Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of	EB Docket No. 03-152
WILLIAM L. ZAWILA Permittee of FM Station KBGS, Coalinga, California	Facility ID No. 72672
AVENAL EDUCATIONAL SERVICE, INC. Permittee of FM Station KAAX, Avenal, California	Facility ID No. 3365
CENTRAL VALLEY EDUCATIONAL SERVICES, INC. Permittee of FM Station KYAF, Firebaugh, California	Facility ID No. 9993
H. L. CHARLES d/b/a FORD CITY BROADCASTING Permittee of FM Station KZPE, Ford City, California	Facility ID No. 22030
LINDA WARE d/b/a LINDSAY BROADCASTING Licensee of FM Station KZPO, Lindsay, California	Facility ID No. 37725
WESTERN PACIFIC BROADCASTING, INC. For Renewal of License for AM Station KKFO, Coalinga, CA	File BR-19970804YJ Facility ID No. 71936

TO: Chief Administrative Law Judge

MOTION TO CONTINUE DATE OF DISCOVERY CONFERENCE

Central Valley Educational Services, Inc. (CVES or Central Valley) and

Avenal Educational Services, Inc., (AES or Avenal) by their attorney (collectively, "Movants") here move the presiding judge to continue the date for the discovery conference currently set for March 22, 2016. On Wednesday an Order was issued (FCC 16M-04) denying a request to appear by speakerphone. The undersigned counsel could have appeared by speakerphone but is unable to appear in person on the specified date, for the reasons stated in the attached declaration.

William L. Zawila *in pro per* has stated informally that he has no objection to this request. Bureau counsel by e-mail also stated no objection "so long as the date you propose in the alternative is before March 30. Bureau counsel will be out of the country for two weeks starting that date." Thursday March 24 (but not Good Friday, the 25th) and Monday or Tuesday March 28 or 29 would seem possible. The two-week absence by Bureau counsel runs right up to my commitments for the NAB meeting in Las Vegas from April 16 to April 21. The remainder of April past the 21st looks good.

My clients continue to insist that all or nearly all pending discovery should be withdrawn or stricken, if pending motions are resolved correctly, especially the motion to exclude any examination of conduct that is more than ten years old.[1] A discovery conference will serve no purpose for this party, unless and until we have a ruling on our motion for protective order, dated February 8, 2016.

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1 See *David Titus*, FCC 10D-01, 25 FCC Rcd. 2390, released March 9, 2010, Initial Decision of Chief ALJ Richard L. Sippel, at para 19: "Non-adjudicated misconduct that is determined to be relevant is considered only if it falls within a ten-year statute of limitations." [Citing in fn 14 at 2396 the "1986 Policy Statement" and *Robert D. Landis*, 22 FCC Rcd 19979, 19982 (EB 2007)]. *Titus* was reversed on other grounds, 29 FCC Rcd. 14067, FCC 14-177 released on November 6, 2014.

Wednesday's Order contained a footnote noting that outstanding discovery issues are set forth in *Order* 15M-33 at 7, rel. December 23, 2015, and stating:

> The next Status Conference set for March 22, 2016, might be avoided, in part or in whole, if Messr. Zawila and Couzens do their homework and satisfactorily complete delinquent discovery.

To begin with, we wish this were a Status Conference, but in fact it is a more limited discovery conference. Second, *Order* 15M-33 at 7 gave direction to Zawila and to him along. Couzens is not "delinquent" as to matters directed to another party, not to him. Finally, and most important, our parties, unlike Mr. Zawila's menagerie, have no obligation formally to respond to discovery until there is a ruling on our request for protective order, with stated reasoning.

It is not our purpose to avoid discovery and, indeed, we are working ahead to compile and review documents. With respect, an ALJ wishing to avoid "sarcasms" (FCC 16M-04 p. 2) might do well to conduct himself less as an advocate under the direction of the Enforcement Bureau and more as though he were an Article III judge.

Respectfully submitted,

Dated: February 25, 2016

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Michael Couzens
Attorney for Central Valley Educational Services, Inc. and Avenal Educational Services, Inc.

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DECLARATION OF MICHAEL COUZENS

Michael Couzens makes the following declaration under penalty of perjury:

I am an attorney for Avenal Educational Services, Inc. and Central Valley Educational Services, Inc., both parties in a docketed proceeding at the Federal Communication Commission. Yesterday I learned that my request to attend by speakerphone a conference on discovery in this matter has been denied. The conference is currently scheduled for March 22, 2016.

As the result of plans and deposits made in January my family will be on a camping trip in rural Northern California with eight other adults and kids, from Wednesday, March 16 and concluding on Monday, March 21. The dates for this trip are not flexible. While attendance by speakerphone on March 22 would be possible, travel to Washington D.C. to personally attend a hearing is not possible on that date.

The foregoing is sworn to under the penalties for perjury provided in the laws of the United States.

Dated: February 25, 2016. By: _____

Michael Couzens

MICHAEL COUZENS
ATTORNEY AT LAW
POST OFFICE BOX 3642
OAKLAND, CA 94609
510-658-7654

CERTIFICATE OF SERVICE

I, Michael Couzens,certify that on this 26th day of February, 2016, I sent copies of the foregoing MOTION TO CONTINUE DATE OF DISCOVERY CONFERENCE" via first-class mail to:

The Honorable Judge Richard L. Sippel
Chief Administrative Law Judge
Federal Communications Commission
445 12th Street Southwest
Washington, D.C. 20554

Monique Gray
Office of the Administrative Law Judges
Federal Communications Commission
445 12th Street Southwest
Washington, D.C. 20554

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Michael Couzens