

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	EB Docket No. 03-152
)	
WILLIAM L. ZAWILA)	Facility ID No. 72672
)	
Permittee of FM Station KNKS, Coalinga, California)	
)	
AVENAL EDUCATIONAL SERVICES, INC.)	Facility ID No. 3365
)	
Permittee of FM Station KAAX, Avenal, California)	
)	
CENTRAL VALLEY EDUCATIONAL SERVICES, INC.)	Facility ID No. 9993
)	
Permittee of FM Station KYAF, Firebaugh, California)	
)	
H. L. CHARLES D/B/A FORD CITY BROADCASTING)	Facility ID No. 22030
)	
Permittee of FM Station KZPE, Ford City, California)	
)	
LINDA WARE D/B/A LINDSAY BROADCASTING)	Facility ID No. 37725
)	
Licensee of FM Station KZPO, Lindsay, California)	

To: Marlene H. Dortch, Secretary
Attn: Chief Administrative Law Judge Richard L. Sippel

**ENFORCEMENT BUREAU'S OPPOSITION TO
JOINDER IN MOTION TO DISMISS ENTIRE PROCEEDING**

1. On September 22, 2015, Central Valley Educational Services, Inc. (Central Valley) and Avenal Educational Services, Inc. (Avenal) – as purportedly represented by Mr. Couzens – filed a motion to dismiss the entire above-captioned proceeding with prejudice.¹ On September 29, 2015, the Enforcement Bureau (Bureau) filed an opposition to the Motion.² Approximately *five months later*, on February 20, 2016, Mr. Zawila (on behalf of himself) – and Avenal, Central Valley, The Estate of Linda Ware d/b/a Lindsay Broadcasting (LB), and The Estate of H.L. Charles d/b/a Ford City Broadcasting (FCB) (which he purportedly represents) – filed a request, without any supporting argument, to join Mr. Couzens' motion to dismiss.³ For the reasons discussed below, the Chief, Enforcement Bureau, through his attorneys, respectfully opposes this Joinder.

The Joinder is Untimely

2. Pursuant to the Commission's rules, the pleading cycle for Mr. Couzens' motion to dismiss closed no later than October 9.⁴ The Joinder fails to offer any good cause for why Mr. Zawila did not join Mr. Couzens' motion on behalf of himself, Avenal, Central Valley, LB and FCB within the original pleading cycle or indeed, any basis for his nearly five-month delay. On this basis alone, the Joinder should be denied.

¹ See Motion to Dismiss Entire Proceeding, filed Sept. 22, 2015.

² See Enforcement Bureau's Opposition to Motion to Dismiss Entire Proceeding, filed Sept. 29, 2015 (Opposition).

³ See Joinder in Motion to Dismiss Entire Proceeding, filed Feb. 20, 2016 (Joinder).

⁴ See 47 C.F.R. §§ 1.294(c), 1.4(g) and 1.4(h). Should the Presiding Judge determine that Mr. Couzens' motion does not fall into the exceptions of § 1.294(c), then the pleading cycle closed no later than October 1, 2015 and Avenal and Central Valley's reply brief, filed Oct. 2, 2015, was not authorized by the Commission's rules. See 47 C.F.R. §§ 1.294(b), 1.4(g) and 1.4(h).

The Joinder Should Be Denied On Substantive Grounds

3. In the instant Joinder, Mr. Zawila offers no additional facts or legal argument to what Mr. Couzens has already presented in his pending motion. Rather, in what can only be characterized as a “me too” request, Mr. Zawila simply suggests that the issues and arguments Mr. Couzens made “apply with equal force and effect to the parties to this Joinder named hereinabove.”⁵ The Bureau already opposed the substance of Mr. Couzens’ motion.⁶ For the sake of brevity, the Bureau respectfully requests that the Presiding Judge consider the Bureau’s Opposition as if incorporated herein. The instant Joinder should be denied for the same reasons as Mr. Couzens’ original motion.

