

**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

ENFORCEMENT BUREAU'S NOVEMBER 2019 STATUS REPORT

1. Pursuant to *Order*, FCC 19M-05, the Chief, Enforcement Bureau (Bureau), through her attorneys, hereby respectfully submits its November 2019 Status Report in the above-captioned matter.

Discovery and Scheduling Matters

2. This case remains at a stand-still. On October 4, 2019, the Presiding Judge ruled that a “brief pause in discovery is warranted to enable the Media Bureau to resolve the application for involuntary assignment” filed by Entertainment Media Trust, Dennis Watkins, Trustee (EMT).¹ The Presiding Judge further ruled that “[i]f the assignment application is granted, the [Chapter 7] Trustee will have four calendar days from the date of that grant to file a petition for leave to intervene in this proceeding pursuant to section 1.223 of the Commission’s rules.”² In accordance with that *Order*, the Chapter 7 Trustee filed a petition for leave to intervene on October 15, 2019 (Petition).³ The Bureau did not oppose the Chapter 7 Trustee’s intervention.⁴

3. In the Petition, the Chapter 7 Trustee also suggested that there should be an “abeyance of discovery in this proceeding” while he identifies and selects a successful bidder for EMT’s assets, contracts with that bidder with the approval of the Bankruptcy Court, and files an application with the Media Bureau for consent to the assignment of the licenses at issue pursuant to the *Second Thursday* exception to the *Jefferson Radio* policy.⁵ The Bureau opposed any such

¹ *Order*, FCC 19M-11 (ALJ, rel. Oct. 4, 2019), at 8, para. 18

² *Id.*

³ *See* Petition for Leave to Intervene (Oct. 15, 2019) (Petition).

⁴ *See* Enforcement Bureau’s Response to Chapter 7 Trustee’s Petition for Leave to Intervene (Oct. 18, 2019), at 3, para. 5 (Response).

⁵ *See* Petition at 2-3, paras. 4 and 5.

“abeyance of discovery.”⁶ On October 29, 2019, the Bureau and Petitioner Mark Kern (Kern) jointly filed a request for a prehearing conference to discuss the status of this proceeding and the continued viability of the timeline previously established by the Presiding Judge for its completion.⁷ The Chapter 7 Trustee opposed the Bureau’s and Kern’s joint request.⁸

EMT’s Bankruptcy Proceeding

4. Pursuant to the Presiding Judge’s instruction to keep her apprised of developments in EMT’s bankruptcy proceeding, the Bureau reports that the following has occurred since the filing of its October 2019 Status Report:

5. On October 1, 2019, the Bankruptcy Judge extended until October 22, 2019 the deadline to review the Chapter 7 Trustee’s Emergency Motion to Enforce the Automatic Stay and the Objection thereto filed by the United States of America on behalf of the Federal Communications Commission (Commission). The parties were given until October 8, 2019 to file additional briefs. Both the Chapter 7 Trustee and the Commission filed reply briefs.⁹ On October 23, 2019, the Bankruptcy Judge extended the deadline to review the Chapter 7 Trustee’s motion and the Commission’s objection until November 22, 2019.

6. On October 4, 2019, the Bankruptcy Court issued a Notice setting January 2, 2020 as the last date for creditors to file a proof of claim.¹⁰

7. On October 16, 2019, the Chapter 7 Trustee filed a motion requesting an order

⁶ See Response at 3-5, paras. 6-8.

⁷ See Joint Motion For a Prehearing Conference (Oct. 29, 2019).

⁸ See Opposition to Joint Motion for a Prehearing Conference (Nov. 4, 2019).

⁹ See *In re Entertainment Media Trust*, BK 19-31224, Reply to Response of FCC to the Trustee’s Emergency Motion to Enforce the Automatic Stay or, in the Alternative, to Issue a Stay Order and Memorandum of Law in Support Thereof (Oct. 8, 2019); *In re Entertainment Media Trust*, BK 19-31224, Response of the United States of America to the Memorandum of Law in Support of Emergency Motion to Enforce the Automatic Stay or, in the Alternative, to Issue a Stay Order (Doc. 20) (Oct. 8, 2019).

¹⁰ See *In re Entertainment Media Trust*, BK 19-31224, Notice to Creditors and Other Parties in Interest of the Need to File Claims (Oct. 4, 2019).

authorizing the sale of EMT's assets, including the Commission licenses at issue in this proceeding.¹¹ Therein, the Chapter 7 Trustee identified a buyer who proposed to purchase the acquired assets for \$350,000. The Chapter 7 Trustee requested approval of certain procedures governing the submission of any bid by parties other than the proposed buyer, acknowledging that he had already received a good faith bid from an alternative buyer in the amount of \$400,000. He also proposed procedures for conducting an auction if one or more qualifying bids were submitted. Objections to the Chapter 7 Trustee's motion are due by November 11, 2019 and a hearing is scheduled for November 13, 2019 at 9:00 am.

8. On the same day as the Chapter 7 Trustee requested approval to sell EMT's assets, EMT filed a motion to voluntarily dismiss the Chapter 7 bankruptcy.¹² The Commission joined EMT's motion.¹³ The Chapter 7 Trustee opposed it.¹⁴ The Commission then responded to the Chapter 7 Trustee's objection.¹⁵ The Bankruptcy Court ruled that all objections to EMT's dismissal motion must be filed by November 7, 2019.¹⁶

9. The Section 341(a) Creditors meeting before the Chapter 7 Trustee was originally scheduled for October 25, 2019 at 1:00 pm. It is unclear if this meeting occurred. The bankruptcy docket reflects that on October 28, 2019, this meeting was continued until November 15, 2019 at 1:00 pm.

¹¹ See *In re Entertainment Media Trust*, BK 19-31224, Motion for Order Authorizing the Sale of the Acquired Assets Free and Clear of All Liens, Claims, Encumbrances, and Interests, Pursuant to Section 363 of the Bankruptcy Code, or Alternatively, in the Event That the Court Approves a Higher and Better Offer From a Party Not affiliated with Buyer, Approving the Sale of the Acquired Assets to Such Other Party (Oct. 16, 2019).

¹² See *In re Entertainment Media Trust*, BK 19-31224, Motion for Voluntary Dismissal (Oct. 16, 2019).

¹³ See *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).

¹⁴ See *In re Entertainment Media Trust*, BK 19-31224, Amended Objection to Debtor's Motion to Dismiss (Doc. No. 50) (Oct. 18, 2019).

¹⁵ See *In re Entertainment Media Trust*, BK 19-31224, Response of the United States of America to the Chapter 7 Trustee's Amended Objection to Debtor's Motion to Dismiss (Doc. No. 50) (Oct. 18, 2019).

¹⁶ See *In re Entertainment Media Trust*, BK 19-31224, Notice (Oct. 17, 2019).

Respectfully submitted,

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November 5, 2019

CERTIFICATE OF SERVICE

Pamela S. Kane certifies that she has on this 5th day of November, 2019, sent copies of the foregoing "ENFORCEMENT BUREAU'S NOVEMBER 2019 STATUS REPORT" via email to:


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