

**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	)	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

SUMMARY

On September 11, 2019, Entertainment Media Trust, Dennis Watkins, Trustee (EMT) filed for Chapter 7 bankruptcy protection in the Southern District of Illinois and subsequently filed a motion requesting an immediate stay of these proceedings. The Enforcement Bureau (Bureau) and Petitioner Mark Kern separately opposed EMT's motion. On September 16, 2019, the Chapter 7 Trustee appointed for EMT by the Bankruptcy Court filed a motion for leave to file a reply in support of EMT's motion. The Presiding Judge granted his request. The Chief, Enforcement Bureau, through her attorneys, respectfully responds to the Reply to Oppositions filed by the Chapter 7 Trustee.

The Bureau submits that the Chapter 7 Trustee fundamentally misunderstands that this is not a typical bankruptcy proceeding in which the Bankruptcy Court has exclusive jurisdiction to liquidate the identified assets. Throughout the Reply, the Chapter 7 Trustee appears to ignore the fact that the Commission has exclusive authority to determine whether EMT's licenses can be considered assets of the bankruptcy estate and, if so, to whom and under what conditions, they may be transferred (*i.e.*, liquidated). He dismisses long-standing principles of communications law under *Jefferson Radio* that preclude EMT (or the Chapter 7 Trustee) from liquidating the licenses at issue until the Commission has resolved questions as to whether the EMT has the basic qualifications to hold those licenses or until the Commission has granted EMT extraordinary relief under the *Second Thursday* doctrine. Instead, he claims that he can liquidate the licenses and render this proceeding moot. It thus appears that he also misunderstands that the instant hearing is an exercise of the Commission's fundamental and exclusive regulatory authority to determine EMT's fitness to hold a Commission license. It is not, as he characterizes it, a "forfeiture" proceeding in which the Commission's goal is to seize something to which EMT

rightfully holds title.

Moreover, like EMT, the Chapter 7 Trustee has failed to provide any basis for the Presiding Judge to stay this proceeding. The Chapter 7 Trustee has not demonstrated, for example, that the section 362(b)(4) exemption to the Bankruptcy Code's automatic stay provision does not apply to the Commission's proceeding. In addition, although the Chapter 7 Trustee (unlike EMT) addressed the four-part test that the Commission traditionally applies when considering whether to grant a request for a stay, he fails to demonstrate that EMT satisfies any of the four factors.

For these reasons, and those set forth in the Bureau's Opposition to EMT's motion, the Bureau respectfully asks the Presiding Judge to deny EMT's motion to stay this proceeding.

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ENFORCEMENT BUREAU'S RESPONSE TO CHAPTER 7 TRUSTEE'S REPLY TO OPPOSITIONS

1. On September 11, 2019, Entertainment Media Trust, Dennis Watkins, Trustee (EMT) filed for Chapter 7 bankruptcy protection in the Southern District of Illinois and subsequently filed a motion requesting an immediate stay of these proceedings.¹ The Enforcement Bureau (Bureau) and Petitioner Mark Kern separately opposed this Motion.² On September 16, 2019, the Chapter 7 Trustee – who is not a party to this proceeding and has not moved to intervene to become one – filed a motion for leave to file a reply in support of EMT's motion.³ The Presiding Judge granted his request,⁴ and on September 23, 2019, the Chapter 7 Trustee filed his reply (Reply).⁵ The Chief, Enforcement Bureau, by her attorneys, herein responds to the Chapter 7 Trustee's Reply.

The Chapter 7 Trustee Completely Ignores the Commission's *Jefferson Radio* Policy

2. Although the Chapter 7 Trustee was allowed to file this Reply to “facilitate the progress of this proceeding,”⁶ his contentions ignore, and at times, flatly contradict Commission law. In particular, it is evident that the Chapter 7 Trustee fundamentally misunderstands that this is not a typical bankruptcy proceeding in which the Bankruptcy Court has exclusive jurisdiction

¹ Motion for Stay of Proceedings or in the Alternative Extension of Time (Sept. 11, 2019) (Motion).

² See Enforcement Bureau's Opposition to EMT's Motion for Stay of Proceedings or in The Alternative Extension of Time (Sept. 17, 2019) (Bureau's Opposition); Kern Opposition to Motion for Stay of Proceedings or in The Alternative Extension of Time (Sept. 16, 2019).

³ See Motion for Leave to File Reply to Oppositions (Sept. 16, 2019). Pursuant to Commission rules, any person or entity not named in the order designating a matter for hearing must first file a petition to intervene setting forth, *inter alia*, the interest of the petitioner in the proceeding and how such petitioner's participation will assist the Commission in the determination of the issues in question in the hearing. See 47 CFR § 1.223.

⁴ Order, FCC 19M-10 (ALJ, rel. Sept. 18, 2019). The Presiding Judge also granted the Bureau and Petitioner Mark Kern the opportunity to file a response to the Chapter 7 Trustee's reply. See *id.* at 3, para. 3.

⁵ See Reply to Oppositions (Sept. 23, 2019).

⁶ Order, FCC 19M-10, at 2, para. 3.

to liquidate the identified assets. Here, simply because EMT has represented in its bankruptcy petition that its assets include four Commission licenses does not make it so. Rather, the Commission retains exclusive authority to determine whether the licenses can be considered assets of the bankruptcy estate and, if so, to whom and under what conditions, they may be transferred (*i.e.*, liquidated).⁷ In other words, the licenses are not assets of the bankruptcy estate that the Chapter 7 Trustee can liquidate until the Commission says they are.

3. This is especially true, where, as here, there are unresolved questions as to whether the licensee has the basic qualifications to hold the licenses at issue. Pursuant to the Commission's long-standing *Jefferson Radio* policy, the Commission will not allow *any* license to be transferred before questions about a licensee's basic qualifications to hold a license can be resolved.⁸ The purpose behind this policy is two-fold: first, if the licensee does not have the qualifications to be a Commission licensee, there is nothing to transfer;⁹ and second, "permitting the licensee to evade the consequences of alleged or adjudicated misconduct by transferring his interest or assigning his license will diminish the deterrent effect that [such] proceedings should have on broadcast licensees."¹⁰ Pursuant to the Communications Act of 1934, as amended (Act),

⁷ See, e.g., *Metro Broadcasting, Inc. v. FCC*, 497 U.S. 547, 553 (1990), *overruled on other grounds*, *Advanced Constructors, Inc. v. Pena*, 5151 U.S. 200 (1995) (the Commission has "exclusive authority" to determine whether to grant license applications) (internal citations omitted); see also *In re NextWave Personal Communications, Inc.*, 200 F.3d 43, 54 (2nd Cir. 1999) (the Commission retains exclusive authority concerning "which entities are entitled to [its] licenses under rules and conditions it has promulgated").

