

Before the  
FEDERAL COMMUNICATIONS COMMISSION RECEIVED  
Washington, DC

MAY 8 2001

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
)  
**Ronald Brasher** )  
Licensee of Private Land Mobile Stations )  
WPLQ202, KCG967, WPLD495, WPKH771, )  
WPKI739, WPKI733, WPKI707, WIL990, )  
WPLQ475, WPLY658, WPKY903, WPKY901, )  
WPLZ533, WPKI762, and WPDU262 )  
Dallas/Fort Worth, Texas )  
)  
*Et al* )  
\_\_\_\_\_ )

EB DOCKET NO. 00-156 /

To: Administrative Law Judge  
Arthur I. Steinberg

Opposition to Motion to Strike

1. The Enforcement Bureau hereby opposes the Motion to Strike filed by Ronald Brasher, Patricia Brasher, and DLB Enterprises, Inc. dba Metroplex Two-Way on May 3, 2001 (hereinafter "DLB"). DLB seeks to have the Presiding Judge strike the Bureau's Opposition to Request for Sanctions and Response to Request for Opportunity to Cross Examine Witness ("Opposition to Request for Sanctions").

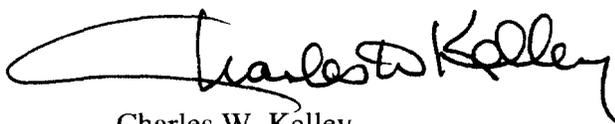
2. In the second paragraph of its motion, DLB asserts that the Bureau's Opposition to Request for Sanctions was an improper attempt to sway the Presiding Judge. The Bureau

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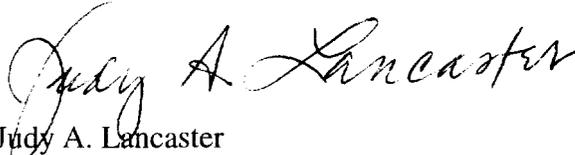
respectfully disagrees for the reasons stated in its Opposition to Request for Sanctions and because the grounds stated in the motion are inadequate as a matter of law.<sup>1</sup>

3. The remainder of the motion is an unauthorized reply to the Bureau's Opposition to Request for Sanctions<sup>2</sup> that should not be considered by the Presiding Judge.

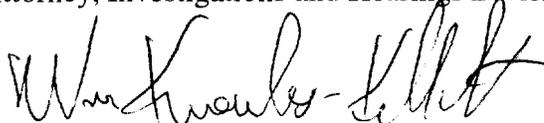
Respectfully submitted,



Charles W. Kelley  
Chief, Investigations and Hearings Division  
Enforcement Bureau



Judy A. Lancaster  
Attorney, Investigations and Hearings Division



William H. Knowles-Kellett  
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Federal Communications Commission  
445 12<sup>th</sup> Street, N.W., Room 3B-443  
Washington, D.C. 20554  
(202) 418-1420

May 8, 2001

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<sup>1</sup> See, e.g. Federal Rule of Civil Procedure, Rule 12; Rosales v. Citibank, 133 F.Supp.2d 1177 (N.D.Cal.2001) (“[Motions to strike] are generally not granted unless it is clear that the matter sought to be stricken could have no possible bearing on the subject matter of the litigation.”); 30 Wright & Miller: Federal Prac. & Proc. §1380 (R 12), Motion To Strike – In General (1989), HN: 13.

<sup>2</sup> 47 C.F.R. §1.294(b) states “...replies to oppositions will not be entertained... .” See also COMSAT, 10 FCC Rcd. 894 (1994).

CERTIFICATE OF SERVICE

I, Lawrence Mwethuku, a paralegal for the Investigations and Hearings Division, Enforcement Bureau, certify that I have, on this 8<sup>th</sup> day of May, served, by the method indicated, copies of the foregoing "Opposition to Motion to Strike" to:

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Via hand delivery to:

Administrative Law Judge Arthur I. Steinberg  
Federal Communications Commission  
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Investigations and Hearings Division  
Enforcement Bureau