

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	MB Docket No. 14-82
)	
PATRICK SULLIVAN)	FRN 0003749041, 0006119796,
(Assignor))	0006149843, 0017196064
)	
and)	Facility ID No. 146162
)	
LAKE BROADCASTING, INC.)	File No. BALFT-20120523ABY
(Assignee))	
)	
Application for Consent to Assignment of)	
License of FM Translator Station W238CE,)	
Montgomery, Alabama)	

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

**JOINT REQUEST FOR EXTENSION
TO RESPOND TO *ORDER*, FCC 16M-19**

1. On June 8, 2016, the Presiding Judge issued *Order*, FCC 16M-19, requesting counsel for the Enforcement Bureau (Bureau) and counsel for Lake Broadcasting, Inc. (Lake) to submit by the close of business on Friday, June 10, 2016, a deposition schedule identifying each witness to be deposed, as well as the date, time, and location of each such deposition.¹ While the Bureau recognizes the Presiding Judge's interest in moving this case forward, the Parties respectfully request a short extension to respond to this *Order* because counsel for the Bureau and for Lake have only *today* been able to agree to the week of September 12, 2016 as the time frame for taking the proposed depositions of witnesses but have not been able to confirm the availability of witnesses or the logistical details for the proposed deposition schedule.

¹ See *Order*, FCC 16M-19 (ALJ, rel. June 8, 2016), at 2.

2. As the Parties noted in their Joint Status Report, the Bureau agreed to proceed with depositions in this case on May 17 and 18, 2016.² However, after the Bureau agreed to these dates, Lake filed its Motion to Reject Exhibit, Halt Depositions, and Require a New Evaluation of Michael Rice or Grant Summary Decision.³ When counsel for Lake confirmed on May 17, 2016 that it intended to proceed with depositions in this case, he proposed the weeks beginning June 20, 2016, and June 27, 2016. Mr. Knowles-Kellett had a previously-scheduled vacation out of the country during the first of these weeks, and would not be prepared to begin depositions the week of his return.

3. Counsel for the Bureau then exchanged a series of emails proposing alternative dates for the depositions. For example, on May 26, 2016, counsel for the Bureau proposed the week of July 11, 2016.⁴ On May 30, 2016, Lake's counsel rejected that week and the entire month of August.⁵ He proposed instead the week of September 19, 2016.⁶ These dates again conflicted with previously-scheduled obligations of Bureau counsel. On June 1, 2016, Bureau counsel suggested the week of September 12, 2016.⁷ After receiving the Presiding Judge's *Order*, counsel for the Bureau again reached out to Lake's counsel to determine availability for the proposed week of September 12, 2016. Bureau counsel contacted Lake's counsel by email on June 8, 2016.⁸ Bureau counsel then called Lake's counsel on June 9, 2016, leaving a voicemail. Lake's counsel responded to Bureau counsel's inquiries *this morning* – the date by which the Presiding Judge directed the Parties to submit their deposition schedule – indicating that the

² See *Joint Status Report*, filed April 20, 2016, at 2, ¶ 4.

³ See *id.* at 2, ¶ 6.

⁴ See Emails between William Knowles-Kellett and Gary Oshinsky and Jerold Jacobs, beginning May 26, 2016 and continuing through June 1, 2016, filed herewith as Exhibit A.

⁵ See *id.*

⁶ See *id.*

⁷ See *id.*

⁸ See Email from Gary Oshinsky to Jerold Jacobs, dated June 8, 2016, filed herewith as Exhibit B.

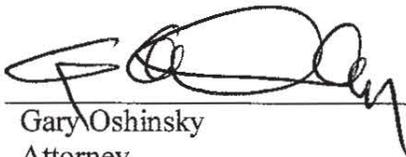
week of September 12, 2016 will work for him. The Parties have now started contacting their witnesses in order to confirm their availability during the week of September 12, 2016. The Parties had held off contacting their witnesses until counsel could confirm their own availability.

4. For the reasons articulated above, the Parties respectfully request that the Presiding Judge grant the Bureau an extension until June 24, 2016 to submit a deposition schedule. This will allow the Parties sufficient time to coordinate the details requested by *Order*, FCC 16M-19.