⁸ See *Jefferson Radio Company v. FCC*, 340 F.2d 781 (D.C. Cir. 1964).

⁹ See *id.* at 783.

¹⁰ *Family Broadcasting, Inc.*, 25 FCC Rcd 7591, 7596, para. 17 (2010); see also *Stereo Broadcasters, Inc. v. FCC*, 652 F.2d 1026, 1027 (D.C. Cir. 1981) ("(W)here an evidentiary hearing has been designated on a renewal application . . . to determine disqualification questions, permitting the suspected wrongdoer to evade sanction by transferring his interest or assigning the license without hearing will diminish the deterrent effect which . . . renewal proceedings should have on broadcast licensees.") (citation omitted); *Northwestern Indiana Broadcasting Corp.*, 60 FCC 2d 205, 209-10, para. 14 (1976) ("Where an evidentiary hearing has been designated on a renewal application to determine disqualifying questions, to permit escape of a suspected wrongdoer by assignment of the license without hearing would make more difficult the Commission's statutory duty of regulating broadcast activities.") (citations omitted).

(continued....)

questions concerning whether a licensee has the basic qualifications to hold Commission licenses must be designated for hearing.¹¹

4. The instant case is a textbook example of the situation anticipated by the *Jefferson Radio* policy. The Media Bureau designated this matter for hearing because of alleged misconduct by the licensee and others, including Dennis J. Watkins (Watkins), Katrina Sanders (Sanders), and Robert Romanik (Romanik),¹² which raises questions as to whether EMT has the basic qualifications to hold Commission licenses.¹³ The burden of proof is on EMT to demonstrate that these questions be resolved in its favor.¹⁴ If it fails to do so, then EMT will not be qualified to be a Commission licensee and cannot hold or transfer the licenses at issue. Simply put, pursuant to *Jefferson Radio*, EMT cannot sell a license it may not be entitled to hold, and only the Commission can determine EMT's fitness to be a licensee.

5. Under the *Jefferson Radio* policy, therefore, the resolution of the Commission's hearing proceeding – in favor of the bankrupt debtor (EMT) – is a prerequisite to any liquidation of the licenses at issue. The Chapter 7 Trustee cannot, as he repeatedly, and erroneously, suggests simply liquidate the licenses at issue and render “the Commission proceeding moot.”¹⁵

¹¹ See, e.g., 47 U.S.C. §§ 309(d), 309(e) and 309(k).

¹² See *Entertainment Media Trust, Dennis J. Watkins, Trustee*, Hearing Designation Order and Notice of Opportunity for Hearing, DA-19-506 (MB June 5, 2019) (HDO). Watkins is EMT's Trustee, Sanders is the beneficiary of EMT, and Romanik, who provided EMT with the funding to acquire the stations at issue, is charged in the HDO with exercising *de facto* control over the stations and being the real-party-in-interest to the license applications.

¹³ See *id.* at 23, paras. 65(b)-(d) (raising issues of *de facto* transfer of control, real-party-in-interest, and misrepresentation and/or lack of candor with the Commission). As the Presiding Judge has recently recognized, “[i]nherent in that line of inquiry is whether [the licensee], . . . possesses the requisite character qualifications to be a Commission licensee.” *In re Applications of Tribune Media Co.*, MB Docket 17-179, *Order*, FCC 19M-01 (ALJ, rel. Mar. 5, 2019), at 3.

¹⁴ See HDO at 23, para. 70.

¹⁵ Reply at 3, para. 4. See also Reply at 6, para. 9.

**The Chapter 7 Trustee Has Not Shown That EMT
Can Meet the Requirements of the Commission's *Second Thursday* Doctrine**

6. *Jefferson Radio* also precludes EMT from avoiding a Commission determination of its fitness to be a licensee simply by filing for bankruptcy and liquidating the licenses.¹⁶ As the Bureau explained in its Opposition, there is only one exception to the *Jefferson Radio* policy that would allow the Chapter 7 Trustee to liquidate the licenses at issue before questions concerning EMT's qualifications are resolved in this hearing – the *Second Thursday* doctrine.¹⁷ Under this doctrine, the Commission may allow an assignment or transfer by a licensee without first deciding basic qualification issues only when three conditions are present.¹⁸ First, the licensee in question must be in bankruptcy. Second, the Commission must determine that the proposed transaction will benefit innocent creditors. Third, the Commission must find that “the individuals charged with misconduct will have no part in the proposed operations and will either derive no benefits from favorable action on the applications or only a minor benefit which is outweighed by equitable considerations in favor of innocent creditors.”¹⁹

7. In its Opposition, the Bureau argued that EMT failed to demonstrate that it could even meet the requirements of *Second Thursday*, let alone that the Commission would grant its request.²⁰ In the Reply, the Chapter 7 Trustee acknowledges that EMT's motion “did not argue or present evidence to make the case for application of *Second Thursday* . . . as such arguments would indeed have been premature.”²¹ Moreover, he concedes that he cannot – and does not –

¹⁶ See, e.g., *supra* n.10.

¹⁷ See Bureau's Opposition at 5-6, para. 8.

¹⁸ See *id.* at 6, para. 8.

¹⁹ *Second Thursday Corp.*, 22 FCC 2d at 516, para. 5. See also *Shell Broadcasting, Inc.* 38 FCC 2d 929, 931, para. 5 (1973) (*Second Thursday* relief allowed only when alleged wrongdoers will derive no benefit).

²⁰ See Bureau's Opposition at 6-8, paras. 9-10.

²¹ Reply at 9, para. 14.

