

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

FILED/ACCEPTED

NOV - 5 2007

Federal Communications Commission
Office of the Secretary

In the Matter of) EB Docket No. 07-13
)
DAVID L. TITUS) FRN No. 0002074797
) File No. EB-06-IH-5048
Amateur Radio Operator and Licensee of)
Amateur Radio Station KB7ILD)

To: Richard L. Sippel
Chief Administrative Law Judge

**ENFORCEMENT BUREAU'S COMMENTS ON "STATEMENT IN RESPONSE
TO OCTOBER 16, 2007 ORDER, MOTION FOR RECIPROCAL DISCLOSURE,
AND MOTION FOR EXTENSION OF TIME TO PROVIDE AN EXPERT
STATEMENT"**

1. On October 26, 2007, David L. Titus filed a pleading entitled, "Statement in Response to October 16, 2007 Order, Motion for Reciprocal Disclosure, and Motion for Extension of Time to Provide Expert Statement" ("Motion"). The Bureau hereby submits its comments on Mr. Titus' pleading.

2. In his Motion, Mr. Titus seeks additional time, beyond that specified in *David L. Titus*, Order, FCC 07M-40 (ALJ, rel. October 16, 2007) ("October 16, 2007, Order"), within which to submit a written statement by the expert whom he intends to call as a witness at the hearing in this proceeding. Specifically, Mr. Titus requests that he be permitted to provide such statement by December 15, 2007. In support, Mr. Titus proposes to call Dr. Douglas J. Allmon as an expert witness; however, Mr. Titus explains that because Dr. Allmon recently suffered a fractured hip, he will require additional time

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to complete his examination of Mr. Titus and prepare his report. Based on Mr. Titus' explanation, the Bureau does not oppose his request for additional time.

3. Mr. Titus also requests the Presiding Judge to issue a "reciprocal disclosure order" directing the Bureau to produce a list of its potential witnesses, similar to the list that the Presiding Judge directed Mr. Titus to produce (and which Mr. Titus has since produced).¹ Bureau counsel has, since the Motion was filed, explained to Mr. Titus' new counsel that the Bureau, in response to interrogatories served upon it by Mr. Titus, previously provided Mr. Titus with a list identifying the persons with whom the Bureau has discussed Mr. Titus. The Bureau further explained that it is from the referenced list that the Bureau intends to select the persons whom it will call as direct case witnesses at the hearing. Based on the Bureau's explanation, Mr. Titus's new counsel indicated that he would endeavor to review the information which the Bureau had previously furnished.

4. Based on the foregoing, the Bureau believes that it has already provided Mr. Titus with the information that he seeks in a "reciprocal disclosure order." The Bureau has no information at this time about witnesses whom it intends to call beyond that which it has already provided to Mr. Titus in response to his interrogatories.

¹ October 16, 2007, Order at 1.

5. Accordingly, the Bureau submits there is no need for the Presiding Judge to issue such further "reciprocal order." To the extent that the instant Motion seeks such an order, the Motion should be denied.

Respectfully submitted,
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Chief, Enforcement Bureau



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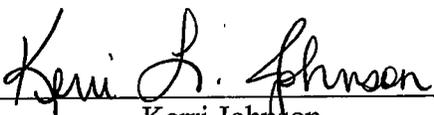
November 5, 2007

CERTIFICATE OF SERVICE

Kerri Johnson, a Paralegal Specialist in the Enforcement Bureau's Investigations and Hearings Division, certifies that she has, on this 5th day of November 2007, sent by first class United States mail copies of the foregoing "Enforcement Bureau's Comments on 'Statement in Response to October 16, 2007 Order, Motion for Reciprocal Disclosure, and Motion for Extension of Time to Provide an Expert Statement'" to:

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