

FILED/ACCEPTED

SEP 28 2010

Federal Communications Commission
Office of the Secretary

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

In the Matter of) WT Docket No. 08-20
)
WILLIAM F. CROWELL) FCC File No. 0002928684
)
Application to Renew License for Amateur) File No. EB-08-IH-0434
Radio Service Station W6WBJ)

To: Chief Administrative Law Judge
Richard L. Sippel

ENFORCEMENT BUREAU'S
MOTION TO STRIKE UNAUTHORIZED PLEADING

1. On September 27, 2010, the Enforcement Bureau received a pleading entitled, "Applicant's Reply To Enforcement Bureau's Opposition To Motion Opposing The Taking Of Applicant's Deposition", submitted by William F. Crowell ("Crowell"). For the reasons below, the pleading should be stricken as unauthorized.¹

2. On September 21, 2010, the Bureau properly served a Notice of Deposition on Crowell. On September 22, 2010, Crowell opposed that Notice. On September 24, 2010, pursuant to Section 1.315(b)(2) of the Commission's rules,² the Bureau responded to Crowell's opposition. Crowell now seeks to reply to the Bureau's response.

3. Section 1.315(b) of the Commission's rules prohibits Crowell's current filing.³ The rule clearly contemplates that an opposition to a deposition notice may be filed⁴ and a

¹ The Bureau has received no indication that the pleading was filed with the Office of the Secretary.

² 47 C.F.R. § 1.315(b)(2).

³ 47 C.F.R. § 1.315(b)(3).

⁴ 47 C.F.R. § 1.315(b)(1)

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response may be filed thereto.⁵ But the rule clearly states “[a]dditional pleadings should not be filed and will not be considered.”⁶ Crowell’s current pleading is patently inconsistent with Section 1.315(b)(3). Additionally, Crowell has made no showing of extraordinary reasons for accepting his unauthorized pleading. Instead, the pleading is frivolous and appears intended to delay the orderly progress of discovery.

4. Accordingly, the Bureau respectfully requests that the Presiding Judge strike Crowell’s current pleading as procedurally defective, again caution Crowell that his disregard of the Commission’s procedural rules will not be tolerated, and direct Crowell to appear for his deposition as noticed.

Respectfully submitted,
P. Michele Ellison
Chief, Enforcement Bureau



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September 28, 2010

⁵ 47 C.F.R. § 1.315(b)(2)

⁶ 47 C.F.R. § 1.315(b)(3)

CERTIFICATE OF SERVICE

I, Judy Lancaster, an attorney in the Enforcement Bureau's Investigations and Hearings Division, hereby certify that on this 28th day of September, 2010, true and correct copies of the foregoing document, ENFORCEMENT BUREAU'S MOTION TO STRIKE UNAUTHORIZED PLEADING was served via first-class mail, postage prepaid, or hand delivery, and by email upon the following:

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