(continued....)

offer any such argument or evidence now. As a result, like EMT, the Chapter 7 Trustee has not identified any transactions for which the licensee may seek *Second Thursday* treatment. He also has not confirmed whether he intends to liquidate all of the licenses in hearing (valued at \$1,600,000) or only those necessary to satisfy the approximately \$150,000 owed to innocent creditors, leaving the remaining licenses and the related applications subject to this proceeding.²² Most concerning, the Reply is silent as to how “the individuals charged with misconduct” – Watkins, Sanders, and Romanik – will not benefit from any proposed Chapter 7 transactions, especially in light of the nearly \$1.9 million windfall likely to result therefrom.²³ As the Commission has previously held, in the absence of such information, any request for a stay of the hearing is speculative at best and should be denied.²⁴

**The Chapter 7 Trustee Improperly Characterizes the
Commission’s Hearing Proceeding as a Forfeiture Action**

8. It appears that the Chapter 7 Trustee also fundamentally misunderstands the purpose of the Commission’s hearing proceeding. The central purpose of this hearing is not, as he suggests to both the Presiding Judge and the Bankruptcy Court, to “effectuate the forfeiture of

²² Between the time it filed its Motion, and the filing of the Chapter 7 Trustee’s Reply, EMT amended its bankruptcy petition to change the proposed value of the licenses from \$2,000,000 to \$1,600,000. See Official Form 206 A/B, (Sept. 23, 2019), attached hereto as Exhibit A, at 3 of 11, Part 10, line 62. EMT still values its estate over \$2,000,000 because it added four real property assets that it values at \$400,000. See *id.* at 2-3 of 11, Part 9, lines 55.1-55.4. In addition, it appears that EMT also added as an asset the pending application for an FM Translator. See *id.* Pursuant to Commission precedent, a pending application of this type cannot be assigned or transferred, and thus cannot be listed as an asset.

²³ The Chapter 7 Trustee does not even acknowledge that this is one of the requirements for obtaining *Second Thursday* relief. Instead, he appears to suggest that to make “the requisite *Second Thursday* showing,” he need only identify “bona fide third party broadcasters who would have the resources to provide programming to the subject stations for the benefit of the residents” of the St. Louis communities. Reply at 6, para. 11.

²⁴ See *Peoria Community Broadcasters, Inc.*, 79 FCC 2d 311, 328, para. 35 (1980) (proceeding with hearing on license renewal application despite licensee filing for bankruptcy protection in the U.S. District Court for the Southern District of Illinois when “no showing has been made that individuals charged with misconduct will not benefit” from the transaction); see also *MobileMedia Corp. et. al*, 12 FCC Rcd 7927, 7931-32, paras. 13, 15 (1997) (stayed license revocation hearing to permit MobileMedia to seek relief under the *Second Thursday* doctrine only after it identified the transactions for which it sought *Second Thursday* treatment and after it sufficiently demonstrated that potential wrongdoers could not benefit as a result of those transactions).

(continued....)

the four (4) Broadcast licenses which are the primary assets with value to the estate.”²⁵ This wrongly implies that the Commission is attempting to take something to which EMT holds title.

9. As discussed above, the instant proceeding is an exercise of the Commission’s fundamental and exclusive regulatory authority to determine EMT’s fitness to hold a Commission license.²⁶ There is nothing in the HDO that requires the end result of EMT losing the licenses at issue. In fact, nothing precludes the Commission from concluding, in light of the evidence adduced in this proceeding that EMT is qualified hold Commission licenses and that the captioned applications should be *granted*. There is also nothing in the HDO that suggests that the Commission is seeking a monetary forfeiture of any kind. For the Chapter 7 Trustee to suggest otherwise is at best, incorrect, and at worst, misleading.²⁷

**The Reply Does Not Demonstrate That the
Section 362(b)(4) Exemption to the Automatic Stay is Inapplicable**

10. Without citing to any legal authority or precedent, the Chapter 7 Trustee asserts that the section 362(b)(4) exemption to the Bankruptcy Code’s automatic stay provision that applies to any “action or proceeding by a governmental unit . . . to enforce such governmental unit’s . . . police and regulatory power” does not apply here simply because EMT filed for bankruptcy under Chapter 7 of the Bankruptcy Code.²⁸ It would appear that this is incorrect as a matter of law. The Bankruptcy Court in the Northern District of Illinois recently acknowledged

²⁵ See Reply at Exhibit A, at 1, par. 4.

²⁶ See *supra* n.7. See also Bureau’s Opposition at 3, para. 3.

²⁷ See, e.g., Reply at 5, para. 8 and 7, n.5. These gross mischaracterizations are especially troubling in the context of the Chapter 7 Trustee’s emergency motion for a stay filed with the Bankruptcy Court, as the classification of the Commission’s hearing process as a “forfeiture” proceeding may impact the applicability of the section 362(b)(4) exemption to the automatic stay. See, e.g., *In re Emerald Casino, Inc.*, No. 03-cv-05457, 2003 WL 23147946, *8-9 (N.D. Ill. Dec. 24, 2003) (acknowledging that where governmental action is directed at the debtor’s financial obligations, it may fall outside the section 362(b)(4) exemption). The Bankruptcy Court has scheduled a hearing on October 1, 2019 to hear the Chapter 7 Trustee’s motion. See Exhibit B attached hereto. The Commission will be represented at this hearing.

²⁸ See, e.g., Reply at 2-3, paras. 3-4.

(continued....)

that the section 362(b)(4) exemption to the automatic stay applies “in a case under Chapter 7, 11, 12 or 13 of this title.”²⁹ In fact, other courts have applied the section 362(b)(4) exemption in a Chapter 7 case.³⁰ The Chapter 7 Trustee has offered no other clear reason why the section 362(b)(4) exemption is inapplicable to the Commission’s hearing proceeding. On this basis alone, EMT’s motion should be denied.

11. In addition, although not clearly articulated, it appears that the Chapter 7 Trustee may also be suggesting that the section 362(b)(4) exemption does not apply because the Commission’s hearing proceeding may “destroy the value of the assets that the Trustee is charged with liquidating.”³¹ However, this, too, fails as a reason to stay the instant proceeding. When, as here, a concurrent proceeding properly constitutes an action by “a governmental unit . . . seeking to enforce its regulatory power,”³² the bankruptcy courts have allowed it to move forward even when it may result in “a dramatic depletion of the debtor’s estate.”³³ On this basis, as well, EMT’s motion should be denied.

