

## EXHIBIT 1

Underlining and italics in original. Highlights added.

I (Havens) received no response to my last email below, of Jan. 3, 2014 at 12:07-12:13 pm.

----- Forwarded Message -----

**From:** eitt líf. koma nú. griðastaðir <[warren.havens@sbcglobal.net](mailto:warren.havens@sbcglobal.net)>  
**To:** Pamela Kane <[Pamela.Kane@fcc.gov](mailto:Pamela.Kane@fcc.gov)>; Robert J. Keller <[rjk@telcomlaw.com](mailto:rjk@telcomlaw.com)>; "Kirk, Robert" <[RKirk@wbklaw.com](mailto:RKirk@wbklaw.com)>  
**Cc:** Brian Carter <[Brian.Carter@fcc.gov](mailto:Brian.Carter@fcc.gov)>; Jimmy Stobaugh <[jstobaugh@telesaurus.com](mailto:jstobaugh@telesaurus.com)>; "O'Connor, Mary" <[moconnor@wbklaw.com](mailto:moconnor@wbklaw.com)>  
**Sent:** Friday, January 3, 2014 12:13 PM  
**Subject:** Re: 11-71. Reply to Havens Dec 16 Opposition to E Bureau-Maritime Motion of Dec 2

I fixed typos below, and again add - This is not confidential.

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**From:** eitt líf. koma nú. griðastaðir <[warren.havens@sbcglobal.net](mailto:warren.havens@sbcglobal.net)>  
**To:** Pamela Kane <[Pamela.Kane@fcc.gov](mailto:Pamela.Kane@fcc.gov)>; Robert J. Keller <[rjk@telcomlaw.com](mailto:rjk@telcomlaw.com)>; "Kirk, Robert" <[RKirk@wbklaw.com](mailto:RKirk@wbklaw.com)>  
**Cc:** Brian Carter <[Brian.Carter@fcc.gov](mailto:Brian.Carter@fcc.gov)>; Jimmy Stobaugh <[jstobaugh@telesaurus.com](mailto:jstobaugh@telesaurus.com)>; "O'Connor, Mary" <[moconnor@wbklaw.com](mailto:moconnor@wbklaw.com)>  
**Sent:** Friday, January 3, 2014 12:07 PM  
**Subject:** Re: 11-71. Reply to Havens Dec 16 Opposition to E Bureau-Maritime Motion of Dec 2

**Mr. Kirk,**

FYI, I got no out-of-office response from your email today.

**Ms. Kane, Mr. Keller and Mr. Kirk,**

(respectively, for the FCC Enforcement Bureau, Maritime, and Choctaw),

You appear to believe I am not a party, since you have duties to meet and confer with parties, but refuse that, except you initiate it.

However, I appreciate your taking the time to respond below; that you did not find any of my four questions unclear or irrelevant; and you do not dispute my positions in my 4 numbered items to you.

You now each inform me that you will not communicate on "such inquires." That is a change from your past position, and you give no reason for it.

When you put "such inquires" to me, regarding your asserted settlement negotiations, that was *your choice* (and for reasons found in the relevant FCC law as to settlements). Your settlement attempt is still pending.  
- When putting that to me, you did not say to me that you will only communicate on "such inquires" to me, if the Judge directs it.

- Rather, you told the judge that your alleged "negotiation" with me was relevant to your upcoming Dec 2 motion, and to your proposed schedule allowing on Dec 2 your "motion to resolve" by issue (g) by a settlement in negotiation.

- You also asserted to me at that time that the issues of what stations would be give up in settlement, if Maritime-Chocktaw can keep the rest, was confidential and I would have to sign a confidentiality agreement to get that information and be part of the settlement negotiation. I told you that cannot be confidential, and I was right- your Dec 2 settlement motion disclosed publicly this information.

- The above is objectionable, and the evidence shows that you mislead the ALJ.

