

directives of those discovery rulings.² Pursuant to the Order, Crowell provided to the Bureau 297 pages and four CDs of additional responses to the Bureau's interrogatories and request for production of documents.³ The Bureau is currently conducting, but has not yet completed, a thorough review of these supplemental responses to determine whether they fully respond to the Bureau's inquiries and requests as directed in the Order.

3. The Order referred to the discovery rulings of Judge Steinberg, the former Presiding Judge in this case, and required the Bureau to respond to Crowell's Interrogatory Nos. 76 and 113. Interrogatory 76 requests information about "intercepts" that the Bureau intends to introduce into evidence, and Interrogatory 113 inquires which, if any, of the complaints and recordings filed against Crowell the Bureau found to be invalid.⁴ The Bureau previously provided additional responses to these interrogatories.⁵ Because little discovery has been completed in this case since those additional responses were filed, the Bureau has not yet conclusively determined which, if any, of the recordings in its possession it plans to introduce into evidence at the hearing in this case.⁶ Nevertheless, pursuant to the Order, the Bureau has provided Crowell with information about all recordings in its possession that have been properly cataloged. The Bureau also has, pursuant to the Order, again responded to Interrogatory 113,

² Order at 4. On April 28th Crowell emailed his supplemental interrogatory responses to the Bureau and provided access to a website to download his supplemental document production. The supplemental responses were filed with the Commission on May 10, 2010.

³ See Applicant's Supplemental Answers and Objections To Enforcement Bureau's First Set of Interrogatories Propounded To Him; and Applicant's Supplemental Responses to Enforcement Bureau's First Request For Production of Documents, filed May 10, 2010.

⁴ Order at 4.

⁵ See Enforcement Bureau's Additional Responses to First Interrogatories, filed January 30, 2009.

⁶ See *id.*

indicating to Crowell that it has not found any complaints or recordings filed against him to be invalid.⁷

Date estimated when all discovery is expected to be completed

4. The Bureau notes that this case was in inactive status for a considerable length of time during which no new discovery was initiated. Now that the case has been restored to active status, the Bureau intends to engage in robust discovery.

5. The Bureau did not receive Crowell's supplemental responses to its interrogatories and request for production of documents until the end of last month. Moreover, the Bureau anticipates that additional interrogatories and requests for production of documents will likely be needed in this case. Additionally, the Bureau anticipates the need for sufficient time to locate, interview and depose witnesses and to obtain documentation from outside sources. Based on the foregoing, the Bureau anticipates that discovery will not be completed before October 2010.

Readiness for trial including any agreement on receiving any non-party testimony via teleconference

6. There have been no discussions between the parties regarding the receipt of non-party testimony via teleconference or about any other trial-related procedural matter. The Bureau has not yet determined who its witnesses will be. Consequently, it does not now know whether any witnesses will appear via teleconference.

⁷ See EB's Supplemental Response to Applicant's Interrogatories, dated May 21, 2010.

Proposed trial dates

7. The Bureau respectfully submits that discussions regarding proposed trial dates in this case be postponed until the Bureau has time to conduct discovery. Until the Bureau has an opportunity to depose witnesses and gather additional information from sources outside of the Commission, it is unable to provide an informed estimate of when the hearing should begin. Based on the discovery completion date provided herein, however, the Bureau proposes that the earliest time when hearings might commence would be in November 2010.

8. Accordingly, the Bureau respectfully requests that the Presiding Judge allow discovery in this case to continue and that a conference be scheduled in August to determine the end date for discovery and to address and determine the scheduling and procedural questions propounded in the Order.

Respectfully submitted,
P. Michele Ellison
Chief, Enforcement Bureau


Judy Lancaster
Investigations and Hearings Division
Enforcement Bureau

Federal Communications Commission
445 12th Street, S.W., Room 4-C330
Washington, D.C. 20554
(202) 418-1420

May 17, 2010

CERTIFICATE OF SERVICE

Judy Lancaster, an Attorney in the Enforcement Bureau's Investigations and Hearings Division, certifies that she has, on this 17th day of May, 2010, sent by first class United States mail and by hand delivery or electronic mail, as noted, copies of the foregoing "Status Report" to:

William F. Crowell*
1110 Pleasant Valley Road
Diamond Springs, CA 95619-9221

Chief Administrative Law Judge Richard L. Sippel**
Federal Communications Commission
445 12th Street, S.W., Room 1-C768
Washington, D.C. 20054


Judy Lancaster

* By U.S. mail and electronic mail.

** By Hand Delivery and electronic mail.