

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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|--------------------------------------------------|---|---------------------------------|
| 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 |

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

OPPOSITION TO JOINT MOTION FOR A PREHEARING CONFERENCE

1. Donald M. Samson (“Trustee”), court-appointed Chapter 7 trustee of Entertainment Media Trust, Dennis J. Watkins, Trustee (“EMT”) and the FCC licensee of the above-captioned broadcast radio stations, hereby responds, pursuant to Section 1.294 of the Commission’s Rules,¹ to the joint motion of the Enforcement Bureau and Petitioner Mark Kern filed October 29, 2019 (the “Joint Motion”). This opposition is further submitted subject to the Petition for Leave to Intervene filed by Trustee in this proceeding on October 15, 2019.

2. In the Joint Motion, the Bureau and Kern request a prehearing conference. Trustee does not oppose a prehearing conference *per se*, but Trustee respectfully requests that the Presiding Judge refrain from scheduling any prehearing conference prior to such time as the Bankruptcy Court has an opportunity to rule on the motions before it.

3. As referenced in the Joint Motion, there is currently pending before the Honorable Laura K. Grandy in the United States Bankruptcy Court for the Southern District of Illinois a motion filed by EMT (joined by the government) seeking dismissal of the bankruptcy and objected to by the Trustee.² As noted in the Joint Motion, the Bankruptcy Court has directed that oppositions to EMT’s motion for voluntary’s dismissal may be filed through November 7, 2019.³ Although Trustee has filed its objection, there may well be other parties – including, potentially,

¹ 47 C.F.R. § 1.294.

² See *In re Entertainment Media Trust*, BK 19-31224, Motion for Voluntary Dismissal (Oct. 16, 2019); *In re Entertainment Media Trust*, BK 19-31224, Joinder of the United States of America in the Debtor’s Motion for Voluntary Dismissal (Doc. No. 44) (Oct. 18, 2019); and *In re Entertainment Media Trust*, BK 19-31224, Amended Objection to Debtor’s Motion to Dismiss (Doc. No. 50) (Oct. 18, 2019).

³ *In re Entertainment Media Trust*, BK 19-31224, Notice (Oct. 17, 2019).

the parties who have made purchase offers to the Trustee for the EMT assets – who may wish to oppose the motion. At minimum, the Presiding Judge should await the determination of the Bankruptcy Court on the motion to dismiss before moving forward with a prehearing conference.

4. Moreover, the Joint Motion fails to reference other pleadings pending before the Bankruptcy Court which have bearing on this proceeding, namely the Emergency Motion to Enforce the Automatic Stay or, in the Alternative, to Issue a Stay Order filed by Trustee,⁴ the response thereto filed by the United States Department of Justice for the FCC,⁵ and subsequent briefs submitted to the Bankruptcy Court. It is anticipated the Bankruptcy Court would rule, either in tandem with a ruling on the dismissal motion or shortly thereafter, to resolve the matter of the stay. It would therefore be a more prudent use of resources for the Presiding Judge to refrain from scheduling any prehearing conference, should one be deemed necessary, until the Bankruptcy Court is able to resolve the pending matters before it regarding the status of the bankruptcy itself and the applicability of a stay of the FCC proceeding.

⁴ *In re Entertainment Media Trust*, BK 19-31224, Emergency Motion to Enforce the Automatic Stay or, in the Alternative, to Issue a Stay Order (Doc. 9) (Sept. 20, 2019).

⁵ *In re Entertainment Media Trust*, BK 19-31224, Response of the United States of America to the Emergency Motion to Enforce the Automatic Stay or, in the Alternative, to Issue a Stay Order (Sept. 27, 2019).

WHEREFORE, Trustee requests that the Presiding Judge refrain from scheduling the requested prehearing conference until such time as the Bankruptcy Court has ruled on the matters before it which have bearing to the instant proceeding at the FCC.

RESPECTFULLY SUBMITTED,

_____/s/_____
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Dated: November 4, 2019

CERTIFICATE OF SERVICE

I, Davina Sashkin, hereby certify that on this 4th day of November, 2019, a copy of the foregoing Opposition to Joint Motion for a Prehearing Conference was served by email on the following:

Jeffrey Gee, Esq., Chief
Pamela Kane, Esq.
Anya Baez, Esq.
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Counsel for Mark Kern

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

The Honorable Jane Hinkley-Halprin
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/s/ Davina Sashkin_____