In continuation of that, your refusals to meet and confer in the emails of today (also on matters of your settlement) is further objectionable, and I believe is contrary to existing orders of the ALJ and proper litigation practice. In addition, you cannot believe I should deal with you as to any settlement attempt, now or later, if you refuse "such inquires."

Thus, I will present the matters posed to the ALJ, and for the record on appeal, as needed.

Also, you do not know what the AMTS geographic-licensees legal entities I am President of think of matters going on in this hearing, since you succeeded in convincing the ALJ to not permit me to continue to represent them. Maritime already lost before the FCC (outside of this 11-71 procession) in attempts to deem these legal entities the same as "Havens." The ALJ treats them as different from Havens, as did you in arguing to the ALJ that Havens be barred from representing them.

- Those licensees intend to challenge a decision in this hearing, if adverse, including on the basis of wrongful termination of their participation, as you lobbied for and got.
- You would not respond to my question 3 below, in this regard.

Thanks again for your prompt responses.

Sincerely,

/s/

**Warren Havens**

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**From:** "Kirk, Robert" <[RKirk@wbklaw.com](mailto:RKirk@wbklaw.com)>  
**To:** eitt líf. koma nú. griðastaðir <[warren.havens@sbcglobal.net](mailto:warren.havens@sbcglobal.net)>  
**Cc:** Pamela Kane <[Pamela.Kane@fcc.gov](mailto:Pamela.Kane@fcc.gov)>; Brian Carter <[Brian.Carter@fcc.gov](mailto:Brian.Carter@fcc.gov)>; Robert J. Keller <[rjk@telcomlaw.com](mailto:rjk@telcomlaw.com)>; Jimmy Stobaugh <[jstobaugh@telesaurus.com](mailto:jstobaugh@telesaurus.com)>; "O'Connor, Mary" <[moconnor@wbklaw.com](mailto:moconnor@wbklaw.com)>  
**Sent:** Friday, January 3, 2014 10:50 AM  
**Subject:** Re: 11-71. Reply to Havens Dec 16 Opposition to E Bureau-Maritime Motion of Dec 2

As indicated in my out of office message you are getting, I am not in the office. Choctaw will respond to your inquiries if directed to do so by the presiding judge.

Sent from my iPhone

On Jan 3, 2014, at 1:22 PM, "eitt líf. koma nú. griðastaðir" <[warren.havens@sbcglobal.net](mailto:warren.havens@sbcglobal.net)> wrote:

Mr. Kirk?

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**From:** Robert J. Keller <[rjk@telcomlaw.com](mailto:rjk@telcomlaw.com)>  
**To:** 'eitt líf. koma nú. griðastaðir' <[warren.havens@sbcglobal.net](mailto:warren.havens@sbcglobal.net)>  
**Cc:** 'Pamela Kane' <[Pamela.Kane@fcc.gov](mailto:Pamela.Kane@fcc.gov)>; 'Brian Carter' <[Brian.Carter@fcc.gov](mailto:Brian.Carter@fcc.gov)>; 'Jimmy Stobaugh' <[jstobaugh@telesaurus.com](mailto:jstobaugh@telesaurus.com)>; 'Robert Kirk' <[rkirk@wbklaw.com](mailto:rkirk@wbklaw.com)>  
**Sent:** Friday, January 3, 2014 10:11 AM  
**Subject:** RE: 11-71. Reply to Havens Dec 16 Opposition to E Bureau-Maritime Motion of Dec 2

Maritime is under no obligation to respond to such inquiries, and it declines to do so. The record speaks for itself. If the Presiding Judge requires additional information, he will ask for it.

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Bob Keller <[rjk@telcomlaw.com](mailto:rjk@telcomlaw.com)>  
PO Box 33428, Washington DC 20033  
Tel 202.656.8490 | Fax 202.223.2121

<image09b725.JPG>

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**From:** eitt líf. koma nú. griðastaðir [<mailto:warren.havens@sbcglobal.net>]  
**Sent:** Friday, January 03, 2014 1:03 PM  
**To:** Robert Keller; Robert Kirk  
**Cc:** Pamela Kane; Brian Carter; Jimmy Stobaugh  
**Subject:** Re: 11-71. Reply to Havens Dec 16 Opposition to E Bureau-Maritime Motion of Dec 2

Mr. Keller, and Mr. Kirk,

Please respond to my four questions. I directed these to you independent of Ms. Kane.