Like EMT, the Chapter 7 Trustee Fails to Meet the Four-Part Test for a Stay

12. In its Opposition, the Bureau asserted that EMT’s motion should fail because EMT did not even reference the four-part test that the Commission traditionally applies when considering whether to grant a petitioner’s request for a stay, let alone demonstrate that it

²⁹ *In re Hicks*, 582 B.R. 6, 12 (Bankr. N.D. Ill. 2018).

³⁰ *See In re Chapman*, 264 B.R. 565, 571 (9th Cir. 2001) (concluding that federal government’s action against Chapter 7 debtor fell within the section 362(b)(4) “police or regulatory power” exemption to automatic stay); *see also Chao v. BDK Indus., L.L.C.*, 296 B.R. 165, 170 (C.D. Ill. 2003) (concluding that U.S. Labor Department enforcement proceeding against Chapter 7 debtor is exempt from automatic stay under section 362(b)(4)).

³¹ Reply at 3, para. 4.

³² 11 USC § 362(b)(4).

³³ *In re Emerald Casino, Inc.*, 2003 WL 23147946, *9. *See also id.* at *7-10 (affirming the bankruptcy court’s decision that the section 362(b)(4) exemption to the automatic stay allows the Illinois Gaming Board to continue the license-revocation proceeding against the debtor even though it would “result in the revocation of Emerald’s sole asset of significant value, its license”).

(continued...)

satisfied any of the factors.³⁴ Although the Chapter 7 Trustee at least addresses the test, he fails to meet it.

13. The first factor of the test is the likelihood of the petitioner to prevail in obtaining the relief on which it has based its request for a stay. In the *Tennis Channel* case cited by the Chapter 7 Trustee, for example, the petitioner (Comcast) requested a stay of the Commission's *Memorandum and Order* on the grounds that it had filed a judicial challenge to that *Order*.³⁵ In evaluating whether Comcast met the first factor, the Commission therefore considered the likelihood that Comcast would prevail on the merits of its judicial challenge.³⁶ Here, the "merits" upon which EMT must show it is likely to prevail is not – as the Chapter 7 Trustee suggests – its motion for a stay.³⁷ Rather, before the Presiding Judge stays this proceeding, EMT (or the Chapter 7 Trustee) must demonstrate that it is likely to prevail on the only other path forward for transferring the licenses at issue – *i.e.*, its request for *Second Thursday* relief. Neither EMT nor the Chapter 7 Trustee have made any such showing. In fact, the Chapter 7 Trustee "agrees with the Enforcement Bureau that evaluating whether sales of the EMT licenses to one or more third parties in the Chapter 7 proceeding will satisfy the Commission's *Second Thursday* exception to the *Jefferson Radio* policy is putting the proverbial cart before the horse."³⁸

14. With regard to the second factor – whether petitioner will suffer irreparable harm if a stay is not granted – here, too, the Chapter 7 Trustee has failed to meet the test. He asserts

³⁴ See Bureau's Opposition at 4, para. 5.

³⁵ See *Tennis Channel v. Comcast Cable Communications, LLC*, 27 FCC Rcd 9274, 9279, para. 17 (OGC 2012).

³⁶ See *id.* at para. 19.

³⁷ See Reply at 4, para. 7.

³⁸ Reply at 8, para. 14.

(continued....)

that the “irreparable harm” that EMT will suffer if the hearing is allowed to continue is the “tremendous legal fees” it will incur as a result of its continued participation.³⁹ However, courts have routinely concluded that such litigation costs do not constitute “irreparable harm.”⁴⁰ As the Northern District of Illinois recently ruled in denying a motion to stay, “[i]n any lawsuit, litigation costs are lower (at least in the short term) if nothing is being done. But if that were the standard for a stay . . . then stays would be the general rule, rather than the ‘infrequent’ exception.”⁴¹

15. With regard to the third factor – whether other interested parties will be harmed by a stay – the Chapter 7 Trustee asserts that the Commission will not be harmed simply because “[l]iquidation of the station licenses and the resulting termination of EMT’s tenure as an FCC licensee . . . will accomplish the same end result sought by the Enforcement Bureau.”⁴² This assertion not only again reflects the Chapter 7 Trustee’s fundamental misunderstanding of the purpose of this hearing and the desired end result, but trivializes the Commission’s interest in enforcing its rules, deterring future applicants from engaging in the misconduct described in the HDO, and in protecting the legitimacy of its licensing process. The Chapter 7 Trustee offers nothing more to satisfy this prong.

16. And lastly, with regard to the fourth factor – whether the public interest favors granting a stay – the Chapter 7 Trustee similarly fails to meet the Commission’s test. He offers three reasons why the public interest favors a stay of the hearing proceeding: (i) it would allow

³⁹ See Reply at 5, para. 8.

⁴⁰ See, e.g., *Am. Hosp. Assoc. v. Harris*, 625 F.2d 1328, 1331 (7th Cir. 1980) (recognizing that “[m]ere injuries, however substantial, in terms of money, time and energy necessarily expended in the absence of a stay, are not enough” to constitute irreparable harm) (internal citations omitted).

⁴¹ *Kurgan v. Chiro One Wellness Ctrs. LLC*, No. 10-cv-1899, 2014 WL 1245053, *3 (N.D. Ill. Mar. 26, 2014).

⁴² Reply at 6, para. 9.

(continued....)

him to “direct resources to the resumption of operations” of one of the stations at issue which, apparently “has already been forced off the [air] due to technical issues;”⁴³ (ii) “it would permit the orderly transfer of the licenses by the Trustee (after making the requisite *Second Thursday* showing to the Commission . . .)”;⁴⁴ and (iii) it would “be consistent with the Commission’s avowed policy, as stated in the *AM Revitalization* proceeding, to undertake efforts to preserve the senior band’s relevance to the listening community” by preventing the loss of four AM radio stations in the St. Louis Metro market.⁴⁵

17. Each of the three “public interest” goals the Chapter 7 Trustee identifies in support of staying this proceeding, however, are contingent upon the liquidation of the licenses at issue. As the Bureau explained in its Opposition and above, a liquidation cannot occur until either (i) the Commission concludes, after a hearing, that EMT is qualified to hold the licenses, or (ii) the Commission *grants* EMT’s request for relief pursuant to *Second Thursday*.⁴⁶ Staying this proceeding will do nothing to expedite either of these resolutions.