5. Counsel for Lake has reviewed this Joint Report and has authorized the Bureau to file it on its clients' behalf.

Respectfully submitted,

Travis LeBlanc
Chief, Enforcement Bureau



Gary Oshinsky
Attorney
Investigations and Hearings Division
Enforcement Bureau
Federal Communications Commission
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(202) 418-1420

William Knowles-Kellett
Attorney
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June 10, 2016

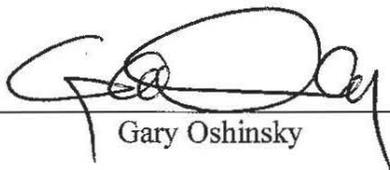
CERTIFICATE OF SERVICE

Gary Oshinsky, an attorney in the Enforcement Bureau's Investigations & Hearings Division, certifies that he has on this 10th day of June, 2016, sent by first class United States mail and by email copies of the foregoing JOINT REQUEST FOR EXTENSION TO RESPOND TO *ORDER*, FCC 16M-19 to:

Jerold L. Jacobs, Esq.
Law Offices of Jerold L. Jacobs
1629 K Street, N.W., Suite 300
Washington, DC 20006
jerold.jacobs.esq@verizon.net
Counsel for Patrick Sullivan and Lake Broadcasting, Inc.

And caused a copy of the foregoing to be served via hand-delivery to:

The Honorable Richard L. Sippel
Chief Administrative Law Judge
Federal Communications Commission
445 12th Street, S.W., Room 1-C861
Washington, DC 20554



Gary Oshinsky

ATTACHMENT A

E-mail: jerold.jacobs.esq@verizon.net

From: William Knowles-Kellett [<mailto:William.Knowles-Kellett@fcc.gov>]

Sent: Thursday, May 26, 2016 12:24 PM

To: Jerold Jacobs <jerold.jacobs.esq@verizon.net>

Cc: Gary Oshinsky <Gary.Oshinsky@fcc.gov>

Subject: Lake Broadcasting --dates for depositions

Jerry-

As noted in the pleading we filed, the weeks you proposed are problematic for us—would the week of July 11 work? (The week of the fourth has a holiday.) We have not cleared it yet with witnesses but it looks clear for us.

Regards,

Bill and Gary

*** Non-Public: For Internal Use Only ***

Gary Oshinsky

From: Gary Oshinsky
Sent: Wednesday, June 01, 2016 11:27 AM
To: 'Jerold Jacobs'; William Knowles-Kellett
Subject: RE: Lake Broadcasting --dates for depositions

Hi Jerry,

Unfortunately, the week of September 19th will not work for us. I have a conflict for September 17-25, 2016. The week of September 12th would work. Let us know if that is good for you, and we'll clear the dates with our witnesses. Thanks.

Gary

Gary A. Oshinsky
Investigations and Hearings Division
Enforcement Bureau
Federal Communications Commission
445 12th Street, S.W., Room 4-A335
Washington DC 20554
202-418-7167

*** Non-Public: For Internal Use Only ***

From: Jerold Jacobs [mailto:jerold.jacobs.esq@verizon.net]
Sent: Monday, May 30, 2016 11:18 AM
To: William Knowles-Kellett <William.Knowles-Kellett@fcc.gov>
Cc: Gary Oshinsky <Gary.Oshinsky@fcc.gov>
Subject: RE: Lake Broadcasting --dates for depositions

5/30/16

Bill and Gary:

The week of July 11 will not work, and August is also bad. So I suggest the week of September 19. Obviously this would put off the hearing until November, but I see no alternative.

Please advise.

Best regards,

Jerry

Jerold L. Jacobs, Esq.
Law Offices of Jerold L. Jacobs
1629 K Street, N.W. Suite 300
Washington, D.C. 20006
Tel.: 202-508-3383
Fax: 202-331-3759

ATTACHMENT B

Gary Oshinsky

From: Gary Oshinsky
Sent: Wednesday, June 08, 2016 4:55 PM
To: 'Jerold Jacobs'; William Knowles-Kellett
Subject: RE: Lake Broadcasting --dates for depositions

Jerry, --

In light of the Judge's recent Order, please confirm whether the below proposed dates work for you so we can confirm with our witnesses. Thanks.

Gary

Gary A. Oshinsky
Investigations and Hearings Division
Enforcement Bureau
Federal Communications Commission
445 12th Street, S.W., Room 4-A335
Washington DC 20554
202-418-7167

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From: Gary Oshinsky
Sent: Wednesday, June 01, 2016 11:27 AM
To: 'Jerold Jacobs' <jerold.jacobs.esq@verizon.net>; William Knowles-Kellett <William.Knowles-Kellett@fcc.gov>
Subject: RE: Lake Broadcasting --dates for depositions

Hi Jerry,

Unfortunately, the week of September 19th will not work for us. I have a conflict for September 17-25, 2016. The week of September 12th would work. Let us know if that is good for you, and we'll clear the dates with our witnesses. Thanks.

Gary

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