4. In addition, the Presiding Judge has already indicated that he would not consider Mr. Couzens’ motion to dismiss until a complete record has been developed. On December 14, 2015, the Presiding Judge indicated that “[f]ull cooperation in discovery is expected of Mr. Couzens so that his motion to dismiss can be considered on a complete record.”⁷ Presumably this would also hold true as to Mr. Zawila and his clients. However, as the Bureau detailed in its Interim Status Report and subsequent motions to compel, the parties – whether represented by Mr. Zawila or Mr. Couzens – have repeatedly thwarted the Bureau’s discovery efforts.⁸ On this basis, as well, the Joinder should be denied.

⁵ Joinder Motion at 2.

⁶ *See, infra*, note 2.

⁷ *Order*, FCC 15M-32 (ALJ, rel. Dec. 14, 2015), at n.1.

⁸ *See, e.g.*, Enforcement Bureau’s Interim Status Report, filed Feb. 12, 2016, at 2-6; Enforcement Bureau’s Motion to Compel Avenal Educational Services, Inc. and Central Valley Educational Services, Inc. to Provide Complete Responses To Outstanding Discovery Requests, filed Feb. 17, 2016; Enforcement Bureau’s Motion to Compel Avenal Educational Services, Inc. to Provide Responses to Second Document Requests, filed Feb. 25, 2016; Enforcement Bureau’s Motion to Compel Central Valley Educational Services, Inc. to Provide Complete Responses to Second Document Requests, filed Feb. 25, 2016; Enforcement Bureau’s Motion to Compel William L. Zawila to Provide Complete Responses to Second Document Requests, filed Feb. 25, 2016.

5. Moreover, since the filing of Mr. Couzens' motion, the landscape of this case has changed significantly. On January 12, 2016, the Presiding Judge released a *Memorandum Opinion and Order* reflecting his intention to add multiple issues to the above-captioned matter.⁹ The Presiding Judge added these issues in his February 2, 2016 *Order*.¹⁰ Neither Mr. Couzens' motion nor the instant Joinder address any of these newly-added issues. To the extent the instant Joinder requests that the entirety of this proceeding be dismissed and that the docket be closed it should be denied.

6. Lastly, because Mr. Zawila has repeatedly argued that he – and not Mr. Couzens – is the only counsel authorized to represent Avenal and Central Valley, it defies logic for Mr. Zawila to now seek to join a pleading filed by Mr. Couzens on behalf of these same two parties. The only plausible explanation for these strange bedfellows is that Mr. Zawila – and his purported clients – are simply looking for a way to avoid participating in this case. Indeed, Mr. Zawila filed the instant Joinder (and his “Joinder in Motion for Protective Order (47 C.F.R. §1.313)”) almost immediately upon the issuance of the Presiding Judge’s recent instruction that Mr. Zawila “comply with the Enforcement Bureau’s outstanding discovery requests.”¹¹ Mr. Zawila should not be allowed to continue to play musical chairs as to who represents Avenal and Central Valley as it suits him. On this basis, as well, the instant Joinder should be denied.

Conclusion

7. For the reasons stated above, the Bureau respectfully requests that the Presiding Judge deny the instant Joinder.

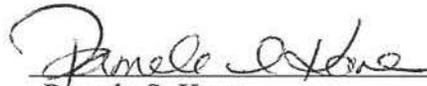
⁹ See *Memorandum Opinion and Order*, FCC 16M-01 (ALJ, rel. Jan. 12, 2016).

¹⁰ See *Order*, FCC 16M-02 (ALJ, rel. Feb. 2, 2016).

¹¹ *Order*, FCC 16M-03 (ALJ, rel. Feb. 18, 2016), at 2.

Respectfully submitted,

Travis LeBlanc
Chief, Enforcement Bureau



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February 26, 2016

CERTIFICATE OF SERVICE

Pamela S. Kane, certifies that she has on this 26th day of February, 2016, sent copies of the foregoing "ENFORCEMENT BUREAU'S OPPOSITION TO JOINDER IN MOTION TO DISMISS ENTIRE PROCEEDING" to:

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