18. As a result, the Chapter 7 Trustee has not demonstrated that it meets the Commission’s four-part test for a stay. On this basis, as well, the Presiding Judge should deny EMT’s motion.

⁴³ Reply at 6, para. 10.

⁴⁴ *Id.* at 6, para. 11.

⁴⁵ *Id.* at 6-7, para. 11. The possible loss of four AM radio stations in the St. Louis market was anticipated by the HDO. In releasing the HDO, the Media Bureau concluded that resolution of the issues concerning EMT’s qualifications to hold broadcast licenses outweighed the risk that this market would lose four AM stations.

⁴⁶ See *supra* at 2-4, paras. 3-6; see also Bureau’s Opposition at 5-6, para. 8.

Conclusion

19. For the foregoing reasons, and those set forth in the Bureau's Opposition, the Bureau respectfully asks the Presiding Judge to deny EMT's motion to stay this proceeding.

Respectfully submitted,

Rosemary C. Harold
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September 26, 2019

EXHIBIT A

Fill in this information to identify the case:

Debtor name **Entertainment Media Trust**United States Bankruptcy Court for the: **SOUTHERN DISTRICT OF ILLINOIS**Case number (if known) **19-31224**☒ Check if this is an amended filing

Official Form 206A/B

Schedule A/B: Assets - Real and Personal Property

12/15

Disclose all property, real and personal, which the debtor owns or in which the debtor has any other legal, equitable, or future interest. Include all property in which the debtor holds rights and powers exercisable for the debtor's own benefit. Also include assets and properties which have no book value, such as fully depreciated assets or assets that were not capitalized. In Schedule A/B, list any executory contracts or unexpired leases. Also list them on *Schedule G: Executory Contracts and Unexpired Leases* (Official Form 206G).

Be as complete and accurate as possible. If more space is needed, attach a separate sheet to this form. At the top of any pages added, write the debtor's name and case number (if known). Also identify the form and line number to which the additional information applies. If an additional sheet is attached, include the amounts from the attachment in the total for the pertinent part.

For Part 1 through Part 11, list each asset under the appropriate category or attach separate supporting schedules, such as a fixed asset schedule or depreciation schedule, that gives the details for each asset in a particular category. List each asset only once. In valuing the debtor's interest, do not deduct the value of secured claims. See the instructions to understand the terms used in this form.

Part 1: Cash and cash equivalents

1. Does the debtor have any cash or cash equivalents?

- ☒ No. Go to Part 2.
☐ Yes Fill in the information below.

All cash or cash equivalents owned or controlled by the debtor

Current value of debtor's interest

Part 2: Deposits and Prepayments

6. Does the debtor have any deposits or prepayments?

- ☒ No. Go to Part 3.
☐ Yes Fill in the information below.

Part 3: Accounts receivable

10. Does the debtor have any accounts receivable?

- ☐ No. Go to Part 4.
☒ Yes Fill in the information below.

11. Accounts receivable

11a. 90 days old or less:	<u>15,950.00</u>	-	<u>0.00</u>	=	<u>\$15,950.00</u>
	face amount		doubtful or uncollectible accounts		

12. Total of Part 3.

Current value on lines 11a + 11b = line 12. Copy the total to line 82.

\$15,950.00

Part 4: Investments

13. Does the debtor own any investments?

- ☒ No. Go to Part 5.
☐ Yes Fill in the information below.

Part 5: Inventory, excluding agriculture assets

18. Does the debtor own any inventory (excluding agriculture assets)?

- ☒ No. Go to Part 6.

Debtor **Entertainment Media Trust**
NameCase number (if known) **19-31224**☐ Yes Fill in the information below.**Part 6: Farming and fishing-related assets (other than titled motor vehicles and land)****27. Does the debtor own or lease any farming and fishing-related assets (other than titled motor vehicles and land)?**☒ No. Go to Part 7.
☐ Yes Fill in the information below.**Part 7: Office furniture, fixtures, and equipment; and collectibles****38. Does the debtor own or lease any office furniture, fixtures, equipment, or collectibles?**☒ No. Go to Part 8.
☐ Yes Fill in the information below.**Part 8: Machinery, equipment, and vehicles****46. Does the debtor own or lease any machinery, equipment, or vehicles?**☒ No. Go to Part 9.
☐ Yes Fill in the information below.**Part 9: Real property****54. Does the debtor own or lease any real property?**☐ No. Go to Part 10.
☒ Yes Fill in the information below.**55. Any building, other improved real estate, or land which the debtor owns or in which the debtor has an interest**

Description and location of property Include street address or other description such as Assessor Parcel Number (APN), and type of property (for example, acreage, factory, warehouse, apartment or office building, if available).	Nature and extent of debtor's interest in property	Net book value of debtor's interest (Where available)	Valuation method used for current value	Current value of debtor's interest
55.1. <u>1467 Falling Springs Drive, Dupo, IL 62239</u> <u>Structure and radio broadcasting equipment</u>				
<u>See Exhibit "A"</u>	<u>Fee simple</u>	<u>\$100,000.00</u>	<u>Comparable sale</u>	<u>\$100,000.00</u>
55.2. <u>125 South 8th Street, East St. Louis, IL 62201</u> <u>Structure and radio broadcasting equipment</u>				
<u>See Exhibit "B"</u>	<u>Fee simple</u>	<u>\$100,000.00</u>	<u>Comparable sale</u>	<u>\$100,000.00</u>

Debtor **Entertainment Media Trust**
NameCase number (if known) **19-31224**

- 55.3. **Permanent Parcel**
Number
07-12-32-305-001
Struction and radio
broadcasting
equipment

See Exhibit "C" **Fee simple** **\$100,000.00** **Comparable sale** **\$100,000.00**

- 55.4. **905 State Route 111**
Granite City, IL 62040
Structure and radio
broadcasting
equipment

See Exhibit "D" **Fee simple** **\$100,000.00** **Comparable sale** **\$100,000.00**

56. **Total of Part 9.****\$400,000.00**

Add the current value on lines 55.1 through 55.6 and entries from any additional sheets.
Copy the total to line 88.

