

MAR 19 2002

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	WT Docket No. <u>01-352</u>
)	
Application of)	
HERBERT L. SCHOENBOHM)	File No. 0000418274
for a Station Licensee in the)	
Amateur Radio Service)	
)	
and)	
)	
Application of)	
HERBERT L. SCHOENBOHM)	
for a General Class Operator License)	
in the Amateur Radio Service)	

To: Administrative Law Judge
Arthur I. Steinberg

ENFORCEMENT BUREAU'S MOTION TO ORDER HERBERT L. SCHOENBOHM TO CLARIFY HIS ADMISSIONS

1. The Enforcement Bureau, pursuant to section 1.246 and 1.291 of the Commission's rules, 47 C.F.R. §§ 1.246 and 1.291, hereby requests that Herbert L. Schoenbohm be directed to clarify his response to various admission requests that the Bureau submitted to him on March 1, 2002. As explained herein, Mr. Schoenbohm's response, filed with the Bureau on March 14, 2002, does not comply with the Bureau's admission request, in that Mr. Schoenbohm's response contains duplicate and misnumbered answers. Accordingly, the Bureau requests that the presiding judge order Mr. Schoenbohm to clarify his response by renumbering his answers so that they correspond to the numbered admission requests contained in the Bureau's filing dated March 1, 2002.

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2. On March 1, 2002, the Bureau submitted a Request for Admission of Facts and Genuineness of Documents (“Request for Admissions”) to Herbert L. Schoenbohm. Pursuant to section 1.246 of the Commission’s rules, 47 C.F.R. § 1.246, the Request for Admissions directed Mr. Schoenbohm to “admit to the truth of the following facts . . . as set forth in the following numbered paragraphs. Each response should be labeled with the same number as the subject admission request.” The Bureau’s Request for Admissions contained 37 numbered paragraphs.

3. In his pleading filed March 14, 2002, Mr. Schoenbohm provided 44 responses. Specifically, Mr. Schoenbohm’s pleading contains 43 numbered responses and one unnumbered response. To ensure the accuracy of Mr. Schoenbohm’s responses, the Bureau asks that Mr. Schoenbohm review his filing dated March 14, 2002, and revise it as necessary so that his responses correspond to the 37 numbered paragraphs contained in the Bureau’s Request for Admissions.

4. Accordingly, the Bureau seeks issuance of an order that directs Mr. Schoenbohm to conform his response to the 37 numbered paragraphs contained in the

Bureau's Request for Admission of Facts and Genuineness of Documents served on
March 1, 2002.

Respectfully submitted,



Charles W. Kelley
Chief, Investigations and Hearings Division



James W. Shook
Attorney



Dana E. Leavitt
Attorney

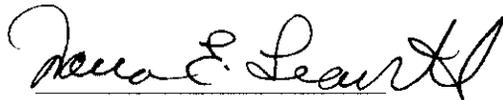
Federal Communications Commission
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Washington, D.C. 20554
(202) 418-1420
March 19, 2002

CERTIFICATE OF SERVICE

Dana E. Leavitt of the Enforcement Bureau's Investigations and Hearings Division certifies that she has on this 19th day of March, 2002, sent by first class mail, email and facsimile or by hand copies of the foregoing "Enforcement Bureau's Motion to Order Herbert L. Schoenbohm to Clarify His Admissions" to:

Herbert L. Schoenbohm (by mail, email and facsimile)
Post Office Box 4419
Kingshill, Virgin Islands, 00851

Administrative Law Judge Arthur I. Steinberg (by hand)
Federal Communications Commission
445 12th Street, S.W., Room 1-C861
Washington, D.C. 20054


Dana E. Leavitt