Warren Havens

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**From:** Pamela Kane <[Pamela.Kane@fcc.gov](mailto:Pamela.Kane@fcc.gov)>  
**To:** 'eitt líf. koma nú. griðastaðir' <[warren.havens@sbcglobal.net](mailto:warren.havens@sbcglobal.net)>; Robert Keller <[rjk@telcomlaw.com](mailto:rjk@telcomlaw.com)>; Robert Kirk <[rkirk@wbklaw.com](mailto:rkirk@wbklaw.com)>  
**Cc:** Jimmy Stobaugh <[jstobaugh@telesaurus.com](mailto:jstobaugh@telesaurus.com)>; Brian Carter <[Brian.Carter@fcc.gov](mailto:Brian.Carter@fcc.gov)>  
**Sent:** Friday, January 3, 2014 9:44 AM  
**Subject:** RE: 11-71. Reply to Havens Dec 16 Opposition to E Bureau-Maritime Motion of Dec 2

Mr. Havens:

The Enforcement Bureau already provided you with confirmation that as of 12:12 PM EST on December 23, 2013, the Bureau successfully filed its Motion for Leave to File with ECFS and that as of 12:14 PM EST it successfully filed its Reply with ECFS. We included these confirmations in our courtesy email on December 23. A copy of that same confirmation was also sent to Judge Sippel and his clerk at the same time.

With regard to your questions about the Motion for Leave to File a Reply and the Reply, the pleadings are clear on their face. If the Judge has questions concerning the substance, I am confident he will raise those with us.

Pamela S. Kane  
Deputy Chief -- Investigations & Hearings Division  
Federal Communications Commission  
202-418-2393

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**From:** eitt líf. koma nú. griðastaðir [<mailto:warren.havens@sbcglobal.net>]  
**Sent:** Friday, January 03, 2014 10:37 AM  
**To:** Pamela Kane; Robert Keller; Robert Kirk  
**Cc:** Jimmy Stobaugh; Brian Carter  
**Subject:** Re: 11-71. Reply to Havens Dec 16 Opposition to E Bureau-Maritime Motion of Dec 2

I add to below.

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**From:** eitt líf. koma nú. griðastaðir <[warren.havens@sbcglobal.net](mailto:warren.havens@sbcglobal.net)>  
**To:** Pamela Kane <[Pamela.Kane@fcc.gov](mailto:Pamela.Kane@fcc.gov)>; Robert Keller <[rjk@telcomlaw.com](mailto:rjk@telcomlaw.com)>; Robert Kirk <[rkirk@wbklaw.com](mailto:rkirk@wbklaw.com)>  
**Cc:** Jimmy Stobaugh <[jstobaugh@telesaurus.com](mailto:jstobaugh@telesaurus.com)>; Brian Carter <[brian.carter@fcc.gov](mailto:brian.carter@fcc.gov)>  
**Sent:** Friday, January 3, 2014 6:37 AM  
**Subject:** Re: 11-71. Reply to Havens Dec 16 Opposition to E Bureau-Maritime Motion of Dec 2

I add to the below.