57. **Is a depreciation schedule available for any of the property listed in Part 9?**

☒ No
☐ Yes

58. **Has any of the property listed in Part 9 been appraised by a professional within the last year?**

☒ No
☐ Yes

Part 10: Intangibles and intellectual property59. **Does the debtor have any interests in intangibles or intellectual property?**

☐ No. Go to Part 11.
☒ Yes Fill in the information below.

General description

**Net book value of
debtor's interest**
(Where available)

**Valuation method used
for current value**

**Current value of
debtor's interest**

60. **Patents, copyrights, trademarks, and trade secrets**61. **Internet domain names and websites**62. **Licenses, franchises, and royalties****FCC Broadcast Licenses:****KFTK (Facility ID #72815)****KQQZ (Facility ID #5281)****KZQZ (Facility ID #72391)****WQQW (Facility ID #90598)****CP Application for W275CS****\$1,600,000.00****Comparable sale****\$1,600,000.00**63. **Customer lists, mailing lists, or other compilations**64. **Other intangibles, or intellectual property**65. **Goodwill**66. **Total of Part 10.**

Add lines 60 through 65. Copy the total to line 89.

\$1,600,000.00

Debtor **Entertainment Media Trust**
Name

Case number (if known) **19-31224**

67. **Do your lists or records include personally identifiable information of customers** (as defined in 11 U.S.C. §§ 101(41A) and 107)?
☒ No
☐ Yes
68. **Is there an amortization or other similar schedule available for any of the property listed in Part 10?**
☒ No
☐ Yes
69. **Has any of the property listed in Part 10 been appraised by a professional within the last year?**
☒ No
☐ Yes

Part 11: All other assets

70. **Does the debtor own any other assets that have not yet been reported on this form?**
Include all interests in executory contracts and unexpired leases not previously reported on this form.

- ☒ No. Go to Part 12.
☐ Yes Fill in the information below.

Debtor **Entertainment Media Trust**
NameCase number (if known) **19-31224****Part 12: Summary**

In Part 12 copy all of the totals from the earlier parts of the form

Type of property	Current value of personal property	Current value of real property
80. Cash, cash equivalents, and financial assets. Copy line 5, Part 1	\$0.00	
81. Deposits and prepayments. Copy line 9, Part 2.	\$0.00	
82. Accounts receivable. Copy line 12, Part 3.	\$15,950.00	
83. Investments. Copy line 17, Part 4.	\$0.00	
84. Inventory. Copy line 23, Part 5.	\$0.00	
85. Farming and fishing-related assets. Copy line 33, Part 6.	\$0.00	
86. Office furniture, fixtures, and equipment; and collectibles. Copy line 43, Part 7.	\$0.00	
87. Machinery, equipment, and vehicles. Copy line 51, Part 8.	\$0.00	
88. Real property. Copy line 56, Part 9.....>		\$400,000.00
89. Intangibles and intellectual property. Copy line 66, Part 10.	\$1,600,000.00	
90. All other assets. Copy line 78, Part 11.	+ \$0.00	
91. Total. Add lines 80 through 90 for each column	\$1,615,950.00	+ 91b. \$400,000.00
92. Total of all property on Schedule A/B. Add lines 91a+91b=92		\$2,015,950.00

Fill in this information to identify the case:Debtor name **Entertainment Media Trust**United States Bankruptcy Court for the: **SOUTHERN DISTRICT OF ILLINOIS**Case number (if known) **19-31224**

☐ Check if this is an amended filing

Official Form 202**Declaration Under Penalty of Perjury for Non-Individual Debtors**

12/15

An individual who is authorized to act on behalf of a non-individual debtor, such as a corporation or partnership, must sign and submit this form for the schedules of assets and liabilities, any other document that requires a declaration that is not included in the document, and any amendments of those documents. This form must state the individual's position or relationship to the debtor, the identity of the document, and the date. Bankruptcy Rules 1008 and 9011.

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

Declaration and signature

I am the president, another officer, or an authorized agent of the corporation; a member or an authorized agent of the partnership; or another individual serving as a representative of the debtor in this case.

I have examined the information in the documents checked below and I have a reasonable belief that the information is true and correct:

- ☐ *Schedule A/B: Assets—Real and Personal Property* (Official Form 206A/B)
- ☐ *Schedule D: Creditors Who Have Claims Secured by Property* (Official Form 206D)
- ☐ *Schedule E/F: Creditors Who Have Unsecured Claims* (Official Form 206E/F)
- ☐ *Schedule G: Executory Contracts and Unexpired Leases* (Official Form 206G)
- ☐ *Schedule H: Codebtors* (Official Form 206H)
- ☐ *Summary of Assets and Liabilities for Non-Individuals* (Official Form 206Sum)
- ☐ *Amended Schedule*
- ☐ *Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders* (Official Form 204)
- ☐ Other document that requires a declaration

I declare under penalty of perjury that the foregoing is true and correct.

Executed on **September 23, 2019****X /s/ Dennis J. Watkins**

Signature of individual signing on behalf of debtor

Dennis J. Watkins

Printed name

Trustee

Position or relationship to debtor

Exhibit "A"

