the foregoing were also provided by email to the following:

The Honorable Jane Hinkley-Halprin
Office of Administrative Law Judges
Federal Communications Commission
445 12th Street SW
Washington, DC 20554
Jane.Halprin@fcc.gov

John B. Adams
Office of Administrative Law Judges
Federal Communications Commission
445 12th Street SW
Washington, DC 20554
JohnB.Adams@fcc.gov

/s/ Seth L. Williams

EXHIBIT A

United States Bankruptcy Court
Southern District of Illinois

Notice of Bankruptcy Case Filing

A bankruptcy case concerning the debtor(s) listed below was filed under Chapter 7 of the United States Bankruptcy Code, entered on 09/11/2019 at 1:15 PM and filed on 09/11/2019.

Entertainment Media Trust

100 W. Main Street
Belleville, IL 62223
Tax ID / EIN: 84-6639949



The case was filed by the debtor's attorney: The bankruptcy trustee is:

Jerry D Graham, Jr

JD Graham PC
1 Eagle Center
Suite 3A
O'Fallon, IL 62269
(618) 235-9800

Donald M. Samson

Chapter 7 Trustee
226 W Main St
Suite 102
Belleville, IL 62220
(618) 235-2226

The case was assigned case number 19-31224-lkg to Judge Laura K. Grandy.

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

If you would like to view the bankruptcy petition and other documents filed by the debtor, they are available at our *Internet* home page <http://ecf.ilsb.uscourts.gov/> or at the Clerk's Office, 750 Missouri Ave, East St Louis, IL 62201.

You may be a creditor of the debtor. If so, you will receive an additional notice from the court setting forth important deadlines.

Donna N Beyersdorfer
Clerk, U.S. Bankruptcy Court

PACER Service Center			
Transaction Receipt			
09/11/2019 13:24:39			
PACER Login:	jdgraham:2570479:0	Client Code:	
Description:	Notice of Filing	Search Criteria:	19-31224-lkg
Billable Pages:	1	Cost:	0.10