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**From:** eitt líf. koma nú. griðastaðir <[warren.havens@sbcglobal.net](mailto:warren.havens@sbcglobal.net)>  
**To:** Pamela Kane <[Pamela.Kane@fcc.gov](mailto:Pamela.Kane@fcc.gov)>; Robert Keller <[rjk@telcomlaw.com](mailto:rjk@telcomlaw.com)>; Robert Kirk <[rkirk@wbklaw.com](mailto:rkirk@wbklaw.com)>  
**Cc:** Jimmy Stobaugh <[jstobaugh@telesaurus.com](mailto:jstobaugh@telesaurus.com)>; Warren Havens <[warren.havens@sbcglobal.net](mailto:warren.havens@sbcglobal.net)>; Brian Carter <[brian.carter@fcc.gov](mailto:brian.carter@fcc.gov)>  
**Sent:** Friday, January 3, 2014 6:30 AM  
**Subject:** 11-71. Reply to Havens Dec 16 Opposition to E Bureau-Maritime Motion of Dec 2

*This is not confidential*

**Ms. Kane, Mr. Keller, and Mr. Kirk,**

I may use this email and your responses in a filing in this docket, 11-71. (I will object if you use truncated copies of any email exchange, as lack of candor: I refer to recent past uses in this regard as to the alleged 5:30 pm filing deadline on EFCS.)

I request that you candidly (as "officers of the court" and as representative counsel) respond to the below, **to minimize disputes before** the ALJ, Mr. Sippel on the matters posed below. The Motion (defined below) was a joint motion of the Enforcement Bureau ("EB") and Maritime. Later, Choctaw submitted limited support of the Motion, as well, and in any case has legal powers related to Maritime and the Maritime Issue-(g) licenses, under the Chapter 11 Plan as approved by the bankruptcy court.

If you do not respond to this email, then I will take the logical position that Maritime and Choctaw do not support the MFL and Reply, which indicates that the joint Motion is **no longer jointly** pursued by Maritime (and/or Choctaw) along with the EB.

**Ms. Kane,**

I refer here to your Dec. 23, 2013 dated Motion for Leave to permit a Reply and your Reply ("MFL" and "Reply"), to my further Opposition filed on Dec. 16 of the Joint Enforcement Bureau - Maritime Motion filed on Dec. 2, 2013 (the "Motion").

I plan to timely respond to the MFL and the Reply. In this regard, please let me know:

1. Were the MFL and Reply authorized at the time of filing, or afterward, by counsel to Maritime (Mr. Keller), and/or counsel to Choctaw (Mr. Kirk)? That is, the Motion was **joint**, and I ask if the MFL and Reply were also joint --- if Maritime does or does not agree with and support the MFL and Reply, and if Choctaw does or does not agree with and support the MFL and Reply.

2. Why did the Request and Reply not include Maritime as a submitting party? Also, why did it not include Choctaw?

3. The Reply discusses **alleged benefits to companies I manage** that hold geographic AMTS A-block licenses. **Do you take that position now that Warren Havens pro se participation in this hearing, in docket 11-71, is not for Warren Havens personally, but represents the interests of these companies?** If not, what is the basis of that allegation?

4. I need to calculate the due date for my contemplated response to your MFL and Reply. In this regard -

Please provide **proof** that the MFL and Reply were filed and on and **accepted by ECFS on Dec 23 by the time of the day** you allege applies to a filing in this docket to be filed on a day: **5:30 PM**.

If you allege, as you have in the past, that the proof of the time of day of your filings is your representation as an "officer of the court," **what authority do you have in support of that**, and where are your representations of this sort filed on ECFS associated with any filing? Can only "officers of the court" assert proof of time of filing? I am not an officer of the court.

How can you represent what ECFS accepted (it is a computer system, and has persons in back of it now and then, but a filer is not in control of this system or these persons).

**If you can not provide sound support for your position on matters I raise in this item 4 above, I do not see how you can assert that your RFL and Reply (or other) filings were filed at a particular time of day. Email of alleged already-filed filings is not used for service or proof of service under any FCC rules or applicable Order.**

**Mr. Keller,**

Please let me know Maritime's response to the first 3 numbered questions I pose above to Ms. Kane.

**Mr. Kirk,**

Please let me know Choctaw's response to the first 3 numbered questions I pose above to Ms. Kane.

Thank you each, and happy new year.

/s/

Warren Havens

2509 Stuart St., Berkeley CA 94705 / 510 848 7797