Legal Description of the Property

PART OF LOT 7 BEING A PART OF SURVEYS 146 AND 147 OF COMMON FIELDS PRAIRIE DU PONT, ST. CLAIR COUNTY, ILLINOIS, REFERENCE BEING HAD TO THE PLAT THEREOF RECORDED IN THE RECORDER'S OFFICE OF ST. CLAIR COUNTY, ILLINOIS IN BOOK OF PLATS "E" ON PAGE 29 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHERLY CORNER OF "JERGEN'S SECOND SUBDIVISION" REFERENCE BEING HAD TO THE PLAT THEREOF RECORDED IN SAID RECORDER'S OFFICE IN BOOK OF PLATS "55" ON PAGE 76; THENCE NORTH 56 DEGREES 32 MINUTES 19 SECONDS EAST ALONG AN ASSUMED BEARING OF THE SOUTHEASTERLY LINE OF SAID JUERGEN'S SECOND SUBDIVISION, A DISTANCE OF 480.54 FEET TO THE POINT OF INTERSECTION OF SAID LINE WITH THE SOUTHWESTERLY LINE OF FALLING SPRINGS DRIVE, ALSO BEING THE MOST EASTERLY CORNER OF SAID JUERGEN'S SECOND SUBDIVISION; THENCE SOUTH 33 DEGREES 10 MINUTES 15 SECONDS EAST ALONG THE SOUTHWESTERLY LINE OF SAID FALLING SPRINGS DRIVE, A DISTANCE OF 743.86 FEET TO THE POINT OF CURVATURE OF A TANGENT CURVE; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 2889.93 FEET THE CHORD OF WHICH BEARS SOUTH 34 DEGREES 36 MINUTES 31 SECONDS EAST AN ARC DISTANCE OF 145.04 FEET TO THE POINT OF INTERSECTION OF SAID SOUTHWESTERLY LINE OF FALLING SPRINGS DRIVE WITH THE SOUTHEASTERLY LINE OF SAID LOT 7; THENCE SOUTH 56 DEGREES 33 MINUTES 06 SECONDS WEST ALONG THE SAID SOUTHEASTERLY LINE OF LOT 7, A DISTANCE OF 486.83 FEET TO THE MOST SOUTHERLY CORNER OF SAID LOT 7; THENCE NORTH 33 DEGREES 00 MINUTES 00 SECONDS WEST ALONG THE SOUTHWESTERLY LINE OF SAID LOT 7 888.77 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND AS HEREIN DESCRIBED, IN ST. CLAIR COUNTY, ILLINOIS.

prop. address: 1467 Falling Springs Drive

Dupo, IL

62239

Exhibit "B"

LEGAL DESCRIPTION

PARCEL 1:

Part of Survey Number 125 of the "Cahokia Commonfields"; Plats "E" on pages 16 and 17, described as follows, to-wit:

Beginning at a point in the Northwest line of 8th Street, as laid out and platted in Edgar Ames Addition to East St. Louis, a plat of which is recorded in the Recorder's Office of St. Clair County, Illinois, in Book of Plats "E" on page 40, where said line of 8th Street is intersected by the Southwest line of the right of way of the Southern Railway Company, formerly owned by the St. Clair Coal Railroad, said point being on the Northwest line of 8th Street lying 300 feet Northeast of the intersection of the Northwest line of 8th Street and the Northeast line of Brady Avenue; running thence Southwestwardly along the Northwest line of said 8th Street, a distance of 100 feet; thence Northwestwardly on a line parallel to said right of way line of said Southern Railway Company, a distance of 254 feet, more or less, to the Northeasterly right of way line of a 25 foot right of way conveyed by John B. Lovington to the Louisville, Evansville & St. Louis Consolidated Railroad Company, by a deed dated October 23, 1890, recorded in Book 218, on page 5, in said Recorder's Office; thence running Northwestwardly along said Northeasterly right of way line, a distance of 160 feet, more or less, to the Southwestwardly right of way line of said Southern Railway Company; thence Southeastwardly along said last mentioned right of way line a distance of 392 feet, more or less, to the place of beginning. Situated in St. Clair County, Illinois.

PARCEL 2:

Part of the United States Surveys Numbered 124 and 125 of the "Cahokia Commonfields"; reference being had to the plat thereof recorded in the Recorder's Office of St. Clair County, Illinois, in Book of Plats "E" on pages 16 and 17 described as follows, to-wit:

Commencing the survey thereof at the point of intersection of the Northwestwardly line of 8th Street with the Northeasterly line of Brady Avenue, as shown on the plat of "Edgar Ames Addition to East St. Louis", recorded in said Recorder's Office of Book of Plats "E" on page 40; thence Northeastwardly along said Northwestwardly line of 8th Street to a point distant 100 feet Southwestwardly from the point of intersection of the said Northwestwardly line of 8th Street with the Southwestwardly right of way line of the Southern Railway Company, which point is also the most Southerly corner of a tract of land conveyed by Mary C. Dodson and Curtis S. Dodson, her husband to Henry Buchler, Trustee, by Deed dated November 12, 1908, and recorded November 13, 1908, in said Recorder's Office in Book 388 on page 464; thence Northwestwardly along the Southwestwardly line of said last mentioned tract to the Easterly line of a right of way 25 feet wide, conveyed by John B. Lovington and Mary C. Lovington, his wife, to the Louisville, Evansville and St. Louis Consolidated Railroad Company, by Deed dated October 23, 1890, and recorded November 12, 1890 in said Recorder's Office in Book 218 on page 5; thence Southwardly along said Easterly right of way line to the Northeasterly line of Brady Avenue; thence Southeastwardly along the Northeasterly line of Brady Avenue to the point of beginning. Situated in St. Clair County, Illinois.

Excepting from Parcels 1 & 2 a curved strip of land 30 feet side off of the Westerly end of said premises, more particularly described in Deed from Nathaniel C. McLean, Sr., and Rose McLean, his wife, to the Terminal Railroad Association of St. Louis, and recorded in said Recorder's Office in Book 748 on page 263.

Excepting further from Parcels 1 and 2 the oil, gas and other minerals underlying said premises and the right to mine and remove same.

Informational Notes


Parcel # 01-13 0-309-035 
Property Address 125 South 8th Street
East St. Louis, Illinois 62201

Exhibit "C"

A part of the East Half of the Southwest Quarter of Section 32, Township 4 North, Range 4 West of the Third Principal Meridian, Bond County, Illinois, being more particularly described as follows:

Commencing at a stone marking the center of said Section; thence Westerly along the North line of the Southwest Quarter of said Section having an assumed bearing of North 88 degrees 07 minutes 53 seconds West 668.80 feet to an iron pin at the point of beginning; thence South 02 degrees 04 minutes 49 seconds East 661.00 feet to an iron pin; thence North 88 degrees 07 minutes 53 seconds West 661.00 feet to an iron pin on the West line of said East Half of the Southwest Quarter; thence North 02 degrees 04 minutes 49 seconds West along said West line 661.00 feet to an iron pin marking the Northwest corner of said Half quarter; thence South 88 degrees 07 minutes 53 seconds East along the North line of said Half Quarter a distance of 661.00 feet to the point of beginning. Containing 10.00 Acres, more or less.

Except coal, gas and other mineral rights conveyed, excepted or reserved in prior conveyances.

