

November 5, 2019

VIA ELECTRONIC FILING (ECFS)

Judge Jane Hinkley Halprin
Administrative Law Judge
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: *Entertainment Media Trust*
Status Report, MB Docket No. 19-156

Dear Judge Halprin:

Mark Kern (“Petitioner”), by his counsel, files this status report regarding the above-captioned matter.

Discovery Matters. Mr. Kern served an initial request for the production of documents on September 9, 2019. On September 12, 2019, the Presiding Judge temporarily suspended discovery because Entertainment Media Trust (“EMT”) had voluntarily filed for bankruptcy. *Order*, FCC 19M-09. On October 4th, the Presiding Judge further suspended discovery pending “resolution of the Application for Consent to Assign Broadcast Station Construction Permit or License or to Transfer Control of Entity Holding Broadcast Station Construction Permit or License filed on behalf of Entertainment Media Trust on September 16, 2019.” *Order*, FCC 19M. The Media Bureau granted that assignment application but neither EMT nor the bankruptcy trustee has submitted a consummation notice. The stations involved in the present proceeding thus remain licensed to EMT.

Petitioner remains poised to move forward with the discovery process and otherwise participate in this case.

Bankruptcy-related Matters. On October 4th, the Presiding Judge ordered Donald M. Samson, Trustee for the EMT bankruptcy, to intervene in the proceeding if the assignment application was granted. As noted above, the application was granted. Shortly thereafter, Mr. Samson filed a Petition for Leave to Intervene in this proceeding.¹ *The following day*, EMT filed a voluntary motion to dismiss its bankruptcy case.²

¹ See Petition for Leave to Intervene (Oct. 15, 2019).

² See *In re Entertainment Media Trust*, BK 19-31224, Motion for Voluntary Dismissal (Oct. 16, 2019).

Judge Jane Hinkley-Halprin
Administrative Law Judge
November 5, 2019
Page 2

Joint Motion for Status Conference. On October 29, 2019, Petitioner and the Enforcement Bureau filed a Joint Motion for a Prehearing Conference. This motion remains pending.

Respectfully submitted,

/s/ Robert G. Kirk

Robert G. Kirk

Howard M. Liberman

CERTIFICATE OF SERVICE

I, Robert G. Kirk, hereby certify that on this 5th day of November 2019, copies of the foregoing Status Report were sent via 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

Anthony Lepore, Esq.
Radiotvlaw Associates, LLC
4101 Albermarle St., NW #324
Washington, D.C. 20016-2151
anthony@radiotvlaw.net

Davina S. Sashkin, Esq.
Fletcher, Heald & Hildreth, LLC
1300 North 17th Street, 11th Floor
Arlington, VA 22209
sashkin@fhhlaw.com

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.
Investigations & Hearings Division
Enforcement Bureau
Federal Communications Commission
445 12th Street SW
Washington, DC 20554
Pamela.Kane@fcc.gov

/s/ Robert G. Kirk
Robert G. Kirk