TOGETHER WITH the following described easement for ingress and egress, over and along an existing private roadway, the perimeter is described as follows:

Beginning on the East line of the above described parcel being 162.75 feet Southerly from the Northeast corner thereof; thence South 26 degrees 59 minutes 55 seconds East 236.48 feet; thence South 19 degrees 12 minutes 01 seconds East 244.46 feet; thence South 02 degrees 37 minutes 23 seconds East 56.48 feet; thence South 22 degrees 04 minutes 30 seconds West 58.44 feet; thence South 13 degrees 45 minutes 52 seconds East 39.67 feet; thence South 33 degrees 04 minutes 52 seconds East 137.75 feet; thence South 55 degrees 02 minutes 56 seconds East 107.66 feet; thence South 46 degrees 07 minutes 31 seconds East 109.75 feet; South 43 degrees 08 minutes 00 seconds East 46.51 feet; thence South 58 degrees 39 minutes 17 seconds East 90.22 feet; thence South 72 degrees 03 minutes 35 seconds East 181.68 feet to a point on the East line of the said Half Quarter; thence South 02 degrees 01 minutes 01 seconds East along said East line 1559.39 feet to an iron pin marking the Southeast corner of said Half Quarter in Bond Road; thence North 88 degrees 00 minutes 06 seconds West, along the South line of said Half Quarter a distance of 30.07 feet; thence North 02 degrees 01 minutes 01 seconds West 1536.26 feet; thence North 72 degrees 03 minutes 35 seconds West, 164.18 feet; thence North 58 degrees 39 minutes 17 seconds West 97.84 feet; thence North 43 degrees 08 minutes 00 seconds West 49.82 feet; thence North 46 degrees 07 minutes 31 seconds West 106.63 feet; thence North 55 degrees 02 minutes 56 seconds West 111.14 feet; thence North 33 degrees 04 minutes 52 seconds West 148.67 feet; thence North 13 degrees 45 minutes 52 seconds West 54.48 feet; thence North 22 degrees 04 minutes 30 seconds West 61.57 feet; thence North 02 degrees 37 minutes 23 seconds West 45.54 feet; thence North 19 degrees 12 minutes 01 seconds West 238.05 feet; thence North 26 degrees 59 minutes 55 seconds West 169.85 feet; thence North 02 degrees 04 minutes 49 seconds West 71.22 feet to the point of beginning.

Permitsent Parcel #07-12-32-302-001

Exhibit "D"

LEGAL DESCRIPTION

Part of the SE ¼ of the NE ¼ of Section 14, T3N R9W of the 3rd P.M., Madison County, Illinois, being more particularly described as follows:

Beginning at a stone at the Northwest corner of the SE ¼ of the NE ¼ of Section 14; thence South 89° 42' 50" East along the North line of the SE ¼ of the NE ¼ of Section 14, a distance of 901.06 feet to an iron rod; thence South 0° 17' 10" West, 227.58 feet to an iron rod; thence South 34° 56' 01" West 1000.00 feet to an iron rod; thence South 88° 31' 10" West, 300.00 feet to an iron rod in the West line of the SE ¼ of the NE ¼ of Section 14; thence North 1° 23' 50" West along said West line, 1060 feet to the Point of Beginning.

ALSO, an access and utility easement along the following tracts:

The West 15 feet of the SE ¼ of the NE ¼ of Section 14, lying South of the above-described tract;

The South 15 Feet to the SE ¼ of the NE ¼ of Section 14;

The South 15 feet of the West 15 feet to the NW ¼ of Section 13, T3N R9W of the 3rd P.M., Madison County, Illinois;

The West 15 feet of the SW ¼ of Section 13, T3N R9W of the 3rd P.M., Madison County, Illinois;

Informational Notes:

Parcel #: 17-1-20-14-00-000-014.001

Property Address: State Route 111
Granite City, Illinois 62040

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

In re:)
)
ENTERTAINMENT MEDIA TRUST) Case No. 19-31224
Debtor(s).) Chapter 7

CERTIFICATE OF SERVICE

Comes now Debtor(s), ENTERTAINMENT MEDIA TRUST, by and through his/her attorney, and certify that on September 23, 2019, via first-class mail, postage prepaid, a true and accurate copy of the Amended Schedule A/B & Declaration Concerning Schedules was served upon the following persons that were not served electronically.

RESPECTFULLY SUBMITTED,

By: /s/ Meghan Csontos, Paralegal

J.D. GRAHAM, P.C.

Attorney for Debtor

#1 Eagle Center; Suite 3A

O'Fallon, IL 62269

618.235.9800

618.235.9805 fax

jd@jdgrahamlaw.com

Donald M. Samson
Chapter 7 Trustee
226 W Main St., Suite 102
Belleville, IL 62220

U.S. Trustee
Becker Building, Ste. 1100
401 Main St.
Peoria, IL 61602

All creditors on mailing matrix

EXHIBIT B

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

IN RE:

ENTERTAINMENT MEDIA TRUST

In Proceedings
Under Chapter 7

Case No. 19-31224

Debtor(s).

ORDER

THIS MATTER is before the Court on the Emergency Motion to Enforce the Automatic Stay or, in the Alternative, to Issue a Stay Order (Doc. 9) filed by Trustee Donald Samson. In the motion the Trustee requests the entry of an order enforcing the automatic stay as to proceedings by the Federal Communications Commission. The Court shall conduct a hearing on this motion on Tuesday, October 1, 2019 at 9:00 a.m. in the United States Bankruptcy Court, 750 Missouri Avenue, East St. Louis, Illinois. IT IS FURTHER ORDERED that the parties shall submit authority on the issues raised in the motion on or before Friday, September 27, 2019.

Counsel for the moving party shall serve a copy of this Order by any means necessary to all interested parties who were not served electronically . Counsel is further directed to file a certificate of service indicating such service.

ENTERED: September 23, 2019

/s/ Laura K. Grandy

UNITED STATES BANKRUPTCY JUDGE/3

CERTIFICATE OF SERVICE

Pamela S. Kane certifies that she has, on this 26th day of September, 2019, sent copies of the foregoing "ENFORCEMENT BUREAU'S RESPONSE TO CHAPTER 7 TRUSTEE'S REPLY TO OPPOSITIONS" via email to:


The Honorable Jane H. Halprin
Administrative Law Judge
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

John B. Adams
Office of the Administrative Law Judge
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

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(Counsel for Mark A. Kern)



Pamela S. Kane